



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Proclamations



New South Wales

## Proclamation

under the

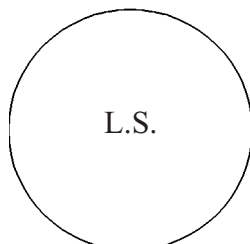
**Building and Construction Industry Security of Payment  
Amendment Act 2002 No 133**

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Building and Construction Industry Security of Payment Amendment Act 2002*, do, by this my Proclamation, appoint 3 March 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 26th day of February 2003.

By Her Excellency's Command,



L.S.

MORRIS IEMMA, M.P.,  
Minister for Public Works and Services

GOD SAVE THE QUEEN!



## Proclamation

under the

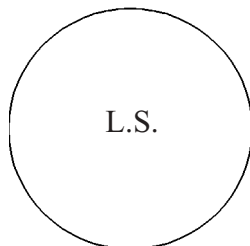
Building Legislation Amendment (Quality of Construction) Act  
2002 No 134

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Building Legislation Amendment (Quality of Construction) Act 2002*, do, by this my Proclamation, appoint 28 February 2003 as the day on which Schedule 2.1 [1], [14], [15], [18], [19], [21] and [22] to that Act commences.

Signed and sealed at Sydney, this 19th day of February 2003.

By His Excellency's Command,



JOHN AQUILINA, M.P.,  
Minister for Fair Trading

GOD SAVE THE QUEEN!



## Proclamation

under the

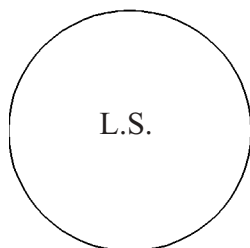
Guardianship and Protected Estates Legislation Amendment  
Act 2002 No 119

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Guardianship and Protected Estates Legislation Amendment Act 2002*, do, by this my Proclamation, appoint 28 February 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 26th day of February 2003.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



## Proclamation

under the

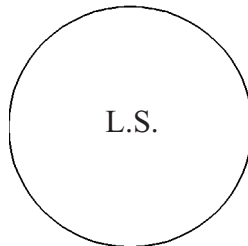
Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Holiday Parks (Long-term Casual Occupation) Act 2002*, do, by this my Proclamation, appoint 28 February 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 26th day of February 2003.

By Her Excellency's Command,



JOHN AQUILINA, M.P.,  
Minister for Fair Trading

GOD SAVE THE QUEEN!



## Proclamation

under the

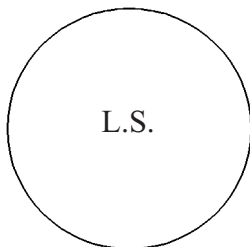
Nature Conservation Trust Act 2001 No 10

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Nature Conservation Trust Act 2001*, do, by this my Proclamation, appoint 28 February 2003 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 26th day of February 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence provisions of the *Nature Conservation Trust Act 2001* that deal with the preparation of business plans by the Nature Conservation Trust and the making of agreements by the Trust with landholders. This Proclamation also commences some amendments to the *National Parks and Wildlife Act 1974* and the *Native Vegetation Conservation Act 1997* that deal with the making of agreements by the Trust.



## Proclamation

under the

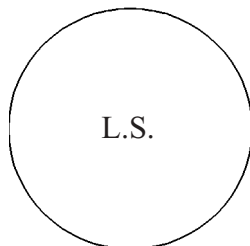
### Pay-roll Tax Legislation Amendment (Avoidance) Act 2002 No 121

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (3) of the *Pay-roll Tax Legislation Amendment (Avoidance) Act 2002*, do, by this my Proclamation, appoint 1 July 2003 as the day on which Schedule 1 [1] and [9]–[12] and Schedule 2 to that Act commence.

Signed and sealed at Sydney, this 19th day of February 2003.

By His Excellency's Command,



MICHAEL EGAN, M.L.C.,  
Treasurer

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the provisions of the *Pay-roll Tax Legislation Amendment (Avoidance) Act 2002* relating to the grouping of employers for pay-roll tax purposes and the liability of principal contractors for pay-roll tax debts.

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# Regulations

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## Fair Trading (General) Amendment (Projectile Toys) Regulation 2003

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

JOHN AQUILINA, M.P.,  
Minister for Fair Trading

### Explanatory note

The object of this Regulation is to amend the *Fair Trading (General) Regulation 2002* for the following purposes:

- (a) to repeal provisions prescribing an outdated Australian Standard relating to the construction of projectile toys as the product safety standard for projectile toys for the purposes of the *Fair Trading Act 1987*,
- (b) to prescribe certain provisions of Australian and New Zealand Standard AS/NZS ISO 8124.1:2002, *Safety of toys*, Part 1: *Safety aspects related to mechanical and physical properties* (ISO 8124-1:2000, MOD) (with certain modifications) as the product safety standard for projectile toys for the purposes of that Act.

This Regulation is made under the *Fair Trading Act 1987*, including sections 26 and 92 (the general regulation-making power).

Clause 1 Fair Trading (General) Amendment (Projectile Toys) Regulation 2003

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## **Fair Trading (General) Amendment (Projectile Toys) Regulation 2003**

under the

Fair Trading Act 1987

### **1 Name of Regulation**

This Regulation is the *Fair Trading (General) Amendment (Projectile Toys) Regulation 2003*.

### **2 Amendment of Fair Trading (General) Regulation 2002**

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



Fair Trading (General) Amendment (Projectile Toys) Regulation 2003

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 2)

### Part 2, Division 14

Omit the Division. Insert instead:

### Division 14 Projectile toys

#### 49 Definitions

In this Division:

*AS/NZS ISO 8124* means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties* (ISO 8124-1:2000, MOD) as published jointly by Standards Australia and Standards New Zealand on 16 May 2002.

*discharge mechanism* has the same meaning as in AS/NZS ISO 8124.

*improvised projectile* means a pen, pencil, marker, pen or marker cap, paper clip, pen or biro refill, battery, marble, pebble, stone, coin or nail.

*projectile* has the same meaning as in AS/NZS ISO 8124.

*projectile toy with stored energy* has the same meaning as in AS/NZS ISO 8124.

*projectile toy without stored energy* has the same meaning as in AS/NZS ISO 8124.

#### 50 Safety standard

- (1) The product safety standard prescribed for projectile toys with stored energy is that they must comply with the requirements of clause 4.18.2 of AS/NZS ISO 8124.
- (2) The product safety standard prescribed for projectile toys without stored energy is that they must comply with the requirements of clause 4.18.3 of AS/NZS ISO 8124.

Fair Trading (General) Amendment (Projectile Toys) Regulation 2003

Schedule 1 Amendment

---

**50A Variation of AS/NZS ISO 8124**

For the purposes of this Division, AS/NZS ISO 8124 is taken to be amended as follows:

- (a) by omitting Clause 4.18.2 (a) (3),
- (b) by omitting Clause 4.18.2 (b),
- (c) by omitting Clause 4.18.2 (c) and inserting instead:
  - (c) The discharge mechanism of the toy must not, without modification by the user, be able to discharge an improvised projectile so that it propels the projectile in free flight for a horizontal distance that exceeds 300mm when discharged at a vertical height of 300mm.
- (d) by omitting Clause 4.18.3 (e).



## Gaming Machines Amendment (Coin Blanking Plates) Regulation 2003

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

MICHAEL EGAN, M.L.C.,  
Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to amend the *Gaming Machines Regulation 2002* by:

- (a) repealing certain requirements relating to coin blanking plates, and
- (b) making consequential amendments.

This Regulation is made under the *Gaming Machines Act 2001*, including section 210 (the general regulation-making power).

Clause 1            Gaming Machines Amendment (Coin Blanking Plates) Regulation 2003

---

## **Gaming Machines Amendment (Coin Blanking Plates) Regulation 2003**

under the

Gaming Machines Act 2001

### **1 Name of Regulation**

This Regulation is the *Gaming Machines Amendment (Coin Blanking Plates) Regulation 2003*.

### **2 Amendment of Gaming Machines Regulation 2002**

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

Gaming Machines Amendment (Coin Blanking Plates) Regulation 2003

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Omit the definition of *coin blanking plate* from clause 3 (1).

### [2] Clause 20A Requirements for gaming machines equipped with coin blanking plate

Omit the clause.

### [3] Clause 57A Installation of coin blanking plates

Omit the clause.

### [4] Schedule 3 Penalty notice offences

Omit the matter relating to clause 57A under the heading “**Offences under this Regulation**”.



# Holiday Parks (Long-term Casual Occupation) Regulation 2003

under the

Holiday Parks (Long-term Casual Occupation) Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Holiday Parks (Long-term Casual Occupation) Act 2002*.

JOHN AQUILINA, M.P.,  
Minister for Fair Trading

## Explanatory note

The objects of this Regulation are:

- (a) to set out how park owners must deal with goods abandoned in holiday parks, and
- (b) to prescribe the form for making certain applications to the Consumer, Trader and Tenancy Tribunal concerning occupation agreements and abandoned sites or goods, and
- (c) to prescribe the form of warrant for enforcement of an order for possession, and
- (d) to prescribe forms of notice concerning the storage of abandoned goods.

This Regulation is made under the *Holiday Parks (Long-term Casual Occupation) Act 2002*, including sections 26 (2), 32 (3), 33 (3), 34 (5) and 35 (5) (which provide for making applications to the Consumer, Trader and Tenancy Tribunal), section 30 (which deals with the enforcement of orders for possession), sections 34 and 35 (which deal with abandoned goods) and section 51 (the general regulation-making power).

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

## Holiday Parks (Long-term Casual Occupation) Regulation 2003

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Holiday Parks (Long-term Casual Occupation) Regulation 2003

Clause 1

Preliminary

Part 1

---

## **Holiday Parks (Long-term Casual Occupation) Regulation 2003**

under the

Holiday Parks (Long-term Casual Occupation) Act 2002

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *Holiday Parks (Long-term Casual Occupation) Regulation 2003*.

#### **2 Commencement**

This Regulation commences on 28 February 2003.

#### **3 Definition**

In this Regulation:

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



Clause 4	Holiday Parks (Long-term Casual Occupation) Regulation 2003
Part 2	Applications to Tribunal

---

## **Part 2      Applications to Tribunal**

### **4      Applications to Tribunal**

For the purposes of sections 26 (2), 32 (3), 33 (3), 34 (5) and 35 (5) of the Act, the form set out in Schedule 1 is prescribed.

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Clause 5

Warrant enforcing order for possession

Part 3

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## **Part 3      Warrant enforcing order for possession**

### **5    Warrant enforcing order for possession of premises**

For the purposes of section 30 (1) of the Act, the prescribed form of warrant authorising a sheriff's officer to enter premises to enforce an order for possession is that set out in Schedule 2.

Clause 6            Holiday Parks (Long-term Casual Occupation) Regulation 2003

Part 4             Uncollected goods

---

## Part 4            Uncollected goods

### 6    Meaning of “occupant”

In this Part, *occupant* includes a former occupant.

### 7    Uncollected goods

- (1) Goods (including any relocatable home or other moveable dwelling owned by an occupant) that have been left on site by the occupant after the occupant vacates the site become *uncollected goods* for the purposes of this Part:
  - (a) when the occupant vacates the site, or
  - (b) if the occupant vacates the site before the occupation agreement is terminated—when the agreement is terminated.
- (2) Uncollected goods may be disposed of as provided by this Part, but only if the requirements of this Part are complied with.

### 8    Options available to park owner when goods not collected

- (1) Uncollected goods that have not been removed from the site by the occupant within 2 working days after they become uncollected goods are to be dealt with as provided by this clause.
- (2) The goods are to be stored in a safe place by the park owner unless the goods are disposed of as authorised by this clause.
- (3) If the goods are perishable foodstuffs, the park owner may remove and destroy or otherwise dispose of the goods.
- (4) If the park owner is reasonably of the opinion that it would cost more to remove, store and sell the goods (other than any moveable dwelling) than those goods are worth, the park owner may remove and destroy or otherwise dispose of the goods (other than any moveable dwelling).
- (5) If the goods left on the site include a moveable dwelling, the park owner may store any other goods in the moveable dwelling and may store the moveable dwelling on the site.
- (6) In this clause:

*working day* means any day that is not a Saturday, Sunday or public holiday.

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Clause 9

Uncollected goods

Part 4

---

## 9 Notice to occupant that goods are in storage

- (1) When goods are stored by the park owner, the park owner must:
  - (a) give the occupant written notice that the goods have been stored, and
  - (b) publish a notice that the goods have been stored in a newspaper circulating generally throughout the State.

The notices must be given and published within 7 days after the goods are stored.

- (2) The notice referred to in subclause (1) (a) may (in addition to any other way in which it may be given) be given to the occupant by being sent by post to the occupant at the last forwarding address known to the park owner.
- (3) The notice referred to in subclause (1) (a) may, instead of being given to the occupant, be given to a representative nominated by the occupant before the occupant vacated the site.
- (4) The notice referred to in subclause (1) (a) must contain the following:
  - (a) the park owner's name and address, or an address at which the goods can be claimed,
  - (b) the occupant's name,
  - (c) the address of the site (including the site number, where appropriate),
  - (d) a brief description of the goods and, if the goods are or include a moveable dwelling, a description of the moveable dwelling,
  - (e) a statement that, on or after a specified date the goods (other than any moveable dwelling) will be sold by public auction unless they are first claimed, and any reasonable costs of removal, storage, notice of storage and sale (including the cost of advertising the sale) are paid,
  - (f) if the goods are or include a moveable dwelling, a statement that the park owner intends to apply to the Tribunal for an order authorising the removal, destruction, disposal or sale of the moveable dwelling, unless the dwelling is first claimed, and any reasonable costs of removal, storage, notice of storage, application to the Tribunal and sale (including the cost of advertising the sale) are paid,
  - (g) a statement that the park owner will retain out of the proceeds of any sale of the goods any reasonable costs of removal,

Clause 10	Holiday Parks (Long-term Casual Occupation) Regulation 2003
Part 4	Uncollected goods

---

- storage, notice of storage, application to the Tribunal and sale (including the cost of advertising the sale),
- (h) a statement that the occupant is entitled to the balance of the proceeds of any sale of the goods.
- (5) The notice referred to:
- (a) in subclause (1) (a) is to be in the form set out in Schedule 3, and
  - (b) in subclause (1) (b) is to be in the form set out in Schedule 4.

**10 Order of Tribunal required for disposal of uncollected moveable dwelling**

- (1) As soon as practicable after uncollected goods, being a moveable dwelling, have been stored by the park owner in accordance with this Part for 30 days, the park owner is to apply to the Tribunal for an order under section 34 of the Act authorising the removal, destruction, disposal or sale of the moveable dwelling.
- (2) The park owner may not dispose of a moveable dwelling unless the Tribunal has made such an order.
- (3) The park owner is to dispose of or otherwise deal with the moveable dwelling in the manner authorised by the Tribunal as soon as practicable after the Tribunal makes the order.
- (4) The park owner is required to account to the occupant for the balance of the proceeds of the sale (if any) of the moveable dwelling after deduction of the reasonable costs of removal, storage, notice of storage, application to the Tribunal and sale of the dwelling (including the cost of advertising the sale).
- (5) If the park owner has not located the occupant, after making reasonable attempts to do so, for the purpose of accounting to the occupant for the balance of the proceeds of any sale, the balance of the proceeds is to be dealt with as if it were unclaimed money under the *Unclaimed Money Act 1995*.
- (6) Nothing in this Part prevents a park owner from making an application to the Tribunal under section 34 of the Act without first taking the steps set out in this Part.

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Clause 11

Uncollected goods

Part 4

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**11 Uncollected goods (other than moveable dwelling) may be auctioned**

- (1) As soon as practicable after uncollected goods (other than a moveable dwelling) have been stored by the park owner in accordance with this Part for 30 days, the park owner is to cause them to be sold by public auction.
- (2) The park owner is required to account to the occupant for the balance of the proceeds of the sale of the goods after deduction of the reasonable costs of removal, storage, notice of storage and sale of the goods, including the cost of advertising the sale.
- (3) If the park owner has not located the occupant, after making reasonable attempts to do so, for the purpose of accounting to the occupant for the balance of the proceeds of any sale, the balance of the proceeds is to be dealt with as if it were unclaimed money under the *Unclaimed Money Act 1995*.

**12 Claiming uncollected goods**

- (1) A person who is entitled to possession of goods left on site may claim the goods at any time before they are destroyed, sold or otherwise disposed of under this Part.
- (2) The park owner must deliver up the goods to a person who claims them if the park owner is satisfied that the person is entitled to claim them.
- (3) The park owner is entitled to require payment of the park owner's costs and expenses actually incurred in the removal and storage of goods, in the notification of storage and in advertising the sale of the goods (not exceeding a reasonable amount for those costs and expenses), before delivering goods to a person under this clause.
- (4) If a claim is for some but not all of the goods, and the remaining goods are worth enough to cover the reasonable costs of removal, storage and notice of storage of all of the goods and advertising the sale, the park owner must deliver up the claimed goods to the claimant without requiring payment of the park owner's reasonable costs of removal, storage, notice of storage and advertising of the sale of the claimed goods.

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Schedule 1 Form of application to Tribunal

**Schedule 1 Form of application to Tribunal**

(Clause 4)

**Consumer, Trader and Tenancy Tribunal**

General Division

Application for an Order under the *Holiday Parks (Long-term Casual Occupation) Act 2002*

A copy of this application and any attached information will be provided to the other party.

1. How do you want your application to be decided? (The Tribunal will attempt to accommodate your request):

- On the basis of the written submissions from both parties, that is, on the papers only?
- At a Tribunal hearing where both parties (or their representatives) attend in person?
- At a Tribunal hearing conducted by a telephone conference?

2. Address of site, including name of holiday park

.....

3. Park owner’s full name (as shown on the occupation agreement)

.....

Park owner’s postal address for notices

.....

Park owner’s daytime telephone number

.....

4. Occupant’s full name (as shown on the occupation agreement)

.....

Occupant’s postal address for notices

.....

Occupant’s daytime telephone number

.....

5. Is an interpreter needed?.....

If so, what language should the interpreter speak?.....

Do you have any other special needs?

.....

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Form of application to Tribunal

Schedule 1

6. List all Tribunal reference numbers (for previous applications involving the same parties and the same site):

.....

7. If there are any exceptional circumstances which would prevent you from attending a hearing in the next 7 to 28 days, provide the dates when you will not be available.

.....

8. Are you:?

- the park owner
- the park owner's representative
- the park manager
- the occupant
- the occupant's representative

9. What order do you want?

An order that a clause of the occupation agreement is void (under section 11 of the Act). (Either the occupant or the park owner may apply and there is no time limit.)

An order in respect of a breach of the occupation agreement (under section 26 of the Act). (Either the occupant or the park owner may apply during the currency of the agreement or within 30 days after the termination of the agreement.)

An order in respect of a disagreement about something other than an increase in the occupation fee, that could form the basis of a breach of the occupation agreement (under section 26 of the Act). (Either the occupant or the park owner may apply during the currency of the agreement or within 30 days after the termination of the agreement.)

An order that the site has been abandoned (under section 32 of the Act). (Only the park owner may apply and there is no time limit.)

An order for compensation for loss caused by abandonment of the site (under section 33 of the Act). (Only the park owner may apply and there is no time limit.)

An order for disposal of abandoned goods (under section 34 of the Act). (Only the park owner may apply and there is a time limit of 28 days after the park owner gains possession of the site.)

An order for retrieval of uncollected goods (under section 35 of the Act). (The occupant or any person having an interest in the goods may apply and there is a time limit of 28 days after the park owner gains possession of the site.)

An order allowing an extension of time to make another order. (Either the occupant or the park owner may apply and there is no time limit.)

Another order *[please specify]*:

.....  
.....  
.....



Holiday Parks (Long-term Casual Occupation) Regulation 2003

Schedule 1 Form of application to Tribunal

10. What are your reasons for requesting this order? (This application will be forwarded to the other party. Therefore you must describe why you are seeking the order so that the other party can be prepared for the hearing. You must set out here full details of why you believe you are entitled to the order you are seeking. If this is not supplied by you, your application may be dismissed or adjourned. Additional information may be attached to this application. Any additional information must be lodged in triplicate.)

.....  
.....  
.....  
.....  
.....

11. Your name *[print]*.....

12. Your signature.....

13. The date.....

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Warrant enforcing order for possession of premises

Schedule 2

---

## Schedule 2 Warrant enforcing order for possession of premises

(Clause 5)

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

To all sheriff's officers:

#### Why is this warrant being issued?

On ....., the Consumer, Trader and Tenancy Tribunal sitting at ..... made the following orders (delete whichever orders were not made):

an order terminating the occupation agreement between ..... and .....

an order for possession of the site at ..... in New South Wales

an order that the operation of the order for possession be suspended for a period of ..... days from the date of the order

an order that the operation of the order for possession be terminated 14 days after the date of issue of this warrant.

An application was made by the person in whose favour the order was made for the enforcement of the order for possession of the site.

I am satisfied that the order has not been complied with, or that a condition of suspension of the order has not been complied with.

#### What does this warrant authorise?

This warrant authorises any sheriff's officer to enter the premises and take all steps that are reasonably necessary to give possession to the park owner.

#### Police assistance

A sheriff's officer may request that any police officer assist the sheriff's officer to enforce the order for possession.

#### Use of force

The sheriff's officer or police officer enforcing the order for possession is authorised to use such force as is reasonably necessary to enforce the order for possession.

#### Production of this warrant

The sheriff's officer or police officer enforcing the order for possession must produce this warrant if asked.

#### Issue details

Date of issue of warrant: .....

This warrant must be executed within 28 days of its issue.

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Schedule 2 Warrant enforcing order for possession of premises

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**Signature**

Signed by me:

Chairperson/Deputy Chairperson/Member/Registrar/Deputy Registrar *[delete whichever is not applicable]* of the Consumer, Trader and Tenancy Tribunal.

.....  
*[Print name]*

.....  
*[Signature]*

**Case information**

Consumer, Trader and Tenancy Tribunal Registry

Phone No:

Name and address of park owner/park manager:

Phone No of park owner/park manager:

Occupant's Phone No:

File No:

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Form of notice to occupant that goods are in storage

Schedule 3

**Schedule 3 Form of notice to occupant that goods are in storage**

(Clause 9 (5) (a))

**Notice that goods have been placed in storage**

..... *[insert full name of occupant]* is notified that you have left goods at

.....  
.....

*[insert address of site, including site number, where appropriate]*

The goods consist of:

.....  
.....  
.....

*[insert brief description of goods]*

(if the goods are or include a moveable dwelling, insert a description of the dwelling, such as make, registration or serial number, size, colour or other identifying details)

These goods were placed in storage on ..... *[insert date]* by (or on behalf of) the owner of the park, ..... *[insert name and address of park owner]*

You can collect the goods from ..... *[insert address at which goods can be claimed]* on payment of the park owner's allowable costs.

**Goods other than moveable dwelling**

*[delete if not applicable]*

If the goods are not collected on or before ..... *[insert date\*]*, the goods (except any moveable dwelling) will be sold by public auction unless you first claim the goods and pay any reasonable costs of removal, storage, notice of storage and sale, including the cost of advertising the sale, incurred by the park owner up to the time that the goods are claimed.

**Moveable dwelling**

*[delete if not applicable]*

If the moveable dwelling is not collected on or before ..... *[insert date\*]*, the park owner intends to apply to the Tribunal for an order authorising the removal, destruction, disposal or sale of the moveable dwelling, unless you first claim the dwelling and pay any reasonable costs of removal, storage, notice of storage, application to the Tribunal and sale, including the cost of advertising the sale, incurred by the park owner up to the time that the moveable dwelling is claimed.

## Holiday Parks (Long-term Casual Occupation) Regulation 2003

Schedule 3 Form of notice to occupant that goods are in storage

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**Proceeds of sale**

You are entitled to the proceeds of any sale of the goods less any amount retained by the park owner to cover any reasonable costs incurred by the park owner for removal, storage, notice of storage, application to the Tribunal (if any) and sale of the goods, including the cost of advertising the sale.

**Claiming some but not all of the goods**

You are not required to pay any costs incurred by the park owner in relation to the goods if you claim some but not all of the goods, and the remaining goods are worth enough to cover any reasonable costs incurred by the park owner for removal, storage, notice of storage and advertising of any sale of the goods.

*\* The date must be no earlier than 30 days after the goods were placed in storage.*

Holiday Parks (Long-term Casual Occupation) Regulation 2003

Form of newspaper notice that goods are in storage

Schedule 4

**Schedule 4 Form of newspaper notice that goods are in storage**

(Clause 9 (5) (b))

**Notice to occupant that goods have been placed in storage**

..... *[insert full name of occupant]* is notified that you have left goods at

.....  
.....

*[insert address of site, including site number, where appropriate]*

The goods consist of:

.....  
.....  
.....

*[insert brief description of goods]*

*[if the goods are or include a moveable dwelling, insert a description of the dwelling, such as make, registration or serial number, size, colour or other identifying details]*

These goods were placed in storage on ..... *[insert date]* by (or on behalf of) the owner of the park,..... *[insert name and address of park owner]*

You can collect the goods from

.....  
.....

*[insert address at which goods can be claimed]* on payment of the park owner's allowable costs.

**Goods other than moveable dwelling**

*[delete if not applicable]*

If the goods are not collected on or before ..... *[insert date\*]*, the goods (except any moveable dwelling) will be sold by public auction unless you first claim the goods and pay the park owner's allowable costs.

**Moveable dwelling**

*[delete if not applicable]*

If the moveable dwelling is not collected on or before ..... *[insert date\*]*, the park owner intends to apply to the Tribunal for an order authorising the removal, destruction, disposal or sale of the moveable dwelling, unless you first claim the dwelling and pay the park owner's allowable costs.

\* *The date must be no earlier than 30 days after the goods were placed in storage.*



# Liquor Amendment (Wharves) Regulation 2003

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, and with the concurrence of the Minister for Planning, has made the following Regulation under the *Liquor Act 1982*.

MICHAEL EGAN, M.L.C.,  
Minister for Gaming and Racing

## **Explanatory note**

Under clause 86E of the *Liquor Regulation 1996*, liquor may be sold or supplied to passengers on board a licensed vessel berthed at prescribed wharves for certain periods before and after a voyage.

The object of this Regulation is to amend the *Liquor Regulation 1996* to prescribe further wharves for the purposes of clause 86E.

This Regulation is made under the *Liquor Act 1982*, including section 35 and section 156 (the general regulation-making power).

Clause 1          Liquor Amendment (Wharves) Regulation 2003

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## **Liquor Amendment (Wharves) Regulation 2003**

under the

Liquor Act 1982

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Wharves) Regulation 2003*.

### **2 Amendment of Liquor Regulation 1996**

The *Liquor Regulation 1996* is amended as set out in Schedule 1.



Liquor Amendment (Wharves) Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### **Clause 86E Wharves at which berthed vessels may sell or supply liquor**

Insert after clause 86E (g):

- (h) Dolphin Watch Cruises Wharf, Currumbene Creek, Huskisson,
- (i) Tuna Wharf, Ulladulla Harbour,
- (j) Port Venture Wharf, Clarence Street, Port Macquarie.

# Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003

under the

Motor Accidents Compensation Act 1999

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Accidents Compensation Act 1999*.

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

## Explanatory note

The object of this Regulation is to prescribe certain vehicles for the purposes of section 10A of the *Motor Accidents Compensation Act 1999* (**the Act**) and to provide for the transitional arrangements contemplated by section 10A (3).

Section 10A was inserted in the Act by the *Statute Law (Miscellaneous Provisions) Act 2002* to enable the same level of third-party insurance cover that applies to vehicles subject to unregistered vehicle permits (**UVPs**) under the *Road Transport (Vehicle Registration) Act 1997* to continue to apply to certain vehicles that were previously subject to UVPs but are now subject to a conditional registration under the latter Act.

The terms of the third-party policy of insurance under the Act provide cover for the owners and drivers of motor vehicles that are subject to UVPs only while the vehicles are used or operated on a **road** (as defined in the Act). Owners and drivers of other motor vehicles are covered for the use and operation of the vehicles whether or not on a road. UVPs are commonly issued in respect of motor vehicles (such as tractors and forklifts and the like) that are designed principally for use otherwise than on a road.

Motor Accidents Compensation Amendment (Unregistered Vehicle Permits)  
Regulation 2003

Explanatory note

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UVPs used to be issued for up to 12 months. Since 20 May 2002, they have been issued for up to 28 days only. Vehicles that would normally be subject to UVPs but are required for longer-term road use than 28 days are now subject to a conditional registration.

Section 10A of the Act is as follows:

**10A Treatment of certain vehicles for purposes of third-party policy**

- (1) A motor vehicle that is:
  - (a) subject to a conditional registration under the *Road Transport (Vehicle Registration) Act 1997*, and
  - (b) designed principally for use otherwise than on a road, and
  - (c) a motor vehicle, or a motor vehicle of a class, prescribed by the regulations for the purposes of this section,is taken, for the purposes of a third-party policy under this Act, to be subject to an unregistered vehicle permit and not to a conditional registration.
- (2) However, a regulation made for the purposes of this section does not affect a third-party policy of insurance under this Act that is in force in respect of any particular vehicle at the time that the regulation is made. This subsection is subject to subsection (3).
- (3) The first regulation made for the purposes of this section may provide that subsection (1) applies, from the commencement of the regulation, to a vehicle referred to in subsection (1) (a)–(c) that became subject to a conditional registration on or after 20 May 2002 and before the commencement of the regulation.

This Regulation is made under the *Motor Accidents Compensation Act 1999* and, in particular, under sections 10A and 228 (the general regulation-making power).

Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003

Clause 1

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## **Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003**

### **1 Name of Regulation**

This Regulation is the *Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003*.

### **2 Amendment of Motor Accidents Compensation Regulation (No 2) 1999**

The *Motor Accidents Compensation Regulation (No 2) 1999* is amended as set out in Schedule 1.

Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003

Schedule 1 Amendment

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## Schedule 1 Amendment

(Clause 2)

### Clause 16C

Insert after clause 16B:

#### **16C Motor vehicles taken to be subject to unregistered vehicle permits**

(1) For the purposes of section 10A of the Act, the following classes of motor vehicles are prescribed:

- (a) motor vehicles:
  - (i) that are used to perform agricultural tasks (for example, tractors and harvesters), and
  - (ii) in respect of which approval for the placement of identification plates has not been given under section 10A of the *Motor Vehicle Standards Act 1989* of the Commonwealth,
- (b) motor vehicles:
  - (i) that are designed for use solely over snow, and
  - (ii) in respect of which approval for the placement of identification plates has not been given under section 10A of the *Motor Vehicle Standards Act 1989* of the Commonwealth,

but only during such time as the motor vehicles are within the boundaries of Kosciuszko National Park,

- (c) motor vehicles that:
  - (i) were manufactured 30 or more years ago, and
  - (ii) are used on a road solely in the course of, or as an incident to, an activity of an organisation that is identified in the records of the RTA as an historic vehicle club,
- (d) motor vehicles that:
  - (i) weigh more than 250 kg when unladen, and
  - (ii) are designed or used solely for cutting grass or for purposes incidental to cutting grass,

## Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003

Amendment

Schedule 1

- 
- (e) motor vehicles that:
    - (i) are used solely for the purposes of road construction, maintenance or repair, and
    - (ii) are not used on a road otherwise than while at, or proceeding to or returning from, the place where the road construction, maintenance or repair is carried out,
  - (f) motor vehicles that:
    - (i) are classified by the RTA as earthwork plant or industrial plant, and
    - (ii) are subject to a conditional registration in consequence of that classification,
  - (g) motor vehicles that are subject to a conditional registration on the basis that they are to be used solely on Stockton Beach for recreation purposes,
  - (h) motor vehicles that are motorised buggies or carts and are designed and used for the purpose of:
    - (i) carrying golfers, spectators or golfing equipment on a golf course, or
    - (ii) carrying persons in a holiday resort or retirement village or the like,
  - (i) motor vehicles that:
    - (i) are designed or used solely for the conveyance of a person with a disability that substantially impairs the person's mobility, and
    - (ii) weigh more than 110 kg when unladen, and
    - (iii) are capable of travelling at more than 10 kilometres an hour,
  - (j) motor vehicles that are trackless trains,
  - (k) any other motor vehicles that have been granted full exemption from:
    - (i) motor vehicle tax within the meaning of the *Motor Vehicles Taxation Act 1988* (under section 17 (1) (p) of that Act), or
    - (ii) charges within the meaning of the *Road Transport (Heavy Vehicle Registration Charges) Act 1995* (under section 30 (2) of that Act).

Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003

Schedule 1      Amendment

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- (2) Section 10A (1) of the Act applies, from the commencement of the *Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003*, to a vehicle referred to in section 10A (1) (a)–(c) that became subject to a conditional registration on or after 20 May 2002 and before the commencement of that Regulation.
- (3) In this clause, ***conditional registration*** means a conditional registration under the *Road Transport (Vehicle Registration) Act 1997*.



# Occupational Health and Safety Amendment (Sentencing Guidelines) Regulation 2003

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

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

## Explanatory note

The object of this Regulation is to make a transitional provision making it clear that offences under the former *Occupational Health and Safety Act 1983* may be taken into account by the Full Bench of the Industrial Relations Commission in Court Session in issuing sentencing guidelines for offences under the *Occupational Health and Safety Act 2000*.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including section 33 (the general regulation-making power) and clause 1 of Schedule 3.



Clause 1 Occupational Health and Safety Amendment (Sentencing Guidelines)  
Regulation 2003

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## **Occupational Health and Safety Amendment (Sentencing Guidelines) Regulation 2003**

under the

Occupational Health and Safety Act 2000

### **1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Sentencing Guidelines) Regulation 2003*.

### **2 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

Occupational Health and Safety Amendment (Sentencing Guidelines)  
Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Clause 361

Insert after clause 360:

#### **361 Transitional application of sentencing guideline provisions**

- (1) This clause applies to guideline proceedings under Division 4 of Part 7 of the Act relating to offences under the Act.
- (2) Nothing in this clause limits any jurisdiction or discretion of the Full Bench under Division 4 of Part 7 of the Act.
- (3) In exercising its powers and jurisdiction to give a guideline judgment relating to an offence under the Act, the Full Bench may, if the provision creating the offence substantially re-enacts a provision of the former Act creating an offence (the *corresponding offence*), consider matters relating to the corresponding offence.



# Security Industry Amendment Regulation 2003

under the

Security Industry Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Security Industry Act 1997*.

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

## Explanatory note

The object of this Regulation is to amend the *Security Industry Regulation 1998* to provide as follows:

- (a) that apprentices or trainees who are carrying on security activities of a type for which a class 1 licence is granted (for example, patrolling, guarding, watching or protecting property, bodyguarding, crowd controlling or bouncing) are exempt from the operation of the *Security Industry Act 1997* (*the Principal Act*) only to the extent that they are directly supervised by the holder of an appropriate licence under the Principal Act,
- (b) that an applicant for a licence under the Principal Act must disclose in his or her application the applicant's place of birth and, if that place is not within Australia, the period of the applicant's residence in Australia,
- (c) that certain specified offences under the Principal Act and the *Security Industry Regulation 1998* are offences for which a penalty notice may be served and to prescribe the amount of penalty in relation to each of those offences if the offence is to be dealt with by way of penalty notice.

This Regulation also increases the application fees for licences under the Principal Act.

This Regulation is made under the *Security Industry Act 1997*, including sections 6, 14, 45A (as inserted by the *Security Industry Amendment Act 2002*) and 48 (the general regulation-making power).

Clause 1            Security Industry Amendment Regulation 2003

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## **Security Industry Amendment Regulation 2003**

under the

Security Industry Act 1997

### **1 Name of Regulation**

This Regulation is the *Security Industry Amendment Regulation 2003*.

### **2 Amendment of Security Industry Regulation 1998**

The *Security Industry Regulation 1998* is amended as set out in Schedule 1.

Security Industry Amendment Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 5 Exemptions: section 6

Omit clause 5 (e). Insert instead:

- (e) apprentices or trainees (within the meaning of the *Apprenticeship and Traineeship Act 2001*) while carrying on security activities in the course of their apprenticeship or training with a person who is the holder of a licence authorising that person to carry on those security activities, but:
  - (i) not if the apprentice or trainee concerned would be refused a licence because of section 16 of the Act, and
  - (ii) in relation to an apprentice or trainee carrying on security activities of a type for which a class 1 licence is granted, only while the apprentice or trainee is directly supervised by a holder of a licence authorising the holder to carry on those security activities.

### [2] Clause 7 Licence application fees: section 14

Omit "\$85" from clause 7 (1) (a). Insert instead "\$110".

### [3] Clause 7 (1) (b)

Omit "\$115". Insert instead "\$145".

### [4] Clause 7 (2) (a)

Omit "\$350". Insert instead "\$440".

### [5] Clause 7 (2) (b)

Omit "\$380". Insert instead "\$480".

### [6] Clause 7 (3) (a)

Omit "\$300". Insert instead "\$375".

### [7] Clause 7 (3) (b)

Omit "\$550". Insert instead "\$695".

## Security Industry Amendment Regulation 2003

## Schedule 1 Amendments

---

**[8] Clause 7 (3) (c)**

Omit "\$1,050". Insert instead "\$1,325".

**[9] Clause 7 (3) (d)**

Omit "\$2,050". Insert instead "\$2,585".

**[10] Clause 8 Information and particulars to accompany licence application: section 14**

Insert "and place" after "date" in clause 8 (1) (b).

**[11] Clause 8 (1) (b1)**

Insert after clause 8 (1) (b):

- (b1) if the applicant's place of birth is not in Australia—the applicant's period of residence in Australia,

**[12] Clause 8 (2) (b)**

Insert "and place" after "date".

**[13] Clause 8 (2) (b1)**

Insert after clause 8 (2) (b):

- (b1) if the applicant is an individual and the applicant's place of birth is not in Australia—the applicant's period of residence in Australia,

**[14] Clause 35 and Schedule 1**

Insert after clause 34:

**35 Penalty notice offences and penalties**

- (1) For the purposes of section 45A of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
  - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

Security Industry Amendment Regulation 2003

Amendments

Schedule 1

- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

### Schedule 1 Penalty notice offences

(Clause 35)

Column 1	Column 2
Provision	Penalty (\$)
<b>Offences under the Act</b>	
Section 7—where the offence is committed by a corporation	2,750
Section 7—where the offence is committed by an individual	550
Section 30	440
Section 31	220
Section 32 (1)—where the offence is committed by a corporation	440
Section 32 (1)—where the offence is committed by an individual	220
Section 32 (2)—where the offence is committed by a corporation	440
Section 32 (2)—where the offence is committed by an individual	220
Section 33 (1)	550
Section 33 (2)	550
Section 34	440

## Security Industry Amendment Regulation 2003

## Schedule 1 Amendments

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<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty (\$)</b>
Section 35	220
Section 36	440
Section 38	550
Section 39	1,100
<b>Offences under this Regulation</b>	
Clause 15—where the offence is committed by a corporation	220
Clause 15—where the offence is committed by an individual	55
Clause 27 (2)—where the offence is committed by a corporation	1,100
Clause 27 (2)—where the offence is committed by an individual	220
Clause 28 (3)—where the offence is committed by a corporation	275
Clause 28 (3)—where the offence is committed by an individual	55

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# Sydney Harbour Foreshore Authority Amendment Regulation 2003

under the

Sydney Harbour Foreshore Authority Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Harbour Foreshore Authority Act 1998*.

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

## **Explanatory note**

The object of this Regulation is to amend the *Sydney Harbour Foreshore Authority Regulation 1999* to declare that certain land acquired by the Sydney Harbour Foreshore Authority at Ballast Point, Birchgrove is core land for the purposes of that Act. Section 19 of the *Sydney Harbour Foreshore Authority Act 1998* provides that the Sydney Harbour Foreshore Authority has no power to dispose of land that is core land, except in limited circumstances.

This Regulation is made under the *Sydney Harbour Foreshore Authority Act 1998*, including sections 6 (e) and 46 (the general regulation-making power).

Clause 1 Sydney Harbour Foreshore Authority Amendment Regulation 2003

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## **Sydney Harbour Foreshore Authority Amendment Regulation 2003**

under the

Sydney Harbour Foreshore Authority Act 1998

### **1 Name of Regulation**

This Regulation is the *Sydney Harbour Foreshore Authority Amendment Regulation 2003*.

### **2 Amendment of Sydney Harbour Foreshore Authority Regulation 1999**

The *Sydney Harbour Foreshore Authority Regulation 1999* is amended by inserting the following after clause 15:

#### **16 Declaration of core land: section 6 (e) of the Act**

The following land is declared to be core land:

Land at Ballast Point, Birchgrove that is bordered by Wharf Road, Ronald Street, Mort Bay and Snails Bay comprising Lots 1–4, DP 115939 (excluding the leasehold interest of Energy Australia under registered lease N700214 over part of Lot 1, DP 115939), Lot 7, DP 132691, Lot 11, DP 792332 and Lot 413, DP 752049.



# Trade Measurement Amendment (Fuel) Regulation 2003

under the

Trade Measurement Act 1989

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

JOHN AQUILINA, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Trade Measurement Regulation 2002* to require the volume of petrol or diesel fuel sold by wholesale to be calculated by reference to its volume at a specified temperature.

This Regulation is made under the *Trade Measurement Act 1989*, including section 80 (the general regulation-making power).

Clause 1 Trade Measurement Amendment (Fuel) Regulation 2003

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## **Trade Measurement Amendment (Fuel) Regulation 2003**

under the

Trade Measurement Act 1989

### **1 Name of Regulation**

This Regulation is the *Trade Measurement Amendment (Fuel) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 March 2003.

### **3 Amendment of Trade Measurement Regulation 2002**

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

Trade Measurement Amendment (Fuel) Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 92A

Insert after clause 92:

#### **92A Regulation of sale of fuel by reference to measurement by volume**

- (1) A person must not sell fuel by reference to the measurement of its volume unless the sale is at a price determined by reference to the volume of the fuel as measured by the litres the fuel occupies, or would occupy, at a temperature of 15° C.

Maximum penalty: \$2,000.

- (2) However, subclause (1) does not apply to any of the following sales of fuel:
- (a) a retail sale,
  - (b) a wholesale sale if:
    - (i) the wholesale sale happens immediately before, or at the same time as, a retail sale of the fuel, and
    - (ii) the volume of the fuel, as measured for the wholesale sale, is the same as the volume of the fuel as measured for the retail sale,
  - (c) a wholesale sale if:
    - (i) before the wholesale sale the fuel:
      - (A) was moved, in any way, from a primary storage facility to a fixed storage facility at another location, and
      - (B) was unloaded into the fixed storage facility for further distribution or for further sale and distribution, and
    - (ii) for the movement, the fuel was measured by reference to the volume of the fuel as measured by the litres the fuel occupies, or would occupy, at a temperature of 15° C,
  - (d) a wholesale sale (the *relevant sale*) if:
    - (i) the relevant sale happens immediately before or after, or at the same time as, another wholesale sale of the fuel, and

## Trade Measurement Amendment (Fuel) Regulation 2003

## Schedule 1 Amendment

- 
- (ii) before the relevant sale the fuel:
- (A) was moved, in any way, from a primary storage facility to a fixed storage facility at another location, and
  - (B) was unloaded into the fixed storage facility for further distribution or for further sale and distribution,
- (e) a wholesale sale if:
- (i) before the wholesale sale the fuel:
    - (A) was moved, in any way, from a primary storage facility to a fixed storage facility at another location, and
    - (B) was unloaded into the fixed storage facility for further distribution or for further sale and distribution, and
  - (ii) after the fuel was at the primary storage facility but before the wholesale sale, the fuel was not the subject of another sale.
- (3) In this clause:
- business entity*** means an entity that operates a business, other than a fuel business.
- cooperative entity*** includes an entity that is a buying group for its members.
- diesel fuel*** means any fuel commonly known as diesel, diesel oil, distillate, automotive diesel fuel, automotive diesel oil or automotive distillate.
- fixed storage facility*** means a facility, other than a primary storage facility, at which fuel is unloaded and from which fuel is reloaded for further distribution or further sale and distribution.
- fuel*** means petrol, or diesel fuel, that a person would reasonably consider is ultimately intended for automotive consumption.
- primary storage facility*** means:
- (a) an oil refinery, or
  - (b) a shipping facility, or

## Trade Measurement Amendment (Fuel) Regulation 2003

Amendment

Schedule 1

- 
- (c) a facility connected by product transfer pipeline to an oil refinery or to a shipping facility, or
  - (d) a facility connected by product transfer pipeline to a facility mentioned in paragraph (c).

**retail sale**, of fuel, means a sale to any of the following:

- (a) an entity that purchases the fuel only for its own consumption,
- (b) a business entity that purchases the fuel only for 1 or both of the following purposes:
  - (i) for its own consumption,
  - (ii) for resale to its staff or contractors for consumption by the purchasing staff or contractors,
- (c) a cooperative entity that purchases the fuel only for resale to its members for consumption by the purchasing members.

**shipping facility** means a facility where fuel may be supplied by ship.



New South Wales

# Workers Compensation (General) Amendment (Index Number) Regulation 2003

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

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

## Explanatory note

The object of this Regulation is to update an index number that is used for the purposes of the indexation of benefits under the *Workers Compensation Act 1987*.

This Regulation is made under the *Workers Compensation Act 1987*, including section 79 (the definition of *latest index number*) and section 280 (the general regulation-making power).



Clause 1            Workers Compensation (General) Amendment (Index Number) Regulation  
                         2003

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## **Workers Compensation (General) Amendment (Index Number) Regulation 2003**

under the

Workers Compensation Act 1987

### **1 Name of Regulation**

This Regulation is the *Workers Compensation (General) Amendment (Index Number) Regulation 2003*.

### **2 Amendment of Workers Compensation (General) Regulation 1995**

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

Workers Compensation (General) Amendment (Index Number) Regulation  
2003

Amendment

Schedule 1

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## **Schedule 1 Amendment**

(Clause 2)

### **Clause 13 Sec 79: definition of “latest index number”**

Insert at the end of the Table to the clause:

1 April 2003

172.9

**WORKERS COMPENSATION ACT 1987 - NOTICE**  
**(Concerning indexation of WorkCover benefits and damages)**

The WorkCover Authority of New South Wales, pursuant to section 82 of the Workers Compensation Act 1987, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from **1<sup>st</sup> April 2003**, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

**TABLE**

Provision Specifying, or providing for, the adjustable amount	Column 1	Column 2
	Adjustable Amount	Adjustable Amount
<b>WORKERS COMPENSATION ACT 1987</b>		
s.25 (1)(a)	\$211,850.00	\$280,050.00
s.25 (1)(b)	\$66.60	\$88.00
s.35	\$1,000.00	\$1,321.90
s.37 (1)(a)(i)	\$235.20	\$310.90
s.37 (1)(a)(ii)	\$187.10	\$247.30
s.37 (1)(a)(iii)	\$170.00	\$224.70
	\$153.00	\$202.20
s.37 (1)(b)	\$62.00	\$82.00
s.37 (1)(c)	\$44.30	\$58.60
	\$99.10	\$131.00
	\$164.16	\$217.00
	\$230.90	\$305.20
	\$66.60	\$88.00
s.63A (3)	\$1,500.00	\$1,982.80
s.40	\$1,000.00	\$1,321.90
Sch.6Pt.4Cl.7	\$341.30	\$451.20

(Latest Index Number: 172.9)

**KATE McKENZIE**  
**GENERAL MANAGER**  
**WORKCOVER AUTHORITY**

**WORKERS COMPENSATION ACT 1987 - NOTICE**  
**(Concerning indexation of benefits covered by**  
**Workers Compensation Act 1926)**

The WorkCover Authority of New South Wales, pursuant to section 82 of, and Parts 3-4 of Schedule 6 to the Workers Compensation Act 1987, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from **1<sup>st</sup> April 2003**, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

**TABLE**

Provision Specifying, or providing for, the adjustable amount	Column 1	Column 2
	Adjustable Amount	Adjustable Amount
<b>WORKERS COMPENSATION ACT 1987 (re 1926 ACT)</b>		
Sch.6 Pt.3Cl. 2(2)	\$76,700.00	\$101,400.00
Sch.6 Pt.3Cl. 2(3)	\$38.30	\$50.60
Sch.6Pt.4Cl.4 (1)(b)(i)	\$44.80	\$59.20
Sch.6Pt.4Cl.4 (1)(b)(ii)	\$22.50	\$29.70
Sch.6Pt.4Cl.4A (2)(a)	\$196.00	\$259.10
Sch.6Pt.4Cl.4A (2)(b)	\$155.90	\$206.10
Sch.6Pt.4, Cl.4A (2)(c)	\$141.60	\$187.20
	\$127.50	\$168.50

(Latest Index Number: 172.9)

**KATE McKENZIE**  
**GENERAL MANAGER**  
 WORKCOVER AUTHORITY

**WORKERS' COMPENSATION (DUST DISEASES) ACT 1942 - NOTICE  
(Concerning indexation of benefits)**

The WorkCover Authority of New South Wales, pursuant to section 8(3)(d) of the Workers' Compensation (Dust Diseases) Act 1942, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from **1<sup>st</sup> April 2003**, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

**TABLE**

Provision Specifying, or providing for, the adjustable amount	Column 1	Column 2
	Adjustable Amount	Adjustable Amount
<b>WORKERS COMPENSATION (DUST DISEASES) ACT 1942</b>		
s.8 (2B)(b)(i)	\$141,250.00	\$186,750.00
s.8 (2B)(b)(ii)	\$137.30	\$181.50
s.8 (2B)(b)(iii)	\$69.40	\$91.70

(Latest Index Number: 172.9)

**KATE McKENZIE  
GENERAL MANAGER  
WORKCOVER AUTHORITY**

# Workers Compensation (General) Amendment (Transfer of Matters) Regulation 2003

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

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

## Explanatory note

The object of this Regulation is to amend the *Workers Compensation (General) Regulation 1995* to provide that a worker who has proceedings on a claim for compensation pending in the Compensation Court may elect to transfer the claim to the Workers Compensation Commission and have the matter dealt with by that body.

The Regulation also makes provision for matters consequential to such a transfer including arrangements with the Compensation Court for the transfer of court records and other documents and the calculation of costs in such transferred matters.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power) and clause 5 of Part 18C of Schedule 6 to that Act.

Clause 1            Workers Compensation (General) Amendment (Transfer of Matters)  
                         Regulation 2003

---

## **Workers Compensation (General) Amendment (Transfer of Matters) Regulation 2003**

### **1 Name of Regulation**

This Regulation is the *Workers Compensation (General) Amendment (Transfer of Matters) Regulation 2003*.

### **2 Amendment of Workers Compensation (General) Regulation 1995**

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

Workers Compensation (General) Amendment (Transfer of Matters)  
Regulation 2003

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 93A

Insert after clause 93 (2A):

#### **93A Transfer of existing claims by election of worker**

- (1) If proceedings on a claim for compensation are pending in the Compensation Court on the commencement of this clause, the claimant can elect in a form approved by the Commission to transfer the claim to the Commission.
- (2) On receipt by the Commission of the election, the claim is to be treated as a new claim for the purposes of the Workers Compensation Acts (under clause 5 of Part 18C of Schedule 6 to the 1987 Act).
- (3) The consent of the employer or insurer is not required for the making or operation of an election under this clause.
- (4) Neither the Commission nor the Compensation Court has any discretion or power to refuse to accept an election under this clause.
- (5) The Commission is to notify the Compensation Court of an election under this clause and is to make arrangements with the Court for the transfer of court records and other documents relevant to the claim, for the purpose of facilitating the hearing and determination of proceedings on the claim by the Commission.

**Note.** Under clause 6A of Part 18C of Schedule 6 to the 1987 Act, the Compensation Court ceases to have jurisdiction in respect of the claim once the claim becomes a new claim.

### [2] Clause 93 (3)

Re-number clause 93 (3) as clause 93B with the following heading:

#### **93B Continuing jurisdiction of Compensation Court**

---

Page 3



Workers Compensation (General) Amendment (Transfer of Matters)  
Regulation 2003

Schedule 1 Amendments

---

**[3] Clause 93B (as so renumbered)**

Omit “under this clause”. Insert instead “under this Division”.

**[4] Clause 108A**

Insert after clause 108:

**108A Special provisions for costs where worker elects to transfer claim to Commission**

If a claim becomes a new claim as a result of an election by the worker under clause 93A, the following provisions apply in respect of the recovery of costs in connection with the claim:

- (a) the recovery of costs in respect of legal services provided up to the time when the claimant makes the election is to be in accordance with provisions made by or under the Workers Compensation Acts or the *Legal Profession Act 1987* (as applicable), and
- (b) the recovery of costs in respect of legal services provided on and from the election is to be in accordance with this Part.

**[5] Clause 148 Transitional provisions**

Insert at the end of clause 148 (1) (b):

, and

- (c) extends to proceedings with respect to existing claims that are treated as new claims under clause 93A.

**[6] Schedule 6 Maximum costs—compensation matters**

Insert after clause 1 (2) (d):

**Election by claimant to transfer claim to Commission under clause 93A**

- (d1) For an activity or event carried out on behalf of a claimant in making an election under clause 93A of this Regulation to transfer the claim to the Commission—the cost set out in Column 3 of Part 4A of the table opposite that activity or event up to the maximum total costs for that type of activity or event set out in Column 4 of the table.

Workers Compensation (General) Amendment (Transfer of Matters)  
Regulation 2003

Amendments

Schedule 1

---

**[7] Schedule 6, Compensation Costs Table**

Insert the following in the Compensation Costs Table after Part 4:

**Part 4A Election by claimant to transfer claim to  
Commission under clause 93A**

4.13	All work associated with the lodgment of the election	\$500	\$500
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# Rules

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## **Criminal Appeal Rules (Amendment No 1) 2003**

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 17 February 2003.

Steven Jupp

Secretary of the Rule Committee

### **Explanatory note**

The object of these Rules is to amend a form prescribed by the *Criminal Appeal Rules* (namely, Form IVA Notice of intention to appeal or notice of intention to apply for leave to appeal) to allow intending appellants to indicate whether or not they intend to apply for Legal Aid.

Rule 1 Criminal Appeal Rules (Amendment No 1) 2003

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## **Criminal Appeal Rules (Amendment No 1) 2003**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Criminal Appeal Rules (Amendment No 1) 2003*.

### **2 Amendment of Criminal Appeal Rules**

The *Criminal Appeal Rules* are amended by inserting in Form IVA after “**If not held in custody, residential address:**” and the dotted line relating to that matter:

**The intending appellant  
intends to apply for Legal  
Aid:**



## District Court Amendment (Justices Act) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 19 December 2002.

A Liounis

Acting Secretary of the Rule Committee

### Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to make amendments that are consequential on the repeal of the *Justices Act 1902* and the enactment of the *Crimes (Local Courts Appeal and Review) Act 2001* and the *Justices Legislation Repeal and Amendment Act 2001*.

Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* substantially re-enacts the provisions of Part 5A of the *Justices Act 1902* dealing with appeals from a Local Court to the District Court. This Rule replaces references to provisions of the *Justices Act 1902* that are to be repealed with references to corresponding provisions in the new Act.

Schedule 2.140 to the *Justices Legislation Repeal and Amendment Act 2001* amends the *Local Courts Act 1982* to abolish the office of a Clerk of a Local Court and to replace it with the office of registrar. This Rule replaces references to Clerks of Local Courts with references to registrars of Local Courts.

Clause 1            District Court Amendment (Justices Act) Rule 2002

---

## **District Court Amendment (Justices Act) Rule 2002**

under the

District Court Act 1973

### **1 Name of Rule**

This Rule is the *District Court Amendment (Justices Act) Rule 2002*.

### **2 Commencement**

This Rule commences on the day on which Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* commences.

### **3 Amendment of District Court Rules 1973**

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

District Court Amendment (Justices Act) Rule 2002

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 3)

**[1] Part 43 rule 5**

Omit “Clerk of the Local Court” from rule 5 (1).

Insert instead “registrar of the Local Court”.

**[2] Part 53 rule 2**

Omit “Clerk” from rule 2 (1) and (2) wherever occurring.

Insert instead “registrar”.

**[3] Part 53 rule 2 (2)**

Omit “section 126 (1) of the *Justices Act 1902*”.

Insert instead “section 14 (1) or (3) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[4] Part 53 rule 2A Appeal under section 23 (1) of the Crimes (Local Courts Appeal and Review) Act 2001**

Omit the definition of *appeal* from rule 2A (1). Insert instead:

*appeal* means an appeal under section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*.

**[5] Part 53 rule 2A (5)**

Omit “Clerk” wherever occurring. Insert instead “registrar”.

**[6] Part 53 rule 2B**

Omit “Clerk” from rule 2B (1) and (2) wherever occurring.

Insert instead “registrar”.

**[7] Part 53 rule 2B (1)**

Omit “section 126 (1) of the *Justices Act 1902*”.

Insert instead “section 14 (1) or (3) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

## District Court Amendment (Justices Act) Rule 2002

Schedule 1 Amendments

---

**[8] Part 53 rule 2B (2)**

Omit “section 133F of the *Justices Act 1902*”.

Insert instead “section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[9] Part 53 rule 2C Registrar of Local Court to order transcript**

Omit “section 126 (1) of the *Justices Act 1902*” from rule 2C (b).

Insert instead “section 14 (1) or (3) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[10] Part 53 rule 2C**

Omit “Clerk”. Insert instead “registrar”.

**[11] Part 53 rule 3**

Omit “section 131AB of the *Justices Act 1902*” from rule 3 (2) (a).

Insert instead “section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[12] Part 53 rule 7**

Omit rule 7 (2) (b) and (c). Insert instead:

- (b) in the case of an appeal under section 11, or an application for leave to appeal under section 12 or 13, of the *Crimes (Local Courts Appeal and Review) Act 2001*, the proclaimed place nearest to the Local Court at which was made the conviction or order or was imposed the sentence, appealed, or sought to be appealed, against, or
- (c) in the case of an appeal under section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*—the nearest proclaimed place to the Local Court at which was imposed the sentence appealed against.



District Court Amendment (Justices Act) Rule 2002

Amendments

Schedule 1

---

**[13] Part 53 rule 10**

Omit “section 133O of the *Justices Act 1902*” from rule 10 (2) (gi).

Insert instead “section 67 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[14] Part 53 rule 12A**

Omit “section 120 or section 133F of the *Justices Act 1902*”.

Insert instead “section 11 or section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

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# OFFICIAL NOTICES

## Appointments

### AGRICULTURAL SCIENTIFIC COLLECTIONS TRUST ACT 1983

#### Appointment of Trustee

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to section 6 of the Agricultural Scientific Collections Trust Act 1983, hereby appoint Timothy ENTWISLE as a trustee of the Agricultural Scientific Collections Trust for a term of five years, commencing from the date hereof.

Dated this 11th day of February 2003.

RICHARD AMERY, M.P.,  
Minister For Agriculture

### CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

#### Appointment

I, The Hon J.J. Spigelman, Lieutenant Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint Judith Madeline MANNERING as a full-time Member of the Consumer, Trader and Tenancy Tribunal, for the period of four years from 15 April 2003 to 14 April 2007, both dates inclusive.

Dated at Sydney this twelfth day of February, 2003.

THE HON J. J. SPIGELMAN,  
Lieutenant Governor

By Her Excellency's Command

JOHN AQUILINA, M.P.,  
Minister for Fair Trading

## NSW Agriculture

### POULTRY MEAT INDUSTRY ACT 1986

#### Section 10

#### Base Rate Determination No. 31

THE following base rates apply from 1 July 2002 for batch poultry, namely chickens of the species *Gallus gallus*, not more than 18 weeks old when processed:

- a) **Baiada Poultry Pty. Limited – Sydney Division:**  
54.10 cents per bird.
- b) **Baiada Poultry Pty. Limited – Tamworth Division:**  
49.60 cents per bird.
- c) **Bartter Enterprises Pty. Limited:**  
54.31 cents per bird.
- d) **Cordina Chicken Farms Pty. Limited:**  
53.77 cents per bird.
- e) **Inghams Enterprises Pty. Limited:**  
55.17 cents per bird.
- f) **Narex Australia Pty. Limited:**  
54.31 cents per bird.
- g) **Red Lea Chickens Pty. Limited:**  
52.54 cents per bird.
- h) **Sunnybrand Chickens Pty. Limited (conventional shed):**  
54.20 cents per bird.
- i) **Sunnybrand Chickens Pty. Limited (tunnel shed):**  
51.60 cents per bird.

G. D. SLENNETT,  
Chairman

Poultry Meat Industry Committee  
20 February 2003

### STOCK DISEASES ACT 1923

#### Notification No. 1769

Declaration of the Cattle Tick Quarantine Line on account of cattle tick

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to sections 3(2) and 15 of the Stock Diseases Act 1923:

- (a) **revoke** Notification No. 1605 published in Government Gazette No. 155 of 1 December 2000 at pages 12079-12080.
- (b) **declare**, pursuant to section 15, on account of the disease cattle tick infestation due to *Boophilus microplus*, the Cattle Tick Quarantine Line described in Schedule A. The Cattle Tick Quarantine Line is represented generally on the map titled "Cattle Tick Quarantine Line".
- (c) **specify**, pursuant to section 15, that the condition under which stock listed in Schedule B may cross the Cattle Tick Quarantine Line from that part of New South Wales described in Schedule C is that the stock are moved in accordance with the terms of a permit issued under section 7(6) of the Act. That part of New South Wales described in Schedule C is represented generally on the map titled "Cattle Tick Quarantine Line".

### SCHEDULE A

The Mt Lindesay, Dairy Flat, Unumgar, Roseberry Creek, West Wiangaree, Bar Mountain, Tweed Shire Boundary, Queensland Border Cattle Tick Quarantine Line

A line commencing at the Queensland New South Wales border at the border crossing point located at Collins Gap, thence generally westerly on the southern side of the Mt Lindesay Highway for a distance of approximately 2.6 kilometres, thence on the eastern side of that highway generally south westerly to the point where it meets the Summerland Way.

Thence to the southern side of the Summerland Way and thence generally easterly to the point where the Summerland Way meets the northern boundary of Unumgar State Forest. Thence generally easterly and southerly by the boundary of Unumgar State Forest to the point where it meets the northern boundary of Toonumbar National Park. Thence generally easterly by that boundary to the point where it meets the northern boundary of the western section of Toonumbar State Forest. Thence generally easterly, northerly, easterly and southerly by that boundary to where it again meets the northern boundary of the Toonumbar National Park. Thence generally easterly by that boundary to the point where it meets the northern boundary of the eastern section of Toonumbar State Forest. Thence generally easterly and southerly by that boundary to the point where it meets the southern boundary of Lot 59, DP 755733, Parish of Roseberry.

Thence generally easterly by the southern boundary of Lot 59 to the point where that boundary meets the northern boundary of Lot 62, DP 755733. Thence generally easterly by the northern boundary and south by the eastern boundary of that lot to the point where it meets the southern boundary of Lot 1, DP 949138, Parish of Wyndham. Thence easterly by the southern boundary of that lot and the southern boundaries of Lot 1, DP 953375, Lots 82 and 83, DP 755756 and Lot 791, DP 802252 to the point where it meets Wiangaree Road. Thence easterly across Wiangaree Road and easterly by the southern boundary of Lot 791 to a point where it meets the western bank of the Richmond River. Thence easterly from that point by a line to the middle thread of the Richmond River.

Thence generally southerly by a line of the middle thread of the Richmond River to a point where it meets a line projection from the south western corner of Lot 97, DP755753, Parish of Wiangaree. Thence by that line from the middle thread of the Richmond River to the south western corner of Lot 97.

Thence generally easterly by the southern boundary of Lot 97 to a road, across that road to the south west corner of Lot 98, DP755753. Thence generally easterly by the southern boundaries of Lots 98 and 99, DP755753 to the Summerland Way. Thence across the Summerland Way to the North Coast Railway. Thence across the North Coast Railway to a road, across that road to the south west corner of Lot 113, DP755753. Thence easterly and northerly by the southern and eastern boundaries of Lot 113 to the north west corner of Lot 1, DP611610. Thence westerly and southerly by the northern and eastern boundaries of Lot 1 to a road. Thence easterly by the northern boundary of that road and the

southern boundary of Lot 85, DP755753 to the south east corner of Lot 85.

Thence generally northerly by the eastern boundary of Lot 85, DP755753 to the south western corner of Lot 110, DP755751, Parish of Warrazambil. Thence generally easterly and northerly by the southern and eastern boundaries of Lot 110, DP755751 to the north western corner of Lot 1, DP961303. Thence northerly by the western boundary of Lot 10, DP862245 to the south western corner of Lot 1, DP171332. Thence easterly by the southern boundary of Lot 1, DP171332 to Collins Creek Road, across that road and again by the southern boundary of Lot 1, to its south eastern corner. Thence northerly by the eastern boundary of Lot 1 to the south western corner of Lot 133, DP755751. Thence generally easterly by the southern boundary of Lot 133 to a road, across the road and again by the southern boundary of Lot 133 to its easternmost south eastern corner, thence generally northerly and easterly by the part of the western boundary and the northern boundary of Lot 1, DP185167 to its north eastern corner. Thence northerly and easterly by the western and northern boundary of Lot 87, DP755751 to its most northerly corner.

Thence northerly by part of the western boundary of Lot 126, DP755751 to its north western corner. Thence westerly across a road. Thence westerly, northerly and easterly by the southern western and northern boundaries of Lot 95, DP755751 to a road, across that road, thence again easterly by the northern boundary of Lot 95 to a road and across that road to a point on the western boundary of Lot 53, DP755751. Thence northerly and easterly by the western and part of the northern boundary of Lot 53 to the south western corner of Lot 55, DP755751. Thence northerly by the western boundary of Lot 55 to Collins Creek Road. Thence across Collins Creek Road and again by the western boundary of Lot 55 to a road, across that road and again by the western boundary of Lot 55 to the north western corner of that Lot. Thence easterly and southerly by the northern and part of the eastern boundary of Lot 55 to a road, across that road and again southerly by the eastern boundary of Lot 55 to a road, across that road and thence again southerly by the eastern boundary of Lot 55 to a road. Thence easterly by the northern boundary of that road and the crest of The Bar Range to Bar Mountain. Thence due east by a line from the crest of the Bar Range to Bar Mountain. Thence due east by a line from the crest of Bar Mountain for approximately 1.1 kilometres to the Tweed Shire Boundary.

Thence generally northerly to north westerly following the Tweed Shire Boundary to a point where the Tweed Shire Boundary meets the QueenslandNew South Wales Border.

#### SCHEDULE B

##### Stock

Stock includes cattle, buffalo, horses (including all members of the family Equidae), sheep, goats, deer, camels (including all other camelids), antelopes and elephants.

---

#### SCHEDULE C

All that land in northern New South Wales bounded by the Cattle Tick Quarantine Line (referred to in Schedule A) and the New South Wales-Queensland Border.

RICHARD AMERY, M.P.,  
Minister For Agriculture

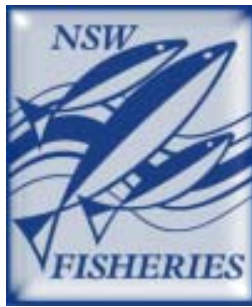
## NSW Fisheries

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# **Fishery Management Strategy for the Estuary Prawn Trawl Fishery**

**February 2003**





## **Fishery Management Strategy for the Estuary Prawn Trawl Fishery**

**Published in February 2003  
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The Fishery Management Strategy for the Estuary Prawn Trawl Fishery will be updated from time to time. Amendments will be made available on the NSW Fisheries website: [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au).

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## Abbreviations

ACCF	Advisory Council on Commercial Fishing
ACFC	Advisory Council on Fisheries Conservation
ACoRF	Advisory Council on Recreational Fishing
ADT	Administrative Decisions Tribunal
AFMA	Australian Fisheries Management Authority
AQIS	Australian Quarantine and Inspection Service
BRD	Bycatch reduction device
CAMBA	Agreement between Australia and the People's Republic of China for Protection of Migratory Birds and their Environment
COE	Certificate of Exemption
CPUE	Catch per unit effort
DLWC	Department of Land and Water Conservation
DUAP	Department of Urban Affairs and Planning (now Planning NSW)
EG	Estuary General
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMPMP	Emergency Marine Pest Management Plan
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	Environmental Protection Authority
EPBC Act	Environmental Protection and Biodiversity Act 1999
EPT	Estuary Prawn Trawl
ESD	Ecologically Sustainable Development
FAD	Fish aggregation device
FM Act	Fisheries Management Act 1994
FMS	Fishery Management Strategy
FP Act	Food Production (Safety) Act 1998
FRCAC	Fisheries Resources Conservation and Assessment Council
FRDC	Fisheries Research and Development Corporation
IMCRA	Interim Marine and Coastal Regionalisation for Australia
IPA	Intertidal protected area
JAMBA	Japan-Australia Agreement for the Protection of Migratory Birds, Birds in Danger of Extinction and their Environment
MAC	Management Advisory Committee
MPA	Marine Parks Authority
NCC	Nature Conservation Council
NPWS	National Parks and Wildlife Service
NRSMPA	National Representative System of Marine Protected Areas
NSW	New South Wales
NSWF	NSW Fisheries
Regulation	Fisheries Management (General) Regulation 1995
RFA	Recreational fishing area
RFO	Recognised Fishing Operation
RFG	Recognised fishing ground
RFR	Registered Fish Receiver
RRFR	Restricted Registered Fish Receiver
TAC	Total allowable catch
TCM	Total catchment management
TSC Act	Threatened Species Conservation Act 1995
WP Act	Wildlife Protection (Regulation of Exports and Imports) Act 1982

## Introduction to the Estuary Prawn Trawl FMS

### Background

In December 2000, the NSW Government made changes to the way fisheries are managed in NSW. These changes place increased emphasis on ensuring that fishing activities are environmentally sustainable.

The changes require the development of a fishery management strategy for each major commercial fishery, the recreational fishery, the charter boat fishery, fish stocking and for the beach safety program. They also require an assessment of the environmental impacts of those fishing activities.

### Estuaries of New South Wales

The Estuary Prawn Trawl Fishery operates in parts of four estuaries in NSW. Estuaries represent a 'mixing zone' between completely sheltered freshwaters and the open ocean. The forces driving this mixing include tides, wind, waves and river run-off, although the relative importance of each of these varies according to estuary type and location within the estuary.

There are at least 690 such water bodies joining the Tasman Sea along the New South Wales (NSW) seaboard (Williams *et al.*, 1998). The vast majority of these are very small and only intermittently open to the sea. Only 130 have a water area greater than 0.05 km<sup>2</sup>.

Most estuaries have been directly affected by works that have modified or reduced freshwater inflows, and most are surrounded by urban, industrial or agricultural developments that also impact on their ecosystems.

A wide range of competing activities take place in estuarine waters, and the Estuary Prawn Trawl Fishery is just one of these. Other activities undertaken in estuaries include other commercial fisheries such as the estuary general, recreational and charter boat fisheries, aquaculture and non-harvesting activities such as scuba diving and recreational boating.

### The Estuary Prawn Trawl Fishery

The Estuary Prawn Trawl Fishery is one of eight major commercial fisheries in New South Wales. It exploits the prawn stocks in NSW together with the ocean prawn trawl, estuary general and recreational fisheries. The prawn stocks are ranked first in value amongst the wild caught seafood resources managed solely by the State Government. Over the period from 1997/98 to 2000/2001 the Estuary Prawn Trawl Fishery contributed on average around 23% (501 tonnes) by weight and 19% (\$5 million)<sup>1</sup> by value to the production from prawns.

The Estuary Prawn Trawl Fishery is a single method fishery that operates in most cases over a defined season and in all cases in defined areas in four of the 130 major estuaries of NSW. It targets a single group of species, the prawns of the family Penaeidae and also squid in one of the four estuaries.

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<sup>1</sup> Unless otherwise stated, the information about annual landings and their value come from the catch statistics database of NSW Fisheries. Information about value is calculated by multiplying the landings recorded on fishers monthly return forms by the monthly price for species auctioned at the Sydney fish market.

In recent years fishers have reduced the volume of incidental species in their nets by using bycatch reduction devices.

The practice of trawling for prawns in NSW began in 1926 in Port Jackson and spread to four other estuaries in the 1940s. In 1984 a freeze on the issue of new boat licences was introduced and in 1988 the number of vessels operating in the Estuary Prawn Trawl Fishery was limited to 309 and vessels were in most cases restricted to one estuary. In March 1997 the Estuary Prawn Trawl Fishery, along with five other major commercial fisheries, was formally declared a restricted fishery<sup>2</sup> and the operators in the fishery were issued with 'endorsements' to replace their previous authorisations.

The *Fisheries Management Act 1994* was amended in December 2000 to create a new framework for commercial fisheries management called category 2 share management fisheries. The Estuary Prawn Trawl Fishery was declared a category 2 share management fishery in March 2001. While management arrangements have been in place in the fishery ever since its inception, never before have fishers had a long term secure access entitlement. The category 2 share management framework will provide 15 year shares in the fishery that are subject to statutory compensation if the fishery is closed within that time and the shares are cancelled. This provides commercial fishers with a greater incentive to ensure the fishery is sustainable in order to maintain or improve the value of their entitlements.

It is possible that, in the future, the fishery may become a category 1 share management fishery. It is intended that the management strategy will apply to the fishery whether it has category 1 or category 2 share management status.

## **The Fishery Management Strategy**

The fishery management strategy for the Estuary Prawn Trawl Fishery is much more than a collection of rules for the fishery. The strategy contains the goals and objectives for the fishery, a detailed description of the way the fishery operates, and describes the management framework for the future. It also outlines a program for monitoring the biological, social and economic performance of the fishery, establishes trigger points for the review of the strategy, and requires annual reporting on performance in order to ensure the objectives set out in the strategy are met. Where necessary information about the impacts of harvesting by other fishing sectors (such as recreational fishing) is also provided, however the rules contained in this fishery management strategy apply only to the Estuary Prawn Trawl Fishery. The rules applying to other fishing sectors are dealt with under separate management arrangements and are not the subject of this strategy.

The management advisory committee (MAC) for the Estuary Prawn Trawl Fishery provided significant input into the drafting of the strategy. Input into the draft strategy was also sought from all fishers endorsed in the Estuary Prawn Trawl Fishery, the Minister for Fisheries' advisory councils on fisheries conservation, recreational fishing and commercial fishing (which includes commercial fishers from other fisheries), and the Fisheries Resource Conservation and Assessment Council. Government agencies, such as Planning NSW and the Commonwealth's Environment Australia, have also been consulted throughout the drafting of the fishery management strategy.

An environmental impact statement was prepared for the Estuary Prawn Trawl Fishery in 2002. The EIS contained the draft fishery management strategy and an environmental assessment on

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<sup>2</sup> Under s.111 of the *Fisheries Management Act 1994*



the management rules and risk mitigation measures contained in the strategy. The structure of the EIS was based on guidelines issued by Planning NSW including an assessment of the likely biophysical, social and economic impacts of implementing the draft management strategy.

The EIS was on public exhibition between 2 March 2002 and 15 April 2002 inclusive. The EIS highlighted the importance of the Estuary Prawn Trawl Fishery to the community in terms of employment, supply of seafood to the community and economic benefits. The EIS concluded that the management rules proposed by the fishery management strategy provide for an appropriate allocation of the resource, and incorporate measures needed to address the various principles of ecologically sustainable development.

The Minister for Fisheries made a formal determination under the *Environmental Planning and Assessment Act 1979* on 5 November 2002 with respect to the Estuary Prawn Trawl Fishery, which in effect, allows the fishery to continue in accordance with the fishery management strategy. This process relieves estuary prawn trawl fishers of the requirement to undertake individual environmental assessments.

## 1. Relevant Legislation

### a) Objects of the *Fisheries Management Act 1994*

The *Fisheries Management Act 1994* (the FM Act) seeks to achieve ecologically sustainable development for the fisheries of NSW through the achievement of its stated objectives, which are:

To conserve, develop and share the fishery resources of the State for the benefit of present and future generations. In particular the objectives of the FM Act include:

- (a) *to conserve fish stocks and key fish habitats*
- (b) *to conserve threatened species, populations and ecological communities of fish and marine vegetation*
- (c) *to promote ecological sustainable development, including the conservation of biological diversity*

and, consistently with those objects:

- (d) *to promote viable commercial fishing and aquaculture industries*
- (e) *to promote quality recreational fishing opportunities*
- (f) *to appropriately share fisheries resources between the users of those resources*
- (g) *to provide social and economic benefits for the wider community of NSW.*

### i) Ecologically sustainable development

Ecologically sustainable development (ESD) has been defined under the National Strategy for ESD as “development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends”. It can be achieved through the implementation of the following principles and programs<sup>3</sup>:

- precautionary principle – if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- intra-generational equity – the benefits and costs of pursuing ESD strategies should be distributed as evenly as practicable within each generation
- inter-generational equity – the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations
- conservation of biological diversity and ecological integrity – conservation of biological diversity and ecological integrity should be a fundamental consideration
- improved valuation, pricing and incentive mechanisms – such as user pays and the use of incentive structures to promote efficiency in achieving environmental goals.

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<sup>3</sup> Adapted from section 6 (2) of the NSW *Protection of the Environmental Administration Act 1991*.

## **b) The NSW Environmental Planning and Assessment Act**

The evolution of the new environmental assessment process for commercial fisheries in NSW stems largely from a decision handed down by the Land and Environment Court in January 2000. The Court decided that the issuing of an individual commercial fishing licence had to meet the requirements of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). This meant that the environmental impacts of any authorised activities had to be assessed at the time the licence was issued or renewed.

It is widely accepted that in most cases the best way of assessing the impact of fishing activity is by considering the total impact of fishing, instead of the potentially minor impacts of individual fishers. The Government was concerned that requiring assessment for each individual licence would be an unnecessarily expensive and time consuming activity. Licensed fishers would have faced a high level of uncertainty and significant individual costs.

After thorough consultation with stakeholders, the Government decided that the best approach would be to assess the environmental impact of fishing activities at the fishery level. This provides the best approach for both our aquatic environment and stakeholders. The legislation was subsequently amended to provide for the development of fishery management strategies and the environmental assessment of those strategies.

## **c) The Commonwealth Environment Protection and Biodiversity Conservation Act**

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) makes it an offence for a person to undertake an action that has the potential to significantly impact on a matter of 'national environmental significance' without first obtaining a permit from the Commonwealth Minister for Environment and Heritage. Matters of 'national environmental significance' include: declared World Heritage areas; declared RAMSAR wetlands; listed threatened species and ecological communities; listed migratory species; listed marine species; nuclear actions; and the environment of Commonwealth marine areas. This management strategy details the controls to manage the impacts of the Estuary Prawn Trawl Fishery on such matters.

The EPBC Act was amended in January 2002 to incorporate the provisions of the Wildlife Protection Act (which was repealed at the same time). The new Part 13A of the EPBC Act has the effect of removing the previous blanket exemption from export controls for marine species. As a result, the export of all marine organisms will come under the controls of the FM Act and be subject to ecological sustainability assessments based on guidelines established by the Commonwealth to give time for those assessments to be made. The exemption will continue until 1 December 2003. Until then, current arrangements regarding export of marine species will remain in effect, that is, the export of most marine fish and the bulk of marine invertebrates will continue to be exempt from export controls under the Act.

If a fishery is not assessed as exempt, it will more than likely be able to continue to supply product for export through an approved wildlife trade operation (section 303FN) under the EPBC Act. These declarations will have conditions attached that will bring the management and operations of the fishery in line with the Commonwealth guidelines. Once declarations are made, exporters will need to apply for and obtain from Environment Australia a permit to export. The responsibility of

implementing the necessary changes to the fishery management arrangements will rest with the management authority.

#### **d) The NSW Marine Parks Act**

The NSW Government is using a systematic approach to identify sites for marine protected areas and to prioritise new areas for marine biodiversity conservation in NSW waters. There are three types of marine protected areas in NSW - large multiple-use marine parks, small aquatic reserves and the marine and estuarine components of national parks and nature reserves.

Marine parks aim to conserve biodiversity by protecting representative samples of the habitats in defined 'bioregions'. Zoning and operational plans are used to guide the protection of conservation values and manage activities that occur within the marine park. These are required for all marine parks and the zones clearly identify the conservation and management priorities within marine parks (MPA, 2000). Four zones are used in marine parks - sanctuary zones, habitat protection zones, general use zones and special purpose zones.

The *Marine Parks Act 1997* was introduced to provide for the declaration of marine parks in NSW. The objects of the Act are as follows:

- (a) *to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks*
- (b) *to maintain ecological processes in marine parks*
- (c) *where consistent with the preceding objects:*
  - (i) *to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks*
  - (ii) *to provide opportunities for public appreciation, understanding and enjoyment of marine parks.*

Consultation occurs with the community prior to the declaration of marine parks. Up to date information on the creation and zoning of marine parks in NSW waters is available on the Marine Park Authority website: [www.mpa.nsw.gov.au](http://www.mpa.nsw.gov.au)

While none of the estuaries managed as part of this management strategy for the Estuary Prawn Trawl Fishery are located within the boundaries of an existing marine park, fish are likely to move between the parks and these estuaries. Any recovery plans identified for species within the parks and whose life cycle is impacted upon by estuary prawn trawling, will be taken into account as part of the future management of the fishery.

#### **e) Share management plans**

##### **i) The role of a share management plan**

The FM Act requires that a share management plan be developed and implemented for each share management fishery. A share management plan for the Estuary Prawn Trawl Fishery will be prepared as part of the transition of the fishery to a full share management regime.

The primary role of a share management plan is to provide a legislative structure for the class or classes of shares and the rights of shareholders in a share management fishery. The share management plan also makes provision for a range of fishery specific controls to be formalised into a

regulation. Examples of these include the finfish and shellfish that may be taken, the areas for taking these fish, the times or periods during which the fishery may operate, the protection of fish habitats and animals, as well as the use of boats, fishing gear and bait in the fishery.

The share management plan for the Estuary Prawn Trawl Fishery may also bring into operation a number of controls in the fishery that are described in this management strategy. One example of this is the share forfeiture scheme referred to in the management strategy. Whilst the management strategy relies on the share forfeiture scheme as a compliance mechanism for creating an effective deterrent, the workings and provisions of the scheme will be included in the share management plan for the fishery.

A share management plan must include objectives and performance indicators which, for the Estuary Prawn Trawl Fishery, will be consistent with the goals and objectives of this management strategy. The share management plan must also specify at what point a review of the plan is required when a performance indicator is not being met. The review process to be included in the share management plan will complement the review process outlined in this management strategy. This will ensure that there is a robust review and reporting framework for the fishery that is underpinned by the provisions of the share management plan.

In addition to a review that may occur if a trigger point is breached, a share management plan for a category 2 share management fishery must also be subject to scheduled periodic review. In the case of the Estuary Prawn Trawl Fishery, shares are to be issued for an initial term of 15 years and a review of the management plan is to be conducted between years five and ten of that period.

## **ii) Transition to share management**

The Estuary Prawn Trawl Fishery is in the process of moving from being a restricted fishery (under section 111 of the FM Act) to a category 2 share management fishery. The progression to a share management regime is a staged implementation.

The fishery is first identified as a share management fishery by being included in Schedule 1 of the Act. Criteria for the allocation of shares are then determined and when the allocation formula has been decided, a public notice is published inviting applications for shares. Based on the criteria and applications received, provisional shares are issued.

After provisional shares are issued, a legal order is placed in the NSW Government Gazette signifying the commencement of the "limited access stage" of share management. Once the limited access stage commences a person must hold at least one provisional share in the fishery to be eligible to hold an endorsement. Throughout this stage, the fishery continues to operate under the regulations that applied to the restricted fishery.

Applications for appeals against the allocation of shares are lodged before the fishery is formally commenced. The Management Advisory Committee for the fishery and any other relevant commercial or recreational industry groups will be consulted on the proposed management plan. The management plan for the fishery is then put into regulation, final shares are issued and the fishery then commences as a full share management fishery.

## **iii) Changes to Regulations**

In the most part, the current regulations that apply to the Estuary Prawn Trawl Fishery appear in the *Fisheries Management (General) Regulation 2002*. The Regulation sets out the working

arrangements that underpin the provisions of the FM Act, and are made pursuant to that Act. For example, an offence appears in the Act for possessing prohibited size fish (section 16), however it is the Regulation that prescribes the fish species subject to size limits and what those size limits are (clause 7). Where it is necessary to introduce or change controls prior to the development and implementation of a share management plan for the fishery, changes to the Regulation will be made.

If a management plan for a fishery is inconsistent with any other regulation or fishing closure, the management plan prevails. Therefore, a share management plan is an appropriate tool that can be used to implement controls that are specific to the Estuary Prawn Trawl Fishery. The only occasion where a management plan does not prevail over another regulation is if a regulation specifically expresses that it is to have effect despite a management plan. An example of when this may occur is where a short-term closure may be introduced in response to an emergency.

## **2. Vision and Goals for the Fishery**

### **a) Fishery vision**

The long term vision for the Estuary Prawn Trawl Fishery is to have:

*A fishery that under the principles of ecological sustainable development is economically viable, using environmentally friendly fishing gear to provide fresh, high quality seafood and bait to the community.*

### **b) Fishery goals**

The goals that have been set for the fishery to assist in achieving this vision are:

1. To manage the Estuary Prawn Trawl Fishery in a manner that promotes the conservation of biological diversity in the estuarine environment
2. To maintain target and byproduct species harvested by the Estuary Prawn Trawl Fishery at sustainable levels
3. To promote the conservation of threatened species, populations and ecological communities associated with the operation of the Estuary Prawn Trawl Fishery
4. To appropriately share the resource and carry out fishing in a sustainable manner that minimises social impacts
5. To promote a viable commercial fishery (consistent with ecological sustainability)
6. To ensure cost-effective and efficient management and compliance in the Estuary Prawn Trawl Fishery
7. To improve the knowledge of the community about the operations and management of the Estuary Prawn Trawl Fishery
8. To improve the knowledge about the Estuary Prawn Trawl Fishery and the resources upon which the fishery relies.

### **3. Fishery Description**

#### **a) An Overview**

The Estuary Prawn Trawl Fishery uses otter trawl nets to target school and eastern king prawns and in the case of the fishery in the Hawkesbury River, also squid. Incidental catch containing byproduct and bycatch species occurs in this fishery. Bycatch reduction devices have helped reduce this impact in recent years. In addition, this management strategy incorporates rules to control the quantities of incidental species caught and byproduct species landed (see management responses 1.3a and 4.2c). There are 225 fishing entitlements to operate in the fishery held amongst 219 fishing businesses (as at September 2002).

The Estuary Prawn Trawl Fishery currently operates for defined seasons (with the exception of the Hawkesbury River) and within defined areas in four of the 130 significant coastal estuaries within NSW; namely the Clarence, Hunter and Hawkesbury Rivers, and Port Jackson. Table 1 provides a comparison between the Estuary Prawn Trawl Fishery and the eight other commercial fisheries in NSW.

**Table 1.** Overview of the major marine commercial fisheries in NSW.

Note : information is based upon statistics from 2000/2001.

(Source: Fletcher & McVea, 2000; Tanner & Liggins, 2000; NSW Fisheries Licensing database – March 2001)

	Estuary Prawn Trawl	Estuary General	Ocean Trap and Line	Ocean Prawn Trawl	Ocean Fish Trawl	Ocean Hauling	Lobster	Abalone
<b>Methods</b>	Otter trawl net	Handline, Trap, Hauling net, Mesh/gill net, Hand collecting	Demersal trap, Handline, Setline, Dropline, Lift net	Otter trawl net	Otter trawl net	Beach seine net, Purse seine net	Trap, pot	Diving (hookah)
<b>Species</b>	School prawn, King prawn, squid	Yellowfin bream, Dusky flathead, Sand whiting, Longfinned eels, Sea mullet, pipis	Snapper, Kingfish, Morwong, Spanner crabs, Silver trevally	King prawn, School prawn, Royal red prawn, Balmain bugs, Octopus	Silver trevally, Tiger flathead, Redfish	Sea mullet, Sea garfish, Luderick, Yellowtail, Pilchards	Rock lobster (eastern)	Black lip abalone
<b>Total catch in 2000-01 (t)</b>	569 t	5,043	1,742	3,411	1,171	3,462	105	305
<b>Est. value in 2000-01 (A\$m)</b>	4.1	18	10	32	4	6	4.5	15.2
<b>No. of authorised fishing businesses</b>	225	944	630	330	102	374	170	37
<b>Standard boat length (m)</b>	9	5	6-8	14	14	4	6-8	6
<b>General no. of unlicensed crew</b>	1	0*	0-1	2	2-3	0**	0-1	1

\* unlicensed crew permitted only when undertaking boat based prawn seining.

\*\* unlicensed crew permitted in some forms of boat based hauling.

## b) Extent of the Fishery

### i) Number of operators

As at September 2002 there were a total of 219 fishing businesses with estuary prawn trawl entitlements. Of these, six businesses have entitlements to trawl for prawns in more than one estuary. The total number of businesses authorised to operate in the Estuary Prawn Trawl Fishery will not increase under the strategy, but will most likely reduce depending on the type of effort control strategy implemented (see management response 2.3c in section 8 of this management strategy). The freeze on the issue of new boat licences will also remain under the strategy (see management response 2.3d in section 8 of this management strategy).

### ii) Activities endorsed in the fishery

There are five types of endorsements in this fishery, which, with the exception of the Clarence River, corresponds to one type of endorsement for each estuary. The endorsement is known as the



'estuary prawn trawl endorsement'. An endorsement authorises the fisher to use an otter trawl net (prawns) to take prawns for sale from the relevant estuary waters.

Fishing vessels used to take prawns in the Estuary Prawn Trawl Fishery are also subject to a particular set of boat licence conditions. These conditions (S2, S3, S4, S5 and S6) are used to restrict each vessel, when trawling, to one or more of the estuaries, or parts thereof, where prawn trawling is permitted.

**Table 2.** Classes of prawn trawl entitlements and number of endorsements (September 2002).

Estuary	Class of Entitlement	Number of Entitlements	
Clarence River	Access to Lake Wooloweyah and the Clarence River	S5	112
	Access to Lake Wooloweyah only	S6	2
Hunter River	S4	29	
Hawkesbury River	S3	61	
Port Jackson	S2	21	

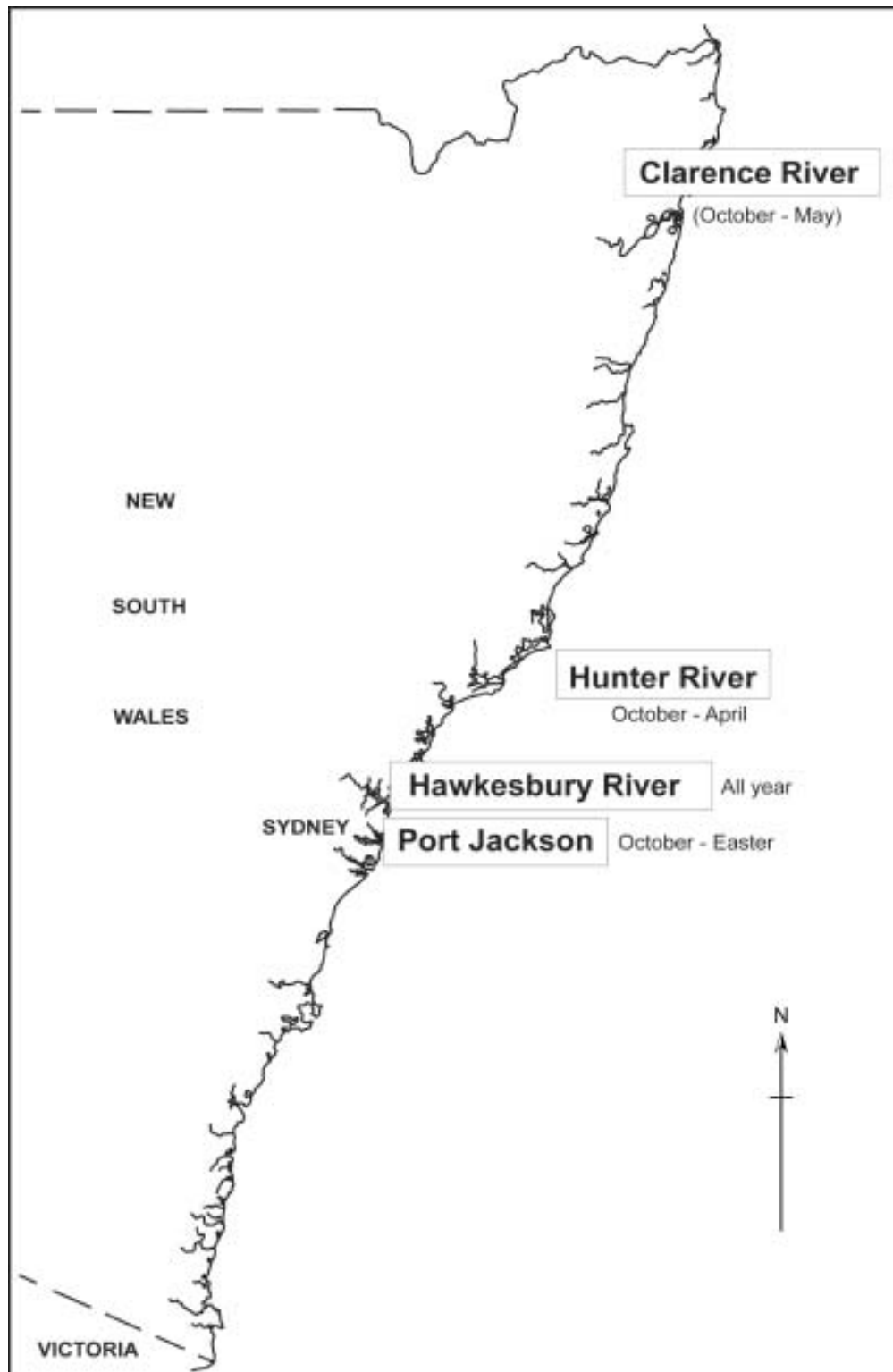
### iii) Overall catch levels and value

Annual reported landings by the Estuary Prawn Trawl Fishery in 1998/99, 1999/2000 and 2000/01 were 493, 527 and 469 tonnes respectively whilst the respective values of the fishery at the point of first sale were 3.97, 3.96 and 4.8 million dollars. Annual reported landings and value for the fishery in each estuary are discussed in section 10, whilst the patterns in landings for the target species and prominent byproduct species are detailed in the Environmental Impact Statement for the Estuary Prawn Trawl Fishery (NSW Fisheries, 2002).

### iv) Area of the fishery

Trawling for prawns is limited to four estuaries namely, the Clarence, Hunter and Hawkesbury Rivers and Port Jackson (see Figure 1). Each estuary in the Estuary Prawn Trawl Fishery is subject to separate management arrangements. The areas of operation in each estuary are described in section 10.

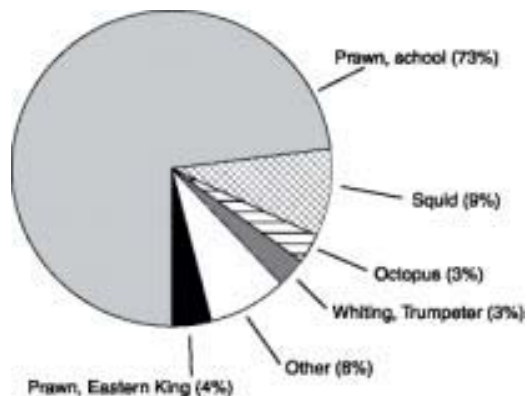
The overall area of the Estuary Prawn Trawl Fishery will not increase under the strategy, but will decrease as closures are implemented to protect environmentally sensitive areas including *Zostera* and *Posidonia* seagrasses (see management response 1.1f), and to prevent trawling over previously non-trawled areas within the overall area of the fishery (see management responses 1.2a & 1.2b).



**Figure 1.** Location of the four estuaries where the Estuary Prawn Trawl Fishery operates and the period when fishing is permitted. *Note: The periods when trawling is permitted may change from year to year.*

### c) Species

Species in the catch of the Estuary Prawn Trawl Fishery can be categorised into target, byproduct or bycatch. The target species in the Estuary Prawn Trawl Fishery are prawns and in the case of the Hawkesbury River, squid are also considered a target species (see Figure 2). The species caught other than the target species are referred to as the incidental species.



**Figure 2.** The mean proportion of the most abundant species in the annual reported landings for 1997-98 and 1998-99 of the Estuary Prawn Trawl Fishery.

The incidental species can be divided into the small number of non-target species that have always significantly contributed to the marketed catch of the fishery, referred to as byproduct species (see Table 4) and the discarded portion of the catch known as the bycatch. Also, the *Fisheries Management (General) Regulation 2002* provides for a review process to identify species that are threatened and warrant protection from either commercial fishing or all fishing sectors.

Many species taken in the Estuary Prawn Trawl Fishery are also taken in other NSW commercial fisheries, by other sector groups and by fisheries managed under the jurisdiction of the Commonwealth or other States. The FM Act establishes a system of advisory councils who provide advice to the Minister for Fisheries on cross-fishery management issues. NSW Fisheries' management and research staff will meet with adjacent jurisdictions to consider consistent management regimes for shared species and to discuss initiatives such as stock assessment, complimentary size limits, monitoring programs and recovery programs for overfished species. Cross jurisdictional collaboration has occurred often on an as-needed basis in the past, however, a more formalised approach to joint management will now be undertaken.

**Table 3.** The target species caught in each estuary of the EPT Fishery.

“Yes” signifies that the species is a target species in that estuary

“No” signifies that the species is not target species in that estuary

Common Name	Scientific Name	Estuary			
		Port Jackson	Hawkesbury River	Hunter River	Clarence River
Eastern king prawn	<i>Penaeus plebejus</i>	Yes	Yes	Yes	No
School prawn	<i>Metapenaeus macleayi</i>	No	Yes	Yes	Yes
Broad squid	<i>Photololigo etheridgei</i>	No	Yes	No	No
Bottle squid	<i>Loliolus noctiluca</i>	No	Yes	No	No

**i) Target species**

The target species in the Estuary Prawn Trawl Fishery are prawns, but the target species may vary between estuaries (see Table 3). An exception to this is the Hawkesbury River where squid are also recognised as a target species. Overall, the school prawn *Metapenaeus macleayi* contributes by far the most to the reported landings of the Estuary Prawn Trawl Fishery (see Figure 2), but these proportions depending on the estuary because of several reasons including changes in species diversity and abundance. Information about patterns in landings and catch rates for each species within each estuary of the fishery can be found in Appendix B5 of the EIS for the Estuary Prawn Trawl Fishery and will continually be monitored under the FMS (see management response 8.2a). A formal stock assessment on each target species will be undertaken within five years (see management response 2.1h).

An independent Total Allowable Catch Setting and Review Committee will determine the maximum level of effort that the NSW prawn stocks could sustain in connection with this fishery (see management response 2.3b). A meeting of stakeholders convened by NSW Fisheries will provide advice to the Minister for Fisheries on cross fisheries issues associated with the management of the prawn stocks including how the available prawn stocks should be shared between commercial fisheries and recreational fishers (see management response 4.2d).

If effort in the Estuary Prawn Trawl Fishery must be decreased this will be achieved by either reducing the number of operators in the fishery using minimum shareholding requirements, limiting the total number of days fishing within each estuary, or limiting the number of days fishing by each business based on past participation. If restructuring is the method used to reduce fishing effort, a determination will be made by the Minister, in consultation with the MAC, as to the number of operators that must be removed from each estuary.

Maximum counts will be introduced during 2003 for all species of prawn taken in the Estuary Prawn Trawl Fishery (see management response 2.1d). The introduction of counts will stop the taking, possession and sale of small prawns. A count is expressed as the number of prawns per half kilogram and is a relative measure of the size of prawns in a catch.

In the Hawkesbury River, squid is a target species. Current research by the University of Sydney will provide information on the optimal size of harvest for squid. This management strategy provides an 18 month timeframe for determining whether or not there is a need to introduce a legal minimum length for squid (see management response 2.1f). It also provides for a review of the exploitation status of squid (see management response 2.1b) and if the research shows that the level of exploitation of squid stocks is too high, then consideration would also be given to limiting fishing effort upon the stock consistent with management response 2.3c.

**ii) Byproduct species**

Byproduct species are those that are caught as part of the Estuary Prawn Trawl Fishery and which have significantly contributed traditionally to the marketed catch of the fishery. Whilst many species are caught in the Estuary Prawn Trawl Fishery (see Appendix B1 of the Estuary Prawn Trawl Fishery EIS), only the relative few listed in Table 4 will be permitted to be landed.

**Table 4.** The byproduct species permitted to be landed as part of the future management of the Estuary Prawn Trawl Fishery.

Note that not all species that were landed in previous years will be permitted to be landed under the management strategy for the fishery.

“Yes” signifies that the species is a by-product species in that estuary. “No” signifies that the species is not a by-product species in that estuary and therefore cannot be landed by fishers working this fishery. “Target” signifies that the species is a target species in that estuary.

Common Name	Scientific Name	Estuary			
		Port Jackson	Hawkesbury River	Hunter River	Clarence River
School prawn	<i>Metapenaeus macleayi</i>	Yes	Target	Target	Target
Eastern king prawn	<i>Penaeus plebejus</i>	Target	Target	Target	Yes
Greasyback prawn	<i>Metapenaeus bennettiae</i>	Yes	Yes	Yes	Yes
Tiger prawn	<i>Penaeus esculentus</i>	Yes	Yes	Yes	Yes
Trumpeter Whiting	<i>Sillago maculata</i>	Yes	Yes	No	Yes
Large-toothed flounder	<i>Pseudorhombus arsius</i>	Yes	Yes	No	No
Small-toothed flounder	<i>Pseudorhombus jenynsii</i>	Yes	Yes	No	No
Black sole	<i>Synaptura nigra</i>	No	Yes	No	No
Silverbidddy	<i>Gerres subfasciatus</i>	Yes	Yes	No	Yes
Striped trumpeter	<i>Pelates quadrilineatus</i>	Yes	Yes	No	No
Whitebait(glass fish) & sandy sprat	Clupeidae	No	Yes	No	No
Fork-tailed catfish	<i>Euristhmus lepturus</i>	Yes	Yes	No	Yes
Estuary catfish	<i>Cnidoglanis macrcephalus</i>	No	No	No	Yes
Striped catfish	<i>Plotosis lineatus</i>	Yes	Yes	No	Yes
John dory	<i>Zeus faber</i>	Yes	No	No	No
Bullseyes	<i>Pempherididae</i>	No	Yes	No	No
Hairtail	<i>Trichiurus lepturus</i>	No	Yes	No	No
Yellowtail	<i>Trachurus novaezelandiae</i>	No	Yes	No	No
Sand Crab	Portunidae	Yes	No	No	No
Blue swimmer crab	<i>Portunus pelagicus</i>	Yes	Yes	No	Yes
Mud crab	<i>Scylla serrata</i>	Yes	Yes	No	Yes
Octopus	ORDER OCTOPODA	Yes	Yes	No	No
Mantis shrimp	<i>Oratosquilla oratoria</i>	No	No	No	No
Mantis shrimp	<i>Erugosquilla grahami</i>	Yes	Yes	No	No
Mantis shrimp	<i>Harpisquilla harpex</i>	Yes	Yes	No	No
Arrow squid	<i>Nototodarus gouldi</i>	Yes	No	Yes	Yes
Broad squid	<i>Photololigo etheridgei</i>	Yes	Target	Yes	Yes
Slender squid	<i>Loligo sp.</i>	Yes	Target	Yes	Yes
Bottle squid	<i>Loliolus noctiluca</i>	Yes	Target	Yes	No
Bubble squid	<i>Eupyrnna stenodactyla</i>	Yes	Target	No	No
Candy-striped squid	<i>Sepioloidea lineolata</i>	Yes	Target	No	No
Southern calamari	<i>Sepioteuthis australis</i>	Yes	No	No	No

The management strategy limits the taking of byproduct in each estuary to those species historically taken within the estuary. The quantity of byproduct reported as taken in each estuary will be monitored (see management response 2.1a) and validated through an observer study (see management response 8.1a). Annual reported landings of byproduct will be limited to historical levels and proportional to the annual reported landings of target species (see management response 4.2c). This will prevent targeting and increased catches of byproduct species.

### iii) Bycatch species

Species that are considered to be of high commercial and recreational importance which are incidentally caught in the Estuary Prawn Trawl Fishery include sand whiting, yellowfin bream, tarwhine, snapper, leatherjacket, flathead, tailor, and mullet. Four strategies will be used to ensure that bycatch in the Estuary Prawn Trawl Fishery is minimised. These are:

1. the current prohibition against retaining fish that are subject to a size limit will remain under the management strategy (see management response 1.1a)
2. bycatch reduction devices will be improved to further reduce by catch (see management response 1.1b)
3. incidental catch ratios will be introduced to close areas where the abundance of incidental species is high (see management response 1.3a)
4. best-practice techniques will be used to minimise the impact of fishing activities on bycatch (see management response 1.1e).

Estuary prawn trawl fishers are attempting to minimise their catch of incidental species by incorporating within this management strategy the use of bycatch reduction devices, incidental catch ratios, limits on the quantities of annual reported landings of by-product species, "compliance audits", a compliance penalty points scheme and an observer program. Again, only species listed in Tables 3 and 4 can be retained for sale.

### iv) Size limits

Clause 34 of the *Fisheries Management (General) Regulation 2002* prescribes the species that may be retained after being taken in a prawn trawl net from estuarine waters. In summary, it is lawful for a fisher to retain species:

- that are not subject to a prohibited size class
- that are not protected (i.e. no prohibition against taking)
- crustaceans (other than lobsters) that are not of a prohibited size.

See Appendix B7 of the Environmental Impact Statement for the Estuary Prawn Trawl Fishery (NSW Fisheries, 2002) for further details on species with prohibited size classes.

In addition, under this management strategy fishers will be limited to taking the species prescribed in Tables 3 and 4 for the estuary in which they fish.

### v) Protected fish

The *Fisheries Management (General) Regulation 2002* identifies a number of species which are protected, either from commercial fishing, or fishing by all sectors.

Protected fish include:

Ballina Angelfish	Herbst nurse shark
Eastern blue devil fish	Black rock cod
Elegant wrasse	Weedy sea dragon
Estuary cod	Australian grayling
Giant Queensland groper	Eastern freshwater cod
Grey nurse shark	Trout cod
Great white shark	Macquarie perch
Green sawfish	

Fish protected from commercial fishing include:

Black, blue and striped marlin	Blue groper
Atlantic salmon	Silver perch
Australian bass	Brook, brown and rainbow trout
Eel-tailed catfish	Freshwater crayfish
Estuary perch	

Of the species which appear in the lists above, fishers in the Estuary Prawn Trawl Fishery are not likely to have any direct or indirect interaction with the majority of the species as a large percentage of them are freshwater and oceanic species (see Appendix F4 of Environmental Impact Statement for the Estuary Prawn Trawl Fishery – NSW Fisheries, 2002). Any interactions of the fishery on protected fish are more likely to be through incidental capture of Australian bass, estuary perch, giant Queensland groper and estuary cod. Anecdotal evidence indicates that Australian bass and estuary perch may be taken in numbers when a fresh or flood washes fish downstream into trawled areas where they are usually not found during the summer months. These species migrate downstream into estuarine areas to breed during the cooler winter months when estuaries (except the Hawkesbury River) are closed to trawling. Estuary cod and giant Queensland groper are captured far less frequently probably because they prefer rocky substrate and structures which are avoided by trawl fishers. Anecdotal evidence suggests that large specimens which inhabit deep holes at some locations may have been recaptured a number of times over the years and with proper care in returning them to the water survive these captures.

#### **vi) Interactions with threatened species and species of public concern**

Although interactions with threatened species have not been commonly recorded in this fishery, this management strategy contains three direct measures to obtain data on any such interactions. The first of these measures is to implement a scientific observer program, which will amongst other things, collect data on whether threatened or other species of concern are caught in the Estuary Prawn Trawl Fishery. The second measure is to modify the monthly catch return forms completed by commercial fishers to include information on threatened species. The third measure is the records of occurrence of threatened species during fishery independent surveys.

A number of management responses aimed at minimising impacts with threatened species also appear in section 8. These include using fishing closures, modifying gear and implementing the provisions of any threatened species recovery plans and threat abatement plans.

#### **vii) Status of species within the fishery**

The exploitation status of the target and byproduct species of the Estuary Prawn Trawl Fishery is shown in Table 6. NSW Fisheries uses a standard set of definitions for reporting the exploitation status of shellfish and finfish stocks across all commercial fisheries. Determinations about the status

of the stock are based upon available information which will vary between species but includes analyses of catch and effort information and where possible, formal stock analyses. Where it is known, an estimate of the catch of recreational fishers, charter boats, and other sectors are also taken into consideration. This reporting method uses terms as detailed in Table 5 to describe the stock status.

**Table 5.** Definitions used in determining exploitation status.

<b>Exploitation Status</b>	<b>Definition</b>
Under fished	The appraisal of a shellfish or finfish stock that suggests that the stock has the potential to sustain catches significantly higher than those currently being taken
Moderately fished	The stock is assessed to be fished at levels which would probably allow only limited increases in catches
Fully fished	The appraisal of a stock which suggests that current catches are sustainable and close to optimum levels (the definition of which may vary between fisheries; eg catches are close to maximum sustainable yield, or fishing effort is close to a biological reference point). In a fully fished fishery, significant increases in fishing effort above current levels may lead to overfishing
Over fished / Depleted	The appraisal suggests that current fishing levels may not be sustainable, and/or yields may be higher in the long term if the fishing level is reduced in the short term. This may be due to recruitment overfishing, growth overfishing and/or as a result of habitat degradation.
Uncertain	There is little or no information about the status of this stock (eg. no catch data or only very recent catch data)
Unknown	The only information about the status of this stock is long term fishery dependant catch data

While eastern king and school prawn are categorised in Table 6 as “fully fished” they may be changed in the next review of the fisheries resources of NSW to overfished. This management strategy has taken a precautionary approach to the determination of the status of eastern king and school prawn resources by introducing several management responses that would be implemented if the species were considered as growth overfished (see section 3(c) and section 8).

In addition the squid resources show a pattern in annual reported landings that requires an explanation. Accordingly this management strategy provides a management response to review the status of the stock(s) of squid and to collect the basic information needed to review the exploitation status of this resource (see management response 2.1b).

There are also several byproduct species that, under section 9 of the management strategy, set off the “one year trigger” and so would require a review of the exploitation and management of this species. The management strategy has already addressed this by implementing management responses to:

- (a) limit the landings of byproduct species (see management response 4.2c)
- (b) temporarily close areas when the abundance of incidental species is considered too great (see management response 1.3a), and
- (c) introduce improved BRDs into the fishery (see management response 1.1b).



**Table 6.** Exploitation status and related information for target and byproduct species in the Estuary Prawn Trawl Fishery.

Common Name	Exploitation Status	Target or Byproduct	Targeted by other Commercial Fisheries	Stage in Lifecycle when Harvested
School prawns <sup>1</sup>	Fully Fished	Target	estuary general fishery ocean prawn trawl fishery Queensland	Sub-adult
Eastern king prawns <sup>2</sup>	Fully Fished	Target	estuary general fishery ocean prawn trawl fishery Queensland	Juvenile to sub-adult
Greasyback prawns	Unknown	Byproduct	estuary general fishery ocean prawn trawl fishery Queensland	Juvenile to adult
Tiger prawns	Unknown	Byproduct	estuary general fishery ocean prawn trawl fishery Queensland	Juvenile to adult
Blue swimmer crab	Unknown	Byproduct	estuary general fishery ocean prawn trawl fishery Queensland	Juvenile to adult
Mud crab	Unknown	Byproduct	estuary general fishery Queensland	Juvenile to adult
Squid (at least five species)	Unknown	Target and Byproduct	estuary general fishery ocean prawn trawl fishery ocean fish trawl fishery Victoria	Juvenile to adult
Mantis shrimp (at least three species)	Unknown	Byproduct	–	Unknown
Octopus (at least three species)	Unknown	Byproduct	ocean prawn trawl fishery Victoria	Juvenile to adult
Trumpeter whiting	Unknown	Byproduct	estuary general fishery Queensland	Juvenile to adult
Flounder (at least two species)	Unknown	Byproduct	ocean fish trawl fishery	Unknown
Silver biddy	Unknown	Byproduct	estuary general fishery	Unknown
Sole (black)	Unknown	Byproduct	–	Unknown
Trumpeter	Unknown	Byproduct	–	Unknown
Whitebait (at least two species)	Unknown	Byproduct	–	Juvenile to adult
Catfish (at least three species)	Unknown	Byproduct	–	Juvenile to adult
Yellowtail	Fully Fished	Byproduct	ocean hauling fishery estuary general fishery Commonwealth	Juvenile to adult
Dory, john	Unknown	Byproduct	offshore fish trawl fishery	Juvenile to adult
Crab, sand	Unknown	Byproduct	estuary general fishery ocean prawn trawl fishery Queensland	Juvenile to adult
Bullseye (at least two species).	Unknown	Byproduct	ocean prawn trawl fishery	Unknown

1 See (Montgomery 2000).

2 See (Glaister *et al* 1990; Gordon *et al* 1995; and Montgomery 2000).

### **viii) Overfished species**

If a species taken in this fishery is determined as 'overfished', this management strategy requires the implementation of, or assistance in developing, a recovery program for that species (see objective 2.6 and related management responses in section 8). A recovery program must include a description of the actions proposed to return to acceptable levels those parameter(s) which have led to the determination of the species being overfished. The recovery program will also set out a timeframe for that process and may specify further appropriate action should recovery targets not be met.

#### ***Definitions of overfished status***

There are two types of overfishing, both of which, when detected, require management action. "Growth overfishing" occurs when individual fish are typically harvested under the size that takes best advantage of the species growth in relation to expected natural mortality. "Recruitment overfishing" can be far more serious and occurs when fishing pressure has reduced the ability of a stock to replenish itself. It is important to note that the two types of overfishing are not mutually exclusive.

#### ***Designating a species as overfished***

The information needed to clearly determine that a species has been growth overfished is more likely to be available than the information needed to detect recruitment overfishing. Most formal definitions of recruitment overfishing are determined on the basis of an understanding of relative rates of fishing mortality, population growth and population biomass, as well as the relationship between spawners and recruitment (e.g. Hilborn and Walters, 1992). Even the most thoroughly studied species in NSW may not have relevant information on all those topics.

NSW Fisheries will consider advice from fisheries scientists as part of the annual assessment of the status of shellfish and finfish stocks in NSW. That advice could come as results of internal research become available, or from other agencies or institutions doing research relevant to the assessment of species harvested in NSW. If a species is the subject of a formal stock assessment process, the indication of overfishing is likely to come from having some performance indicator outside acceptable parameters.

A stock that has had sufficient fishing mortality to cause a reduction in recruitment requires effective rehabilitation. However, information that clearly demonstrates that a species' recruitment has been impacted by fishing is difficult and expensive to collect, and likely to be rare. Management responses will need to be precautionary and are likely to draw inference from reported landings and catch composition, rather than from direct measurements of recruitment. For example, rapid declines in reported landings (especially when the species is targeted in a spawning aggregation), decreases in average size or missing size and/or age class compositions are all indicative of potential problems with recruitment.

When new information that is likely to change the present status of a species is received by NSW Fisheries, NSW Fisheries' scientists will review the status determination for that species against the criteria specified in Table 5 and report on the updated status in the annual report "Status of Fisheries Resources". If a species is designated as overfished, a recovery program involving all harvest sectors will be developed.

### ***Appropriate management responses for different types of overfishing***

Growth overfishing generally implies the productivity of a stock is being mismanaged by harvesting animals at too small a size, or young an age. Fish stocks that are growth overfished are not necessarily in danger of imminent collapse and populations can be growth overfished and still be stable. However, growth overfishing may increase the risk to the population of subsequent recruitment failure arising from increased fishing pressure or external factors. The typical and most appropriate response to growth overfishing is to increase the average size at first harvest. This is commonly done by imposing a minimum size limit or increasing an existing one. The efficacy of such a response depends largely on the methods of capture and whether the selectivity of those methods can be appropriately altered to match the new size limit, otherwise wasteful discarding can occur. Careful thought must be given to changing size limits where there are problems in adjusting the selectivity of the primary fishing methods for that species.

Recovery programs for species suspected of having depressed recruitment due to overfishing must include strong precautionary action. Actions could include (but may not be limited to) temporary fishery closures or caps on either catch or fishing effort. Recovery programs for recruitment overfished species may also include changes to the monitoring program for that species and/or require targeted research to improve the assessment of risk to the species in critical areas.

Montgomery (2000) used available information to show that school and eastern king prawns were being captured at sizes smaller than that which optimised biological yield per recruit. The assessment fell short of categorising this as growth overfishing because of the preliminary nature of the analyses, low level of precision about some population parameters and insufficient information about the sizes of prawns caught by all harvesting sectors for prawns.

Considering the results presented by Montgomery (2000), a precautionary approach has been taken in the management strategy which contains several management responses to address the likelihood of growth overfishing, namely:

- (a) modifying fishing gear to reduce the capture of prawns of non-marketable quality (see management response 1.1c).
- (b) protecting areas of key habitat (see management responses 1.1f and 1.2a)
- (c) implementing a legal minimum size in the form of a count of prawns to the half kilogram (see management responses 2.1d,e,g and 5.1a)
- (d) conserving the spawning stock (see management response 2.2a)
- (e) using a meeting of diverse stakeholders convened by NSW Fisheries to discuss the management issues that are relevant to more than one fishery (see management response 4.2d)
- (f) using the Total Allowable Catch Setting and Review Committee to determine levels of fishing effort on prawn resources across each commercial fishery (see management response 2.3b).

In addition, objective 2.6 in section 8 provides a mechanism for the fishery to participate in the recovery of overfished species. The objective has three major management responses as set out below, and the most appropriate management response for the fishery to adopt will be dependent upon the levels of reported landings relative to other fisheries. The three management responses for objective 2.6 are:

- (a) where the fishery is a major harvester of an overfished species, develop and implement a recovery program for the species within a specified timeframe
- (b) where the fishery is a minor harvester of an overfished species, contribute to the development of a recovery program for the species and adopt any measures required by that plan
- (c) during the period of development of a recovery program for a species that has been determined as being recruitment overfished, implement precautionary actions including, but not limited to, any of the following:
- total harvest controls
  - reductions in effort associated with the harvest of the species
  - the implementation of fishing closures
  - bycatch management provisions
  - mandatory gear changes.

## d) Gear used in the fishery

### i) Prawn nets

An endorsement in the fishery allows a commercial fisher to use an otter trawl net to target prawns (and also squid in the Hawkesbury River) in estuarine waters. A trawl net is a funnel of net towed along close to the seabed (Figure 3). The net to be used is restricted by the definition of an otter trawl net for prawns under the *Fisheries Management (General) Regulation 2002* (see Appendix 1).

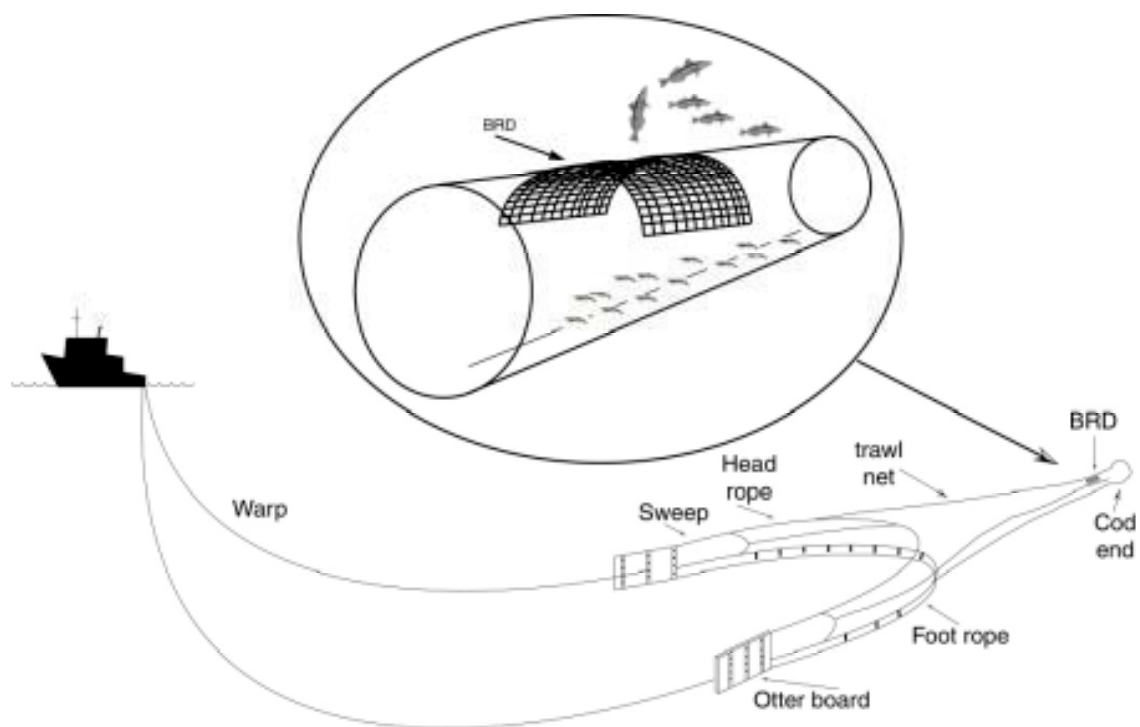
Restrictions apply to the size of mesh that may be used in the net (see Table 7). The amount of net (i.e. headline length) and number of nets that may be towed behind the vessel is also restricted to limit fishing effort (see Table 7). Although two nets may be used in Broken Bay (Hawkesbury River) and Port Jackson almost all vessels only use one net. In the Clarence River most trawlers use two nets.

**Table 7.** Summary of the characteristics of the nets permitted in each estuary.

Characteristic	Estuary			
	Clarence River	Hunter River	Hawkesbury River	Port Jackson
Mesh size of net (mm)	40-60	40-60	40-60	40-60
Mesh size of codend (mm)	40-50	40-50	40-50	40-50
Maximum number of nets	2	1	2 (Broken Bay) 1 (Other)	2
Maximum headline length (m)	7.5m each net (if twin gear) 11m (if single gear)	11	11	11
BRD	Yes	Yes	Yes (see below)	Yes

All prawn trawl nets, except for those used in Broken Bay (Hawkesbury River), must be fitted with a BRD that has been approved for use in the fishery (see Table 8). A description of the BRDs used in the Estuary Prawn Trawl Fishery is given in Appendix 2.

Bycatch reduction devices have not yet been introduced in Broken Bay because the devices presently used would severely reduce catches of squid. A joint research project involving fishers, NSW Fisheries and University of Sydney is currently underway on the Hawkesbury River squid fishery which, amongst other things, aims to develop gear to minimise incidental catch without reducing squid catch.



**Figure 3.** Diagram of an otter trawl net used in the Estuary Prawn Trawl Fishery.

The major components of the net are shown in the bottom of the figure. “BRD” refers to bycatch reduction device located near the codend.

**Table 8.** Bycatch reduction devices (BRDs) approved for use in each estuary.

Estuary	BRD
Clarence River	1. Composite square mesh panel 2. Blubber chute 3. Nordmore grid 4. Quality Clarence panel 5. Diamond BRD 6. Modified Nordmore grid
Hunter River	1. Composite square mesh panel 2. Blubber chute 3. Nordmore grid 4. Quality Clarence panel
Hawkesbury River	1. Composite square mesh pane 2. Blubber chute 3. Nordmore grid 4. Quality Clarence panel 5. Hawkesbury square mesh panel
Port Jackson	1. Port Jackson screen 2. Blubber chute 3. Nordmore grid 4. Composite square mesh panel

The current gear restrictions will remain under the management strategy (see management responses 1.1a) unless: more effective BRDs are introduced (see management response 1.1b), nets are modified to minimise the capture of target and byproduct species of non-marketable quality (see management response 1.1c), or a new net is developed to selectively harvest squid or gear is to be modified under a recovery program for an overfished stock (see management response 2.6c).

## ii) Boats used in the fishery

Vessels used in the Estuary Prawn Trawl Fishery are of both planning and displacement hull designs. Some of these vessels are also used to fish in other fisheries such as the Ocean Prawn Trawl, Estuary General and Ocean Trap and Line fisheries, hence the large range of in vessel length and power. The characteristics of the fleet within each estuary are summarised in Table 9.

**Table 9.** Summary of general characteristics of vessels used in the Estuary Prawn Trawl Fishery in each estuary.

Characteristic	Parameter	Estuary			
		Clarence River	Hunter River	Hawkesbury River	Port Jackson
Hull design	Displacement or planing	Both	Both	Both	Displacement
Length (m)	Range	4.3-17.2	6.2-13.1	4.7-15.7	5.6-9.2
	Average	9.9	8.6	8	8
Engine power (kW)	Range	6.3-269	30-134	20.1-165.5	22.4-156.6
	Average	97.12	71.73	81.12	77.78

## **e) Interaction with other designated fishing activities**

Various fisheries catch prawns at different stages in the prawn life cycle. It is important therefore to carefully balance the exploitation relationships between the fisheries that harvest the resource. School prawns have a life span of approximately 12 to 18 months, and eastern king prawns of between one and two years, possibly even three years. Prawns spawn at sea, and their larvae enter estuaries where they grow to adolescents before migrating back to ocean waters prior to spawning. The three commercial fisheries and recreational fisheries that harvest school and eastern king prawns are therefore fishing the same stocks of prawns, and consequently rely upon management measures in each others fisheries to be responsible for sustaining the resource rather than a particular fishery.

### **i) NSW commercial fisheries**

The ocean prawn trawl fishery relies upon the estuary general fishery and Estuary Prawn Trawl Fishery to let sufficient numbers of prawns to escape from estuaries to provide economical numbers of prawns to catch in ocean waters. Conversely, the estuary general fishery and Estuary Prawn Trawl Fishery rely upon the ocean prawn trawl fishery to leave sufficient spawners to produce enough recruits to make fishing for prawns economically viable in the estuaries. For the same economic reasons the estuary general and estuary prawn trawl fishers rely upon one another to leave prawns that are too small to capture. A summary of the relative reported landings between fisheries for school and eastern king prawns and other key species in the Estuary Prawn Trawl Fishery can be found in Appendix B5 of the Environmental Impact Statement for the Estuary Prawn Trawl Fishery.

The over-riding consideration is that sufficient numbers of prawns escape the fishing process to sustain the population. To achieve these goals representatives from the three commercial fisheries, the recreational fishery and conservation groups sometimes meet to develop common management measures directed toward sustaining the populations of prawns.

There is also considerable overlap between fishers who operate in the Estuary Prawn Trawl Fishery and other commercial fisheries, particularly the Estuary General and Ocean Prawn Trawl fisheries. As of September 2002, 141 estuary prawn trawl endorsement holders were also endorsed to operate in the Estuary General Fishery and 73 also have endorsements in the Ocean Prawn Trawl Fishery. There are 39 fishers endorsed to operate in all three of these fisheries. Other commercial fisheries in which estuary prawn trawl endorsement holders also hold endorsements; lobster (six), ocean fish trawl (five), ocean hauling (22) and ocean trap and line (26).

The Estuary Prawn Trawl Fishery may catch species other than prawns that are primary or secondary species of the Estuary General, Ocean Hauling and/or other line and trap fisheries. The catch of these species by the Estuary Prawn Trawl Fishery is minimised through the use of bycatch reduction devices, legal minimum lengths and, in some cases, counts of individuals of a species in the catch. Additionally, the management strategy includes rules for bycatch ratios (management response 1.3a) and byproduct limits (management response 4.2c).

### **ii) Recreational fishery**

A high level of competition (for principally finfish and fishing areas) over the years between the commercial sector and recreational sector has resulted in a substantial level of ongoing conflict between these groups. Many of the closures with respect to commercial fishing in estuaries have been introduced (many as industry initiatives) to resolve long standing conflict issues.

Recreational fishers harvest school and eastern king prawns in estuarine waters with the use of hand hauled prawn nets, push or scissor nets and dip or scoop nets. There is very little competition between commercial fishers in the Estuary Prawn Trawl Fishery and recreational fishers for prawns in the estuaries within which the fishery takes place. Notwithstanding this, recreational fishers are significant harvesters of prawns in some estuaries in NSW (Montgomery and Reid, 1995) and overall contribute around 5% by weight to the total reported landings of prawns in NSW (confirmed by the results of the National Recreational and Indigenous Fishing Survey completed in 2002).

The main conflict between the Estuary Prawn Trawl Fishery and the recreational fishing sector comes from recreational fishers concerns about the incidental catch of the prawn trawl fishery. This incidental catch contains some species which are targeted by recreational fishers including; sand whiting, yellowfin bream, tarwhine, snapper, leatherjacket, flounder, flathead, tailor, bass, estuary perch, and mullocky. These species occur in estuaries for varying times as both juveniles and adults and with the exception of bass and estuary perch are caught primarily in the juvenile stages by the Estuary Prawn Trawl Fishery.

### **iii) Charter boat fishing**

The marine and estuarine charter fishing industry was restricted in 2000 when eligible vessels became licensed under the FM Act. Since licensing arrangements commenced, operators have been required to enter logbook returns, detailing the catch taken on board the vessel during charter activities, as part of a compulsory monitoring program. A separate logbook exists for estuarine charter fishing operations so the catch taken in estuarine waters by charter fishing operations can be identified. In August 2002, 195 charter boats were authorised to operate in estuarine waters.

Logbook returns entered to date indicate that one third of the fish taken during estuarine charter fishing activities are returned to the water. The retained catch from estuarine charter operations is dominated by dusky flathead, bream, tailor, sand whiting and luderick (charter boat monitoring program database, 2002). All of these species are bycatch in the Estuary Prawn Trawl Fishery and can not be retained for sale.

### **iv) Other designated fishing activities**

#### ***Beach safety (shark meshing) program***

There is negligible interaction between the Estuary Prawn Trawl Fishery and the beach safety program which occurs in ocean waters.

#### ***Fish stocking***

There is minimal interaction between the Estuary Prawn Trawl Fishery and fish stocking as stocking programs predominantly take place in freshwater areas including lakes and impoundments. Australian bass is generally the only stocked species that moves into the upper reaches of estuarine waters at certain times of the year. Australian bass are protected from commercial fishing.



## **4. Management Controls and Administration**

### **a) Limited entry**

As discussed in 1(e) of this management strategy, the Estuary Prawn Trawl Fishery is in the process of moving from a restricted fishery regime to a share management fishery regime. Access to the fishery is limited to the owners of vessels with an existing endorsement in the restricted fishery and, in future, will be limited to the holders of shares in the share management fishery (subject to the share management plan).

### **b) Licensing arrangements**

There are two broad types of fishery management controls, known as input controls and output controls. Input controls limit the amount of effort commercial fishers put into their fishing activities, indirectly controlling the amount of fish caught. They need to continually be modified in response to increases in fishing effort usually caused by advances in fishing technology.

The Estuary Prawn Trawl Fishery in NSW is managed predominantly by input controls. The following section sets out the controls that have common limitations to all estuaries.

#### **i) Commercial fishing licences**

A commercial fishing licence is required by an individual before she/he can take fish for sale or be in possession of commercial fishing gear in or adjacent to waters. The licence only authorises activities that are covered by endorsements issued in respect of each part of a fishery and specified on the licence.

Generally speaking, commercial fishing licences are currently available to persons who held a licence immediately prior to the commencement of the *Fisheries Management Act 1994*, or owners of recognised fishing operations (RFOs). An RFO is a fishing business that has a minimum level of past participation (validated catch history) in the fishery or a particular type of fishing entitlement. Businesses allocated an estuary prawn trawl endorsement fall into the latter category and are automatically granted RFO status. The RFO policy was introduced via the Licensing Policy issued by NSW Fisheries in June 1994. The provisions in this management strategy will supersede the relevant provisions of the Licensing Policy as they are implemented.

A commercial fishing licence may also be issued to an individual who is the holder of shares in a share management fishery. This will become the more relevant requirement as the Estuary Prawn Trawl Fishery moves to category 2 share management.

Because estuary prawn trawl fishing businesses are automatically granted RFO status and a new owner is automatically issued an entitlement to access the fishery it has not been possible in this fishery to ensure that active effort has been replaced by the new fishing business owner. In a share management fishery, minimum shareholdings may be used to restructure and consolidate estuary prawn trawl fishing businesses. During the development of this management strategy there has been support from the Estuary Prawn Trawl MAC for a structural adjustment program to better manage fishing effort and to maintain or improve the economic viability of fishers.

The eligibility to hold endorsements on a commercial fishing licence in a category 2 share management fishery is based on the shareholder holding the minimum number of shares specified in

the share management plan for the fishery. Different minimum share holdings may apply to each endorsement of each estuary in the fishery, or both.

Section 8 of this management strategy includes a number of principles that will be adopted with respect to setting minimum shareholdings in the management plan. The principles relate to having a minimum shareholding at the fishing business level (taking into account shares in other fisheries) for new entrants to the fishery, and at the endorsement and estuary level to ensure that the number of endorsements available for use at any one time does not exceed the historic and sustainable levels of activity in the fishery.

It must be recognised that any application of minimum shareholdings in the Estuary Prawn Trawl Fishery is a long-term approach to restructuring fishing effort. Unless there is a direct link between shareholdings and fishing effort, other management tools (particularly closures) will be needed to achieve any required short term changes in fishing effort or practices.

### ***Skipper policy***

In addition to fishing business owners, there are two types of licensed skippers that can operate in the Estuary Prawn Trawl Fishery; general skippers and employee skippers. Skipper endorsements are held by:

- licensed persons who were part owners of a fishing business in 1996 and held entitlements in the Estuary Prawn Trawl Fishery or other boat based fisheries
- licensed persons who were operating as employed skippers for other fishing business owners in 1996.

### ***Provision for unlicensed crew***

The holder of a commercial fishing licence or fishing boat licence endorsed in the Estuary Prawn Trawl Fishery may also apply for an authorisation to employ unlicensed crew (commonly referred to as a "block licence") or may employ a person who themselves are registered as crew. A fee for each applies.

A licensed fisher employing crew must maintain records about her/his crew. Information relating to crew must be recorded on the mandatory catch and effort return submitted by the licence holder.

## **ii) Fishing boat licensing**

In addition to each fisher requiring a commercial fishing licence, every fishing boat used in connection with estuary prawn trawling must also be licensed. There has been a cap on the total number of fishing boat licences since 1984 (includes boats used in all fisheries).

## **iii) Renewal of licences**

Commercial fishing licences and fishing boat licences must currently be renewed annually. Fishers are sent renewal application forms approximately one month before the expiry date on the licence. If a commercial fishing licence is not renewed within 60 days of the expiry date on the licence, the renewal application is taken to be an application for a new licence. Additional fees apply to late renewal applications.

### ***Abeyance period for fishing boat licences***

Fishing boat licences can be held in abeyance for a period of up to two years from the date of expiry of the licence or when advised in writing by the owner. Fishing boat licence fees are not payable during the period of abeyance, but the full amount due is payable if the licence is reinstated within the two years specified.

#### **iv) Appeal mechanisms**

Fishers may lodge an appeal to the Administrative Decisions Tribunal (ADT) against a decision to refuse to issue or renew, suspend, cancel or place conditions on a commercial fishing licence (or an endorsement on that licence) or a fishing boat licence.

The main role of the ADT is to review administrative decisions of New South Wales government agencies. To lodge an appeal with the ADT, a request must first be made to NSW Fisheries for an internal review of the decision, then a written application should be lodged with the ADT no more than 28 days after the internal review was finalised.

The ADT can make various orders concerning an appeal application including:

- upholding the original decision
- reversing the decision completely or in part
- substituting a new decision for the original decision
- ordering the agency to reconsider the decision in light of the ruling.

For further information, refer to the *Administrative Decisions Tribunal Act 1997* or the following website: <http://www.lawlink.nsw.gov.au/>

#### **v) Nomination policy**

Upon the introduction of the restricted fishery regime, allowance was made for the endorsements of a fishing business to be nominated to a person. This was necessary due to some fishing businesses being held in company or partnership names and because fishing licences can only be issued to natural persons. Under that nomination policy, if the owner of a fishing business was eligible for an endorsement in the Estuary Prawn Trawl Fishery, the owner could nominate another person to take fish on behalf of the business. If a person nominated another fisher to take fish on their behalf, that person forwent her/his right to fish (under all endorsements) while the nomination was active.

To avoid instances where relatively inactive fishers can use the nomination provision to 'pass' their entitlements to a new entrant (who may fish more intensively in the fishery) or to a person who operates in a less responsible way because they do not have the same long term interest in the fishery, this management strategy ceases the approval of new nominations (unless under extenuating circumstances, such as death or serious illness). In the case where a person owns two fishing businesses, then a nominated skipper can continue for one business.

The management strategy does, however, make provision for the share management plan to specify circumstances under which future nominations will be authorised in the Estuary Prawn Trawl Fishery, provided the Minister for Fisheries is satisfied that those provisions will not lead to significant increases in fishing effort. For example, applying a 'past participation' criteria could ensure that nominations can occur without the reactivation of latent effort.

## **vi) Training licences**

Licences are available to eligible persons for the purposes of training a new entrant to the commercial fishing industry. There are two types of training licences available.

**Trainer's licence:** The seller of a fishing business may apply to continue to hold his/her fishing licence for up to one year to work with the purchaser of the fishing business for the purpose of training the new entrant. Licence conditions apply and the trainer must surrender his/her licence at the end of the one year period unless a further recognised fishing operation (RFO) [or relevant number of shares specified in the share management plan] is acquired.

**Trainee's licence:** Within six months of acquiring an RFO a new entrant may request that the RFO be placed in abeyance whilst they gain skills working with an experienced fisher. This arrangement may apply for a period of up to two years. The methods and areas that the new entrant may work are limited to those authorised by the new entrant's fishing business.

This policy complements the provision within this management strategy to implement a new entrant training program, such that only new entrants who have successfully participated in the program will be entitled to hold an endorsement to begin working in the fishery.

## **c) Net registration**

The prawn trawl nets used in the Estuary Prawn Trawl Fishery do not need to be registered as required for other gear types under the *Fisheries Management Act 1994*.

## **d) Controls on fishing gear and boats**

Detailed restrictions relating to the dimensions of fishing gear, including the use of prawn nets, are legislated in the *Fisheries Management (General) Regulation 2002* and discussed in more detail in Section 3(d) (see also Appendix 1). The current regulations relevant to the Estuary Prawn Trawl Fishery will continue, subject to any changes necessary to implement the management strategy.

To prevent significant increases in the size and therefore efficiency of vessels in the fishery, a boat replacement policy applies. The applicability of the policy to prawn trawlers in each estuary within the fishery is described in Section 10 of this management strategy.

Additionally, a provision allowing fishers to temporarily replace their fishing boats with smaller boats for up to two years applies. During the two year period, a permanent boat replacement must be made with respect to the original boat.

## **e) Transfer policies**

### **i) Transfer of licensed fishing boats**

All licensed fishing boats that are authorised for prawn trawling in estuarine waters are classified as "boat history" vessels, whereby the validated, historic reported landings associated with the vessel is transferred whenever the fishing boat licence is transferred. The fishing boat licences for vessels in this fishery cannot be transferred separate to the remainder of the fishing business.

Any transfer of a fishing boat licence must first be approved by the Director, NSW Fisheries.

## **ii) Transfer of fishing business entitlements**

Commercial fishing licences and endorsements to participate in a fishery are not freely transferable. Currently, commercial fishing licences and endorsements only become available to a new entrant under guidelines issued by the Director of Fisheries.

Under the Licensing Policy, fishing businesses must be sold as an entire package (ie. the catch history or endorsements cannot be split). Proposals regarded as licence splitting, or contrary to the intention of the Licensing Policy are generally not approved. Variations to the licence splitting policy are provided on a case by case basis where there are demonstrable extenuating circumstances and where there are no net increases in fishing effort as a result.

While it is likely that shares will be able to be traded more freely between shareholders under the share management scheme, minimum shareholding may apply upon transfer of a business and restrictions will be included to prevent an increase in the number of entitlements in the fishery.

Under the guidelines issued by the Director of NSW Fisheries and in place at the commencement of this management strategy, upon transfer of a business with an estuary prawn trawl entitlement the new owner automatically becomes eligible for a commercial fishing licence and an estuary prawn trawl entitlement.

The only variations to this arrangement apply in the Hawkesbury River and Port Jackson, where there is a 'freeze' on the issue of prawn trawl endorsements to new business owners (exceptions may be approved in cases of serious illness or death of the current owner). The 'freeze' will be lifted as soon as suitable transfer criteria are introduced for these estuaries. The transfer criteria will ensure that new business owners gaining access to the fishery replace real fishing effort. Minimum shareholding and/or past participation requirements specified in the share management plan will supersede this policy.

## **iii) National licence splitting policy**

The Commonwealth and the State Governments have a longstanding nationally agreed policy in place on licence splitting. The policy prevents entitlements held by one person or entity and issued by more than one jurisdiction, from being split and transferred separately. The transfer of a fishing business will not be approved unless all entitlements issued to the business by other jurisdictions are also transferred to the same person, or surrendered.

Where fishing effort has been historically 'shared' across a number of entitlements held by a person, the policy prevents the increase in effort that would occur by creating two separate entitlements that could operate at full capacity.

This fundamental component of the Licensing Policy has been retained under this management strategy for the Estuary Prawn Trawl Fishery.

## **f) Time and area closures**

Closures are an important tool for achieving resource management goals. Under section 8 of the FM Act the Minister for Fisheries may prohibit, absolutely or conditionally, the taking of fish or a specified class of fish, from any waters or from specified waters. These closures either prohibit or restrict activities of commercial and/or recreational fishers in a given area for a specified time. Fishing closures may be used to:

- protect and conserve areas of key habitat
- manage the amount of fishing effort in an estuary or designated parts of an estuary
- manage conflicts between stakeholders over the use of the resource and to ensure it is equitably shared
- protect populations during their times of spawning
- minimise incidental catch and the impacts of the fishery on threatened and protected species.

The specific time and area closures applying to each of the four estuaries at the commencement of the management strategy are discussed under the specific management controls for each estuary described in Section 10 and Appendix 3 of this management strategy. The opening and closing times for individual estuaries often vary from year to year depending on changes in the availability of prawns within those estuaries. The existing fishing closures will remain until reviewed and new closures will be developed as required in accordance with the provisions in Section 8

Approximately 50% of the estuarine area in each estuary of the Estuary Prawn Trawl Fishery is currently closed to trawling. The closed areas are mostly located in the less marine dominated upper reaches of these estuaries with the exception of the Hawkesbury River which has several closures in its lower reaches. The Clarence and Hunter Rivers and Port Jackson are closed during winter to conserve prawn stocks and stocks of juvenile finfish. These estuaries contain mostly small prawns during winter, when the prawns grow very little and tend to stay in the estuary before moving to sea over summer and autumn (Racek, 1959; Ruello, 1973b; Glaister, 1978b). The Hawkesbury River has historically been open year round as quantities of prawns of a marketable size can be found in the Hawkesbury River year round (see McDonall and Thorogood, 1988). Apart from biological reasons, closures have been introduced into the Estuary Prawn Trawl Fishery to reduce conflict with other stakeholders, address noise level issues, lower the profile of trawling when the public is most likely to be using the waterways and to protect areas of key habitat.

Fishing closures are required to be published in the NSW Government Gazette, however if the Minister for Fisheries considers that a fishing closure is required urgently, the Minister may introduce the closure and advise the public through media outlets and by displaying prominent signs in areas adjacent to the waters affected. In the case of an urgent closure, the Minister is to publish the closure in the Government Gazette as soon as practicable.

Details on up-to-date fishing closures that apply to the Estuary Prawn Trawl Fishery can be found on the NSW Fisheries' website at: [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au).

## **g) Permits**

The *Fisheries Management Act 1994* allows for permits to be issued for research and other authorised purposes. These permits provide a legal framework for activities that fall outside normal operating rules set out in the FM Act or its Regulation. Each permit sets out a number of conditions, which vary depending on the purpose of the permit. These conditions ensure that permits are used only for the intended purpose and may be used to limit the extent of the permitted activity.

**Table 10.** Types of permits that will be issued.

Permit type	Description
Research	Permits are issued to research scientists (including NSW Fisheries staff, Universities and other research organisations) and commercial fishers assisting in undertaking research programs. The permits generally authorise the retention of prohibited size shellfish and finfish, shellfish and finfish in excess of the possession or bag limits or use of gear not prescribed in the regulation
Trial of bycatch reduction devices (BRDs)	The development of an effective BRD requires significant testing under normal operating conditions to assess their effectiveness. Permits are often required to trial types of fishing gear with dimensions or configurations not prescribed in the regulation
Development of new fishing gear	This permit provides a legal framework for the possible development of a more selective and passive fishing method for this species
Crossover or V bridles	Permits have been issued to six fishers from the Hawkesbury River (as at 27 June 2001) to allow the use of crossover or V bridles on their prawn trawl gear. Crossover or V bridles lift the trawl net off the bottom of the estuary floor and are fitted when targeting squid in the Hawkesbury River.

Permits issued under section 37 are valid only in so far as they do not conflict with approved determinations of Native Title made under the Commonwealth *Native Title Act 1993*.

Permits are valid for one year or such other period as specified in the permit, and may be suspended or cancelled at any time by the Minister. Permits are not transferable.

## **h) Catch limits or quotas**

There are no direct catch limits or quotas on the target or byproduct species taken in the Estuary Prawn Trawl Fishery. However, Section 9 in this management strategy sets trigger points for landings levels of the target and byproduct species in this fishery which, if exceeded, cause a review of the fishery to be undertaken and may ultimately result in modifications to the management rules.

## **i) Seafood safety programs**

Food safety programs which relate to the Estuary Prawn Trawl Fishery are administered by Safe Food Production NSW under the *Food Act 1989*. Food safety programs for all commercial fisheries are being prepared by Safefood Production NSW and will continue to be supported under this management strategy (see management response 5.4a).

## **j) Cost recovery policy**

NSW Fisheries recoups costs that are attributable to industry through a cost recovery policy. Cost recovery is a common principle among Australian commercial fisheries and an important component of ecologically sustainable development.

NSW Fisheries is in the process of implementing cost recovery in a progressive manner, so that all charges are not passed on to industry immediately. The FM Act requires that in a share management fishery, the fees payable must be paid in proportion to the shareholdings in the fishery.

In November 2000, the Government announced a new cost recovery policy. As part of the second reading speech for the *Fisheries Management and Environmental Assessment Legislation*

*Amendment Act 2000*, the Minister for Fisheries, the Hon. Eddie Obeid, gave the following commitment for the fisheries that were moving to category 2 share management fisheries:

“Over the next five years the Government will develop and implement a cost recovery framework for category 2 share management fisheries. This framework will be subject to extensive industry consultation.”

“During this period, the total amount of money collected for NSW Fisheries, for its existing management services, will not increase without the support of the relevant management advisory committee.”

“After five years, the costs that have been identified as attributable to the industry will be progressively introduced over a further three-year period.”

It is important to note that the new services required to be implemented under the management strategy or as a result of the environmental assessment process will need to be fully funded by the fishery participants.

A range of regulatory and administrative fees are payable by fishing business owners in the Estuary Prawn Trawl Fishery. The management strategy does not, in itself, set the charges, or limit or otherwise govern the way fees are changed.

## 5. Compliance

NSW Fisheries has approximately 90 positions for fisheries officers who are responsible for coordinating and implementing compliance strategies in NSW. These strategies include:

- maximising voluntary compliance
- providing effective deterrence
- providing effective support services.

Approximately sixteen of these fisheries officers are located in areas along the NSW coast where the Estuary Prawn Trawl Fishery occurs. Part of their duties includes conducting patrols, inspecting commercial fisher's catch and gear and recording rates of compliance. During the period from July 2000 to February 2001 the rate of compliance of commercial fishers in the Estuary Prawn Trawl Fishery was 91%.

Once an offence has been detected, officers have a range of responses available to them. Matters are dealt with depending upon severity by the use of a verbal caution, the issue of a written caution or penalty notice or by referring the matter to a court where a determination is made and penalty issued. Records are kept by NSW Fisheries of all convictions and a record of any previous convictions is handed to the court with the brief of evidence for any matters raised. Previous convictions are taken into account by the courts when fines are issued.

Briefs of evidence are prepared by the investigating officer. Briefs include a summary of the events which took place, a full statement including a description of the events, interviews with the offender/s and any witnesses, details of the offence/s and maximum penalties and any additional information such as video footage, photographs, records, maps, copies of any closures, supporting statements, summary of any fishing gear and catch seized and any other information relevant to the matter.



Any fishing equipment used to commit an offence is seized and held as evidence. If the gear is of legal dimensions the fisher can make application to NSW Fisheries for the return of the gear. Provided the fisher has no prior convictions and there are no extenuating circumstances, e.g. obstruction charges, the return of the gear is usually approved. An undertaking to produce the gear in court if necessary must be signed by the fisher before it is returned. Fishing gear forfeited to the crown by the court is disposed of by being destroyed or auctioned. Catch seized is disposed of by selling through a market if practical, donation to a charity, hospital or similar establishment or destroyed if not suitable for human consumption.

In addition to the traditional penalties handed out to fishers the management strategy contains a penalty points system. Fishers upon payment of a penalty notice or conviction in court of an Estuary Prawn Trawl Fishery related offence will be allocated penalty points (see section 5 of this management strategy).

NSW Fisheries manages compliance service delivery for each significant fishing or target program through a district compliance planning process that is administered within the Fisheries Services Division. Each district fisheries office is responsible for compliance service delivery within a geographical area, and develops a district plan based upon the particular priorities associated with that area.

Officers have in the past, at the request of fishers, checked trawl nets at private residences and on-board vessels when not working to assist fishers in maintaining gear at legal dimensions. Requests have been most common immediately prior to the commencement of the trawling season in each estuary. This strategy formalises this practice by implementing a compliance audit scheme into the Estuary Prawn Trawl Fishery. The compliance audit will be carried out by Fisheries Officers on board trawlers in the fishery prior to the commencement of each prawn trawling season, and in the case of Hawkesbury River operators each September.

The purpose of the audit is to check prawn trawl nets and associated fishing gear for compliance with mesh size and other legal requirements, and to give operators an opportunity to replace or modify illegal gear without penalty before commencing operations for the season. Quality inspections will be done at random throughout the season to ensure compliance with the rules applicable to the Estuary Prawn Trawl Fishery. Non compliance by fishers may result in the prosecution of the offender and in penalty points being placed upon that fishers' licences.

### **a) A penalty points system**

A penalty points scheme with share forfeiture provisions will be introduced under this strategy and will be developed as part of the share management fishery management plan for the Estuary Prawn Trawl Fishery.

The Estuary Prawn Trawl Fishery generally has a high compliance rate, however, despite the relatively large number of potential offences and the maximum penalties specified in the FM Act and Regulation, there are still a small number of fishers who regularly operate beyond the rules. These few people continue to breach the law partly because the courts are often unwilling to uphold hefty fines for fisheries offences (which are often viewed as minor compared to criminal offences). The penalty points system is a way of providing a clear deterrent to fishers who are considering breaching the provisions of the management strategy or associated rules, as well as providing the courts with a regulated management plan that reflects the serious nature of some fisheries offences.

Similar to how the motor vehicle licensing scheme works (administered by the Roads and Traffic Authority), the system will see a list of penalty points assigned to serious or repeated offences. If a fisher accrued a certain level of penalty points by breaching the management rules, the endorsement or licence would be subject to predetermined periods of suspension or cancellation through provisions in the share management plan for the fishery.

The offences deemed as “serious” and the definition of a “repeated offence” would need to be included in the share management plan, as would the points attributable to each offence.

## 6. Research

### a) Purposed research areas

The basic areas of research for the Estuary Prawn Trawl Fishery can be categorised into seven broad areas:

- (i) stock assessments of target species
- (ii) quantification and reduction of the incidental catch
- (iii) effects of fishing methods on habitats
- (iv) importance of habitats to shellfish and finfish populations
- (v) importance of ecological processes to shellfish and finfish populations
- (vi) impacts of fishing on trophic interactions and ecosystems
- (vii) impacts of fishing on threatened species.

Outlined below are those strategies by which research into these areas ideally should proceed.

### i) Stock assessment of key species

Previous assessments on eastern king prawns in NSW have been done by Glaister *et al.* (1990), Montgomery (1993), and Gordon *et al.* (1995). However, none of the studies developed a stochastic, length-based model. Data are available for a desk top study to develop such a model.

Despite the extensive studies on the school prawn fisheries of the Hunter River (Ruello, 1969, 1971, 1973a,b, 1977) and the Clarence River (Glaister, 1977, 1978a,b), there is little information on the dynamics of school prawn populations and none that is of a quality that could be used in a stock assessment of the resource. Notwithstanding, Montgomery and McDonall (1988) used available information to do yield per recruit analysis to determine optimal times to open estuaries to prawn trawling. In addition, Montgomery (2000) used these data to determine optimal sizes at first capture for eastern king prawns and school prawns. A much needed, four year study funded by the Fisheries Research and Development Corporation (FRDC) to obtain estimates of the parameters to do a full stock assessment of this very important resource is underway.

Further, past research has suggested that the level of landings of school prawns (particularly from the oceans), is determined by the level of river discharge. This association needs to be updated and will be done as part of the FRDC funded prawn research project discussed above.

Until recently, no research had been done on the squid stocks of the Estuary Prawn Trawl Fishery in NSW. A PhD student at the University of Sydney is currently doing a project to study the

broad squid in the Hawkesbury River, the main commercial species. The study will investigate the distribution of the population, the size and/or age of first breeding, fecundity, rates of growth and mortality and, migration. The information collected will be used in yield per recruit analyses to determine an optimal legal minimum length for the broad squid. This study will provide information essential to the review of the status of squid populations as provided for in management response 2.1b, and together with the results of the review will determine the need for future research on the squid stocks of the Estuary Prawn Trawl Fishery.

Stock assessments of prawns conducted under this management strategy will be based upon estimates of population parameters provided from the studies mentioned above, from fishery independent surveys to provide information about the abundances and sizes of individuals in the populations and from observer surveys to provide information about what is being caught in commercial and recreational fishing gear. Fishery dependent data will be used to provide information on the level of reported landings and the level of fishing effort that is being expended.

In the past, information on reported landings and effort has been used to monitor the relative abundances of prawn species in the Estuary Prawn Trawl Fishery. However, this management strategy also requires reliable information on the size and species composition of the target and incidental species taken in the fishery. Fishery dependent data does not currently provide this level of information. Further, while good fishery dependent data can provide information about the spatial distribution of fishing effort, often it does not collect data at the point of detail required to determine the levels of effort expended upon different habitat types, nor information about the spatial distribution of species within the estuary. Also, fishery dependent data would be biased by the introduction of BRDs into the trawl nets, incidental catch ratios and prawn counts into the fishery.

Because of the problems with fishery dependent data, stock assessments for the Estuary Prawn Trawl Fishery will be based upon fishery independent methods involving stratified randomised surveys of relative abundances and size and age structures of wild populations. Such data will provide more robust and rigorous assessments of natural populations than that solely relying on data from the fishery.

The first step in implementing such a major change in focus is to do the necessary pilot studies that will develop appropriate fishing gears for such surveys, and to do cost-benefit analyses of information from pilot surveys to determine the most appropriate sampling regimes. This pilot work will then be followed by two years of sampling to test the developed survey design and allow the preparation of a final design for subsequent surveys that will continue into the future.

The fishery independent survey will also have significant side-benefits, providing samples of target and incidental species for studies on age determination and reproductive biology, stock assessments and also samples for diet analyses which will provide some information toward preliminary examinations of trophic interactions. These may also include some sampling to collect information about threatened and protected species.

Table 11 shows a gap analysis of information for stock assessments of the target species highlighting areas where research is required to completely assess these stocks.

**Table 11:** Gap analysis of information required for stock assessments of target species in the Estuary Prawn Trawl Fishery.

Yes<sup>1</sup> signifies that information on this parameter is available and references are provided. '-' signifies that information on this parameter is not yet available.

For the parameters that are shaded, information on the species in general is provided with distinction being made where information is only available from other states in Australia. The unshaded parameters comment on whether information exists for NSW only.

Species	Distribution	Life cycle	Age/Size at first maturity	Age at length data	Landings size composition (for NSW)	Natural mortality estimate (for NSW)	Fishing mortality estimate (for NSW)	Total mortality estimate (for NSW)	Yield per recruit (for NSW)	Stock recruitment relationship (for NSW)	Stock structure (for NSW)	Biomass estimate (for NSW)
Eastern king prawn	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>2</sup>	Yes <sup>3</sup>	Yes*	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3,4</sup>	-	Yes <sup>4,5</sup>	-
School prawn	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>6</sup>	-	Yes*	-	-	-	Yes <sup>4</sup>	-	Yes <sup>6,7</sup>	-
Broad squid	Yes <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-
Bottle squid	-	-	-	-	-	-	-	-	-	-	-	-

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## ii) Quantification and reduction of the bycatch and discarding of untargeted species

It is well accepted that the most reliable and accurate way one can assess incidental catch and discarding is to use observer-based surveys.

Observer surveys were done between 1989 and 1992 on the estuary prawn trawl fisheries of the Clarence River, Hawkesbury River, Port Jackson and Botany Bay (Gray and McDonall, 1993; Liggins and Kennelly, 1996; Liggins *et al.*, 1996). Data from these surveys will provide the baseline information from which to determine whether the incidental catch in prawn trawls is being reduced. However, there have been no observer surveys done of the prawn trawl fleet in the Hunter River.

Observer surveys will be done periodically to collect information on what is being caught. On randomly chosen days during the trawl season observers will go on randomly chosen trawlers and,

count, measure and weigh individuals of each species caught during each trawl shot that day. The level of sampling will provide estimates of mean abundances with levels of precision of around 30%.

Bycatch reduction in the Estuary Prawn Trawl Fishery has been much studied (e.g. Broadhurst and Kennelly, 1994; Broadhurst and Kennelly, 1996; Broadhurst *et al.*, 1996; Broadhurst *et al.*, 1997) and based upon this work BRDs are now mandatory in the Estuary Prawn Trawl Fishery. When specific bycatch and discarding problems are identified, targeted research will be directed at ameliorating the identified problems and may be funded by externally funded grants. This will include the development and testing of alternative gears and fishing practices as well as assessments of the utility of spatial and temporal fishing closures that are designed to reduce any identified problems. For example, NSW Fisheries currently has a study funded by FRDC to investigate methods for reducing the capture of small prawns in prawn fishing gear, including the trawl net used in the Estuary Prawn Trawl Fishery and the practice of riddling.

### **iii) Effects of fishing methods on habitats**

The significant gaps in our knowledge about the physical impacts of trawling on habitats will be addressed via targeted projects involving manipulative and mensurative field experiments on specific problems. Specific issues will be prioritised and funding from external sources sought. If problems of physical damage on habitats are identified, then targeted projects will be undertaken to reduce such effects through gear and/or operational modifications and/or spatial and temporal closures in sensitive areas.

### **iv) Importance of habitats to fish populations**

Some research has been done on the associations between estuarine shellfish and the habitats on which they depend (e.g. Young and Carpenter, 1977; Young, 1981; Coles and Greenwood, 1983; Bell and Pollard, 1989; Ferrell and Bell, 1991; Gray *et al.* 1996). It is important that the role different habitats play in supporting fisheries resources continue to be studied and that the effects of the degradation of such habitats be fully understood. Current research includes a project investigating the impacts of acid sulphate soils on fisheries resources.

The extent and distribution of key estuarine habitats (e.g. seagrasses, mangroves, saltmarsh, etc.) have been recorded previously (West *et al.*, 1985) and this work is currently being repeated. It is planned to continue and, in fact expand, the monitoring and assessment of changes in the state's estuarine habitats.

Research on specific interactions between particular populations and particular habitats would involve targeted research projects directed at specific problems, which would include field-based manipulative experiments and mensurative studies. Specific issues will be prioritised and funding from external sources sought.

### **v) Importance of ecological processes to fish populations**

The structure and functioning of ecosystems and the myriad of ecological processes that occur in them underpin the sustainability of most of those shellfish and finfish that are exploited from estuarine systems. It is therefore important for the fisheries that target species in these systems to understand the complex ecological processes in those systems, whether these processes directly involve target species or not.

The techniques and methodologies for examining such interactions involve quite complex field experimentation and there exists a substantial body of literature on the subject, though not often involving the estuaries of NSW that are exploited by the Estuary Prawn Trawl Fishery.

Directed, detailed, experimental and mensurative programs need to be undertaken so that management decisions about exploited shellfish and finfish can be made in the light of entire ecosystem processes. Such information will, of course, also provide vital information to other non-fisheries agencies that manage other aspects of such systems under the principles of ecological sustainable development. Specific issues will be prioritised and funding from external sources sought.

#### **vi) Impacts of fishing on trophic interactions and ecosystems**

Little research has been done anywhere to assess the impacts that fishing has on the structure of estuarine ecosystems. In general, such work is very much in its infancy throughout the world but, where work has been done, it is invariably characterised by being complex, expensive, of a long duration and usually shows that fishing can significantly affect the structure and function of ecosystems (Hall, 1999; Kaiser and de Groot, 2000). Currently there is a three year study being done to investigate the effects of fishing upon the benthos in the Clarence River. Once this research is completed the need for future studies will be assessed. It is proposed to examine the impact of fishing upon biodiversity will be examined by doing targeted projects on specific impacts via manipulative experimentation in the field. Samples from fishery independent surveys will provide data that can be used to determine species richness and dietary information that perhaps can be used in trophic level analyses. External funding will be sought to conduct studies to investigate the impacts of trawling upon biodiversity.

Before this ecosystem research commences however, a risk assessment as proposed by the Sustainability Indicators Working Group of the Standing Committee on Fisheries and Aquaculture will be done. The Working Group is in the process of developing a national reporting framework for ESD for Australian fisheries and has completed some work on identifying the main ecosystem components that may be subject to impacts from fishing. Acknowledging that research resources are limited, the working group is recommending that Australian fisheries management agencies undertake a risk assessment for each fishery to determine the level of management (including research) necessary for each component of the ecosystem. The working group recommends that this be done through a workshop so that the outcome is a combined judgement of a group of people who have considerable expertise in the areas being examined.

#### **vi) Impacts of fishing on threatened species**

Little is known about the biology and ecology of those species listed as endangered and threatened, and potential impacts of commercial fishing on these species is even less understood. Because of the rare occurrence of threatened and endangered species in any fishery, it is appropriate that research on such issues should involve specific projects targeted at particular species and the many factors that influence them, rather than studying particular fisheries for their impacts on certain species.

Such studies would involve examining the biology and ecology of certain species to assess potential impacts of many factors (only one of which would be the Estuary Prawn Trawl Fishery). Specific issues and species will be prioritised and funding sourced.

## **b) The Conservation Technology Unit**

In March 2001, NSW Fisheries established a Conservation Technology Unit to examine conservation-based gear technology in commercial and recreational fisheries. This focussed research initiative will help address gaps in knowledge including the selectivity of fishing gear used in the Estuary Prawn Trawl Fishery. The research will also assist in identifying the most appropriate gear to be used in the fishery so that future changes to gear regulations can be based on accurate scientific information. The development of new and innovative fishing techniques will help minimise unwanted catches, discarding and environmental change.

## **c) Catch monitoring**

The information collected on commercial landings assists in the ongoing monitoring and assessment of the status of shellfish and finfish stocks. The landings and effort information collected from commercial fishers has other critical roles in fisheries management including helping understand patterns of fishing activities and the mix of species from targeted and general fishing operations.

The entry of information on landings and effort onto the database is subject to stringent quality control procedures including a three month timeframe for data entry following receipt of a fisher's catch return by NSW Fisheries. A policy is being developed to manage the timely receipt and entry of commercial catch return data onto the commercial catch records database.

Fishers in the Estuary Prawn Trawl Fishery are required to submit records on a monthly basis detailing their landings and fishing effort. The information includes landings for each species, the effort expended (for each method) to take the catch, and the area/s fished. This information will be entered onto a database by NSW Fisheries and allows for analysis of fishing activity, reported landings and effort levels.

The accuracy of the data provided on catch returns, particularly with respect to fishing effort data, is variable. There are a number of management responses in this strategy to improve the quality and reliability of the information provided on catch returns, including a review of the current monthly catch return and validation of landings and effort data under the scientific monitoring program.

To maximise the accuracy of the data collected on monthly catch returns a range of quality control procedures are currently in place or scheduled for implementation in the near future. A brief synopsis of these quality control procedures is provided here:

- Every return is scanned for errors when received by the "Commercial Catch Records" Section in NSW Fisheries, and omissions and errors are queried with fishers (by phone and/or written correspondence) and corrected if needed
- Logical checks of data accuracy (range, consistency and validity checks) are performed automatically by computer during data-entry. Errors are queried with fishers (by phone and/or written correspondence) and corrected if needed
- fishers who have not submitted catch returns in a timely fashion are being notified and requested to submit omitted returns and an ongoing procedure for dealing with missing returns is being developed
- Data from the commercial catch statistics database "FINS" is regularly downloaded to a database "COMCATCH", which can be accessed or queried by biologists and managers responsible for individual fisheries. Subsequently, any problems with data identified by the relevant biologists or

managers are queried and may be corrected by the commercial catch records section after consulting fishers where necessary

- A pilot survey was undertaken to assess the accuracy of data entry with respect to the catch records. The results showed that data-entry errors by staff were of minimal significance. Errors were rare and generally concerned minor species. It is planned to repeat this survey annually to provide ongoing monitoring of the quality and accuracy of data entry
- Following implementation of routine reporting of the quantities of fish handled by registered fish receivers in NSW, it will be possible to compare the quantity of landings (by species) reported by fishers on catch returns with the quantity handled by fish receivers in NSW. This will provide a cross-validation of weights of individual species caught and handled in NSW
- The information collected on catch returns and options for improving the catch return forms (and increasing the reliability of data) is reviewed periodically by the management advisory councils and annually by a catch and effort working group comprising industry representatives from each fishery.

All existing and new procedures attempt to maximise data quality. It is, however, inevitable that the accuracy of data supplied by fishers cannot be directly assessed and can sometimes be variable, particularly with respect to data on fishing effort. Consequently, the statistics supplied by fishers and maintained in the commercial catch records database is most accurately described as representing "reported landed catch".

## 7. Consultation

There are a range of consultative bodies established in NSW to assist and advise the Minister and NSW Fisheries on fisheries issues. There are committees that are established to provide advice on specific issues as well as bodies to advise on matters which cut across different fisheries or sectors.

### a) The Management Advisory Committee

Share management and restricted fisheries in NSW each have a management advisory committee (MAC) that provides advice to the Minister for Fisheries on:

- the preparation of any management plan, strategy or regulations for the fishery
- monitoring whether the objectives of the management plan, strategy or those regulations are being attained
- reviews in connection with any new management plan, strategy or regulation
- any other matter relating to the fishery.

Table 12 details the membership on the Estuary Prawn Trawl MAC. The industry members of the MAC comprise representatives that are elected by endorsement holders in the fishery (or shareholders in the share management fishery). There is an industry representative from each of the estuaries included in the Estuary Prawn Trawl Fishery. The members hold office for a term of three years, however the terms of office are staggered and the terms of half of the industry members expire every 18 months.

The non-industry members on the MAC are appointed by the Minister for Fisheries and also hold terms of office for up to three years. To ensure that all issues discussed by the committee are



fairly represented the MAC is chaired by a person who is not engaged in the administration of the FM Act and is not engaged in commercial fishing.

Although the MAC receives advice from NSW Fisheries observers on research, compliance and administrative issues relating to the fishery, only members of the MAC have voting rights on the decisions of the MAC.

The actual composition and role of the MAC is set by the FM Act and its regulations and may be altered from time to time.

There are many references in this management strategy to consultation with the Estuary Prawn Trawling MAC. Consultation involves seeking the advice of the MAC their views. The MAC generally meets at least twice a year but many issues may require resolution urgently, and it may not be practicable to defer consultation to a face-to-face meeting of the MAC. For this reason, references to consultation with the Estuary Prawn Trawl MAC in this management strategy may include the distribution of documentation to individual members by a specific date. NSW Fisheries may then compile the comments received into a single document recording the views of the MAC members. This document is then used as a basis for further decision making by NSW Fisheries and/or the Minister for Fisheries.

**Table 12.** Membership on the Estuary Prawn Trawl MAC

Position	Group represented
Independent chairperson	Independent
Clarence River	Clarence River prawn trawl fishing business owners and endorsement holders
Hunter River	Hunter River prawn trawl fishing business owners and endorsement holders
Hawkesbury River	Hawkesbury River prawn trawl fishing business owners and endorsement holders
Port Jackson	Port Jackson prawn trawl fishing business owners and endorsement holders
Recreational fishing	Recreational fishing interests across all estuaries
Indigenous fishing	Indigenous interests across all estuaries
Conservation	Conservation interests across all estuaries
NSW Fisheries	Government interests across all estuaries

## b) Ministerial advisory councils

Four Ministerial advisory councils are currently established under the *Fisheries Management Act 1994*. The councils provide advice on matters referred to them by the Minister for Fisheries, or on any other matters the councils consider relevant. They report directly to the Minister.

The Ministerial advisory councils currently established are:

- Advisory Council on Commercial Fishing (ACCF)
- Advisory Council on Recreational Fishing (ACoRF)
- Advisory Council on Fisheries Conservation (ACFC)
- Advisory Council on Aquaculture (ACoA).

The Estuary Prawn Trawl Fishery and each of the other share management and restricted fisheries have representatives on the ACCF. These representatives are nominated by each of the respective MAC's and appointed by the Minister.

Representatives from the commercial fishing industry in NSW, or people who in the opinion of the Minister have expertise in commercial fishing are also represented on the ACFC.

The name and composition of the Ministerial advisory councils are determined by regulations under the FM Act and may be altered from time to time.

### **c) Fisheries Resource Conservation and Assessment Council**

The Fisheries Resource Conservation and Assessment Council (FRCAC) has been established to play a key role in advising the Government on fisheries conservation and assessment throughout the State. The members on the council represent a wide range of interests and includes representatives from commercial fishing, recreational fishing, fish marketing, the fishing tackle industry, charter boat fishing, regional tourism, academic expertise, conservation, aquaculture and Indigenous peoples.

The FRCAC advises the Minister for Fisheries on the preparation and revision of Fishery Management Strategies for fishing activities, including this management strategy for the Estuary Prawn Trawl Fishery.

The legislated role of the FRCAC includes providing advice on:

- the preparation or revision of a fishery management strategy (and for that purpose to review the environmental impact statement prepared in connection with a draft strategy)
- other matters as may be referred to it by the Minister.

In summary, the FRCAC's duties involve:

- fostering relationships between community groups, recreational fishing interests, commercial fishing interests and government agencies
- advising on the preparation and revision of fishery management strategies
- reviewing environmental impact statements prepared in connection with draft strategies
- providing an opportunity for key stakeholder groups to have input into issues papers prepared for recreational fishing havens selection processes
- reviewing community consultation reports that arise from the recreational fishing havens selection process.

Both the FRCAC and the ACCF are consultative bodies that facilitate cross-sectoral and cross-fishery consultation, respectively.

The composition and role of the FRCAC are set by the FM Act and its regulations, and decisions by the Minister for Fisheries. These arrangements may change from time to time.

### **d) Total Allowable Catch Setting and Review Committee**

A process will be developed in line with this strategy which provides for cross-fishery consultation regarding commonly shared prawn stocks. Other fisheries to be involved in this consultation will include the estuary general fishery, the ocean prawn trawl fishery and recreational fishers.

The process for assessing the status of and pressure on prawn stocks will ultimately include the Total Allowable Catch Setting and Review Committee (TAC Committee). This committee will, as required by the share management plan, make determinations about the total level of fishing effort to apply in the capture of prawns in connection with this fishery. The TAC Committee consists of at least four members, including:

- (a) a person appointed by the Minister as the Chairperson of the TAC Committee, being a person who is neither engaged in the administration of the *Fisheries Management Act 1994* nor in commercial fishing
- (b) a person appointed by the Minister who is a natural resource economist not employed by the Government
- (c) a person appointed by the Minister who is a fishery scientist not employed by the Government
- (d) persons appointed by the Minister who have appropriate fisheries management qualifications.

The composition and role of the TAC Committee are set by the FM Act and its regulations, and decisions by the Minister for Fisheries. These arrangements may change from time to time.

## 8. Goals, Objectives and Management Responses

This section sets out the goals, objectives and management responses for the Estuary Prawn Trawl Fishery management strategy.

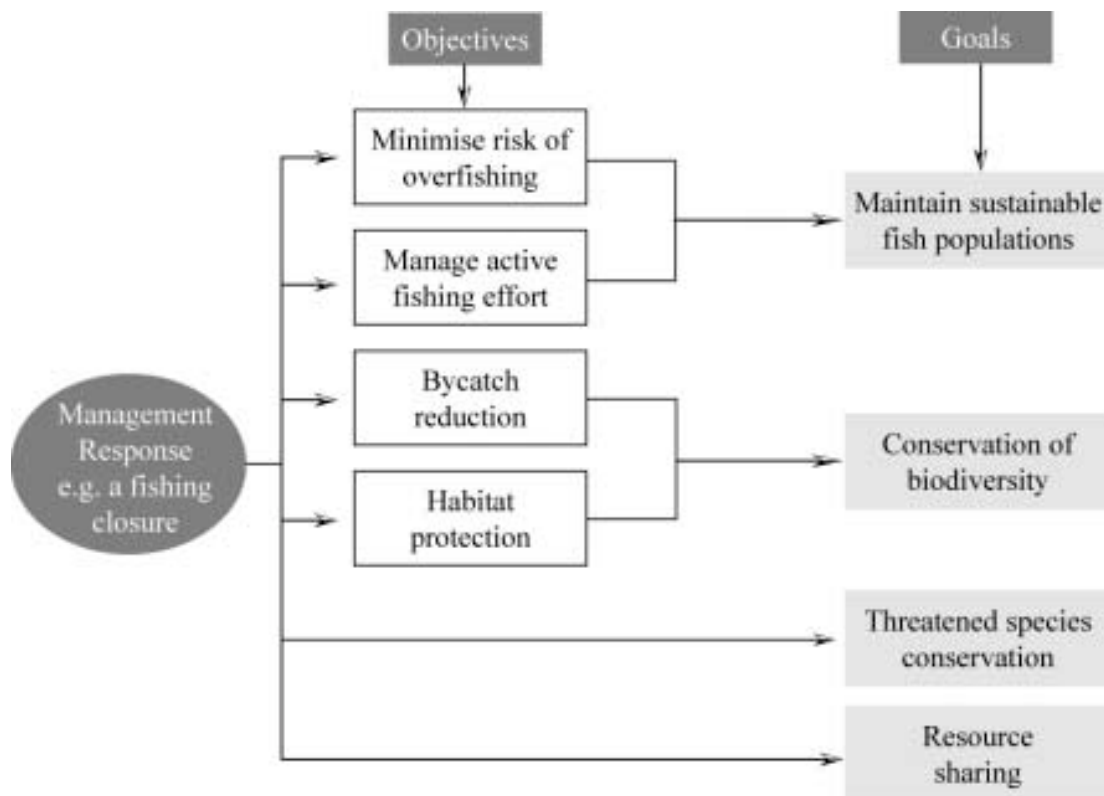
### a) A model framework



**Figure 4.** A model of the framework for a management strategy.

The link between the goals, objectives and management responses is not as simple as that portrayed in Figure 4. The reality is that most fishery management responses assist in achieving more than one goal.

A fishing closure is one example of a management tool that has been used in the past in the Estuary Prawn Trawl Fishery which can contribute towards achieving objectives and goals in addition to those for which it was put in place. A closure to protect juvenile shellfish and finfish from capture fits into “Goal 2, maintaining stock sustainability”, but it will also protect the habitat and biodiversity in the closed area from the effects of fishing and may reduce conflict between commercial and recreational fishers (see Figure 5).



**Figure 5.** An example of how a single management response affects multiple goals and objectives.

This complex structure has been dealt with in the following section by listing each of the management responses once only, under the objective that the response contributes most towards achieving. Below each management response is a box that sets out the implementation plan for the particular response and cross references the response to other goals that the response may assist in achieving.

When identifying the responses that are in place to achieve a particular objective, it is important to look at the cross referenced responses as well as any listed individually under the objective (i.e. the “Other important responses” must be taken into account).

Information under each response is also provided detailing the time frames in which the action will be done, the agency or group responsible for implementation and the authority under which the action will be implemented.

## b) Goals, objectives and management responses

### **GOAL 1. To manage the Estuary Prawn Trawl Fishery in a manner that promotes the conservation of biological diversity in the estuarine environment**

Healthy fish habitats are essential for the ongoing sustainability of shellfish and finfish populations and the conservation of biological diversity in the estuarine environment. Many areas within estuaries act as nursery areas for juvenile shellfish and finfish. Mangrove, seagrass and saltmarsh areas are believed to provide very important habitats for fish and crustaceans.

Estuaries are extremely dynamic environments with a high diversity of species. A range of activities take place in coastal catchments that have the ability to damage biodiversity and which need to be appropriately managed, with fishing being only one. Trawling could potentially impact not only upon those populations caught in the trawl but also upon those species that are in the path of the trawl operation but not retained. There is little information about this latter impact and a precautionary management approach is warranted. Incidental catch occurs in the trawling operation as other species become inadvertently caught in the gear while it is being used to catch target species. The incidental catch includes species that are retained for sale (byproduct) and those which are discarded (bycatch). When handled properly, some of the bycatch that is taken and returned to the water can survive.

Industry is sensitive to its impact upon the environment and this fishery was one of the first fisheries in Australia to embrace the concept of bycatch reduction devices (BRDs) to reduce the catch of unwanted species. The effectiveness of BRDs is continually being improved as fishers and scientists experiment with new ideas and with advances in fishing technology.

#### **Objective 1.1 To minimise the impact of fishing activities on non-retained shellfish and finfish (including prohibited size, unwanted fish and fish protected from commercial fishing)**

Other important responses: 1.2a,b,d; 2.1h; 2.3e; 2.4a; 4.4a; 5.1a; 6.1a,b; 8.1a

- (a) Continue the restrictions on the use of fishing gear contained within the *Fisheries Management (General) Regulation 2002* including controls on the dimensions, construction materials and modes of operation, subject to the changes required to implement this management strategy.

*Note: This management response is part of the current rules operating in the fishery. The current gear regulations are listed in Appendix 1.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5	Current and Ongoing	NSW Fisheries	Regulatory

- (b) Using the best available knowledge and appropriate technology, modify fishing practices (such as by adopting bycatch reductions devices (BRDs)) to reduce the impacts of trawling upon organisms **other than target and byproduct species.**

*Background:* The incidental catch of the Estuary Prawn Trawl Fishery prior to the introduction of Bycatch Reduction Devices (BRDs) is well documented. Extensive research has been done on the effects of various designs of BRDs on abundances of incidental species in the prawn trawl. Bycatch reduction devices are mandatory in all but the lower Hawkesbury estuary where because of the effects of current BRD's have on catches, research has been continuing to develop alternatives. These devices will be mandatory in the prawn component of the fishery in this area by December 2002 and in the squid component of this fishery by June 2003. The improvement of BRDs will be an on-going process and fishers will be able to apply for permits to trial new designs. The types of BRDs approved for general use in the fishery may vary through time in response to improvements in the design and efficiency of the devices.

*An observer based sampling strategy will be used to collect information about quantities of the various species caught in the prawn trawl net and the effectiveness of BRDs to reduce the catch of incidental species under commercial fishing conditions.*

*The National Policy on Fisheries Bycatch provides a national framework for coordinating efforts to reduce incidental catch. It provides options by which each jurisdiction can manage incidental catch according to its situation in a nationally coherent and consistent manner.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4	Current and Ongoing	NSW Fisheries and EPT fishers	Regulatory

- (c) Using available knowledge and appropriate technology, develop and introduce alternate fishing gears to minimise the capture of target and byproduct species of non marketable quality.

*Background:* Research is being done by University of Sydney to develop an environmentally sensitive fishing gear for the new Hawkesbury River squid component.

*Studies are being done under a FRDC funded project to investigate alternate gear configurations for the otter trawl to reduce the catch of small, non-marketable prawns and to minimise any possible impact upon non-target species.*

*An observer-based sampling strategy will collect information to ascertain whether this management response is being successful at minimising the capture of target and byproduct species of non-marketable quality.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,5	June 2003 for a squid net June 2006 for small prawns	NSW Fisheries	Regulatory

- (d) Ban the discarding of cooked prawns and investigate the sustainability of riddling uncooked prawns.

*Background:* Prawn fishers in some estuaries use a device known as a riddler to grade the sizes of prawns in their catch and in some cases to separate debris from the prawn catch. A riddler is a screen of wire mesh stretched over a frame. The mesh size of this screen varies but is usually between 35 and 50 mm. The riddler is used like a "chute" as it is positioned at an angle of about 60 degrees and the prawn catch is passed over the top of the screen. Small prawns pass through the screen and are collected in a container underneath, while larger prawns pass over the top and are collected in a container at the lower end of the "riddler". The unwanted portion of the prawn catch from riddling is discarded with green prawns returned to the water and cooked prawns disposed of. There is little information about the survival of "riddled" green prawns once they are returned to the water.

*A research program to be done by NSW Fisheries and funded by the Fisheries Research and Development Corporation will investigate the impact of riddling upon school prawns and then eastern king prawns. The research on the impact of "riddling" of green prawns will be completed by April 2005.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5	Ban for cooked prawns by July 2003; complete investigations on the sustainability of riddling uncooked prawns by April 2005	NSW Fisheries and EPT Fishers	Regulatory

- (e) Use best-practice techniques for the handling of non retained animals; in particular ban invasive implements such as spikes and encourage non invasive tools like tongs and scoops.

*Background: Fishers use various implements to sort through their catch efficiently, remove debris and to avoid injury from poisonous aquatic life or from the spines on some animals. One such implement is a spike which is used mainly to discard harmful animals over board.*

*Fishers are experimenting with ways to keep their catch alive whilst on the deck of their trawler. Some techniques that are being used are "swim tanks" to keep the catch alive whilst it is being sorted and "release tubes" to release discarded fauna below the surface away from predators such as birds and fish near the surface.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,4	By December 2003 for spikes and then as required	NSW Fisheries and EPT Fishers	Regulatory

- (f) [Continue to] use fishing closures to control the area and time fished to:

- (i) conserve target and byproduct species
- (ii) prevent trawling in areas and at times of high abundances of incidental species
- (iii) avoid direct interactions with threatened species, populations or ecological communities
- (iv) protect key habitats and areas of environmental sensitivity; in particular, prohibit trawling over beds of *Zostera* and *Posidonia* seagrass
- (v) equitably share the resource between stakeholders.

*Background: Fishing closures prohibit fishing over an area either absolutely or conditionally. In this management strategy all uses of the term "fishing closure" are intended to give a broad meaning encompassing any legally enforceable prohibition or restriction on fishing activity. This includes: fishing closures made under Division 1, Part 2 of the FM Act, aquatic reserve notification under Subdivision 3, Division 2, Part 7 of the FM Act; regulations under section 20 of the FM Act (as amended); regulations under 220ZE of the FM Act; and regulations under section 205B of the FM Act. Closures are normally reviewed every five years and are occasionally modified to address changing fishing patterns and/or environmental conditions.*

*All but four of the 130 coastal estuaries of NSW are currently closed to trawling. In addition, approximately 50% of the area of each of the four estuaries (Clarence River, Hunter River, Hawkesbury River and Port Jackson) where trawling is permitted, is closed. Numerous other closures already exist in the Estuary Prawn Trawl Fishery for a range of reasons. Each closure generally has benefits to numerous aspects of the resource and the fishery.*



*Environmentally sensitive areas referred to in this management response are the geographic areas containing aquatic habitats that are likely to be particularly vulnerable to loss or irreversible alteration from any interaction with prawn trawling gear, and may include:*

- *significant stands of aquatic vegetation such as seagrass, mangroves and macroalgae*
- *areas of submerged rocky reef and their immediate surrounds which provide important refuges for some estuarine species*
- *areas of known remnant populations of sessile soft bottom invertebrate communities*
- *areas of known importance to threatened species particularly any areas identified in recovery plans (NB. areas of critical habitat could be identified under the specific provisions of the FM Act)*
- *areas which are known to be important for marine mammals or birds, particularly those protected under National or International agreements.*

*Industry members of the Estuary Prawn Trawl MAC advise that trawling is not carried out over seagrass beds in the Clarence, Hunter or Hawkesbury Rivers.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,3,4,5	(i), (iii), (iv) and (v) ongoing and by December 2003 for part (ii)	NSW Fisheries	Regulatory

- (g) Continue the prohibition on using firearms, explosive or electrical devices to take shellfish and finfish in the fishery.

*Note: This management response is part of the current rules operating in this fishery and all other fisheries of NSW.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4	Current and Ongoing	NSW Fisheries	Regulatory

**Objective 1.2 To minimise the impact of activities in the fishery on marine and estuarine habitat**

Other important responses: 1.1a,c,f,g; 1.3f; 2.3b; 2.5b,d; 4.4a; 6.1b; 8.1a

- (a) Clearly define key habitat or environmental sensitivity areas and non-trawled areas within the area where trawling is currently permitted within each estuary.

*Background: The Estuary Prawn Trawl MAC has placed a high priority on research into mapping the environmentally sensitive areas of the Estuary Prawn Trawl Fishery. Applications for grant funding to do this research will be submitted. Also, research is being undertaken by the University of Sydney on the effects of trawling upon benthic communities in the Clarence River. Results from this and other studies will provide direction for future research to investigate the effects of trawling upon the ecosystem. Discussions will be held with industry, researchers and other stakeholders about closing any areas that are identified as being key habitat areas (including nursery areas for juvenile shellfish and finfish) and/or areas of environmental sensitivity (as defined in the background to management response 1.1f).*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,7	June 2006 and then ongoing	NSW Fisheries and EPT fishers	Regulatory

- (b) There will be no increase in the current total area that is trawled within the boundaries of each estuary.

*Background: This management strategy will maintain the current boundaries within each estuary of the fishery except where areas are identified as environmentally sensitive. Environmentally sensitive areas within each estuary will be mapped and closed to trawling. Areas not identified as environmentally sensitive within the current boundaries will remain open to trawling.*

*The trawl grounds for each estuary within the current boundaries will be mapped. Recognised environmentally sensitive areas from which trawling is excluded will be identified on these maps. The grounds the fishery works may change as fluctuating environmental conditions prohibit trawling in one area but enable trawling in another. For instance, shifting substrate may cover rocky areas making trawling possible in that previously non-trawled area. However, the percentage of the area that is trawled within the boundaries of the fishery (and excluding environmentally sensitive areas) in each estuary will not increase between years.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,7	June 2006 and then ongoing	NSW Fisheries and EPT fishers	Regulatory

- (c) Continue the prohibition on wilfully damaging marine vegetation.

*Note: This management response is part of the current rules operating in this fishery and all other fisheries of NSW.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,4,7	Current and Ongoing	NSW Fisheries	Regulatory

- (d) Prohibit the removal (by commercial fishers in this fishery) of woody debris from the estuary.

*Background: The removal of large woody debris was declared a key threatening process in November 2001 under the FM Act. However, NSW Fisheries' policy on woody debris provides for moving snags from a trawl ground. The "Policy & Guidelines For Aquatic Habitat Management And Fish Conservation" provides for re-aligning snags and if this is not possible then relocating the snag "out of the way" but still within the estuary and in close proximity to where the snag was taken.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,7	Current and Ongoing	NSW Fisheries	Regulatory

- (e) Develop a code of conduct for the fishery with respect to:

- (i) guidelines for operating near river banks, seagrass, saltmarsh or mangrove habitat and in any other area of environmental sensitivity in a manner that minimises environmental impacts in those areas
- (ii) operating in the vicinity of listed Ramsar wetlands or known JAMBA and CAMBA migratory bird habitat in a manner that minimises disturbance
- (iii) respecting the rights and recognising the needs of other users of the water ways and residents along the estuaries

- (iv) minimising the levels of pollutants associated with the fishing operation, including exhaust, noise and fuels and oils in bilge water
- (v) assisting in reducing the amount of rubbish in estuaries by retaining for disposal onshore the rubbish recovered during fishing operations
- (vi) operating in the vicinity of threatened species, populations, and ecological communities.

*Background: Fishers of the Estuary Prawn Trawl Fishery are responsible stewards of the ecosystem from which they earn an income. Formalising the actions that are already done by many will go a long way towards improving the relations between the commercial fishing industry and other stakeholders.*

*The code of conduct for the Estuary Prawn Trawl Fishery will be developed and periodically reviewed (and amended where necessary) by NSW Fisheries in consultation with the Estuary Prawn Trawl MAC. Input from other natural resource agencies (e.g. National Parks and Wildlife Service) will be sought when developing relevant parts of the code. The code of conduct should provide for regional codes and will be enforceable through the share management plan for the Estuary Prawn Trawl Fishery.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,3,4	By December 2003	EPT MAC and NSW Fisheries	Voluntary and Regulatory

**Objective 1.3 To reduce the likelihood of species, populations and ecological communities being changed in a manner which threatens ecosystem integrity (i.e. composition and function)**

Other important responses: 1.1a-c, e-g; 1.2a-e; 2.1a,h; 2.3b; 2.4a; 2.5a-d; 2.6a,b; 4.2c; 4.4a; 6.1a,b; 6.4a; 8.1a,b; 8.2a,b

- (a) Implement incidental catch ratios in each estuary.

*Note: The incidental catch ratio is the ratio, by weight, of the target prawn species to all other species in the catch (incidental catch) of a trawl. This ratio will be used to identify areas where the abundance of incidental species is too great to allow trawling to occur.*

*The implementation of incidental catch ratios will be discussed with the Estuary Prawn Trawl MAC to ensure that it is practical and cost effective. The essential components are that adhering to the incidental catch ratios system will be the responsibility of industry and incidental catch ratios will be enforced as part of quality inspections by fisheries officers. The system is to be implemented by December 2003. The incidental catch ratios will be reviewed annually, or at other times where needed, in light of new or up to date information.:*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,7	By December 2003	EPT fishers	Regulatory

- (b) Promote research on the impacts of estuary prawn trawl fishing on the general environment; in particular, pursue the research priorities identified in section 6 of this management strategy.

*Background: Like most fisheries around the world, direct effects of the Estuary Prawn Trawl Fishery on habitats and species of importance are poorly understood and indirect effects are unknown. The Estuary Prawn Trawl Fishery needs to promote and support long-term research that aids understanding of the impact of the fishery in an ecological setting. An observer study will provide information that will be useful when determining the direct impact of the fishery. Information from the current study by the University of Sydney into the impacts of trawling upon benthic communities in the Clarence River and from other studies done on the impact of trawling will provide direction for future research.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,8	Ongoing	NSW Fisheries and EPT MAC	-

- (c) Collaborate with other institutions (such as universities and other research facilities) to better understand the concepts of ecosystem function and the individual importance of species, populations and ecological communities.

*Background: There is a general lack of knowledge about the way in which biodiversity in marine ecosystems is affected by fishing and how to measure these effects. This is especially true for diverse and complex systems like the environment in which the Estuary Prawn Trawl Fishery operates. A better knowledge of how these ecosystems function is needed to understand the effects of trawling upon these systems. NSW Fisheries collaborates with universities and other institutions in a range of ways such as offering scholarships and in-kind contributions, collecting specimens and providing fish samples.*

*An example of such a program is the joint research program being carried out by NSW Fisheries and the University of British Columbia will explore the potential of whole-ecosystem simulations based on ECOSPACE, a spatially-explicit modelling technique, to forecast the results of alternative policy options for the marine and estuarine fisheries in New South Wales. Estuarine, sub-littoral, inshore, coastal, shelf and deep-water offshore habitats will be represented by approximate habitat maps at a range of spatial scales, probably on grids 20 and 4 km square. Species, or functional groups of species, associated with these habitats will also be represented in these models and will include available information on life-history and movement as determined from the literature and from workshop inputs. Models will be constructed using data from as wide variety of local sources as possible, including local University and Government publications, theses and research projects*

Contributing to Goals	Timeframe	Responsibility	Authority
1,6,8	Current and Ongoing	Other institutions and NSW Fisheries	-

- (d) Develop a performance indicator to measure the impact of trawling upon biodiversity.

*Background: There is no simple performance measure currently available to give an accurate representation of the impacts of the Estuary Prawn Trawl Fishery on biodiversity. Performance measures are needed for biodiversity impacts at the species, community and ecosystem levels. Careful thought must be given to deciding the most appropriate performance measures (and trigger points), so as to avoid expending resources unnecessarily on monitoring unrepresentative or inappropriate indicators. This will require substantial research over many years to determine the best approach and useful performance measures may be unavailable for some time. Collaboration among fishery management, scientific and stakeholder groups will be essential to the development of appropriate indicators. Funding will be sought through external grants.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,8	By June 2007	Other institutions and NSW Fisheries	-

- (e) Having regard to the prioritisation of research projects related to the Estuary Prawn Trawl Fishery, develop a research strategy to assess the risk associated with the fishery impacting on the bycatch species and to assess the impact of trawling upon biodiversity within the fished area of each estuary

*Background: The species composition and quantity of the bycatch taken by estuary prawn trawlers is well documented and the observer program included within this management strategy will provide updated information on a periodic basis. There is a need to ensure that the amount of bycatch taken does not jeopardise the sustainability of the species affected (or perhaps the ecological relationships of which they are part), and a risk assessment would assist in determining the species that are likely to be most vulnerable due to the operation of the fishery.*

*Once a performance indicator for biodiversity impacts has been agreed to by stakeholders then a research strategy will need to be developed to provide the information necessary to implement the performance indicator.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,3,6,7,8	When required	NSW Fisheries	-

- (f) The Estuary Prawn Trawl MAC will have the opportunity to comment on the selection and ongoing management of marine protected areas in estuarine waters.

*Background: A comprehensive system of representative marine protected areas (i.e. marine parks and aquatic reserves) is being declared in NSW to protect and enhance marine and estuarine biodiversity. Large marine bioregions have been identified by the Interim Marine and Coastal Regionalisation for Australia (IMCRA) report.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,3,4,7	Current and Ongoing	EPT MAC	-

**Objective 1.4 To prevent the introduction and translocation of marine pests and diseases**

Other important responses: 2.5b,c; 6.4a

- (a) Implement, in consultation with the Estuary Prawn Trawl MAC, measures required in accordance with any marine pest or disease management plans.

*Background: The Minister for Fisheries or other agencies may alter management arrangements from time to time to minimise or mitigate the impact of marine pests and/or diseases. A recent example of the need for a link with other strategies was the suspected incidence of white spot disease in NSW. A system of closures and monitoring was implemented in NSW during that suspected outbreak. The industry views with concern the use of imported prawns being sold as bait without AQIS certification.*

*NSW Fisheries has a pest program team which has three key responsibilities:*

- *identifying pest species at high risk of establishment in NSW and developing pest incursion plans for those species*
- *conducting biodiversity surveys and assessing the potential impact of any identified alien species. Potentially high risk species would be recommended for listing as noxious under the Fisheries Management Act 1994.*
- *developing appropriate control measures for noxious species and other established pests.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,6	Current and Ongoing	NSW Fisheries and EPT MAC	To be determined

## GOAL 2. To maintain target and byproduct species harvested by the Estuary Prawn Trawl Fishery at sustainable levels

It is important that the species harvested by this fishery are fished at a level that minimises the risk of overfishing the stocks. Because the fishery is managed by input controls, the key issue with respect to controlling the level of harvest is controlling the amount of fishing effort that is applied to the stock. There is a large latent effort component in the Estuary Prawn Trawl Fishery that could place increased pressure upon the resources. Controlling fishing effort can include very specific measures such as regulating the size and dimensions of the fishing gear used, but at a broader level can involve measures such as controls on the number of fishers who have access to (or are 'endorsed' to operate in) each part of the fishery.

### Objective 2.1 To maintain the stocks of target and byproduct species of the Estuary Prawn Trawl Fishery at or above a level that minimises the risk of overfishing

Other important responses: 1.1b,d,f,g; 1.2a,b; 1.3a,f; 2.2a; 2.3a-c; 2.4b; 2.6a-c; 4.1a; 4.2a-d; 4.4a; 5.1a,b; 5.4b; 6.1a,b; 8.1a,b; 8.2a,b

- (a) Monitor the quantity, length, and/or age and sex composition of target and byproduct species caught in the Estuary Prawn Trawl Fishery.

*Background: Information on the structure of populations in catches is essential for stock assessment purposes. Monitoring will be done through; (1) a episodic observer based program to collect information on the quantities and sizes individuals of species caught in the trawl net, (2) fishery independent surveys to collect information on the relative abundance and size of individuals in populations impacted by the Estuary Prawn Trawl Fishery and (3) fishers monthly return forms. For further details see Goal 8 of this section and section 6.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5,8	By July 2002 and then ongoing	NSW Fisheries	-

- (b) Together with all harvest sectors of squid in NSW review the exploitation status of the squid resources.

*Background: Data from fisher's monthly return forms show a long-term decline in the level of annual total reported landings of squid (Appendix B5 Figure AB41 in the Estuary Prawn Trawl Fishery EIS). This pattern is different to that shown from the same data source for the Estuary Prawn Trawl Fishery in the Hawkesbury River where squid is a target species (Appendix B5 Figure AB43 in the Estuary Prawn Trawl Fishery EIS). The Estuary Prawn Trawl Fishery contributes 36% by weight to the annual total reported landings of squid and 99% of its contribution comes from the Hawkesbury River.*

*The review should investigate reasons for the decline in the total annual reported landings of squid and information about the species composition of catches and stock structure. Funding for this review and any subsequent action required should be forthcoming from all participants in fisheries that harvest squid.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5,8	By December 2003 and then as required	NSW Fisheries and EPT fishers	-

- (c) Promote research that contributes to more robust and reliable stock assessments of prawn and squid populations and through the Estuary Prawn Trawl MAC prioritise research programs.

*Background: A clear expression of the relative priorities for stock assessments is essential to ensure the most effective use of resources for stock assessments. NSW Fisheries will be undertaking a study, funded by the Fisheries Research and Development Corporation, to collect information on the growth and mortality of the school prawn populations. A desktop study to provide updated estimates of population parameters for eastern king prawns is also needed. Management response 2.1b requires a review of the information available on squid. Results from this and stock assessments will provide direction about the priorities for future research that may benefit the fishery and improve the reliability of the stock assessments.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5,8	By December 2003 and then ongoing	NSW Fisheries	-

- (d) Implement (for each estuary) maximum 'point of sale' prawn counts and 'cod-end' prawn counts to minimise trawling at times and in areas where prawns are below optimum size

*Background: Legal minimum lengths are used to protect animals from capture. This assists to conserve stock and promote recruitment to the spawning population so that the risks of recruitment overfishing are minimised. In the case of prawns it is difficult to manage a legal minimum length because of the size of the prawns and the quantities that are landed. A maximum count of prawns (number to the half kilogram) is used instead.*

*Following recommendations by the Juvenile Prawn Summit Working Group (which has representatives from all stakeholder groups), statewide 'point of sale' prawn counts will be introduced by December 2003. Information on the growth and mortality of king prawns will be reviewed by July 2004 and the counts for school prawns will be reviewed by July 2007 when the result of a three year research project on the growth and mortality of school prawns becomes available.*

*The system under which 'cod-end' counts for prawns will determined following consultation with the Estuary Prawn Trawl MAC, and may vary between estuaries. The essential components are that trawlers avoid specific areas within the estuary where prawns of sub-optimal size are abundant and 'cod-end' counts are self regulated by the industry (with compliance being monitored by fisheries officers).*

*It should be noted that it is not the intention of this management response to close an entire estuary to trawling if a single operator breaches the prawn counts.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5	By December 2003	NSW Fisheries and EPT fishers	Various

- (e) Review the maximum counts for eastern king and school prawns in light of available information and information collected between 2002 and 2005 on the growth and mortality of school prawns.



*Background: A three year research project funded by the Fisheries Research & Development Corporation is underway to investigate the growth and mortality of school prawns. Information on the growth and mortality of school prawns will provide information about the optimal biological conditions (with greater levels of precision than is currently possible) for harvesting school prawns. This information may effect decisions about the maximum prawn counts, see management response 5.1a. Results from this research will be available by December 2006.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5	By July 2007	NSW Fisheries and EPT MAC	-

- (f) Ascertain the need for a legal minimum length for squid and implement as required.

*Background: Research is being undertaken by the University of Sydney to determine the optimal levels of certain input controls for the Hawkesbury River squid component. This research might provide the information needed to determine whether a minimum legal length on squid is necessary to prevent overfishing of the stock.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,5	By June 2004	NSW Fisheries and EPT MAC	-

- (g) Encourage the adoption of complementary counts for prawns and legal minimum lengths for squid in other fisheries.

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5	Current and ongoing	NSW Fisheries and EPT MAC	-

- (h) Develop a system for and do formal stock assessments of the target species within five years and review the system of assessment at least every three years thereafter.

*Background: Stock assessments will provide information that can be used by the Total Allowable Catch Setting and Review Committee to make determinations about levels of fishing effort on the target species in connection with this fishery. These will be done in consultation with stakeholder groups including the EPT MAC (see section 7(d)). Stock assessments will also provide information about the optimum sizes (prawn counts and legal minimum lengths) at which to catch the target species, appropriate levels of spawner biomass and results about patterns in annual reported landings and catch per unit effort.*

*Information to assess the impact of fishing on stocks of target species is at different stages of completion, ranging from having lots of information on rates of growth and mortality to having little information beyond that on catch and effort. It is important to note that stock assessments are done on a species basis and must take a holistic approach to assessing the impact of exploitation upon the stock by considering the catch taken from all sectors including recreational, charter boats, Indigenous and commercial fisheries.*

*The process of doing stock assessments will need to be reviewed at least every three years to ensure that the system of collecting information and analysis remain the most appropriate for this fishery. An important part of the review of stock assessments will include improvement of trigger points (biological reference points) for each species. (See section 9(e)).*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5,7,8	By July 2007	NSW Fisheries, EPT MAC and other stakeholders	-

- (i) Having regard to the prioritisation of research projects related to the Estuary Prawn Trawl Fishery, develop a strategic approach for ascertaining the status of byproduct species taken in the fishery

*Background: There are many byproduct species permitted to be taken in the fishery, the health or status of which is not known. While the focus of stock assessment under this management strategy is initially on the target species (due to the costly and time consuming nature of stock assessment work), a longer term plan is needed to allow an assessment of the status of the byproduct species.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5,8	By December 2004	NSW Fisheries	-

- (j) Subject to approval by the Minister for Fisheries, provide for the development of species based resource plans and/or area based resource plans in consultation with the Estuary Prawn Trawl MAC, relevant stakeholders and the public as appropriate

*Background: If there are found to be benefits in producing plans of management for particular species or areas relevant to the Estuary Prawn Trawl Fishery over and above the existing programs, the management strategy provides for their development subject to approval by the Minister for Fisheries.*

*An example of such plans may include the Estuary Management program for many of the State's estuary systems, which has been established by the NSW Government. Estuary Management Committees are formed and funded by Department of Land and Water Conservation and local council(s) with representation from State Government agencies (NSW Fisheries, National Parks and Wildlife Service, NSW Waterways, etc.) and local community interest groups*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4	As required	NSW Fisheries	-

**Objective 2.2 To achieve levels of spawner biomass on a stock basis that will reduce the risk of recruitment overfishing**

Other important responses: 1.1d,f; 2.1c-h; 2.3a,b; 2.4b; 2.6a-c; 4.2a,d; 8.1a,b; 8.2a

- (a) Encourage other prawn harvest sectors to adopt an appropriate level of fishing effort on the spawning stocks of target species.

*Background: It is generally accepted that maintaining a spawning biomass of around a certain level of the virgin spawning biomass helps guard against recruitment overfishing. Appropriate levels of spawner biomass will be determined from the population models used for stock assessments (see management response 2.1c and h).*

Contributing to Goals	Timeframe	Responsibility	Authority
2,5	Ongoing	NSW Fisheries and EPT MAC	-

**Objective 2.3 To conserve shellfish stocks by managing levels of active effort in the fishery**

Other important responses: 1.1a,f,g; 1.2a,b; 1.3f; 2.1b,c,h; 2.4a,b; 2.6a-c; 4.2c,d; 4.4a; 6.1a,b; 6.2a; 8.2a

(a) Implement separate management rules for each estuary open to prawn trawling.

*Background: The management rules for each estuary will be based upon the management tools outlined in this management strategy. Currently, some management controls used in the fishery differ between estuaries. The practice of managing each estuary to meet the specific needs of that estuary will continue.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4	Current and ongoing	NSW Fisheries	Regulatory

(b) The Minister for Fisheries will require the Total Allowable Catch Setting and Review Committee to make determinations relating to the maximum level of effort exerted upon the target species in connection with this fishery, after considering submissions and advice from the public, management advisory committees and other stakeholders.

*Background: This does not mean that a total allowable catch will be set in this fishery. It is acknowledged that prawn catches fluctuate greatly. The TAC Committee would only recommend the level of fishing effort put into catching prawns. For further information see section 7(d).*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5	From 2003	NSW Fisheries, EPT MAC and other stakeholders	Section 28 (4) of the FM Act

(c) Implement either of the following:

- (i) minimum shareholdings over set time periods to limit the number of vessels and operators in each estuary to historically active levels
- (ii) limit the number of total fishing days for each estuary
- (iii) limit the number of fishing days available to each business based upon past participation.

*Background: The management strategy requires a meaningful control on fishing effort in this fishery. The Estuary Prawn Trawl MAC will be consulted over the development of the options in this management response and the best available information on the potential economic impacts of each option will be provided to the MAC.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5	By July 2003	NSW Fisheries	Regulatory

(d) continue the licensing arrangements described in this management strategy (see section 4).

Contributing to Goals	Timeframe	Responsibility	Authority
2,5,6,8	Current and ongoing	NSW Fisheries	Various

(e) Restrict the engine power of vessels in the Estuary Prawn Trawl Fishery in Port Jackson.

*Background: Restricting engine power of trawlers indirectly limits fishing effort (i.e. input control). Engine restrictions already apply to Clarence River prawn trawlers.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,5	By July 2003	NSW Fisheries	Regulatory

#### Objective 2.4 To prevent the activation of latent (unused) fishing effort

*Background: For the purpose of this management strategy latent effort relates specifically to the number of never used, or seldom used, estuary prawn trawl entitlements. The Estuary Prawn Trawl MAC considers that there are benefits in maintaining the status quo in the fishery where fishers have fishing businesses with endorsements in several fisheries. These fishers tend to only use their estuary prawn trawl endorsement in years when the prawns are most abundant and can sustain higher fishing pressure. This maintains a lower level of fishing effort during years when catch rates of prawns are not high.*

*It is the intention of this management strategy that any restructuring of fishing effort considers the benefits of having fishing businesses with several endorsements in the fishery. The Estuary Prawn Trawl MAC advises that fishery specific restructuring could result in a move from multi-endorsed businesses to fishery specific businesses, particularly where a business is active across a number of fisheries and has a relatively low level of participation in each. Where restructure mechanisms are introduced, the MAC considers that they should apply at the fishing business level rather than the fishery level.*

Other important responses: 2.3b; 4.4a; 8.2a

(a) Provide for the nomination of estuary prawn trawl entitlements within the share management plan for the fishery, but only where such nominations will not lead to increases in the level of fishing effort

*Background: A provision for nominations will be created under the share management plan that allows business owners to employ other persons to work their business, but in a manner that does not result in any increase in fishing effort. There have been instances where the nomination provisions have been used in the past to circumvent restrictions on the transfer of fishing endorsements and where relatively inactive fishers have 'passed' their entitlements to new entrants who fish more intensively in the fishery than the inactive fisher.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,5	By December 2003	NSW Fisheries	Regulatory

(b) Establish minimum entry requirements for new entrants at the fishing business level (i.e. taking into account entitlements held in other fisheries) that will prevent increases in effort by small businesses.

*Background: Similar to how the Recognised Fishing Operation (RFO) policy works for other NSW commercial fisheries, safeguards are needed to ensure that new entrants to the fishery replace active fishing effort before they can operate. Representatives of industry and NSW Fisheries will continue to consult through the Estuary Prawn Trawl MAC about how best to treat latent fishing effort.*

*Operators need to be in a position, by 2008, to afford to pay for the attributable costs of management from their fishing revenue. Viable fishing businesses also have a greater incentive to support long term management decisions that are needed now and into the future.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5,6,7	By December 2003	NSW Fisheries	Regulatory

**Objective 2.5 To minimise the impact of activities external to the Estuary Prawn Trawl Fishery on the resources harvested by the fishery and on fishery related habitats**

Other important responses: 1.3e,f; 1.4a; 2.1c,h; 2.2a; 2.6c;

- (a) NSW Fisheries will continue to review and, where legislatively enforceable under the *Fisheries Management Act 1994 (FM Act)*, place conditions on development applications referred to it by other determining authorities, in order to avoid or minimise impacts on fishery resources from coastal developments within the catchment area of each estuary of the Estuary Prawn Trawl Fishery.

*Background: Development applications submitted under the Environmental Planning and Assessment Act 1979 that have the potential to adversely impact on fish or habitat are often referred to NSW Fisheries for review and comment. Using its legislative powers under the FM Act, the Department has the ability to recommend refusal of the development (if inconsistent with the Act or Policy and Guidelines for Aquatic Habitat Management and Fish Conservation 1999), recommend the approval of the development without changes, or in some cases, recommend the approval of the development with conditions to be attached to limit the potential impacts of the activity. Where issues do not fall within the legislative jurisdiction of the Department, NSW Fisheries may still provide advice to the relevant determining authority to ensure that these issues are considered and appropriately addressed.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,7	Current and ongoing	NSW Fisheries	EP&A Act

- (b) The Estuary Prawn Trawl MAC will consider comments they receive from EPT fishers regarding impacts upon the resources from activities external to the fishery (including those of other fisheries) and will bring any detrimental impacts to the attention of NSW Fisheries and/or the relevant managing agency.

*Background: For example fishers may notice changes in the quality of water in the river which they think has been caused by factors that are 'external' to the fishery.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,3,5,6,7	Current and ongoing	EPT MAC and EPT fishers	-

- (c) The Estuary Prawn Trawl MAC will contribute to NSW Fisheries' reviews of the habitat management policy and guidelines or habitat protection plans which aim to prevent or reduce impacts of all activities on aquatic habitats, including seagrass, saltmarsh and mangrove habitats.

*Background: Habitat management guidelines and plans have been and will continue to be prepared under the FM Act to prevent or minimise the impact of all types of activities on shellfish and finfish habitat.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,6,7	Current and ongoing	NSW fishers and EPT MAC	Various

- (d) NSW Fisheries and commercial fishers will contribute to the development of policies or legislation established by the NSW Government to ensure that shellfish and finfish stocks and habitat issues are properly considered in other environmental planning regimes.

*Background: NSW Fisheries and fisheries stakeholders are already represented on many natural resource management committees (e.g. Catchment Management Boards, Healthy Rivers Commission, Coastal Council of NSW, etc.) that operate in areas relevant to the Estuary Prawn Trawl Fishery.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,6,7	Current and ongoing	NSW Fisheries and EPT Fishers	-

#### **Objective 2.6 To promote the recovery of overfished species**

Other important responses: 1.1c; 2.1d,h; 2.2a; 2.3b,c; 2.4b

*Background: The process of determination of the species' status is described in 4(c). This process may commence with a trigger point review (explained in section 9). It is important to note that an indicator for a species that has exceeded its trigger point does not automatically mean that the species is overfished. Trigger points are set conservatively, (that is they are likely to trigger false alarms) in order to maximise the chance of detecting a genuine event of importance (see section 9).*

*The implementation of recovery programs includes those developed by the Commonwealth or other states for the same populations that are harvested by the Estuary Prawn Trawl Fishery. They may be developed for target, byproduct and bycatch species impacted by the Estuary Prawn Trawl Fishery.*

- (a) Where the fishery is a major harvester of an overfished species, develop and implement a recovery program for the species within a specified timeframe.

*Background: The fishery may be a major harvester of both target and byproduct species.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,5,6	Recovery program drafted for consultation within 6 months	NSW Fisheries and EPT MAC	To be determined

- (b) Where the fishery is a minor harvester of an overfished species, contribute to the development of a recovery program for the species and adopt any measures required by that plan.

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
1,2,4,5,6	As required	NSW Fisheries	To be determined

(c) During the period of development of a recovery program for a species that has been determined as being recruitment overfished, implement precautionary actions including, but not limited to, any of the following:

- total harvest controls
- reductions in effort associated with the harvest of the species
- the implementation of fishing closures
- incidental catch management provisions
- mandatory gear changes.

*Background: In the event that a species is determined to be recruitment overfished urgent action is needed to prevent the risk of a stock collapse. Growth overfishing on the other hand relates to maximising the yield from the stock and does not necessarily require immediate measures prior to the introduction of a recovery program.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
2,5,6	As required	NSW Fisheries	Various

### **GOAL 3. To promote the conservation of threatened species, populations and ecological communities associated with the operation of the Estuary Prawn Trawl Fishery**

Activities that impact on species, populations or ecological communities that are listed as being threatened must, under several pieces of state and federal legislation, be modified or phased out so as to mitigate those impacts. Protected animals must also receive a higher conservation status. This includes threatened mammals, birds, and reptiles, as well as fish species and could include habitats that are critical to the survival of such animals.

While there are no firm data, it is thought that the impact of the Estuary Prawn Trawl Fishery on threatened species, populations and ecological communities is small. Nevertheless, it is important to quantify and monitor any threatened species interactions, and have a management framework that is responsive to change in the event that impacts are identified and found to be unacceptable.

**Objective 3.1 To identify and minimise any impacts of fishing activities in the fishery on threatened species, populations and ecological communities (including mammals, birds, reptiles, amphibians, shellfish and finfish, and vegetation), and where possible promote their recovery**

Other important responses: 1.1f; 1.2e; 1.3e,f; 2.5b; 6.4a; 8.1b

- (a) Modify the catch and effort returns, in consultation with the Estuary Prawn Trawl MAC, to collect and monitor information on sightings of threatened or protected aquatic species and captures of any threatened or protected species.

*Background: The guidelines for a "ecologically sustainable" fishery approved by the Commonwealth under the EPBC Act include a requirement to collect information on interactions with endangered, threatened or protected species and threatened ecological communities. These species populations and communities are listed in the FM Act, Threatened Species Conservation Act 1995 and the EPBC Act. Information on the occurrence of threatened species will come from modified catch and effort return forms, observer based surveys and fishery independent surveys (see management responses 8.1a and b).*

*Fishers will be trained on the identification of species during port visits, via documentation and by interaction with scientific staff as part of the observer program.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
3,6,8	By July 2003	NSW Fisheries, EPT MAC and EPT fishers	-

- (b) Implement, in consultation with the Estuary Prawn Trawl MAC, the provisions of any relevant threatened species recovery plans or threat abatement plans.

*Background: The recovery plans referred to in this response include those being developed under the Fisheries Management Act 1994, the Threatened Species Conservation Act 1995 or other State or Commonwealth legislation. The response recognises that the statutory*



provisions of a threatened species recovery plan must be implemented and take precedence over the provisions of this management strategy.

Consultation with the Estuary Prawn Trawl MAC to discuss such matters may not need to wait for the next scheduled meeting of the MAC.

Contributing to Goals	Timeframe	Responsibility	Authority
3,6,7,8	As required	NSW Fisheries and EPTMAC	Various

- (c) Continue the prohibition on taking protected fish and on fish protected from commercial fishing as set out in the *Fisheries Management (General) Regulation 2002*.

*Background: 'Protected fish' refers to species of fish that are protected from all forms of fishing. 'Fish protected from commercial fishing' as the name suggests, refers to species of fish that are protected from commercial fishing only. Protected fish includes species identified as threatened, endangered or vulnerable under the Fisheries Management Act 1994.*

*At the commencement of this management strategy, the marine and estuarine species of protected fish included Ballina angelfish, black rock cod, eastern blue devil fish, elegant wrasse, estuary cod, giant Queensland groper, green sawfish, grey nurse shark, herbst nurse shark, great white shark and weedy sea dragon. Fish protected from commercial fishing included marlin (black, blue and striped), groper (blue, brown and red), Australian bass and estuary perch.*

Contributing to Goals	Timeframe	Responsibility	Authority
3,4	Current and ongoing	NSW Fisheries	Regulatory

- (d) Continue the prohibition of taking any species in commercial fishing operations protected under other jurisdictions' arrangements (this may include invertebrates, fish, reptiles, birds, mammals, plants, algae etc).

*Background: Protected species are identified under the NSW Threatened Species Conservation Act 1995, the NSW National Parks and Wildlife Act 1974, and the Commonwealth EPBC Act.*

Contributing to Goals	Timeframe	Responsibility	Authority
3,4,6	As required	NSW Fisheries	Various

- (e) A systematic risk-based assessment will be undertaken to a standard agreed between the Director General of PlanningNSW and the Minister for Fisheries on the interaction and impacts of commercial fishing on protected and threatened species, populations or communities.

*Background: Consideration will be given to undertaking a single assessment in relation to the Estuary General, Ocean Hauling and Estuary Prawn Trawl fisheries so the cumulative impacts can be considered. The risk-based assessment may include, but not be limited to assessment of:*

- (1) the spatial overlap between the operation of the fishery and protected and threatened species, populations and ecological communities*
- (2) the likelihood of interaction given any spatial overlap between the operation of the fishery and protected and threatened species, populations and ecological communities, and*

(3) *the likelihood of the interaction leading to injury, mortality of threatened species or populations, or significant impacts on threatened ecological communities.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
1,3	To be agreed between Director General of Planning NSW and the Minister for Fisheries	NSW Fisheries	-

## **GOAL 4. To appropriately share the resource and carry out fishing in a sustainable manner that minimises social impacts**

The Estuary Prawn Trawl Fishery operates in close proximity to residential areas, popular picnic areas and other general users of the State's waterways. It catches species that are actively targeted in other commercial fisheries, the charter boat fishery and the recreational fishery, or that may have significant conservation value. The social interaction between estuary prawn trawl fishing operations and other stakeholders is a significant issue in this fishery and needs careful management.

### **Objective 4.1 To evaluate and provide an appropriate allocation of the fisheries resource between fishing sector groups, acknowledging the need of seafood consumers to access fresh quality shellfish and finfish**

Other important responses: 1.1a,f; 2.1b-d,g,h; 2.3a-c; 2.6a,b; 4.2b,c,d; 4.4a; 5.1a; 8.2b

- (a) Estimate as far as practicable, the size of the non-commercial catch and the catch by indigenous peoples and the relative impact of such harvesting on the resource, taking into account the results of the National Recreational and Indigenous Fishing Survey and information obtained from charter fishing boat logbooks.

*Background: Estimates of all harvest rates are vital for stock assessments. While the National Recreational and Indigenous Fishing Survey report was not published at the time of preparation of this management strategy, the NSW portion of the recreational catch information from the survey has been released. It is envisaged that this survey will be repeated periodically within NSW. The non-commercial catch includes any 'black market' catch sold by both licensed commercial fishers and unlicensed fishers. Information on illegal catch will come from surveys of commercial fishers and fish receivers.*

*In November 2000, a licensing scheme was introduced for all marine and estuarine charter boat operators. These operators are required to record catches taken on board licensed charter vessels as part of a mandatory logbook program. Estimates of harvest rates from all sectors will be used in stock assessments.*

*The accuracy of data or estimates of non-commercial catch will impact directly on the robustness of stock assessment information.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
2,4,5,8	By June 2006	NSW Fisheries	-

### **Objective 4.2 To monitor and manage a fair and equitable sharing of the fisheries resource among commercial fisheries**

Other important responses: 1.1a,b,d,f; 2.1a-d,g,h; 2.3a,b; 2.4b; 2.6a,b; 4.1a; 4.4a; 5.1a; 8.2b

- (a) Evaluate catch levels and monitor management structures in fisheries that are outside NSW jurisdiction but where catches in those fisheries impact on stocks shared with the Estuary Prawn Trawl Fishery.

*Background: The Estuary Prawn Trawl Fishery shares an eastern king prawn resource with fisheries under Victorian, Queensland and Commonwealth jurisdictions.*

*Note: This management strategy must provide for regular updates on catch and changes in management or catch composition in these other fisheries. Where possible, it is important to have consistent or complimentary management arrangements for shared stocks, between jurisdictions.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5,8	By July 2003 and then annually	NSW Fisheries	-

- (b) Evaluate the annual reported landings of the prawn and squid species that are also taken in other commercial fisheries (i.e. Estuary General and Ocean Prawn Trawl) in New South Wales.

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,8	By July 2003 and then annually	NSW Fisheries	-

- (c) Limit the annual landings of byproduct species within each estuary in the Estuary Prawn Trawl Fishery to those species and the quantities listed in Table 13.

*Background: The landing limits in Table 13 are based upon reported landings from the commercial fisher's monthly return forms. Whereas the incidental catch (byproduct plus bycatch) ratios in management response 1.3a are based upon the weight of incidental catch at the time the cod-end is landed on the vessel, the byproduct limits are based upon the weight of each byproduct species (relative to the weight of target species) that are reported as landed for sale. These landing limits will be monitored through the system of fisher's month return forms and the Compliance Quality Inspection Scheme.*

*The byproduct species landing limits specified in Table 13 apply on a per vessel basis, and will also be used during the annual monitoring of total landings by estuary. The limits will be reviewed in light of new information, such as data coming from the observer program.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4	By June 2003 and then ongoing	NSW Fisheries and EPT MAC	-

- (d) Use cross-fishery stakeholder consultation to discuss management issues (e.g. maximum prawn counts) relevant to more than one fishery and ensure equitable and sustainable use of the target species.

*Background: Representatives from stakeholder groups including those of the Estuary General Fishery, Ocean Prawn Trawl Fishery, recreational fishery and Indigenous fishers will be invited on an as-needs basis to meet to discuss common issues about the management of the prawn resources. The information from the research undertaken in the fishery, such as the three year research program investigating the growth and mortality of school prawns, will be beneficial to this process.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,4,5,6,8	From 2003 as required	NSW Fisheries	-

**Table 13.** Quantities in kg of byproduct species that can be landed for sale per 1,000 kg of target species.

\*Note that quantities are on a per vessel basis.

Common Name	Scientific Name	Port Jackson	Hawkesbury River	Hunter River	Clarence River
Prawn, eastern king	<i>Penaeus plebejus</i>	na	na	na	15
Prawn, school	<i>Metapenaeus macleayi</i>	139	na	na	na
Prawn, greasy back	<i>Metapenaeus bennetae</i>	50	0.5	1.1	0.2
Prawn, tiger	<i>Penaeus esculentus</i>	10.7	0.2	0	0.9
Octopus	Octopoda	30	2	0	0
Squid	Loliginidae, Sepiolidae & Teuthoidae	60	na	0	0.1
Crab, Blue Swimmer	<i>Portunus pelagicus</i>	170	40	0	0.1
Crab, Mud	<i>Scylla serrata</i>	1	0.3	0	2
Crab, Sand	Portunidae	0.6	0.1	0	0
Mantis Shrimp	Squillidae	30	0.4	0	0
Whiting, Trumpeter	<i>Sillago maculata</i>	820	120	0	0.1
Flounder	Bothidae	60	10	0	0
Sole	Soleidae	0	0.7	0	0
Silver biddy	<i>Gerres subfasciatus</i>	60	50	0	0.4
Trumpeter	Tetrapontidae	60	0.2	0	0
Whitebait (glass fish)	Clupeidae	0	3	0	0
Catfish	Plotosidae	13.4	5	0	2
John Dory	<i>Zeus faber</i>	13.5	0	0	0
Bullseyes	Pempheridae	0	0.1	0	0
Hairtail	<i>Trichiurus lepturus</i>	0	0.3	0	0
Yellowtail	<i>Trachurus novaezelandiae</i>	0	25	0	0

<sup>4</sup> "na" means not applicable to this estuary because the species is a target species for the fishery in that particular estuary.

**Objective 4.3 To minimise any negative impacts of the Estuary Prawn Trawl Fishery on Aboriginal and other cultural heritage**

Other important responses: 1.1a; 2.1c; 4.1a; 6.4a

(a) Participate in the development and subsequent reviews of any Indigenous fisheries strategies.

*Background: Consistent with objective 6.4, this management strategy is adaptive to a range of other concurrent programs, such as the Indigenous Fisheries Strategy. However, it should be noted that successful native title claims may effect the operation of the Estuary Prawn Trawl Fishery.*

Contributing to Goals	Timeframe	Responsibility	Authority
4,6	As required	NSW Fisheries	-

- (b) Respond, wherever practicable, to new information about areas or objects of cultural significance in order to minimise the risk from fishing or fishing activities.

*Background: The Estuary Prawn Trawl Fishery must respond appropriately to new information about items or locations of cultural significance. The NSW NPWS is the authority determining items of cultural significance.*

Contributing to Goals	Timeframe	Responsibility	Authority
4	Immediate	NSW Fisheries and EPT Fishers	-

**Objective 4.4 To promote harmony between the commercial fishery and other resource users, including recreational fishers, Indigenous fishers and local communities, through fair and equitable sharing of the fisheries resource**

Other important responses: 1.1a,b,e,g; 1.2a-c,e; 1.3a,f; 2.1c-e,g; 2.3b,c; 3.1c,d; 4.1a; 4.2c,d; 4.3a,b; 5.3b; 6.3a,b; 6.4a; 7.1a-c; 7.2a; 8.1a; 8.2a,b; 8.3a

- (a) Implement closures to trawling on weekends and public holidays across all estuaries and provide scope for adjusting the timing of the beginning and/or end of the annual trawling season.

*Background: Previously, the Hunter River and Port Jackson were closed to trawling during parts of weekends and public holidays. The Clarence River was open to trawling on weekends during the permitted season between 7 am and 9 am on Saturdays and on public holidays. Trawling is currently permitted year round in the Hawkesbury River but upstream of Juno Point was closed on weekends. Most weekend closures in each estuary have been at the initiative of industry in the interests of sharing resources.*

*Any reduction in the number of fishing days through the weekend and public holiday closure should be considered by the Estuary Prawn Trawl MAC during the discussion of the effort management options outlined in management response 2.3c.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4	Immediate	NSW Fisheries	Regulatory

## **GOAL 5. To promote a viable commercial fishery (consistent with ecological sustainability)**

In terms of gross value of production, the Estuary Prawn Trawl Fishery is worth approximately \$4 million annually (not including revenue received from the export market which generally yields higher prices). An economic survey of the Estuary Prawn Trawl Fishery carried out in 2001 showed that only a small proportion of fishing businesses (10%) had a long run economic surplus. With the progressive phasing in between year 2005 and 2008 of full cost recovery to meet all the attributable costs, estuary prawn trawl fishers need to be in a position economically to fund a greater proportion of the management costs. Viable fishing businesses have a greater incentive to support long term management decisions that are needed for sustainability now and into the future.

### **Objective 5.1 To manage the prawn and squid stocks so that the best outcome in terms of optimising biological yield and maximising economic return to the fishery is achieved**

Other important responses: 1.1a,c,d,f; 2.1b-h; 2.2a; 2.3b; 2.6a-c; 4.1a; 4.2a,d; 8.1b

(a) Taking into account available results of research, determine a size at first capture for eastern king and school prawns and appropriate counts for each target species of prawn.

*Background: This response relates to the equitable sharing of the resources across all fisheries. The sizes will depend upon the results of pending research between 2002 and 2005 on the school prawn resource and any available information for eastern king prawns. When determining counts of prawns consideration must be given to sustainability and equitable sharing of the resources. These issues form part of the deliberations of the MACs, the combined stakeholder group meetings and the Total Allowable Catch Setting and Review Committee. Once implemented, these sizes will be enforced through the compliance audit scheme. The "point of sale" counts (see management response 2.1d) will be reviewed also at this time.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
1,2,4,5	By July 2007	NSW Fisheries and other stakeholders	-

### **Objective 5.2 To promote the economic viability of estuary prawn trawl fishing**

Other important responses: 1.1a,d; 2.1c-f,h; 2.3c,e; 2.4a,b; 2.5b; 2.6a,b; 4.1a; 4.2d; 5.1a,b; 5.3a,b

(a) NSW Fisheries will develop, in consultation with the Estuary Prawn Trawl MAC, a performance measure for viability at the individual fishing business level.

*Background: A performance indicator is already provided for in Table 18 to measure economic viability on a fishery-wide basis. This management response would provide an additional measure of viability that is related to the economics and "life style" of individual fishing businesses in the fishery.*

Contributing to Goals	Timeframe	Responsibility	Authority
5,7	By December 2005	NSW Fisheries and EPT MAC	-

- (b) NSW Fisheries will develop and implement, in consultation with the Advisory Council on Commercial Fishing, a cost recovery framework.

*Background: On 2 November 2000, the Government announced that over the succeeding five years NSW Fisheries would develop and implement a fair and transparent cost recovery framework for category 2 share management fisheries. During this period, the total amount of money collected by NSW Fisheries, for its existing management services, will not increase without the support of the relevant MAC. Each estuary prawn trawl fisher currently pays the same commercial fishing licence fees for the Estuary Prawn Trawl Fishery, irrespective of their level of access.*

*From 2005, recovery of the costs that have been identified as attributable to industry will be progressively introduced over a further three year period. Accordingly, operators need to be in a position, by 2008, to afford to pay for the full attributable costs of management from their fishery revenue. A cost recovery framework needs to be developed in order that fishers pay according to their level of access in the fishery. The cumulative impacts of any increases in management costs on fishing businesses operating in the Estuary Prawn Trawl Fishery and other fisheries will be considered in developing the cost recovery framework.*

Contributing to Goals	Timeframe	Responsibility	Authority
5,6	By November 2005	NSW Fisheries and ACCF	Ministerial determination

**Objective 5.3 To provide secure fishing entitlements for estuary prawn trawl fishers**

Other important responses: 2.1a,h; 2.3b,d; 2.4a,b; 2.5b; 4.2d; 6.2a

- (a) Implement the share management provisions of the *Fisheries Management Act 1994 (FM Act)*.

*Background: The category 2 share management provisions allow for the allocation of shares with a 15 year term to eligible persons, and with a statutory right to compensation if the Government cancels the shares during their term. A category 2 share management fishery may be converted to a category 1 share management fishery in accordance with the Fisheries Management Act 1994.*

*A share management plan must be prepared and that plan must be reviewed within 10 years after commencement, or at other times as provided for by the plan.*

Contributing to Goals	Timeframe	Responsibility	Authority
5,6	By December 2003	NSW Fisheries	FM Act

**Objective 5.4 To appropriately manage food safety risks in the harvesting of shellfish and finfish in the fishery**

Other important responses: 2.3d; 6.1d; 6.4a; 8.3a

- (a) Co-operate with Safefood Production NSW in the development and implementation of food safety programs relevant to the fishery.



*Background: Safefood Production NSW is currently in the process of developing food safety plans for harvest and post-harvest seafood industry, and the plans may impose statutory requirements on fishers to comply with the approved standards. Supporting food safety programs is a responsible way of promoting consumer confidence in fish product harvested by the fishery and protecting viability of the industry.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
5,6	Current and ongoing	EPT Fishers	FP Act

- (b) Continue the prohibition on the processing or mutilation of shellfish and finfish taken in this fishery on, or adjacent to, water.

*Background: This management response is part of the current rules operating in the fishery. The term processing as used here does not include the cooking of shellfish and finfish.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
2,5,6,8	Current and ongoing	NSW Fisheries	Regulatory

## GOAL 6. To ensure cost-effective and efficient management and compliance in the Estuary Prawn Trawl Fishery

Compliance programs that effectively support the management rules are important to the successful implementation of the fishery management strategy. As full cost recovery is phased in to the Estuary Prawn Trawl Fishery in the coming years, it is important that programs are conducted in an efficient and cost-effective manner. This goal can be achieved through the cooperation of estuary prawn trawl fishers, ongoing communication and consultation between NSW Fisheries and industry through the Estuary Prawn Trawl MAC, and by promoting complementary management programs in other States and the Commonwealth.

### Objective 6.1 To maximise compliance with the fishery management strategy for the Estuary Prawn Trawl Fishery

Other important responses: 1.1a; 2.3d; 5.3a; 5.4b; 6.2a,b; 6.3a; 7.1a-c; 8.2a,b; 8.3a

- (a) Develop, implement and monitor, in consultation with the Estuary Prawn Trawl MAC, a compliance audit scheme and operational plans for each estuary and encourage voluntary compliance through educational programs.

*Background: To assist in delivering regionally focussed compliance and advisory services, there are currently 19 Fisheries Offices along the NSW coast. Each of these offices provides services for a range of programs, one of which is the Estuary Prawn Trawl fishery. The level and focus of services targeted towards the Estuary Prawn Trawl fishery varies in each district, and is determined by the nature of the activities in that area. Fisheries officers in each office operate under a district compliance plan to ensure appropriate compliance coverage across all programs. District compliance plans are subject to fortnightly review to consider any changed circumstances and are also subject to an annual review.*

*Each district compliance plan is developed to be consistent with the compliance strategic plan for NSW Fisheries. This plan is an overarching framework that identifies priorities and objectives for compliance throughout the State. The Estuary Prawn Trawl MAC will be consulted over priorities relevant to the fishery prior to each review of the compliance strategic plan. The compliance strategic plan is subject to a review every three years*

*Under this management strategy a compliance audit will be conducted with all operators in the fishery prior to the commencement of each prawn trawling season, and in the case of Hawkesbury River operators each September. The compliance audit will be carried out by Fisheries Officers on board trawlers. The purpose of the audit is to check prawn trawl nets and associated fishing gear for compliance with mesh size and other legal requirements, and give operators an opportunity to replace or modify illegal gear without penalty before commencing operations for the season.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,6,8	By December 2003 and ongoing	NSW Fisheries and EPT MAC	Policy

- (b) Implement an endorsement suspension scheme and share forfeiture scheme based on a demerit point scale for serious offences and habitual offenders.

*Note: "serious offences" need to be defined in consultation with the Estuary Prawn Trawl MAC and/or the Advisory Council on Commercial Fishing and could include offences such as interfering with set fishing gear..*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,6,8	By December 2003	NSW Fisheries	Policy

- (c) Publish, where appropriate, successful prosecution results for nominated offences in relevant publications and media to discourage illegal activity.

Contributing to Goals	Timeframe	Responsibility	Authority
6,7,8	Current and ongoing	NSW Fisheries	Policy

- (d) Continue the requirement that shellfish and finfish taken in this fishery are marketed through a registered fish receiver or a restricted fish receiver as outlined in the Regulation.

*Background: This management response is part of the current rules operating in this fishery and all other NSW commercial fisheries.*

Contributing to Goals	Timeframe	Responsibility	Authority
5,6,8	Current and ongoing	NSW Fisheries	Regulatory

**Objective 6.2 To encourage cooperation between fishers and compliance officers in detecting offences**

Other important responses: 2.3d; 2.5b-d; 4.3a; 5.3a; 6.1a; 6.3a; 7.1a-c; 8.3a

- (a) Continue using regulatory conditions, including conditions on fishing licences, endorsements and permits to ensure that the authority conferred by the authorisation is consistent with the goals and objectives of the management strategy.

*Background: This management response is part of the current rules operating in this fishery and in all other fisheries of NSW.*

Contributing to Goals	Timeframe	Responsibility	Authority
2,5,6	Current and ongoing	NSW Fisheries	Various

- (b) Continue the requirement that fishers comply with directives given by Fisheries Officers, including to allow officers to board fishing boats to inspect catch, and to produce "authorities to fish" when requested.

*Background: This management response is part of the current rules operating in this fishery and in all other fisheries of NSW.*

Contributing to Goals	Timeframe	Responsibility	Authority
6	Current and ongoing	NSW Fisheries	FM Act

**Objective 6.3 To provide effective and efficient communication and consultation mechanisms in relation to the Estuary Prawn Trawl Fishery**

Other important responses: 1.3c; 2.3d; 2.4b; 2.5b-d; 2.6a,b; 4.2d; 4.3a; 5.2b; 5.4a; 6.1a,c; 7.1a-c; 7.2a; 8.1d; 8.2a,b; 8.3a

- (a) Continue to recognise the Estuary Prawn Trawl MAC as the primary consultative body for issues affecting the fishery.

Contributing to Goals	Timeframe	Responsibility	Authority
4,6	Current and ongoing	NSW Fisheries	-

- (b) Continue to use the services of a Chair in the Estuary Prawn Trawl MAC who is not engaged in the administration of the *Fisheries Management Act 1994*, nor engaged in commercial fishing.

Contributing to Goals	Timeframe	Responsibility	Authority
4,6	Current and ongoing	NSW Fisheries	FM Act

**Objective 6.4 To implement this fisheries management strategy in a manner consistent with related Commonwealth and State endorsed programs aimed at protecting aquatic environments, and achieving the objects of the Act and the principles of ecological sustainable development**

Other important responses: 1.3e; 1.4a; 2.3d; 2.4b; 2.5d; 2.6a-c; 3.1a,b,d; 4.3a; 8.1c

- (a) Manage the Estuary Prawn Trawl Fishery consistently with other jurisdictional or natural resource management requirements, such as the marine parks program, aquatic biodiversity strategy, threatened species program and others.

*Background: This management strategy will be operating alongside other programs relating to the management of marine resources, and must be consistent with those programs. The management strategy must be adaptive and able to be modified if inconsistencies between the programs become apparent. This response provides for a whole-of-government approach to the management of the estuarine ecosystem.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,3,4,5,6	Current and ongoing	NSW Fisheries	Policy

## **GOAL 7. To improve the knowledge of the community about the operations and management of the Estuary Prawn Trawl Fishery**

There are many in the community who perceive trawling to be a wasteful practice because they consider that much of the catch is discarded and the environment damaged through the fishing process. It is important that the community is informed about how the Estuary Prawn Trawl Fishery operates and the actions taken to minimise any impact of the fishery on the ecosystem. In this way the unfavourable views of the community about trawling may be minimised as the community becomes more informed about the fishery.

### **Objective 7.1 To improve the community's understanding and public perception of the Estuary Prawn Trawl Fishery**

Other important responses: 1.2a,b; 1.3a,f; 2.1h; 2.4b; 2.5a,b,d; 3.1b; 5.2a; 6.1c; 7.2a; 8.1a,d; 8.2b

(a) Develop a strategic approach for disseminating information on the Estuary Prawn Trawl Fishery, including making the Fishery Management Strategy and Environmental Impact Statement and other relevant documentation widely available to the public by:

- (i) placing them on the NSW Fisheries website
- (ii) providing copies at Fisheries Offices throughout the State
- (iii) targeted mail outs to key stakeholders

*Background: This would include key public documents relevant to the performance review of the management strategy, such as reviews arising from exceeded trigger points.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
4,6,7,8	Ongoing	NSW Fisheries	-

(b) Produce or contribute to the production of brochures, newsletters, and signs and do targeted advisory and educational programs, as considered appropriate by NSW Fisheries.

*Background: This education strategy needs to be developed in consultation with the different communities within NSW so that it is designed to most effectively communicate within each community.*

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
4,6,7,8	Ongoing	NSW Fisheries and EPT fishers	-

Respond to inquiries by industry or the public with respect to this fishery management strategy or the fishery generally.

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
4,6,7,8	Current and ongoing	NSW Fisheries	-

**Objective 7.2 To promote community awareness as to the importance of shellfish and finfish habitat to shellfish and finfish stocks**

Other important responses: 1.1f; 1.2a-d; 1.3e; 2.4b; 2.5a-d; 8.2b; 8.3a

- (a) Publish educational information concerning the protection of fish habitat on the NSW Fisheries website and in other publications and media that NSW Fisheries considers relevant.

<b>Contributing to Goals</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Authority</b>
4,6,7,8	Current and ongoing	NSW Fisheries	-

## **GOAL 8. To improve the knowledge about the Estuary Prawn Trawl Fishery and the resources upon which the fishery relies**

By their very nature, fish stocks and marine ecosystems are very complex and costly to study. There is a general lack of information and knowledge about many of the species taken in the Estuary Prawn Trawl Fishery and about the impacts of fishing on the general environment. This situation is not unique to NSW. Management decisions need to be made using the best available information at the time and need to be precautionary where there are uncertainties in the information and threats of serious or irreversible environmental damage from the activity.

A major issue for management for many species is the current reliance on catch and effort information reported by the commercial fishery as the main indicator of stock abundance. Apart from stock assessments of target species, other basic areas of research needed in the fishery are: (i) quantification and reduction of the bycatch and discarding of non target species; (ii) effects of fishing methods on habitats; (iii) effects of habitats on finfish and shellfish populations; (iv) importance of ecological processes to finfish and shellfish populations; (v) impacts of fishing on trophic interactions and ecosystems; and (vi) impacts of fishing on threatened species.

### **Objective 8.1 To promote appropriate scientific research and monitoring to collect information about target, byproduct and bycatch species**

Other important responses: 1.3b-e; 2.1a-c,h; 3.1a,b; 4.1a; 4.2a,b,d 5.4b; 8.2a,b

(a) Design and implement an industry-funded scientific observer program to:

(i) collect information on the quantity and composition of retained and discarded species, and interactions with threatened and protected species

(ii) provide quality control information on commercial catch and effort data.

*Background: Periodic observer surveys will collect information to:*

(i) *help assess the impact of gear modifications upon fish "populations"*

(ii) *provide information to determine whether the levels of incidental catch ratios are adequate*

(iii) *help determine whether the targeted reduction in incidental catch is realistic*

(iv) *validate whether threatened species are caught in the fishery*

(v) *help verify levels of annual reported landings*

(vi) *provide information for stock assessment purposes.*

*The observer program will be designed and costed in full consultation with the Estuary Prawn Trawl MAC. The MAC may present alternative schemes and investigate competitive service delivery.*

*The scientific observer surveys are discussed further in section 6 of the fishery management strategy.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,7,8	By July 2004 and ongoing	NSW Fisheries	Various

- (b) Design and implement in consultation with the estuary general and ocean prawn trawl fisheries an industry funded program to conduct fishery independent surveys of the school and eastern king prawn, and squid resources of the Estuary Prawn Trawl Fishery.

*Background: Fishery independent surveys will provide less biased information than that from fishery dependent surveys (e.g. fishers returns and observer surveys). These will provide information about distribution and abundances of species, sizes and sex composition of individuals in the populations, occurrence of threatened and protected species and samples that may be used to collect biological information on the various bycatch species in the Estuary Prawn Trawl Fishery and so contribute towards understanding species interactions and the impact of trawling upon the ecosystem.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,3,5,8	Pilot study 2003-2004 and full scale July 2006	NSW Fisheries	Various

- (c) Provide for the issue of permits under section 37 of the *Fisheries Management Act 1994 (FM Act)* authorising modified fishing practices to assist research programs or for any other purpose consistent with the vision and goals of this fishery management strategy.

*Background: Permits are required to work outside parameters specified in this management strategy or elsewhere in the FM Act. The techniques required to investigate new approaches to using fishing gear may require formal approval. Such approval is also commonly given to industry members who are participating in research to provide a formal exemption from prosecution.*

Contributing to Goals	Timeframe	Responsibility	Authority
6,8	Current and ongoing	NSW Fisheries	Regulatory

- (d) determine, in consultation with stakeholder groups identified by NSW Fisheries, the priorities for research for the fishery, taking into account the research needs identified in this strategy and the Environmental Impact Statement.

*Background: NSW Fisheries has commenced consultation with a broad range of stakeholder groups over the development of research priorities relating to the State's fisheries resources, including the Estuary Prawn Trawl Fishery. This is done primarily through the NSW Fisheries Research Advisory Committee (FRAC), which advises funding agencies on fisheries research priorities for the state. Further information on the role of FRAC can be found on the NSW Fisheries website at: [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au). This process will need to incorporate feedback from the stakeholder groups on the research needs identified in the management strategy. The priority setting process will identify the research priorities (including priorities for stock assessments) for the Estuary Prawn Trawl Fishery by June 2003 and will be done annually thereafter. It is also critically important to provide feedback from new research programs, such as the observer study, into this priority setting framework.*



Contributing to Goals	Timeframe	Responsibility	Authority
6,7,8	Current and ongoing	NSW Fisheries and EPT MAC	-

- (e) allocate research resources and where appropriate make grant applications to support research relevant to the fishery in accordance with the priorities identified from the process described in management response 8.1d.

*Background: Research into the Estuary Prawn Trawl Fishery is currently funded through a combination of NSW Fisheries core expenditure and external grants from State and Commonwealth research and development programs. Shareholders will contribute to the costs of research programs in accordance with the cost recovery policy outlined in management response 5.2b.*

Contributing to Goals	Timeframe	Responsibility	Authority
8	Ongoing from 2003	NSW Fisheries, EPT fishers and EPT MAC	-

- (f) Develop an objective system for defining and setting trigger points to detect concerning trends in landings of species taken in the Estuary Prawn Trawl Fishery

*Background: Unlike annual trigger points which are designed to detect dramatic changes over short periods, these trigger points will be designed to detect patterns in landings that are of sufficient concern to require a review (e.g. a downward or upward trend over several years). The assistance of a statistical expert will be sought to develop the system for setting this type of trigger point. The system will be tested during the first nine months following the commencement of the management strategy and applied to all species landed in the fishery at the first annual review. (See section 9 for a more detailed discussion on setting trigger points for monitoring changes in commercial landings). If the application of these trigger points for all species shows concerning trends for any conditional target species, the management strategy has provision to allow for increased monitoring or management controls for those species.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,8	Annually from 2003	NSW Fisheries	-

**Objective 8.2 To improve the quality of the catch and effort information collected from endorsement holders.**

Other important responses: 2.1a,c; 2.3d; 3.1a; 4.1a; 4.2b; 6.1a,b,d; 8.1b; 8.3a

- (a) Periodically review, in consultation with the Estuary Prawn Trawl MAC, the mandatory catch and effort return forms submitted by estuary prawn trawl fishers and implement changes if:
- (i) the data collected is perceived to be of poor quality or insufficient for monitoring and assessment purposes.
  - (ii) the forms are found to be exceedingly complex for fishers to complete, ensuring an emphasis on the quality rather than quantity of information collected.

*Background: NSW commercial fishers are required to report their catches to NSW Fisheries. These records are a vital part of fisheries assessments and understanding of the activities of fishers. It may be necessary under the management strategy for fishers of the Estuary Prawn Trawl Fishery to complete a daily log sheet.*

*A working group of commercial fishers and fisheries staff is reviewing catch and effort returns used by fishers. The working group will help to improve the quality of data collected. Any proposed changes will be discussed with the Estuary Prawn Trawl MAC.*

*The intention of the management strategy is to move from the grouping of species on catch returns to recording individual species to enhance the accuracy of recorded information (see also management response 8.2b).*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,6,8	Current and ongoing	NSW Fisheries and EPT MAC	-

(b) Determine accuracy of current recording of species identification in catch records and provide advice to industry to make needed changes (may need to wait for results from observer study).

*Background: Correct species identification is critical to many areas of the performance of this strategy. Most species in the fishery are clearly and easily identified and accurately reported. However, it is not unequivocally clear whether terms like whitebait, octopus, squid and trumpeter relate in each case to the correct species. The observer study will assist in implementing this management response. Observers will provide first hand information on what common names are used to identify what species and any patterns in the use of terms. This will be of particular importance in educating fishers on the identification of protected and threatened species. This information will be used to make certain that industry advice and education is appropriately targeted.*

Contributing to Goals	Timeframe	Responsibility	Authority
1,2,4,6,7,8	By December 2004 and ongoing	NSW Fisheries and EPT MAC	-

### Objective 8.3 To train new entrants to the fishery

Other important responses: 6.1c; 7.1a-c; 7.2a;8.1a, 8.2b

(a) Implement a "Basic Skills Course" for new entrants to the Estuary Prawn Trawl Fishery.

*Background: Industry wishes to begin, in conjunction with a tertiary institution, a "Basic Skills Course" for new entrants to the fishery. This 3-4 day course would teach the new entrants stewardship of the environment, water safety, occupational health and safety issues, first aid and the basic seamanship skills required to operate a trawler. The costs to run the course would be fully covered by the participants. This course would become a prerequisite to operating an endorsement in the Estuary Prawn Trawl Fishery.*

Contributing to Goals	Timeframe	Responsibility	Authority
4,6,7,8	By June 2005	EPT MAC	-

**Objective 8.4 To improve knowledge of social and economic aspects of the fishery**

Other important responses: 5.2a-c; 5.3a; 7.1a

- (a) Consult with the Estuary Prawn Trawl MAC on development of a strategy for improving the understanding of economic and social information relating to the Estuary Prawn Trawl Fishery, taking into account the information gaps outlined in the economic and social assessment in the Environmental Impact Statement for the fishery

*Background: An economic and social survey conducted as part of the environmental assessment process has provided some limited information on economic and social issues in the Estuary Prawn Trawl Fishery. The Environmental Impact Statement identified a number of information gaps and provided recommendations for further investigation of economic and social issues.*

Contributing to Goals	Timeframe	Responsibility	Authority
4,5,7	By July 2005	NSW Fisheries	-

- (b) Assess, in consultation with the Estuary Prawn Trawl MAC, the feasibility of gathering additional information on social and/or economic aspects of the Estuary Prawn Trawl Fishery including:

- modifying the existing catch returns or fishing licence renewal application forms
- undertaking targeted social and economic surveys
- any other methods of gathering the desired information

*Background: The gathering of social and economic information will aid in understanding the implications of changes to fishing rules over time. Some information gathering methods may be relatively simple and inexpensive to implement whilst others, like targeted surveys, are likely to be more resource intensive. Consideration will need to be given to the quality of information likely to be received through different information gathering techniques.*

Contributing to Goals	Timeframe	Responsibility	Authority
4,5,7	By July 2005	NSW Fisheries EPTMAC	-

## **9. Performance Monitoring and Review**

### **a) Performance monitoring**

Many of the management responses assist in achieving multiple goals. Therefore, rather than examining the performance of each individual response or objective, it is more efficient and appropriate to measure the performance of the management strategy against the eight goals (i.e. the major objectives). An annual report will, however, be prepared (as outlined later in this section) detailing the progress made in implementing each of the management responses.

In addition to the performance monitoring process outlined below, a share management plan will be prepared for the fishery and include goals and performance indicators consistent with those specified in this management strategy. The *Fisheries Management Act 1994* provides that the share management plan must specify at what point a review of the management plan is required when a performance indicator is not being satisfied. Accordingly, when the share management plan for the fishery is prepared the plan will need to provide for a review process that is complementary to the review process described in this management strategy. Additional information on share management plans can be found in section 1(e) of this fishery management strategy.

### **i) Performance indicators**

The performance indicators provide the most appropriate indication of whether the management goals are being attained. A number of monitoring programs will be used to gather information to measure performance indicators. These monitoring programs are detailed later in this section in Tables 14 to 21.

With the implementation of the new research proposals for the fishery outlined in section 6(a), a broader information base relating to the fishery and its impacts may allow for more precise performance indicators to be developed.

### **ii) Monitoring Programs**

Monitoring programs provide the information used to measure the performance of the fishery and associated management. Monitoring programs can be specific to the fishery (e.g. a review of the number and extent of closures within estuaries) or encompass cross-fishery interactions such as the catch of a species by several commercial fisheries or harvest sectors. The management strategy may use other systems for monitoring (e.g. monthly catch returns). In some cases, the monitoring of the performance measure is part of the annual reporting on all performance (e.g. number of MAC meetings annually). Tables 14 to 21 give an overview of what information sources and monitoring programs are used as part of the performance monitoring and review for the Estuary Prawn Trawl Fishery.

### **iii) Trigger points**

The trigger points specify when a performance indicator has reached a level that suggests there is a problem with the fishery and a review is required.

Some performance indicators vary naturally from time to time and the trigger point levels chosen have been selected to be conservative in light of that natural change. That is, trigger points are chosen to be well within the expected range of variation. This has the effect that the trigger will be

exceeded more frequently because of natural variation in the performance indicator than because of a problem in the fishery. If the natural variation of the performance indicator is known, then the trigger level will be set such that the performance indicator must be outside the range in which 80% of observations occur to trigger a review.

Tables 14 to 21 outline the performance indicators, monitoring programs and trigger points that will be used to measure whether each of the management goals described in section 8 of this management strategy are being attained.

## **b) Predetermined review of performance indicators and trigger points**

It is likely that changes to the activities authorised under the management strategy will evolve over time. It is also likely that better performance indicators will become apparent over the course of the next few years and it would then be an inefficient use of resources to continue monitoring the performance indicators that appear in this management strategy. If new information becomes available as a result of research programs, more appropriate performance indicators and trigger points can be developed and the management strategy amended by the Minister for Fisheries accordingly.

A comprehensive review of the appropriateness of all performance indicators and trigger points will be carried out not more than two and a half years from the commencement of the management strategy, in consultation with the Estuary Prawn Trawl MAC. This will occur in addition to the preparation of the annual performance report that reports on whether performance indicators have breached corresponding trigger points. If the performance report identifies an inappropriate performance indicator prior to the two and half year review it can be addressed accordingly at this stage.

As new or improved guidelines for fishery reporting become available, such as those being considered in the *'National ESD Reporting Framework for Australian Fisheries – the how to guide for wild capture fisheries report'*, they will be taken into account to promote continuous improvement in the management of the fishery.

**Table 14.** Performance indicators monitoring programs and trigger points for Goal 1 of the management strategy

GOAL 1. To manage the Estuary Prawn Trawl Fishery in a manner that promotes the conservation of biological diversity in the estuarine environment.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Quantity (by weight) of incidental catch	Observer surveys to start by July 2004 (management response 8.1a) will provide information about the quantities and sizes of individual species in the catch. These data will be reviewed annually and will be compared to data from surveys done during 1989-92. These comparisons will provide information about whether the fishery will meet the target of at least a 40% reduction in incidental catch by 2007 or whether the target needs to be increased or decreased	Observer surveys will be used to collect information about the levels of incidental catch since BRDs became mandatory. These survey years will then become the baseline years to monitor further reductions in incidental catch. Surveys will begin in 2003 and then be ongoing on an annual basis	If five years after the start of the management strategy, the quantity of incidental catch in the estuary prawn trawl fishery is not reduced by at least 40% of that of the baseline years 1989 to 1992	The baseline years will be those of 1989 to 1992 when surveys of catches were last done. Note: that different baseline years will be used for the Hunter River. The progress in reducing incidental catch, and need to change the achievable level, will be reviewed annually as part of the review of management responses. The Estuary Prawn Trawl MAC and Environment Australia will be consulted over the design of the observer program
2	Identify and map areas of key habitat and/ or environmental sensitivity (at the ecosystem level) that are currently opened to trawling and closures in those areas	Under management response 1.2(a), areas will be identified through consultation with EPT fishers and by externally funded studies. Maps will be produced using a GIS mapping system	Mapping will begin by July 2003 and closures will be implemented by July 2006	Closures in identified areas are not implemented by July 2006	If closures are not in place by the agreed date, a review will be undertaken

**Table 14 (Cont.).** Performance indicators, monitoring programs and trigger points for Goal 1 of the management strategy.

GOAL 1. To manage the Estuary Prawn Trawl Fishery in a manner that promotes the conservation of biological diversity in the estuarine environment.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
3	Response of the fishery to marine pest and disease incursions	Reports on results of monitoring marine pests and diseases will be provided to the Estuary Prawn Trawl MAC through the marine pest management program	Ongoing	The Director, NSW Fisheries, determines that the fishery does not respond appropriately to marine pest and disease management programs that recommend that estuary prawn trawl fishing be modified as a result of marine pest or disease incursions	The marine pest and disease management program is responsible for monitoring marine pests and diseases (ie. noxious fish), and developing contingency plans in the event of new incursions. Section 210 of the <i>Fisheries Management Act 1994</i> provides an offence for selling fish that are or have been declared noxious. This performance indicator and trigger point ensures that the fishery is responsive to existing or threatening marine pest or disease incursions
4	Incidental Catch Ratios	Observer surveys will provide information that can be used to determine the Incidental Catch Ratios (ICR) operating in the fishery. Quality inspections by fisheries officers will provide information about the number of times fishers breach the ICR levels in management response 1.3a	Implemented by December 2003	Incidental Catch Ratios have not been implemented to the satisfaction of the Director, NSW Fisheries	Incidental Catch ratios should be working in the fishery to the satisfaction of the Director, NSW Fisheries by December 2003
5	[A performance indicator will be developed to monitor biodiversity impacts at the species, community and ecosystem levels]			[No trigger point set at this stage]	There are no available performance indicators to measure the impact of this fishery on biodiversity. As such, surrogate indicators (below) will be used until a suitable indicator is developed. Species composition and abundance in samples from fishery independent surveys may also assist in monitoring this indicator

**Table 15.** Performance indicators, monitoring programs and trigger points for Goal 2 of the management strategy.

GOAL 2. To maintain primary and byproduct species harvested by the Estuary Prawn Trawl Fishery at sustainable levels.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Stock assessments available for target species	A desk top study is required to improve the population model for eastern king prawns. A project to collect the information necessary to do stock assessments of school prawns will begin in July 2002 (see management response 2.1e) and be completed in July 2006. A study on squid in the Hawkesbury River is scheduled to be completed in July 2003. This will provide some information that can be used in stock assessments, and together with the information collected during a review of the status of the squid resources of NSW (see management response 2.1b) will be used to set the direction of research for the purposes of improving the stock assessments on squid. (see management responses 2.1 f,h)	School prawns - July 2006. Eastern king prawns - July 2004. Squid - July 2003. Follow up studies will then be done at times determined by the Director, NSW Fisheries in consultation with the Estuary Prawn Trawl MAC	Stock assessments are not available for each species from the following dates: - school prawns by July 2006 - eastern king prawns by July 2004 - squid by July 2003	A desk top study is required to improve the population model for eastern king prawns. The stock assessments on school prawns and squid will rely upon information collected during research projects that are scheduled to finish in December 2005 and December 2002, respectively
2	Total annual reported landings of byproduct species in each estuary of the estuary prawn trawl fishery	Data will be provided from the fisher's monthly return forms or a revised reporting system (see management responses 8.2a,b). Annual analysis of data by NSW Fisheries' scientists, in consultation with the Estuary Prawn Trawl MAC. These data will also be used to ascertain whether the annual reported landings for the estuary prawn trawl fishery have exceeded the levels in Table 23	Begin 2004 and ongoing subject to annual review	An analysis for assessing long term trends will be determined before December 2003, until this time a single year trigger will be used (Table 23).	The byproduct species permitted to be landed in the estuary prawn trawl fishery are those listed in Table 4. Some species have been grouped in Table 23. Section 10 explains how the trigger point for this performance indicator based upon a time series of data will be developed. Until the new trigger is determined, analyses will be done using a single year trigger (see section 10 and Table 23)



**Table 15.** Performance indicators, monitoring programs and trigger points for Goal 2 of the management strategy.

GOAL 2. To maintain primary and byproduct species harvested by the Estuary Prawn Trawl Fishery at sustainable levels.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
3	Relative abundance of target species (including spawner biomass) in each estuary. Target species include school and eastern king prawns in all four estuaries and includes squid in the Hawkesbury River	Data will be provided from (1) the fisher's monthly return forms or a revised reporting system (see management responses 8.2a,b), (2) observer-based sampling program (management response 8.1a and (3) fishery independent surveys (management response 8.1b).	Analysis of (1) fisher monthly return data by July 2004 and then ongoing, (2) observer-based data by July 2004 and then ongoing, and (3) fishery independent data from July 2006 and then ongoing	Relative abundance of spawner biomass does not fall below a proportion of virginal spawner biomass or against a range of reference years. Bench marks for level of spawner biomass to be available within five years of the commencement of this management strategy	Maintain spawning populations The applicability (i.e. whether a stock-recruitment relationship is prevalent) of this performance indicator for each species will be determined over the next five years Reference years have yet to be determined
4	[A trigger point based upon relative abundance of target species will be developed ]			An analysis for assessing long term trends will be determined before December 2003 (see section 10 and Table 22)	Use as an index of the size of the populations of school prawns and squid in each estuary of the fishery

**Table 16.** Performance indicators, monitoring programs and trigger points for Goal 3 of the management strategy.

GOAL 3. To promote and support the conservation of threatened species, populations and ecological communities associated with the operation of the Estuary Prawn Trawl Fishery.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Number of incidental captures related to listed threatened species, population or ecological community	Data will be provided from (1) the fisher's monthly return forms or a revised reporting system (see management responses 3.1a and 8.2a,b), (2) observer-based sampling program (management response 8.1a and (3) fishery independent surveys (management response 8.1b). Annual analysis of data by NSW Fisheries' scientists.	Analysis of (1) fisher monthly return data to be ongoing, (2) observer-based data as data becomes available and then ongoing, and (3) fishery independent data from July 2006 and then ongoing	[No trigger point has been set at this stage]	Data will be sourced from the scientific observer program, fishery independent surveys and catch return records
2	Response of the fishery to threatened species declarations	Reports will be provided to the Estuary Prawn Trawl MAC containing recommendations from the Director, NSW Fisheries and/or the Director-General of the National Parks and Wildlife Service where appropriate actions may be needed to conserve threatened species (management response 3.1b). Monitoring the response of the fishery will be through the scientific, management and compliance services provided by NSW Fisheries	Ongoing	A threatened species recovery plan or threat abatement plan requires a modification to estuary prawn trawl fishing which the Director, NSW Fisheries considers is not adequately provided for in this management strategy	The NSW Fisheries Office of Conservation and the NSW National Parks and Wildlife Service monitor sightings of threatened species and develop threatened species recovery plans as required

**Table 17.** Performance indicators, monitoring programs and trigger points for Goal 4 of the management strategy.

GOAL 4. To appropriately share the resource and carry out fishing in a manner that minimises the social impacts.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Estimates by NSW Fisheries of the catch of target species for all sectors (including recreational and Indigenous)	Data will be provided from the fisher's monthly return forms or a revised reporting system (see management responses 8.2a,b) and from any appropriate recreational fishing surveys and compliance reports arising from "quality inspections" (see management responses 4.1a and 6.1a)	To begin in 2005 and ongoing	Estimates not available within three years from the commencement of the management strategy	This information is also needed for stock assessments as outlined in Goal 2
2	Annual reported landings from the commercial sector compared to estimates of unreported annual catch by the recreational and Indigenous sectors (excluding catches attributable to Recreational Fishing Havens)	Data will be collected from any appropriate recreational fishing surveys and compliance reports arising from "quality inspections" (see management responses 4.1a and 6.1a) and compared with data provided from the fisher's monthly return forms or a revised reporting system (see management responses 8.2a,b). Annual analysis of data by NSW Fisheries, scientists, in consultation with the Estuary Prawn Trawl MAC.	Begin 2005 and ongoing subject to review every five years	After estimates become available, the shift in relative landings and catch levels between sectors is on average 25% or more over five years	This relates primarily to the objective of evaluating and managing equitable allocations between fishing sector groups and refers to the percentage of total catch taken by each sector
3	Annual reported landings of target species taken in the estuary prawn trawl fishery relative to those from the same estuary by other commercial fisheries	Data will be provided from the fisher's monthly return forms or a revised reporting system (see management responses 8.2a,b). Annual analysis of data by NSW Fisheries' scientists, in consultation with the Estuary Prawn Trawl MAC.	Begin 2004 and then ongoing. Subject to annual review	Relative landings levels between commercial fisheries shifts on average by 25% or more over five years	This relates primarily to the objective of evaluating and managing equitable allocations between commercial fisheries

**Table 18.** Performance indicators, monitoring programs and trigger points for Goal 5 of the management strategy.

GOAL 5. To promote a viable commercial fishery (consistent with ecological sustainability).					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Codend counts (number of individuals per half kilogram) for eastern king or school prawns	Observer studies will provide information that can be used to determine the codend counts in the fishery. Quality inspections by fisheries officers will provide information about the number of times fishers are found in breach of the codend counts determined in management responses 5.1a, b	Implemented by July 2007	Codend counts for prawns have not been implemented to the satisfaction of the Director, NSW Fisheries	Codend counts should be working in the fishery to the satisfaction of the Director, NSW Fisheries by July 2007
2	Median fishery wide gross return to estuary prawn trawl fishers derived from commercial fishing in NSW	Part of the annual review will involve calculating the median gross return to fishers endorsed in the estuary prawn trawl fishery, by multiplying their monthly catches with respective average Sydney Fish Market price and prices provided by the Estuary Prawn Trawl MAC	Ongoing	No trigger point set at this stage	Trigger will depend upon economic analyses and will be determined by NSW Fisheries in consultation with industry
3	Average market value of estuary prawn trawl shares	The market value of shares will be collected and recorded by the Share Registrar upon each share transfer. The average market value will be calculated each year as part of the annual review	Ongoing	No trigger point set at this stage	It is not possible to predict how the value of shares will change during the first few years of share trading. However, in the long term average share value may be a good indicator of economic health of the fishery
4	Viability of the estuary prawn trawl fishery and its contribution to businesses of fishers therein	Performance indicator and associated monitoring to be developed (see management response 5.2a)	By December 2005	No trigger point set at this stage	Trigger will depend upon economic analyses and will be determined by NSW Fisheries in consultation with industry

**Table 19.** Performance indicators, monitoring programs and trigger points for Goal 6 of the management strategy.

GOAL 6. To ensure cost-effective and efficient management and compliance in the Estuary Prawn Trawl Fishery.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Rate of compliance of the estuary prawn trawl fishery in respect to (i) overall and (ii) "share forfeiture offences" under the share management plan.	The compliance rate will be calculated using the outcomes of quality inspections conducted as part of the compliance program for the fishery (see management response 6.1a)	To begin in 2003 and ongoing subject to annual review	Overall rate of compliance with quality inspections as estimated by the Director, NSW Fisheries, is less than 85%.	Quality inspections will result in a more comprehensive evaluation of compliance by fishers than the previous measure used and previous compliance rates may decrease as a result. Trigger points for "share forfeiture" offences will be determined by NSW Fisheries in consultation with the Estuary Prawn Trawl MAC by July 2004 and will provide a more stringent trigger for measuring compliance relating to more serious offences.
2	Number of Estuary Prawn Trawl MAC meetings held each year	The number of Estuary Prawn Trawl MAC meetings held will be determined as part of the annual review based on the records held by NSW Fisheries	Ongoing	Less than two meetings held in a calendar year, unless otherwise agreed by the Estuary Prawn Trawl MAC	Holding two MAC meetings per year is a requirement of the Regulation
3	Occasions when this management strategy is in direct conflict with other approved Commonwealth or State programs	Any major concurrent Government programs will be considered during the annual review, however other programs considered by the Director, NSW Fisheries to be in conflict with this management strategy will be reported to the Estuary Prawn Trawl MAC on a case by case basis	Ongoing	Any occasion when the Director, NSW Fisheries determines that the management strategy is inconsistent with other approved Commonwealth and State programs	This includes programs such as the Indigenous Fisheries Strategy, Aquatic Biodiversity Strategy, Marine Parks and Aquatic Reserves Program
4	[Cost of managing the fishery]			To be determined	

**Table 20.** Performance indicators, monitoring programs and trigger points for Goal 7 of the management strategy.

GOAL 7. To improve the knowledge of the community about the operations and management of the Estuary Prawn Trawl Fishery.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Dissemination of information to the public	List of publications for public information relevant to the estuary prawn trawl fishery to be reviewed annually in consultation with the Estuary Prawn Trawl MAC	To begin 2003, and ongoing	Less than two pieces of information material for the public (eg pamphlets, information kit, posters etc) is published every three years	The Estuary Prawn Trawl MAC is to be consulted prior to the material being released
2	Level of community awareness	A survey every three years to collect information about the community's awareness of management and its knowledge and perceptions of the estuary prawn trawl fishery	To begin in 2006, subject to funding being provided by industry	Less than 50% of those surveyed are aware of the operation and management of the estuary prawn trawl fishery	To be part of a survey done every three years to assess the awareness of fishing communities and approval of these communities for the management of the estuary prawn trawl fishery. Survey to be paid for by financial contributions from industry

**Table 21.** Performance indicators, monitoring programs and trigger points for Goal 8 of the management strategy.

GOAL 8. To improve the knowledge about the Estuary Prawn Trawl Fishery and the resources upon which the fishery relies.					
	Performance indicator	Monitoring program	Timeframe	Trigger point	Comments
1	Total level of funding committed to research projects that the Director, NSW Fisheries determines provide a flow of benefits to the estuary prawn trawl fishery of 25% or more	Annual review by the Director, NSW Fisheries of total research funding from consolidated and external funds that are being spent on the estuary prawn trawl fishery	Begin 2004	To be determined	Part of the annual reporting on the FMS will include expenditure on research for the fishery. The trigger point will be determined by NSW Fisheries in consultation with the Estuary Prawn Trawl MAC
2	Number of research grant applications submitted to external funding agencies annually relating to the estuary prawn trawl fishery	After consultation with the Estuary Prawn Trawl MAC, submit at least one grant application that relates to the fishery to external funding agencies annually (see management response 8.1e)	Begin 2003	To be determined	
3	Accuracy of catch return data (measured annually) for target and byproduct species	Data will be provided from the fisher's monthly return forms or a revised reporting system (see management responses 2.1a and 8.2a,b) and from the records of the Fish Receivers. Data from these sources will be compared by NSW Fisheries' scientists, in consultation with the Estuary Prawn Trawl MAC. Data from the observer based survey will be useful in ascertaining whether the annual reported landings of species determined from fishers catch return records is reliable and whether species are being correctly identified by fishers	Begin 2004 and subject to review every two years thereafter	The total annual reported landings as calculated from the monthly return forms of endorsement holders is 20% greater or less than the landings data from market records.	Accuracy can be measured from either (i) the total annual reported landings of all endorsement holders calculated from their monthly catch return forms or (ii) from the monthly returns forms of a sample of endorsement holders scaled up to give a total value. If a sample of endorsement holders is used then a precision of 20% of the mean value is to be applied. Precision is to be calculated as the standard error of a sample divided by the mean of that sample. Extrapolations will also be made from data from the observer program

### **c) Reporting on the performance of the management strategy**

There are two types of reports to be prepared under this management strategy. The first of these reports on each of the performance indicators specified for each management goal. The other type of report is reporting on the progress in implementing the provisions of the management strategy. Both types of reports are discussed in further detail below.

#### **(i) Review report in response to trigger points**

If the trigger point for a performance indicator is breached, a review is to be undertaken of the likely causes for the breach. Any such review is to include consultation with the Estuary Prawn Trawl MAC. In some circumstances, the breach may be related to a performance indicator that measures broader cross-fishery issues and will require consultation with other management advisory committees or the Ministerial advisory councils. Cross-fishery issues are most likely to involve catch levels of a species that is harvested in more than one fishery.

NSW Fisheries will collect and analyse information relevant to the performance of the fishery, such as compliance rates, economic data, catch data and other statistics as the information becomes available and prior to preparation of reports relating to performance monitoring in the management strategy. This does not, however, prevent a review from being conducted at any other time should it become apparent that a performance indicator has breached a trigger point.

Once the relevant information is obtained an initial analysis against the trigger points will be undertaken by NSW Fisheries. Where the data or information indicate that a trigger point has been breached, details will be provided to the relevant fishery MACs and the relevant Ministerial advisory councils. Consultation will then occur with the Estuary Prawn Trawl MAC and other relevant advisory bodies either through a meeting or out of session. During this consultation, advice will be sought on performance indicators that have been breached and the suspected reasons for any breaches. During this consultation the MAC will also be able to provide advice on the preparation of any review reports that are required.

A review report outlining the remedial actions recommended in response to trigger point breaches is to be provided to the Minister for Fisheries.

Reviews arising from landings data exceeding trigger points should consider (but not be limited to) the following factors:

- changes in the relative reported landings levels among harvest sectors (including those beyond NSW jurisdiction)
- new biological or stock information (from any source) available since the most recent review of the species
- changes in the activities or effectiveness of fishing businesses targeting the species
- changes in principal markets or prices for the species
- environmental factors.

Review reporting should include whether the suspected reasons for the trigger point being breached are the result of a fishery effect or an influence external to the fishery, or both.

If a review concludes that the reasons for the trigger point being breached are considered to be due to the operation of the fishery, or if the fishery objectives are compromised if the fishery



continued to operate unchanged, management action should be taken (e.g. by introducing new fishing regulatory controls) with the aim to return the performance indicator to within an acceptable range within a specified time period. The review will need to consider and report on whether the breached trigger point should continue to be the limit of the acceptable range or whether the environmental conditions have been modified to the extent that the acceptable range is different to the 'safe' levels initially defined by the management strategy. The objective of any remedial action proposed would vary depending on the circumstances that have been identified as responsible for the trigger point being reached.

A review relating to reported landings levels of a species may recommend modifications to any fishery management strategy that allows harvesting of that species. This approach to the review process will avoid triggering multiple reviews for a species which is caught in multiple fisheries.

There may be circumstances where no change to management arrangements or the management strategy is deemed necessary following the review. For example, a review could be triggered because the landed catch of a species declines. However, there would be little cause for concern over the performance of the management strategy if the decline in landed catch of a species was clearly caused by a drop in market prices or a fall in rainfall and subsequent river discharge. Any price fluctuations can result in fishers adjusting their activities, and river discharges often determine the availability of prawns in an estuary.

If a review considers that the management objectives or the performance monitoring provisions are inappropriate and need to be modified, the management strategy itself may be amended by the Minister for Fisheries. If the reasons are considered to be due to impacts on the resource from factors external to the fishery, these factors should be identified in the review and referred to the relevant managing agency for action.

All review reports will be publicly available.

## **ii) *Annual performance report***

An annual performance report assessing the performance of the fishery will be submitted to the Minister for Fisheries each year following the review of trigger points by the MAC. This is to commence in 2004 and the report is to be submitted to the Minister for Fisheries within six months of the Estuary Prawn Trawl MAC being consulted over the development of the report. The annual performance report is the formal mechanism for reporting on performance indicators and trigger points, and will be made publicly available. This report will also include a review of progress made in implementing each of the management responses. The annual performance report will be submitted to the Minister for Fisheries in conjunction with performance reports for other relevant fishery management strategies.

The vast majority of management responses in the management strategy are linked to specified implementation timeframes. Some of these management actions are subject to specific trigger points that ensure reviews and appropriate remedial actions if the target timeframes are not met.

If the performance report identifies that any specified target timeframe has not been met, a review will be undertaken and any necessary remedial measures recommended to the Minister<sup>4</sup>.

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<sup>4</sup> In some circumstances a required action may be completed outside the scheduled timeframe, but prior to the commencement of the review (e.g. an action was due for completion by September 2003,

The fishery will continue to be regarded as being managed within the terms of the management strategy whilst any remedial measures associated with breaches in timeframes or triggering of performance indicators are being considered through the review process and/or by the Minister for Fisheries.

#### **d) Contingency plans for unpredictable events**

In addition to the circumstances outlined above, the Minister for Fisheries may order a review and/or make a modification to the management strategy in circumstances declared by the Minister as requiring contingency action, or upon the recommendation of the Estuary Prawn Trawl MAC. In the case of the former, the Minister must consult the Estuary Prawn Trawl MAC on the proposed modification or review.

These circumstances may include (but are not limited to) food safety events, environmental events, results of research programs or unpredictable changes in fishing activity over time. The Minister may also amend this fishery management strategy if matters identified during the finalisation of any other fishery management strategy indicate that a modification is necessary.

Notwithstanding the above, the Minister for Fisheries may make amendments to this management strategy that the Minister considers to be minor in nature at any time.

#### **e) Monitoring performance of stock assessment**

Stock assessment involves the use of various statistical and mathematical calculations to make quantitative predictions about the reactions of fish populations to alternative management choices (Hilborn and Walters, 1992). These calculations can vary from simple graphical presentations of commercial landings to sophisticated computer models that predict the biomass of the stock under various harvest regimes. The data and the scientific expertise required to apply these methods varies enormously. Stock assessment processes for the Estuary Prawn Trawl Fishery need to be defined to suit the resources available. To achieve this outcome, short-term and long-term approaches will be applied. The short-term approach will be to use landings of target species to monitor the performance of this fishery. The long term approach will be to develop a process for doing stock assessments of the target species, and having the stock assessment methods peer reviewed.

The long-term approach will involve undertaking the following science and reassessing the future direction of research as stock assessments improve and information needs are highlighted through the stock assessment process. A desktop study of the information available for eastern king prawns will be completed by July 2004. A study to collect information on the growth and mortality of school prawns is underway and a stock assessment on the species completed by July 2006. The University of Sydney will complete a preliminary stock assessment for the squid fishery in the Hawkesbury River by July 2003. The future needs for a stock assessment for squid will be assessed once these studies have been completed and as part of the review of the exploitation status of the squid resources of NSW (management response 2.1b).

Two principles will apply to the long-term proposal for stock assessments:

- assessment methods will be consistent with the data (i.e. the assessment program design will not rely on data sources that are not funded)

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but it is actually completed in October 2003). When this occurs, it is not necessary to proceed with a review.

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- assessment methods will be at least equivalent to approaches for fisheries of similar value in other Australian jurisdictions.

## **f) Setting trigger points for monitoring changes in annual reported landings**

A system to detect undesirable trends in catch per unit of effort (CPUE; weight per fisher day) will be used while stock assessments are being developed for target species. Once stock assessments are available, more sensitive biological reference points will be developed. Some of the byproduct species are the target species of other commercial fisheries and will therefore be the subject of formal stock assessments under the management strategy for that fishery. Where necessary, the stock assessments for these species will be integrated into the management strategy for the Estuary Prawn Trawl Fishery. The status of the stocks of the byproduct species of the Estuary Prawn Trawl Fishery that are not subject of a formal stock assessment in the short term, will be determined by assessing patterns in annual reported landings. The species to be assessed in this manner will change between estuaries because the list of byproduct species changes between estuaries of the Estuary Prawn Trawl Fishery.

Catch per unit of effort data must be used with caution in stock assessments. Most stock assessment models assume that CPUE is directly proportional to stock abundance. This can only be the case if fishing effort is randomly distributed, and we know that this is seldom the case. Some fisheries (including prawn fisheries) target aggregations of shellfish and finfish, which can mean that CPUE stays high, even as total abundance drops because the remaining shellfish and finfish continue to aggregate.

The correct use of fishing effort data requires a good knowledge about the biology of each species that it is applied to, so that its spatial distribution can be adequately considered. Information about fishers' behaviour and gear is also important so that effort units can be standardised and changes over time can be accounted for. Catch per unit of effort has been used as an index of relative abundance in the Estuary Prawn Trawl Fishery because fishers during a single fishing day will usually target a single species within each estuary of the fishery and the fishing gear and vessels have remained relatively standard through time. In the longer term once a sufficient database on numbers of each species caught during the fishery independent surveys provided for in this management strategy has been accumulated, there will be less reliance upon fishery dependent data and some of the risks associated with the biases mentioned above will be diminished.

The aim of trigger points based on changes in landings or CPUE is to force a review of a species' circumstance when the indicators go beyond a reasonable expected range. Trigger points must be set at a level where they are sensitive enough to be likely to register a real problem but not so sensitive that they constantly trigger when there is no need for a review.

Trigger points will be set in a precautionary manner to be within the known range of past variation in landings or CPUE. This is desirable insurance that ensures reviews will be done when management action is needed.

There are a number of factors that must be considered when selecting a trigger level based on performance of fishery or species landings or CPUE:

- level of variation in recorded historic annual reported landings or CPUE
- management changes over time that may affect levels of annual reported landings or CPUE

- changes in the catch recording system that limit interpretation of annual reported landings or CPUE data
- relevant environmental events
- changes in activities by important harvesters of that species.

All these factors have and will continue to influence how changes in landings and CPUE can be interpreted.

The trigger points are designed to measure different types of changes in annual reported landings and CPUE of the target species.

Firstly, a review should commence when the levels of annual reported landings or CPUE change dramatically from one year to the next – the “single year trigger”. The change that triggers a review is not an unprecedented rate of change but rather a rate of change that was expected (perhaps) once every five to ten years. The single year triggers are based on the variation in year-to-year changes in the historical reported landings and effort data. The trigger points are set at a level of change that occurs less than 20% of the time. In other words, changes larger than the greatest 20% of historical changes will trigger a review. This level of change is chosen to ensure that there will be a review if there is a dramatic change in the circumstances of the fishery over a short period. The reference level for this short term trigger will be the level of annual reported landings or CPUE from the previous year.

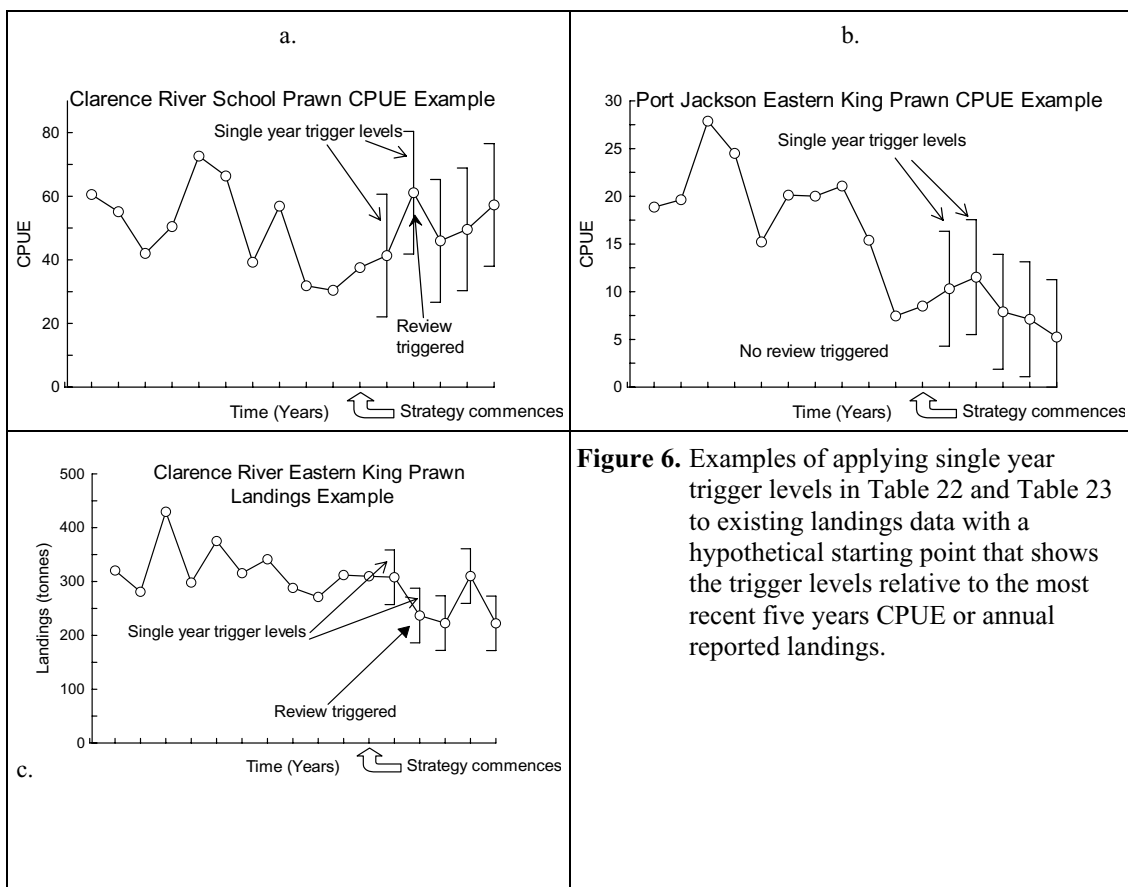
The second type of trigger point is designed to detect long term patterns in annual reported landings or CPUE that are of sufficient concern to require a review (e.g. a downward or upward trend over several years). An objective system for defining these types of trigger points will be developed and tested during the first nine months of the management strategy and applied to all target species at the first annual review. Time series of annual reported landings or CPUE for any commercial species are likely to be correlated from one year to the next (i.e. the level of annual reported landings or CPUE one year is related to the level of annual reported landings or CPUE in one or more previous years.). This type of data structure will complicate the analysis of trends in annual reported landings or CPUE. It is not a trivial exercise to devise an objective system to force a review when annual reported landings or CPUE data exhibit certain patterns. For example, downward trends in annual reported landings or CPUE should cause concern but the monitoring system must consider the importance of the rate of decline and the time period over which the decline occurs. The analysis must address the likelihood of relationships between data points and any relevant biological considerations (e.g. does the species come from a group that is known to be relatively long- or short-lived?).

The assistance of a statistical expert has been sought to develop an objective system for defining trigger points that detect concerning trends in annual reported landings or CPUE. The system will be developed and tested during the first nine months of the management strategy and applied to all species taken in the fishery when the first performance report is prepared. The system may involve several different measures, including the steepness of the trend and the period over which the trend occurs.

### **g) How trigger points based on landings will be applied**

The single year trigger is explained in the examples shown in Figure 6. These examples explain how the single year trigger points will work with a hypothetical starting point (five years ago), trigger levels and existing reported landings data. For school prawns from the Clarence River (a) the

accepted range in variability in Year 2 of the management strategy is higher than the level of CPUE for Year 1 and the trigger is set off. Similarly, the trigger is set off in Year 2 for eastern king prawns in the Clarence River (c). Note that in the Clarence River eastern king prawns are considered as a byproduct species of the Estuary Prawn Trawl Fishery and so the trigger is based upon annual reported landings rather than CPUE. Contrast this with patterns in CPUE for eastern king prawns from Port Jackson where the species is targeted. Whilst showing a downward trend in CPUE, the ranges in variability overlap with the previous year's level of CPUE and so the trigger is not set off. It is most likely though that the analysis being developed to detect unacceptable long-term trends in patterns of CPUE or annual reported landings (the second type of trigger point) would have a trigger that was set off for this data set.



**Figure 6.** Examples of applying single year trigger levels in Table 22 and Table 23 to existing landings data with a hypothetical starting point that shows the trigger levels relative to the most recent five years CPUE or annual reported landings.

**Table 22.** Levels of trigger points for single year trigger to detect large change in CPUE for target species, from one year to the next.

Species Common Name	Clarence River		Hunter River		Hawkesbury River		Port Jackson	
	Upper Limit	Lower Limit	Upper Limit	Lower Limit	Upper Limit	Lower Limit	Upper Limit	Lower Limit
School prawn	76.6	40	44.1	25.9	30.2	14.1	byproduct	byproduct
Eastern king prawn	byproduct	byproduct	65.8	8	16.5	5.9	8.8	0
Squid	byproduct	byproduct	byproduct	byproduct	18.4	13.6	byproduct	byproduct

**Note:** These levels will apply for the first year of the fishery management strategy. At each annual review the trigger levels for the next year will be calculated, using the most recent year of landings data as the new reference level. The average annual change was calculated over the 27 years commencing in 1973-74 for the target species of the Clarence and Hunter Rivers and for the 16 years commencing 1984-85 for the other categories. All CPUE values are kilogram per fisher day.

“byproduct”- This is a byproduct species in this estuary and therefore a landing limit applies (see Table 22).

**Table 23.** Levels of trigger points for single year trigger to detect large change in annual reported landings for byproduct species from one year to the next. All values in the table are in tonnes.

Species Common Name	Clarence River		Hunter River		Hawkesbury		Port Jackson	
	Upper Limit	Lower Limit	Upper Limit	Lower Limit	Upper Limit	Lower Limit	Upper Limit	Lower Limit
Prawn, eastern king	273.2	171.5	-	Target	-	Target	-	Target
Prawn, school	-	Target	-	Target	-	Target	2.4	0
Prawn, greasy back	2.7	0.2	2.9	0	1.3	0.3	0.9	0
Prawn, tiger	4.8	0.2	0.2	0	0.5	0	0.2	0
Octopus	na	na	na	na	4.6	0.1	5.5	0.7
Squid	31.3	5.4	16.9	0	-	Target	11.7	0
Crab, Blue Swimmer	7.1	2.3	na	na	10.8	0	3.1	0.1
Crab, Mud	6.3	0	na	na	8.9	0.0	1.1	0
Crab, Sand	na	na	na	na	na	na	2.8	0
Mantis Shrimp	na	na	na	na	0.8	0.4	0.4	0
Whiting, Trumpeter	1.2	0	na	na	20.6	13.7	10.9	6.7
Flounder	na	na	na	na	3.0	0.9	2.4	1.0
Sole	na	na	na	na	0.3	0	na	na
Silver biddy	3.2	0	na	na	0.02	0.01	17	0.2
Trumpeter	na	na	na	na	na	na	1.6	0.9
Whitebait (Glass fish & sandy sprat)	na	na	na	na	19.5	0	na	na
Catfish	28.7	17.6	3.2	1.1	0.8	0	1.4	0.2
John Dory	na	na	na	na	na	na	9.8	0
Bullseyes	na	na	na	na	0.2	0	na	na
Hairtail	na	na	na	na	2.6	0	na	na
Yellowtail	na	na	na	na	38.7	27.0	na	na

**Note:** These levels will apply for the first year of the fishery management strategy. At each annual review the trigger levels for the next year will be calculated, using the most recent year of landings data as the new reference level. The average annual change was calculated over the 27 years commencing in 1973-74 for the target species of the Clarence and Hunter Rivers and for the 16 years commencing 1984-85 for the other categories.

“na”- This species or group of species is not a byproduct species and cannot be retained in this estuary.

“Target”- This is a target species in this estuary and therefore has a CPUE trigger instead of a catch limit.

The values are calculated from the reported landings from all commercial fisheries combined within the ‘reporting zone’ of the estuary.

## 10. Estuary specific details

### a) Clarence River

#### i) Species

The target species is the school prawn *Metapenaeus macleayi* (see Table 3) and some byproduct species are also caught (see Table 4), but under this management strategy only certain quantities of byproduct species can be landed annually (see Table 13).

#### ii) Landings levels and value

Annual total reported landings have remained relatively stable over the past three years and averaged around \$ 2.3 million (see Table 24). Patterns in the reported landings and value of individual species in the catch of the fishery in the Clarence River can be found in NSW Fisheries (2002).

**Table 24.** Weight (kg) and value (\$) of the reported landings of catch for the Estuary Prawn Trawl Fishery on the Clarence River in 1998-99, 1999-2000 and 2000-2001.

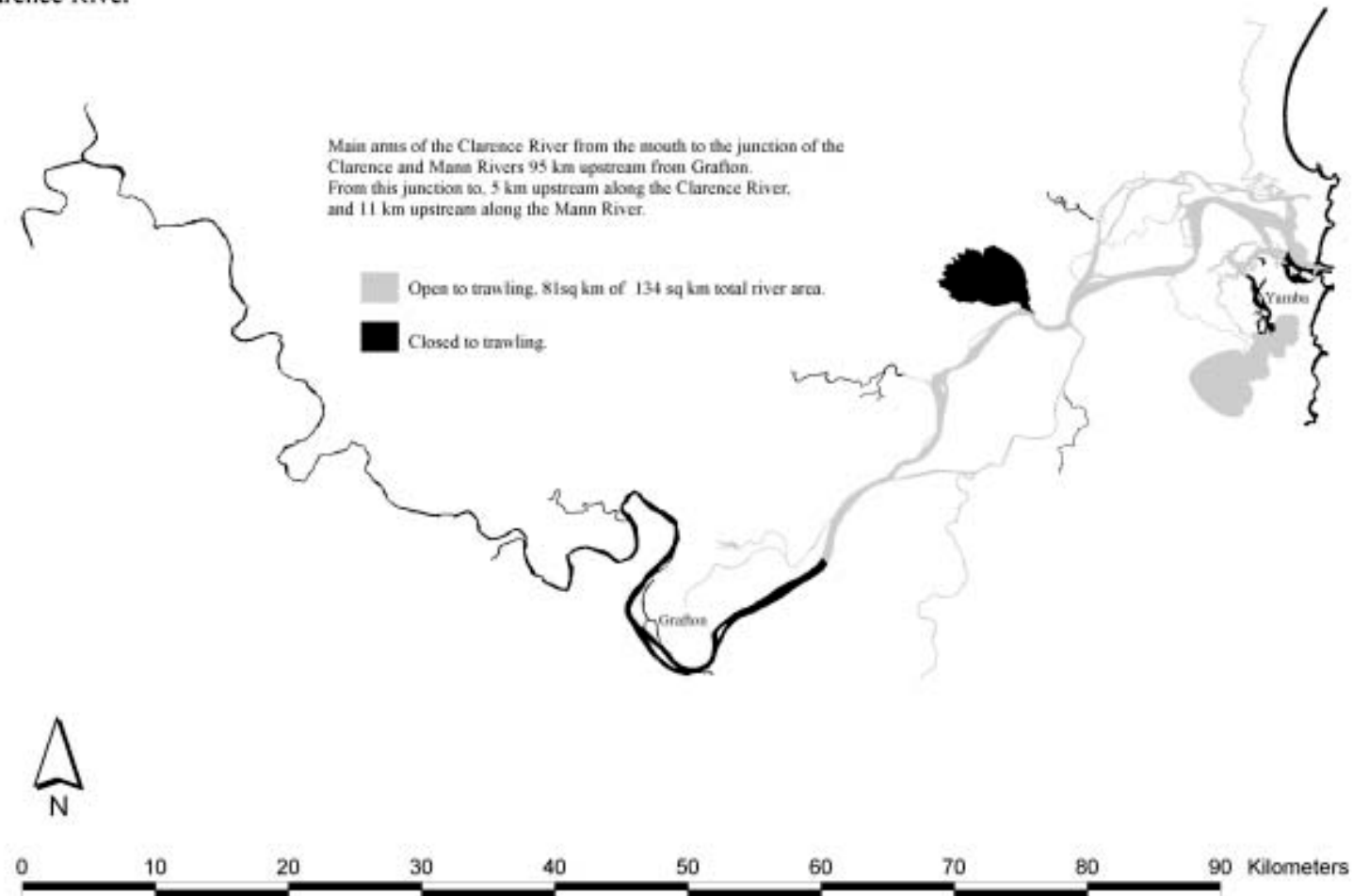
Common Name	1998-1999		1999-2000		2000-2001	
	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)
Eastern king	4,124	170,967	749	15,137	5,303	122,631
School	288,927	*2,043,612	334,640	*2,279,752	301,573	*2318012
Tiger	317	4,874	-	-	-	-
Blue swimmer crab	28	124	2	14	53	696
Mud crab					-	-
Squid	31	80	-	-	-	-
Octopus	10	28	-	-	-	-
Other invertebrates					15	53
Finfish	6,928	30,140	1,861	7,881	532	2,245
<b>Total</b>	<b>300,365</b>	<b>2,249,825</b>	<b>337,252</b>	<b>2,302,784</b>	<b>307,476</b>	<b>2,443,636</b>

NOTE: Values were calculated using the average price provided by industry members on the Estuary Prawn Trawl MAC. Values not marked with a \* were calculated using the average monthly price paid for the species at auction at the Sydney Fish Market.

#### iii) Area of operation.

Trawling for prawns is permitted between the mouth of the estuary and the wires of the vehicular ferry at Ulmarra and is also permitted in Lake Wooloweyah, which lies to the south of the river entrance (see Figure 7). Table A2 in Appendix 3 lists closures within these boundaries.

### Clarence River



**Figure 7.** The areas of operation of the Estuary Prawn Trawl Fishery in the Clarence River.



### iii) Management controls specific to Clarence River

#### *Limited entry*

Restrictions on the number of entitlements to operate on the Clarence River will apply under the management strategy. No additional entitlements will be issued, and any new entitlements will only be issued if they are replacing existing entitlements.

#### *Boat replacement policy*

Clarence River prawn trawlers are subject to specific vessel and engine capacity restrictions. A Clarence River prawn trawler may be replaced, but the length, depth or breadth must not increase by more than 10% within any ten year period. Similarly, the engine must not be replaced or modified so as to increase the power rating by more than 10% within any ten year period.

#### *Fishing gear*

Table 7 outlines the restrictions placed upon the design of the otter trawl net and Appendix 1 provides the regulations regarding the prawn trawl net. Fishers are limited to one net with a headrope length of 11 metres or two nets each with a headrope length of 7.5 metres.

#### *Time and area closures*

The fishery is restricted to waters seaward of the vehicular ferry at Ulmarra and some tributaries, including the Broadwater are closed to trawling (see Figure 7). Table 25 and Table A2 in Appendix 3 outline the time closures that occur during those periods.

**Table 25.** Times when prawn trawling will be permitted in the Clarence River.

(The following table is a summary of the closures to prawn trawling and is to be used as a guide only. The local fisheries office should be consulted for the most recent closure notices as these are frequently modified).

Area	Periods when trawling may occur
Clarence River	From 8 a.m. to 6 p.m. on Monday, and 7 a.m. to 6 p.m. on each of the days Tuesday to Friday (inclusive), excluding public holidays, in each week from the Monday nearest to 1 December in each year (inclusive) to the Friday nearest to 31 May in each succeeding year.
Lake Wooloweyah	From 8 a.m. to 6 p.m. on Monday, and from 7 a.m. to 6 p.m. on each of the days Tuesday to Friday (inclusive), excluding public holidays, in each week from the first Tuesday on/or after 1 October in each year (inclusive) to the Friday nearest to 31 May in each succeeding year.

Note: Contingent upon discussions with the EPT MAC it may be that periodic closures occur throughout the season when incidental catch ratios or the count of prawns exceeds agreed to levels.

#### *Limits on landings*

Table 13 sets out the quantities of byproduct species that may be landed. Section 9 lists trigger points and allowable commercial landings levels for target and byproduct species for the fishery in this estuary. The upper landings level for the commercial catch of each of these species has been determined using the upper trigger point range and recorded landings.

#### *Counts on prawns*

The Juvenile Prawn Summit Working Group recommended to the Minister for Fisheries that maximum counts for school and eastern king prawns taken for sale be implemented. These counts are

currently under discussion by the working group and once consensus is reached the Minister will be advised of its recommendations. These will be implemented once approved by the Minister.

### ***Incidental catch ratio***

The management strategy provides for the use of a level of incidental catch to be controlled by a ratio of incidental species relative to the weight of target species. This system is to be developed by December 2003.

## **b) Hunter River**

### **i) Species**

The target species are the school prawn *Metapenaeus macleayi* and the eastern king prawn *Penaeus plebejus* (see Table 3). Some byproduct species are also caught (see Table 4), but under this management strategy only certain quantities of byproduct species can be landed annually (see Table 13).

### **ii) Landings levels and value**

Annual total reported landings increased in 2000-01 because of greater landings of school prawns (Table 26). Corresponding to this, the value of the fishery on the Hunter River also increased and has averaged \$0.49 million over the past three years. Patterns in the reported landings and value of individual species in the catch of the fishery in the Hunter River can be found in NSW Fisheries (2002).

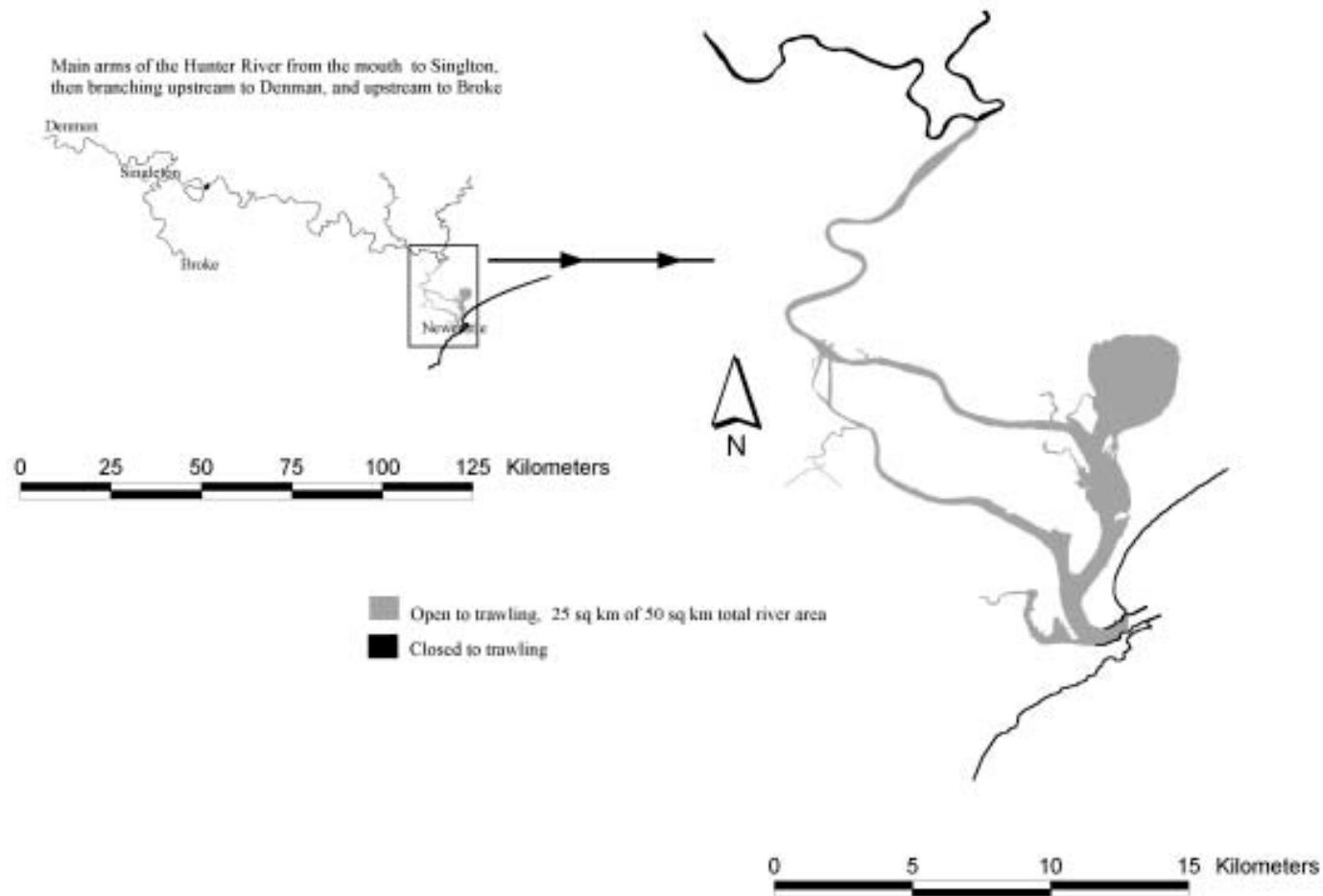
**Table 26.** Weight (kg) and value (\$) of the reported landings of catch for the Estuary Prawn Trawl Fishery on the Hunter River in 1998-99, 1999-2000 and 2000-2001.

Common Name	1998-1999		1999-2000		2000-2001	
	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)
Eastern king	-	-	3,453	68,207	2,665	57,540
School	37,110	*324,713	40,406	*353,525	75,849	*663,627
Greasyback	-	-	-	-	-	-
Tiger	-	-	-	-	-	-
Blue swimmer crab	-	-	-	-	6	41
Mud crab	-	-	-	-	2	35
Squid	-	-	-	-	6	11
Octopus	-	-	-	-	1	4
Other invertebrates	-	-	-	-	-	-
Finfish	228	302	252	981	229	1,483
<b>Total</b>	<b>37,338</b>	<b>325,015</b>	<b>44,111</b>	<b>354,506</b>	<b>78,758</b>	<b>722,741</b>

NOTE: Values were calculated using the average price provided by industry members on the Estuary Prawn Trawl MAC. Values not marked with a \* were calculated using the average monthly price paid for the species at auction at the Sydney Fish Market.

### **ii) Area of operation**

Trawling for prawns is permitted between the mouth of the estuary and the junction of the Williams and Hunter Rivers (see Figure 8). Table A3 in Appendix 3 lists closures within these boundaries



**Figure 8.** The areas of operation of the Estuary Prawn Trawl Fishery in the Hunter River.

### iii) Management controls specific to Hunter River

#### *Limited entry*

Restrictions on the number of entitlements to operate on the Hunter River will apply under the management strategy. No additional entitlements will be issued, and any new entitlements will only be issued if they are replacing existing entitlements.

#### *Boat replacement policy*

Vessels 5.8 metres and less may be replaced with boats up to 5.8 metres in length. Boats that are greater than 5.8 metres in length may only be replaced with boats that are no more than 10% or one metre greater in length, whichever is lesser. The 10% tolerance continues to relate to the original boat length to avoid a progressive increase in length over time. There is no restriction on vessel engine power.

#### *Fishing gear*

Table 7 outlines the restrictions placed upon the design of the otter trawl net and Appendix 1 provides the regulations regarding the prawn trawl net. Fishers are limited to one net with a headrope length of 11 metres.

**Table 27.** Times when prawn trawling will be permitted in the Hunter River.

(The following table is a summary of the closures to prawn trawling and is to be used as a guide only. The local fisheries office should be consulted for the most recent closure notices as these are frequently modified).

Area	Periods when trawling may occur
Subdivisions 1 and 2	1. from 6a.m. to 6p.m. weekdays only, during the period 2 December 2002 to 17 April 2003 (inclusive), excluding each public holiday.
Sbdivisions 3 to 7	from 6a.m. to 6p.m. weekdays only, during the period 2 December 2002 to 30 May 2003 (inclusive), excluding each public holiday.

Note: Contingent upon discussions with the EPT MAC it may be that periodic closures occur throughout the season when incidental catch ratios or the count of prawns exceeds agreed to levels.

#### *Time and area closures*

This fishery is restricted to the Hunter River estuary downstream of the junction of the Williams and Hunter Rivers (see Figure 8). The area of the river open to trawling is divided into seven subdivisions (see Table A3 in Appendix 3) for the purposes of closing sections of the river when counts of prawns exceeds 150 in half a kilogram. Codend counts are used in determining these numbers. In the future these same subdivisions will be used to control the quantities of incidental catch being caught. Table 27 and Table A3 in Appendix 3 outlines the time closures that occur.

#### *Limits on landings*

Table 13 sets out the quantities of byproduct species that may be landed. Section 9 lists trigger points and allowable commercial landings levels for target and byproduct species for the fishery in this estuary. The upper landings levels for the commercial catch of each of these species has been determined using the upper trigger point range and recorded landings.

### Counts on prawns

The Juvenile Prawn Summit Working Group has recommended to the Minister for Fisheries that maximum counts for school and eastern king prawns taken for sale be implemented. These counts are currently under discussion by the working group and once consensus is reached the Minister will be advised of its recommendations. These will be implemented once approved by the Minister.

### Incidental catch ratio

The management strategy provides for the use of a level of incidental catch to be controlled by a ratio of incidental species relative to the weight of target species. This system is to be developed by December 2003.

## c) Hawkesbury River

### i) Species

The target species are the school prawn *Metapenaeus macleayi* and the eastern king prawn *Penaeus plebejus* and species of squid (see Table 3). Some byproduct species are also caught (see Table 4), but under this management strategy only certain quantities of byproduct species can be landed annually (see Table 13).

### ii) Landings levels and value

Annual total reported landings of school prawns were greater and those of squid less in 2000-01 than in the previous two years. The value of the fishery increased to around \$1.5 million in 2000-01 and has averaged \$1.2 million over the past three years (Table 28). Patterns in the reported landings and value of individual species in the catch of the fishery in the Hawkesbury River can be found in NSW Fisheries (2002).

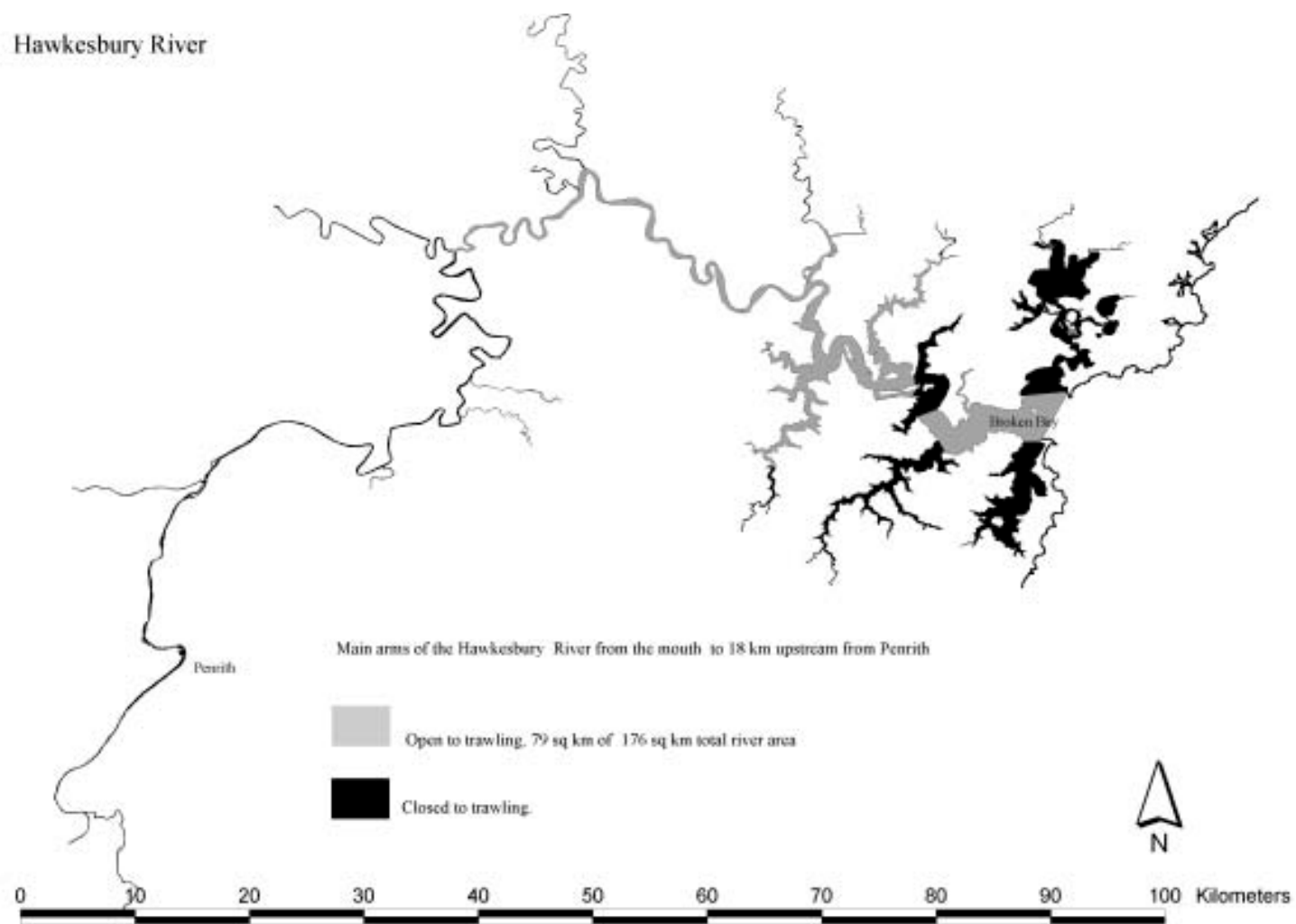
**Table 28.** Weight (kg) and value (\$) of the reported landings of catch for the Estuary Prawn Trawl Fishery on the Hawkesbury River in 1998-99, 1999-2000 and 2000-2001.

Common Name	1998-1999		1999-2000		2000-2001	
	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)
Eastern king	2,621	57,636	3,742	82,358	3,916	98,308
School	31,823	*333,187	44,596	*445,068	104,975	*1,047,651
Greasyback	103	465	702	3,375	-	-
Tiger	38	606	80	1,275	25	434
Blue swimmer crab	3,804	23,017	1,847	12,844	2,135	17,373
Mud crab					103	1,299
Squid	46,982	*522,909	30,865	*383,035	19,754	*245,147
Octopus	210	919	223	1,608	360	2266
Other invertebrates					401	1931
Finfish	27,702	80380	31,655	94,428	29766	94303
<b>Total</b>	<b>113,283</b>	<b>1,019,119</b>	<b>113,710</b>	<b>1,023,991</b>	<b>161435</b>	<b>1,508,712</b>

NOTE: Values were calculated using the average price provided by industry members on the Estuary Prawn Trawl MAC. Values not marked with a \* were calculated using the average monthly price paid for the species at auction at the Sydney Fish Market.

**ii) Area of operation**

Trawling is permitted between a line drawn from the southern extremity of Box Head to the northern extremity of Barrenjoey Head, upstream to the vehicular ferry crossing at Lower Portland. Within this area many tributaries are closed to trawling (see Figure 9). Table A6 in Appendix 3 lists closures within these boundaries.



**Figure 9.** The areas of operation of the Estuary Prawn Trawl Fishery in the Hawkesbury River.

**iii) Management controls specific to Hawkesbury River*****Limited entry***

Restrictions on the number of entitlements to operate on the Hawkesbury River will apply under the management strategy. No additional entitlements will be issued, and any new entitlements will only be issued if they are replacing existing entitlements.

***Boat replacement policy***

Vessels 5.8 metres and less may be replaced with boats up to 5.8 metres in length. Boats that are greater than 5.8 metres in length may only be replaced with boats that are no more than 10% or one metre greater in length, whichever is lesser. The 10% tolerance continues to relate to the original boat length to avoid a progressive increase in length over time. There is no restriction on vessel engine power.

***Fishing gear***

Table 7 outlines the restrictions placed upon the design of the otter trawl net and Appendix 1 provides the regulations regarding the prawn trawl net. Fishers are limited to one net with a headrope length of 11 metres upstream of a line drawn between Juno Bluff and Eleanor Bluff or no more than two nets with a total combined headrope length of 11 metres downstream of this line. Although two nets may be used in this downstream area which includes Broken Bay most vessels only use one net.



**Table 29.** Times when prawn trawling will be permitted in the Hawkesbury River.

(The following table is a summary of the closures to prawn trawling and is to be used as a guide only. The local fisheries officer should be consulted for the most recent closure notices as these are frequently modified).

Area	Periods when trawling may occur
The waters of the Hawkesbury River upstream from a line drawn from the south-eastern corner of Middle Head to the north-eastern corner of West Head, to a line drawn across the river from the south-eastern most corner of Juno Point to the north-eastern most corner of Eleanor Bluff, and from that point to the north western most corner indicated by the Port Hand marker on Challenger Head.	From midnight Sunday to midnight Friday in each week, excluding public holidays.
<p>The following waters of the Hawkesbury River and its tributaries:</p> <ul style="list-style-type: none"> <li>• upstream from a line drawn across the river from the south-eastern most corner of Juno point to the north-eastern most corner of Eleanor Bluff, to a line drawn from the most westerly point of Croppy Point to the most northerly point of Green Point;</li> <li>• upstream from the rail bridge at Brooklyn to the downstream vehicular ferry crossing at Wiseman's Ferry but excluding Berowra Creek, Marra Marra (or Mother Marr's) Creek and Coba Bay, together with their tributary creeks and bays upstream from the most southwesterly point of Morgan Point to the most southeasterly point of Murrion Point;</li> <li>• Mangrove Creek together with its tributary creeks and bays, upstream to Oyster Shell Road Bridge; and</li> <li>• Upstream of the Wiseman's Ferry vehicular ferry crossing, but excluding MacDonald River, Colo River (upstream of the West Portland Road bridge approximately 250 metres from its junction with the Hawkesbury River), and Webbs Creek, and their tributaries, to the vehicular ferry crossing at Lower Portland.</li> </ul>	From midnight Sunday to 6pm Friday in each week, excluding public holidays.
The waters of Marra Marra (or Mother Marr's) Creek and Coba Bay, upstream from a line drawn from the most southeasterly point of Murrion point to the most southwesterly point of Morgan Point and then to the northeastern point of entry to Coba Bay.	From sunrise to sunset in each of the days Monday to Thursday (inclusive), and from sunrise to 6pm Friday in each week, excluding public holidays.
The waters of the Hawkesbury River upstream from its entrance to the South Pacific Ocean, to a line drawn from the south-eastern corner of Middle Head to the north-eastern corner of West Head, but excluding Pittwater, south of a line drawn from Shark (or Warners) Rock to the north-eastern corner of West Head.	From midnight Sunday to midnight Friday in each week, excluding public holidays.

Note: Contingent upon discussions with the EPT MAC it may be that periodic closures occur throughout the season when incidental catch ratios or the count of prawns exceeds agreed to levels.

### ***Time and area closures***

The fishery is restricted to waters downstream of the vehicular ferry crossing at lower Portland to the entrance of the South Pacific Ocean. However within this area there are many area closures and these area detailed in Table A6 in Appendix 3.

Trawling is permitted all year in the Hawkesbury River and this management strategy introduces a closure on weekends and public holidays across the entire estuary. Table 29 and Table A6 in Appendix 3 outlines the time closures that occur.

A review to assess the need for a seasonal closure for this estuary of the fishery will be done within three years of this strategy being implemented. This review will take into account the ecological, social and economic impacts of such a closure.

### ***Limits on landings***

Table 13 sets out the quantities of byproduct species that may be landed. Section 9 lists trigger points and allowable commercial landings levels for target and byproduct species for the fishery in this estuary. The upper landings level for the commercial catch of each of these species has been determined using the upper trigger point range and recorded landings.

### ***Counts on prawns***

The Juvenile Prawn Summit Working Group has recommended to the Minister for Fisheries that maximum counts for school and eastern king prawns taken for sale be implemented. These counts are currently under discussion by the working group and once consensus is reached the Minister will be advised of its recommendations. These will be implemented once approved by the Minister.

### ***Incidental catch ratio***

The management strategy provides for the use of a level of incidental catch to be controlled by a ratio of incidental species relative to the weight of target species. This system is to be developed by December 2003.

## **d) Port Jackson**

### **i) Species**

The target species is the eastern king prawn *Penaeus plebejus* (see Table 3) and some byproduct species are also caught (see Table 4), but under this management strategy only certain quantities of byproduct species can be landed annually (see Table 13).

### **ii) Landings levels and value**

Annual total reported landings have remained stable whilst the value of the fishery has increased because of higher prawn prices (see Table 30). Value has averaged \$0.11 million over the past three years. Patterns in the reported landings and value of individual species in the catch of the fishery in Port Jackson can be found in NSW Fisheries (2002).

**Table 30.** Weight (kg) and value (\$) of the reported landings of catch for the Estuary Prawn Trawl Fishery on Port Jackson in 1998-99, 1999-2000 and 2000-2001.

Common Name	1998-1999		1999-2000		2000-2001	
	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)	Weight (kg)	Value (\$)
Eastern king	3,340	64,987	2,470	50,951	4,134	88,328
School	250	2,218	653	4,102	2,936	21,211
Greasyback	191	1,251	142	695	578	854
Tiger	73	1,000	17	266		
Blue swimmer crab	725	4,541	702	4,769	244	1,851
Mud crab					32	411
Squid	346	877	1,012	1,751	1,537	3,164
Octopus	167	666	474	2,964	71	350
Other invertebrates					205	741
Finfish	6,207	20,923	11,903	35,994	6,029	19,286
<b>Total</b>	<b>11,299</b>	<b>96,463</b>	<b>17,373</b>	<b>101,492</b>	<b>15,766</b>	<b>136,196</b>

NOTE: Values were calculated using the average price provided by industry members on the Estuary Prawn Trawl MAC. Values not marked with a \* were calculated using the average monthly price paid for the species at auction at the Sydney Fish Market.

## ii) Area of operation

Trawling for prawns is permitted throughout Port Jackson but Manly Cove and Lane Cove River are closed to trawling together with parts of Middle Harbour (see Figure 10). Table A8 in Appendix 3 lists closures within these boundaries.

### iii) Management controls specific to Port Jackson

#### *Limited entry*

Restrictions on the number of entitlements to operate in Port Jackson will apply under the management strategy. No additional entitlements will be issued, and any new entitlements will only be issued if they are replacing existing entitlements.

#### *Boat replacement policy*

Vessels 5.8 metres and less may be replaced with boats up to 5.8 metres in length. Boats that are greater than 5.8 metres in length may only be replaced with boats that are no more than 10% or one metre greater in length, whichever is lesser. The 10% tolerance continues to relate to the original boat length to avoid a progressive increase in length over time.

The following restrictions also apply upon any engine replacement:

- (1) boats with engines rated under 60 kW may replace the existing engine with one rated up to a maximum of 60 kW
- (2) boats with engines rated over 60 kW are restricted to a maximum 10% increase in power. In the case that a vessel with an engine rated over 60 kW needs to have its engine replaced a second time at some stage in the future the original engine rating shall apply.

\*Note: An example of this would be a boat with an engine rated at 100kw may replace it with an engine up to 110kw in the first instance but should subsequent engine replacements be required the maximum rating allowed will remain at 110kw.

#### *Fishing gear*

Table 7 outlines the restrictions placed upon the design of the otter trawl net and Appendix 1 provides the regulations specifying the prawn trawl net. Fishers are limited to no more than two nets each of a headrope length of 11 metres. Although permitted to tow two nets, fishers tow only one net.

**Table 31.** Times when prawn trawling will be permitted in Port Jackson.

(The following table is a summary of the closures to prawn trawling and is to be used as a guide only. The local fisheries officer should be consulted for the most recent closure notices as these are frequently modified).

Area	Periods in which trawling may occur
The waters of Port Jackson together with all its rivers, bays and tributaries which are not closed to netting under any other schedule or Notification.	<ol style="list-style-type: none"> <li>1. From 5 p.m. Mondays to Thursdays (inclusive) to 9 a.m. the following day, and from 5pm Friday to midnight Friday in each week in the period between 5pm Monday 21 October 2002 and midnight Thursday 17 April 2003, excluding public holidays.</li> <li>2. From 5 p.m. Mondays to Thursdays (inclusive) to 9 a.m. the following day, and from 5pm to midnight Friday in each week, excluding public holidays, in a period as determined by the District Fisheries Officer, Sydney North, as detailed in the conditions of this Schedule.</li> </ol>

Note: Contingent upon discussions with the EPT MAC it may be that periodic closures occur throughout the season when incidental catch ratios or the count of prawns exceeds agreed to levels.

***Time and area closures***

The fishery is restricted to waters of Port Jackson, Middle Harbour and the Parramatta River, with several closures in place within this area (see Table A8 Appendix 3).

Trawling is permitted from November to Easter each year with provisions for an earlier opening to the season during October and/or a later finish to the season in April if a catch rate criterion is met. Table 31 and Table A8 in Appendix 3 outlines the time closures that occur.

***Limits on landings***

Table 13 sets out the quantities of byproduct species that may be landed. Section 9 lists trigger points and allowable commercial landings levels for target and byproduct species for the fishery in this estuary. The upper landings level for the commercial catch of each of these species has been determined using the upper trigger point range and recorded landings.

***Counts on prawns***

The Juvenile Prawn Summit Working Group has recommended to the Minister for Fisheries that maximum counts for school and eastern king prawns taken for sale be implemented. These counts are currently under discussion by the working group and once consensus is reached the Minister will be advised of its recommendations. These will be implemented once approved by the Minister.

***Incidental catch ratio***

The management strategy provides for the use of a level of incidental catch to be controlled by a ratio of incidental species relative to the weight of target species. This system is to be developed by December 2003.

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## APPENDIX 1. Net Regulations

### 38 Otter trawl net (prawns)

(1) It is lawful to use an otter trawl net for taking prawns in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the following conditions are complied with:

- (a) the net is used only by the method of trawling,
- (b) not more than 2 nets are used at any one time in the Hawkesbury River downstream from a line drawn between Juno Point and Eleanor Bluff, Clarence River, Port Jackson, Jervis Bay or Coffs Harbour,
- (c) not more than 1 net is used at any one time in the Hunter River or in the Hawkesbury River upstream from a line drawn between Juno Point and Eleanor Bluff to the ferry crossing at Lower Portland,
- (d) no string, rope, wire, cord, netting or other material is fixed to any meshes that are within 25 meshes of the draw or closing string of the cod-end of the net,
- (e) the net is not used in the estuary prawn trawl restricted fishery at either of the following times:
  - (i) between midnight on any Friday and midnight on the immediately following Sunday,
  - (ii) between midnight on a day immediately preceding a public holiday and midnight on the public holiday.

(2) Despite subclause (1) (d), an otter trawl net may have attached to it any of the following:

- (a) a draw or closing string at the end of the cod-end,
- (b) a frill of netting material, if the frill is not attached more than 5 meshes from the last row of meshes of the cod-end,
- (c) a chafing piece, in accordance with clause 56 (2).

(3) It is also lawful to use an otter trawl net to take other fish which are taken by the net when it is being lawfully used for taking prawns if:

- (a) the fish are not a prohibited size class of fish and are not of a species the taking of which is prohibited, or
- (b) the fish are a prohibited size class of fish (other than abalone or crustaceans), are not of a prohibited size and are taken in waters north of a line drawn due east from the lighthouse situated at Smoky Cape (excluding inland waters, the Clarence River and Lake Woollooweyah), or
- (c) the fish are a prohibited size class of fish (being crustaceans other than rock lobster) and are not of a prohibited size.

(4) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as an otter trawl net (prawns).

**Table Otter trawl net (prawns)**

(a) *Waters*—Port Jackson, Hawkesbury River, Hunter River and all ocean waters.

(b) *Description of net*—Total length not exceeding 11 metres (except in respect of a net used in ocean waters, in which case the total length of the net is not to exceed 33 metres or, if a maximum length for otter trawl nets (prawns) is specified in the boat licence for the boat from which the net is used, the length so specified); mesh of cod-end (or portion of the net capable of being used as a cod-end) not less than 40 mm nor more than 50 mm; mesh of net (other than cod-end or the portion of the net capable of being used as a cod-end) not less than 40 mm nor more than 60 mm; length of sweep attached to net (being the distance between the point of attachment to the otter boards and the net) not exceeding 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater); sweep to be secured to the net and the otter board so that it cannot exceed 5 metres in length or the distance from the trawl gallows to the stern of the boat (whichever is the greater).

(a) *Waters*—Clarence River and Lake Woollooweyah.

(b) *Description of net*—Total length of net (when towed as single gear) not exceeding 11 metres, total length of either net (when towed as twin gear) not exceeding 7.5 metres; mesh of cod-end (or portion of the net capable of being used as a cod-end) not less than 40 mm nor more than 50 mm; mesh of net (other than cod-end or the portion of the net capable of being used as a cod-end) not less than 40 mm nor more than 60 mm; length of sweep attached to net (being the distance between the point of attachment to the otter boards and the net) not exceeding 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater); sweep to be secured to the net and the otter board so that it cannot exceed 5 metres in length or the distance from the trawl gallows to the stern of the boat (whichever is the greater).

**48. Hand-hauled prawn net**

- (1) It is lawful to use a hand-hauled net for taking prawns in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the following conditions are complied with:
  - (a) The net is not staked or set, or joined or placed together with any other net
  - (b) The net is continuously and manually propelled and not used as a stationary net
  - (c) The net is not attached to a hauling line.
- (2) It is also lawful to use a hand-hauled net to take other fish (other than a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking prawns.
- (3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a hand-hauled prawn net.

**Hand-hauled prawn net.**

- (a) *Waters* - Any waters (other than inland waters).
- (b) *Description of net* - Total length not exceeding six metres; mesh throughout not less than 30 mm nor more than 36 mm.

#### **49. Push or scissors net (prawns)**

- (1) It is lawful to use a push or scissors net for taking prawns in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the following conditions are complied with:
  - (a) The net is used only as a hand implement and is not staked or set, or joined or placed together with any other net
  - (b) The net is continuously propelled and not used as a stationary net
  - (c) The net is operated only by 1 person without assistance from any other person
  - (d) Only 1 net is used by a person at any one time.
- (2) It is also lawful to use a push or scissors net to take other fish (other than a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking prawns.
- (3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a push or scissors net (prawns).

##### **Push or scissors net (prawns).**

- (a) Waters - Any waters (other than inland waters).
- (b) Description of net - Net attached to a scissors-type frame; length of lead or bottom line between the lower extremities of the poles not exceeding 2.75 metres; mesh not less than 30 mm nor more than 36 mm.

#### **50. Dip or scoop net (prawns)**

- (1) It is lawful to use a dip or scoop net for taking prawns in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the following conditions are complied with:
  - (a) The net is used as a hand implement only and not staked or set, or joined or placed together with any other net
  - (b) Only 1 net is used by a person at any one time.
- (2) It is also lawful to use a dip or scoop net to take other fish that are taken by the net when it is being lawfully used for taking prawns.
- (3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a dip or scoop net (prawns).

## APPENDIX 2. Descriptions of Bycatch Reduction Devices

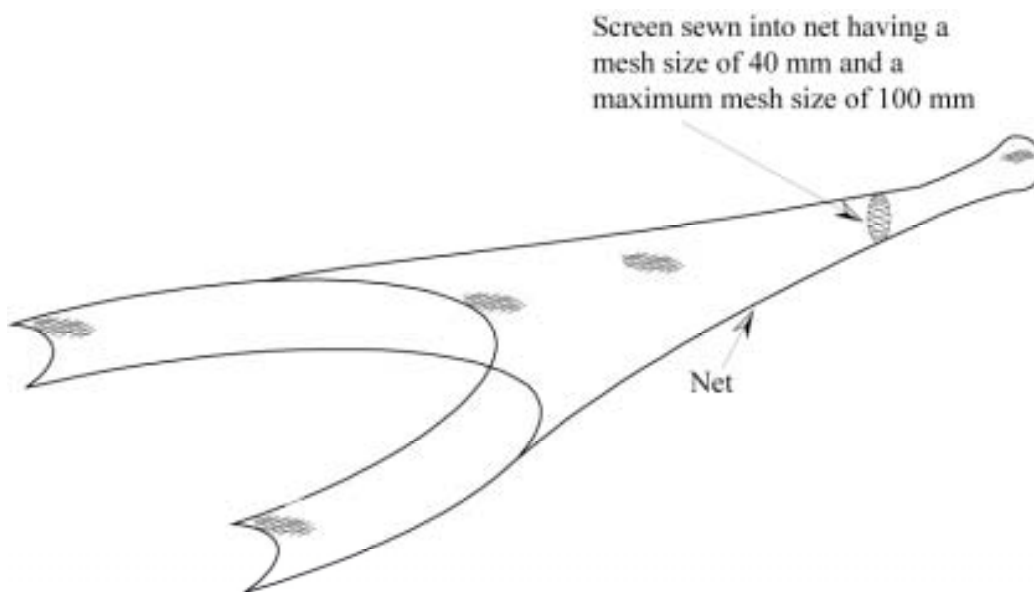


Figure A1. Port Jackson Screen

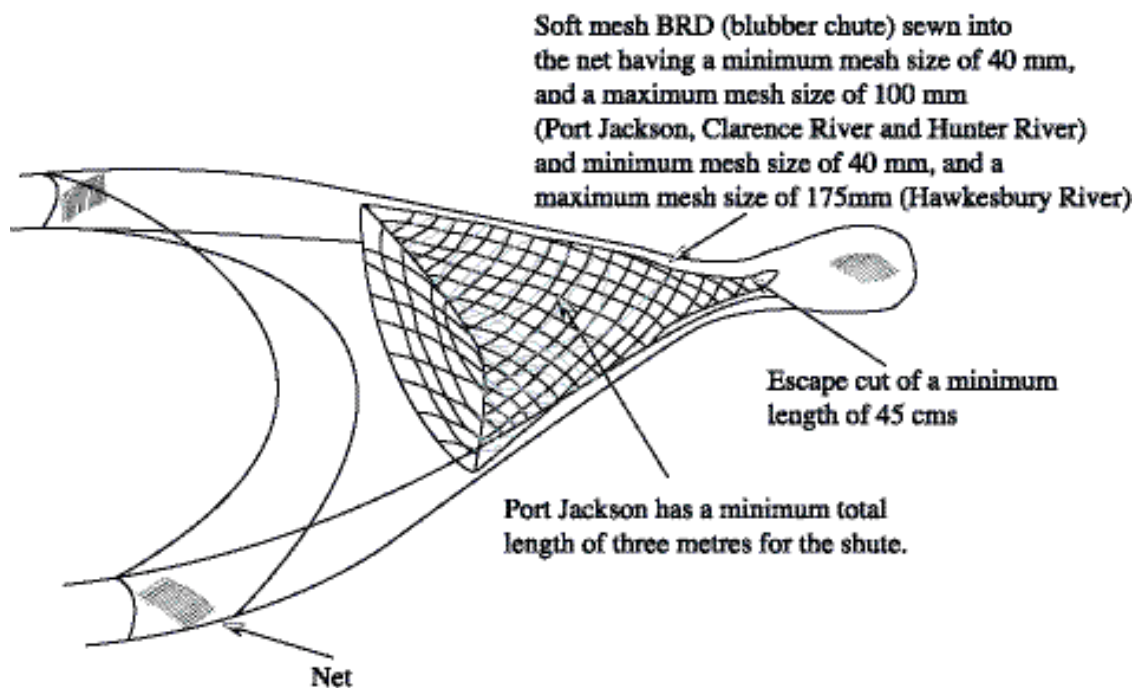


Figure A2. Softmesh BRD (blubber chute)

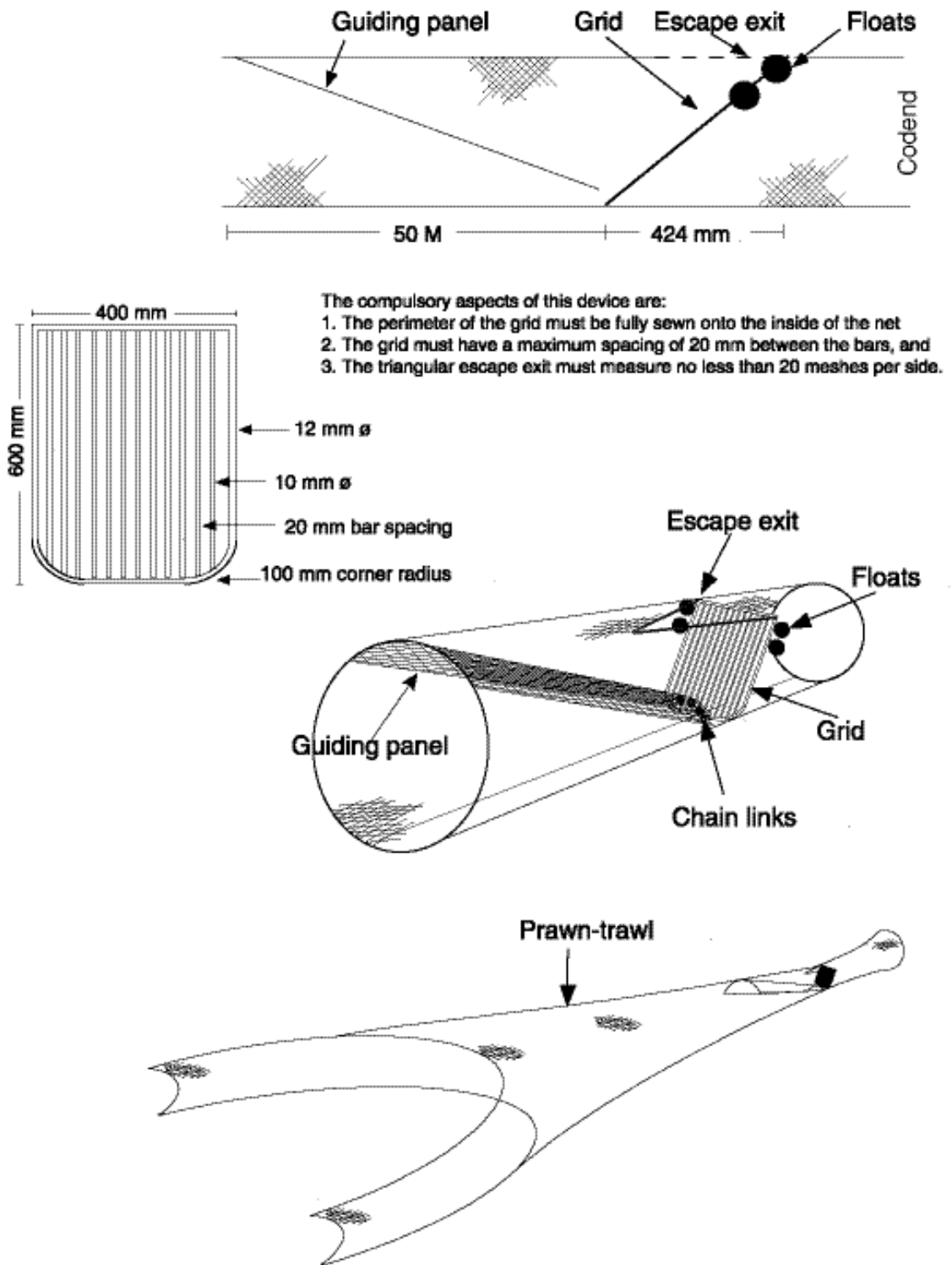
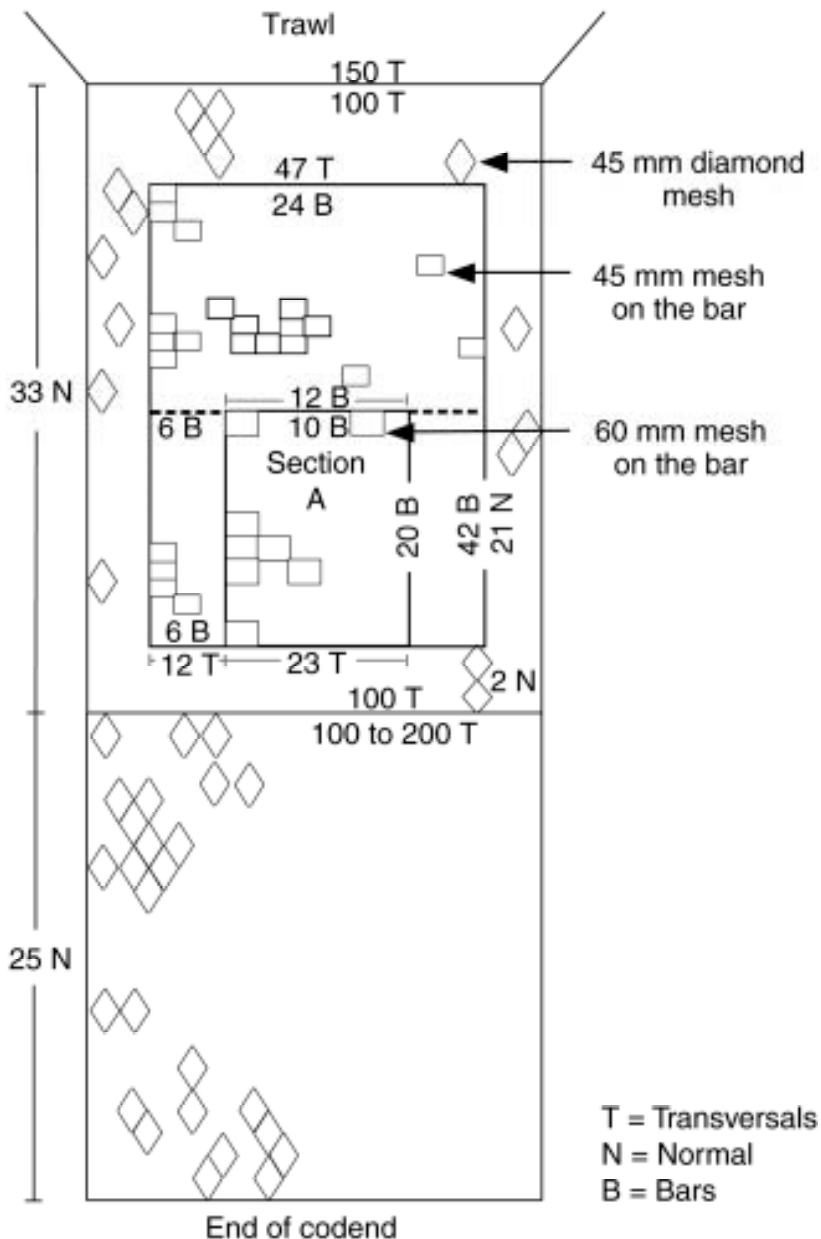


Figure A3. Nordmore Grid

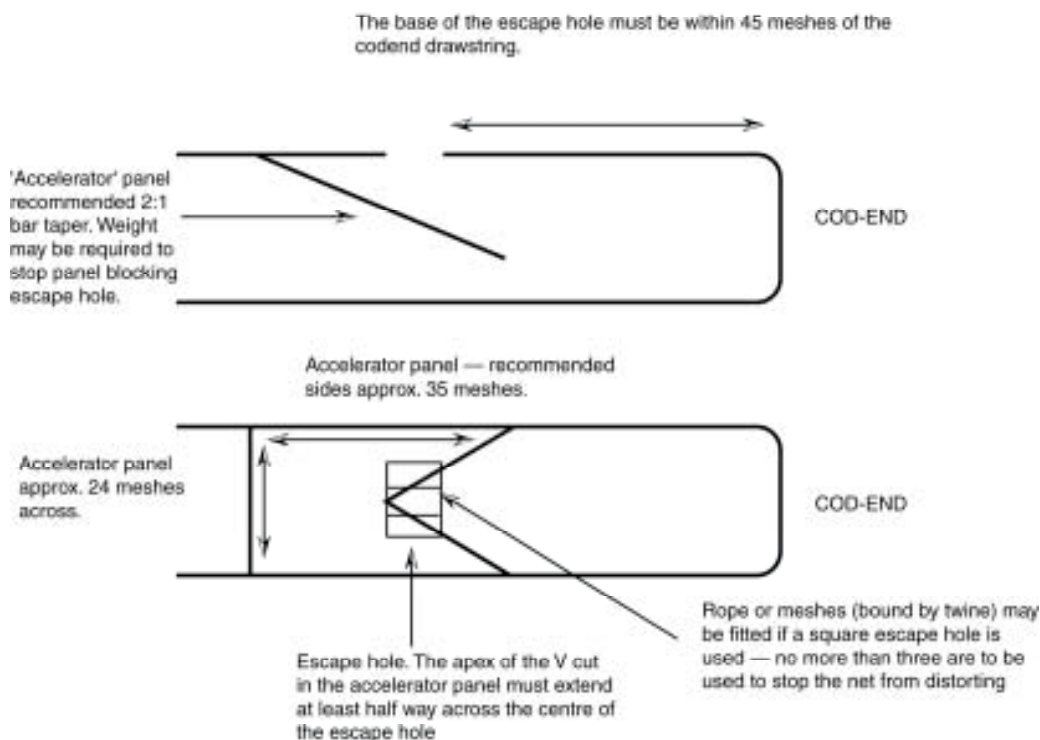


The compulsory aspects of this device are:

1. The panel is sewn into the top of the codend, with its base a maximum length of 37 meshes from the codend drawstring
2. The dimensions of the main square mesh panel (section A) must be a minimum of 60 cm by 30 cm wide

**Figure A4.** Square Mesh Panel

### The 'Quality Clearance Panel' BRD



The escape hole may be either a square or a diamond shape.

If using a square escape hole, the hole must be a minimum of 15 meshes across and a minimum of 5 meshes up the net.

If using a diamond shaped escape hole, each side of the diamond must be at least 10 bars long. It is recommended that the diamond is cut out of a separate panel of net (approx. 15 meshes across and 11 meshes long) that is then sewn into the net. It is also recommended that 2 points on the net are sewn to each point on the panel to prevent the escape hole from closing.

A rigid frame may be fitted around the escape hole (i.e. diamond or square).

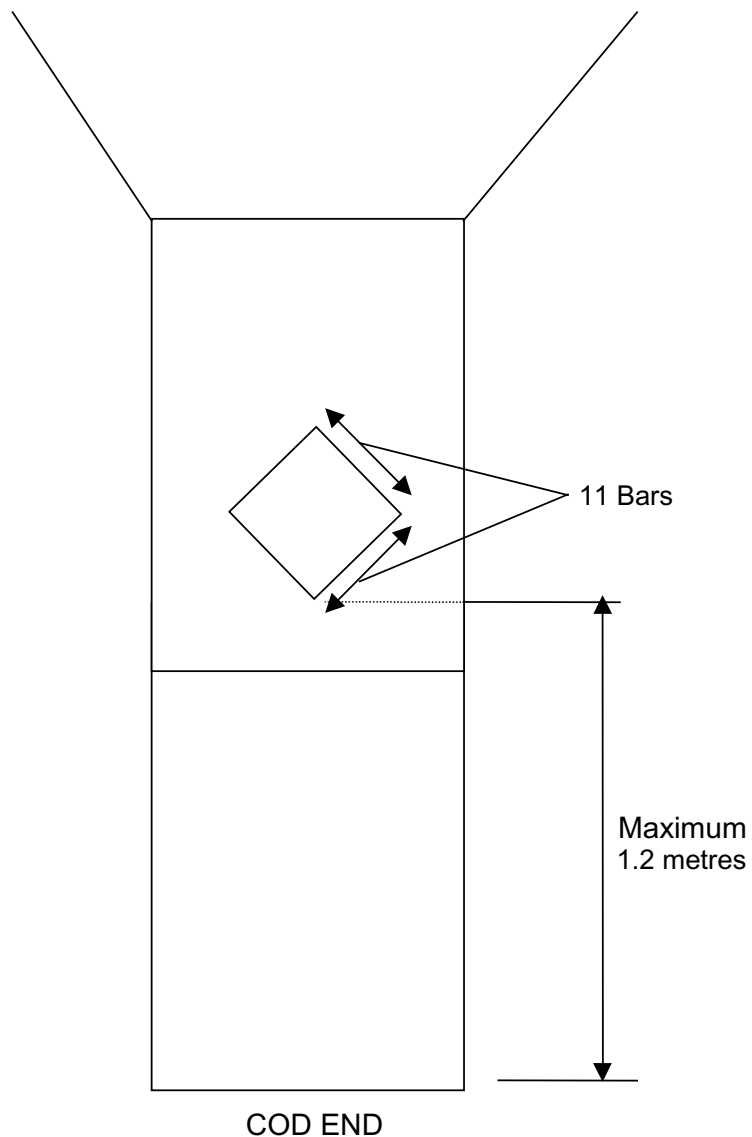
**Figure A5.** Quality Clearance Panel BRD



## 'DIAMOND' BYCATCH REDUCTION DEVICE

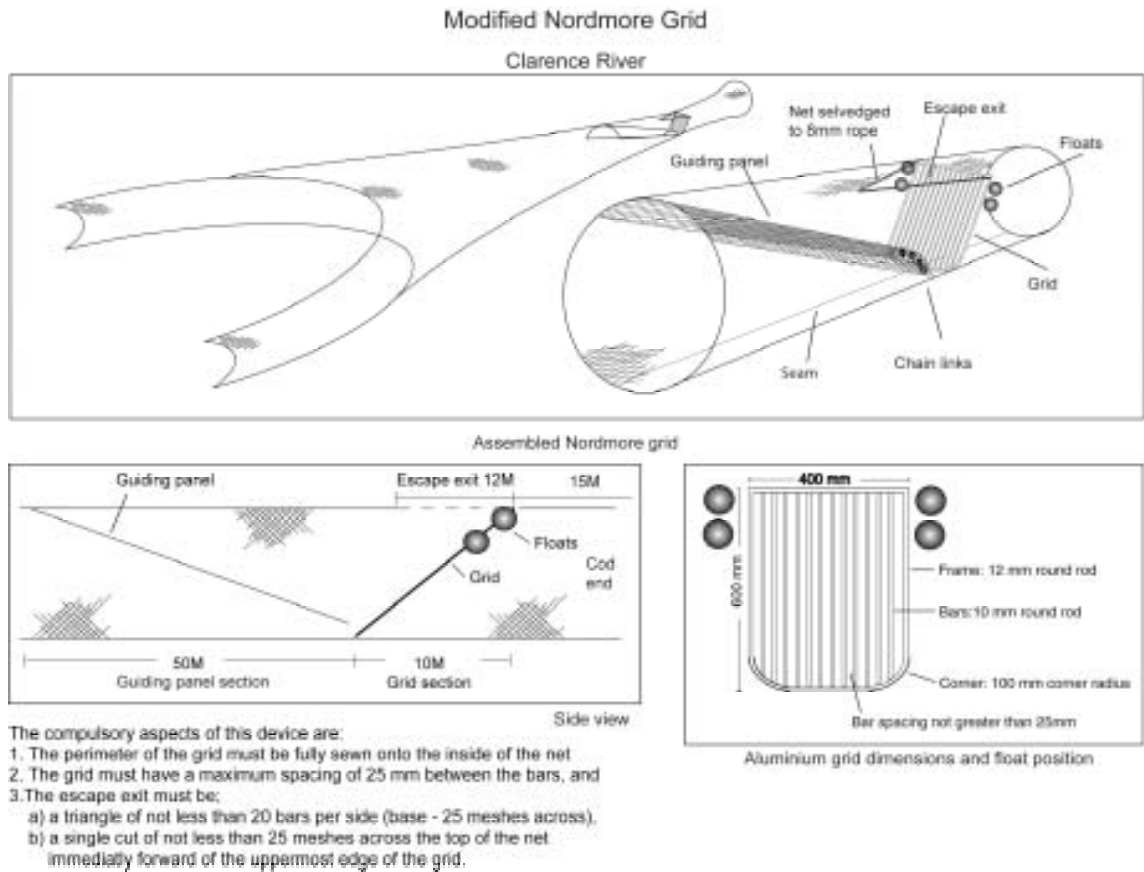
**Compulsory aspect of the Diamond BRD:**

1. Each side of the diamond must be a minimum of 11 bars long.
2. The diamond escape hole must not be covered by netting or otherwise be obstructed.
3. The base of the diamond must be within 1.2m of the cod-end drawstring.



STEVE DUNN  
Director of Fisheries

Figure A6. Diamond BRD



**Figure A7. Modified Nordmore Grid**

## APPENDIX 3. Time and Area Closures in the estuary prawn trawl fishery

**Table A1.** Times when prawn trawling will be permitted in NSW estuaries

(The following table is a summary of the current closures to prawn trawling and is to be used as a guide only. The local fisheries officer should be consulted for the most recent closure notices as these are frequently modified).

<b>Estuary</b>	<b>Periods when trawling is permitted</b>
<b>Clarence</b>	From 8 a.m. to 6 p.m. on Monday, and 7 a.m. to 6 p.m. on each of the days Tuesday to Friday (inclusive), excluding public holidays, in each week from the Monday nearest to 1 December in each year (inclusive) to the Friday nearest to 31 May in each succeeding year.
<b>Lake Wooloweyah</b>	From 8 a.m. to 6 p.m. on Monday, and from 7 a.m. to 6 p.m. on each of the days Tuesday to Friday (inclusive), excluding public holidays, in each week from the first Tuesday on/or after 1 October in each year (inclusive) to the Friday nearest to 31 May in each succeeding year.
<b>Hunter</b>	Subdivisions 1 and 2 - from 6a.m. to 6p.m. weekdays only, during the period 2 December 2002 to 17 April 2003 (inclusive), excluding each public holiday.  Subdivisions 3 to 7 - from 6a.m. to 6p.m. weekdays only, during the period 2 December 2002 to 30 May 2003 (inclusive), excluding each public holiday.
<b>Hawkesbury</b>	The waters of the Hawkesbury River upstream from a line drawn from the south-eastern corner of Middle Head to the north-eastern corner of West Head, to a line drawn across the river from the south-eastern most corner of Juno Point to the north-eastern most corner of Eleanor Bluff, and from that point to the north western most corner indicated by the Port Hand marker on Challenger Head. - From midnight Sunday to midnight Friday in each week, excluding public holidays.  The following waters of the Hawkesbury River and its tributaries: - upstream from a line drawn across the river from the south-eastern most corner of Juno point to the north-eastern most corner of Eleanor Bluff, to a line drawn from the most westerly point of Croppy Point to the most northerly point of Green Point; - upstream from the rail bridge at Brooklyn to the downstream vehicular ferry crossing at Wiseman's Ferry but excluding Berowra Creek, Marra Marra (or Mother Marr's) Creek and Coba Bay, together with their tributary creeks and bays upstream from the most southwesterly point of Morgan Point to the most southeasterly point of Murrone Point; - Mangrove Creek together with its tributary creeks and bays, upstream to Oyster Shell Road Bridge; and - Upstream of the Wiseman's Ferry vehicular ferry crossing, but excluding MacDonald River, Colo River (upstream of the West Portland Road bridge approximately 250 metres - From midnight Sunday to 6pm Friday in each week, excluding public holidays.
<b>Port Jackson</b>	1. From 5 p.m. Mondays to Thursdays (inclusive) to 9 a.m. the following day, and from 5pm Friday to midnight Friday in each week in the period between 5pm Monday 21 October 2002 and midnight Thursday 17 April 2003, excluding public holidays.

	2. From 5 p.m. Mondays to Thursdays (inclusive) to 9 a.m. the following day, and from 5pm to midnight Friday in each week, excluding public holidays, in a period as determined by the District Fisheries Officer, Sydney North, as detailed in the conditions of this Schedule.
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Note: Estuaries will be closed to trawling on weekends and public holidays. The times for these closures are to be discussed with the EPT MAC. Contingent upon discussions with the EPT MAC it may be that periodic closures occur throughout the season when incidental catch ratios or the count of prawns exceeds agreed to levels.

**Table A2** Clarence River Closure and Schedules

**FISHERIES MANAGEMENT ACT 1994**  
**Section 11 and Section 8 Notification - Fishing Closure**  
**Clarence River, its lakes, lagoons, inlets, channels, creeks and tributaries**  
County of Clarence

I, Edward Obeid, revoke the closure notification "Clarence River, its lakes, lagoons, inlets, channels, creeks and tributaries" published in Government Gazette Number 159 of 8 December 2000 and all amendments thereto.

I do now, by this notification, prohibit the taking of fish by the methods of fishing specified in Column 1 of Schedules 1 to 16 of this notification, from the waters shown opposite in Column 2, respectively, of those schedules, with the exception of schedules 7, 8B, 8C and 8D. Fishing will be further subject to the 'conditions' or 'time periods' as specified in, for, and with respect to, any schedule of this notification.

This notification will be in effect from 17 January 2003 to 7 December 2005, inclusive.

The word 'Regulation', where appearing in this notification, refers to the *Fisheries Management (General) Regulation 2002*.

**The Hon Edward Obeid OAM, MLC**  
**Minister for Mineral Resources**  
**Minister for Fisheries**

**Schedule 1**

Clarence River and the Broadwater - Mesh Netting

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
<p>By means of <b>meshing nets</b> (as prescribed by cl 41 of the Regulation), except by the following method:</p> <ol style="list-style-type: none"> <li>1) The net shall be shot in a ring or semi-circle from one or two boats.</li> <li>2) After the net has been set, drawing in of the net shall commence within 45 minutes.</li> <li>3) Fish shall be removed from the net during drawing in of the net.</li> <li>4) No more than two fishers shall operate the net. These fishers shall remain with the net throughout the operation.</li> </ol>	<p><b>Clarence River</b> - all waters including all bays, inlets, creeks and tributaries upstream of a line drawn across the River at its entrance between the eastern extremities of the northern and southern breakwaters, upward, to a line drawn across the River from the southern most extremity of Paddy's Point south-easterly to the north-western corner of portion 166 at Taloumbi, together with Oyster Channel, Romiaka Channel, Micalo Channel and Palmer's Channel.</p> <p><b>Clarence River (North Arm)</b> - all waters including all bays, inlets, creeks and tributaries upstream from its junction with the main Clarence River to a line drawn from the western point of entrance to the Esk southerly to the north western corner of portion 151 at Harwood, including Esk or Fresh Water River.</p> <p><b>The Broadwater</b> - the whole of the waters of the Broadwater area within the Clarence River, northwards from a line between a post marked FD1 on the foreshore of Emerald's Point generally westerly to a post marked FD2 located on Neddy's Point.</p>

**Schedule 2**

## Wooloweyah Estuary - Mesh Netting

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of <b>meshing nets</b> (as prescribed by cl 41 of the Regulation), except by the following method: 1) The net shall be shot in a ring or semi-circle from one or two boats. 2) After the net has been set drawing in of the net shall commence within 45 minutes. 3) Fish shall be removed from the net during drawing in of the net. 4) No more than two fishers shall operate the net. These fishers shall remain with the net throughout the operation.	The whole of the waters of the Wooloweyah Estuary.
<b>Time period:</b> This closure will only apply from 1 September each year to 31 May each ensuing year, all dates inclusive.	

**Schedule 3**

## Orara River- Netting

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of nets of every description, except the <b>landing net</b> , as prescribed by cl 53 of the Regulation.	The whole of the waters of the Orara River, its creeks, tributaries and inlets, upstream to its source from a line drawn across the river approximately 11km upstream from its junction with the Clarence River at a point known as Jacky's Creek.

**Schedule 4**

## Clarence River at Copmanhurst, Mitchell (Mann) River and Nymboida River - Netting

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of nets of every description, except the <b>landing net</b> , as prescribed by cl 53 of the Regulation.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries, upward to its source from a line drawn across the river at the power lines above the rapids approximately 0.5km from the township of Copmanhurst, including the Mitchell or Mann River and Nymboida River and their tributaries.

**Schedule 5**

## Yamba Bay and McKittrick's Channel -Trawl Nets

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of <b>trawl nets</b> of every description, as prescribed by Regulation.	The whole of the waters of that part of the Clarence River being the whole of Yamba Bay and that part of McKittrick's Channel between the old viaduct to Freeburn Island and a line drawn from the eastern extremity of the Middle Training Wall to the Public Wharf at Yamba.

## Schedule 6 - Clarence River - Weekend Netting

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of nets of every description, except the <b>dip</b> or <b>scoop net</b> , the <b>push</b> or <b>scissors net</b> , <b>hoop</b> or <b>lift net</b> and <b>hand hauled prawn nets</b> , when used for the capture of prawns only, and the <b>landing net</b> , as prescribed by Regulation, with the exception that fish may be taken by the method of fishing described in Column 1 of Schedule 7 of this Notification.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries, upstream to its source from its confluence with the South Pacific Ocean.
<b>Time period:</b> This closure will only apply from 8 a.m. Saturday to 8 a.m. Monday in each week.	

**Schedule 7**

## Clarence River - Weekend Hauling

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of <b>general purpose hauling nets</b> , as prescribed by cl 26 of the Regulation.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries from its confluence with the South Pacific Ocean upwards to its source to a line from the western point of entrance to Palmer's Channel north-westerly to the northern point of Mororo Bridge in North Arm, but excluding the waters of Palmer's Channel and Wooloweyah Estuary.
<b>Time period:</b> This closure will only apply from 1 April to 31 August each year.	
<b>Condition:</b> This schedule permits hauling on weekends as an exception to Schedule 6 of this notification.	

**Schedule 8 PART A**

## Clarence River - Traps

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of <b>traps</b> of every description, for the use of taking fish of every description with the exception that fish may be taken by the method of fishing described in Column 1 of Schedule 8 PART B, Schedule 8 PART C, and Schedule 8 PART D of this Notification.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries from a line drawn across the entrance from the southern extremity of the Iluka training wall to the north-eastern extremity of the Yamba training wall upwards to its source.

**Schedule 8 PART B**

## Clarence River - Traps

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
Fish traps prescribed by cl 59 of the Regulation.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries from a line drawn across the entrance from the southern extremity of the Iluka training wall to the north-eastern extremity of the Yamba training wall upwards to a line drawn south-westerly from the north-western extremity of Goodwood Island training wall to the south-western extremity of Freeburn Island, and produced to meet the south-western foreshore of Clarence River, but excluding the whole of Yamba Bay and that part of McKittrick's Channel between the old viaduct to Orogandiman or Freeburn Island and a line drawn from the eastern extremity of the Middle training wall to the Public Wharf at Yamba.
<b>Time period:</b> This closure will only apply from 1 May to 31 August each year.	

**Schedule 8 PART C**

## Clarence River -Eel Traps

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
<b>Eel traps</b> (as prescribed by cl 65 of the Regulation), no part of the trap shall be more than 5m from the shore irrespective of tidal position, such distance being measured horizontally, are permitted in the waters shown in Column 2 of this Schedule.	The whole of the waters of the Broadwater area of the Clarence River, and in all swamps, creeks and flood mitigation channels which feed into the River between its mouth and the Grafton Railway Bridge and the main part of the Clarence River and its tributaries (including the Orara River upstream to the Gwydir Highway Road Bridge) between the Ulmarra Ferry wire and the Copmanhurst power line, with the exception of that area between a line drawn due west from the southern extremity of Carrs Peninsula and a line drawn from the northern end of portion 28 at Ulmarra to the north eastern end of portion 44 at Great Marlow.

**Schedule 8 PART D**

## Clarence River -Crab Traps

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
<b>Crab traps</b> (as prescribed by cl 61 of the Regulation).	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries upward to the Old Ashby Ferry crossing at Maclean from its confluence with the South Pacific Ocean.

**Schedule 9**

## Clarence River -Prawn Hauling

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of prawn hauling nets, as prescribed by the Regulation.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries, upward to its source from its confluence with the South Pacific Ocean.



**Schedule 10**

## Clarence River -Estuarine Trawling Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of trawl nets of every description with the exception of the <b>otter trawl net</b> (prawns), fitted with a by-catch reduction device approved by the Director of Fisheries, as prescribed by cl 38 of the Regulation, operated from a licensed fishing boat such licence having an endorsement authorising the boat to operate, within the time period below.	The whole of the waters of the Clarence River together with all its lakes, lagoons, inlets, channels, creeks and tributaries, excluding the waters of the Wooloweyah Estuary together with its creeks and tributaries, from its junction with the South Pacific Ocean upwards to the Vehicular ferry crossing at Ulmarra, which are not closed to netting under any other Notification.
<b>Time period: From 8 a.m. to 6 p.m. on Monday, and 7 a.m. to 6 p.m. on each of the days Tuesday to Friday (inclusive), excluding public holidays, in each week from the Monday nearest to 1 December in each year (inclusive) to the Friday nearest to 31 May in each succeeding year.</b>	

**Schedule 11**

## Wooloweyah Estuary -Estuarine Trawling Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of trawl nets of every description with the exception of the otter trawl net (prawns), as prescribed by cl 38 of the Regulation, and fitted with a by-catch reduction device approved by the Director of Fisheries, operated from a licensed fishing boat such licence having an endorsement authorising the boat to operate, within the time period below.	The whole of the waters of the Wooloweyah Estuary.
<b>Time period: From 8 a.m. to 6 p.m. on Monday, and from 7 a.m. to 6 p.m. on each of the days Tuesday to Friday (inclusive), excluding public holidays, in each week from the first Tuesday on/or after 1 October in each year (inclusive) to the Friday nearest to 31 May in each succeeding year.</b>	

**Schedule 12**

## Oyster Channel -Estuarine Trawling Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
The use of <b>trawl nets</b> of every description, or by the method of trawling by means of nets of every description for the use of taking fish and prawns.	The whole of the waters of the Oyster Channel from Yamba Road bridge upstream to its junction with the Wooloweyah Estuary determined by a line drawn from the eastern extremity of Joss Island to the eastern extremity of Corokos Island.

**Schedule 13**

## The Broadwater (Clarence River) -Estuarine Trawling Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
The use of <b>trawl nets</b> of every description, or by the method of trawling by means of nets of every description for the use of taking fish and prawns.	The whole of the waters of the Broadwater area within the Clarence River, northwards from a line between a post marked FD1 on the foreshore of Emerald's Point generally westerly to a post marked FD2 located on Neddy's Point.

**Schedule 14**

## The Crystal Bay (Clarence River) - Net Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of nets of every description.	That piece of water known as Crystal Bay, south and east of a line drawn from the centre of the turning circle of Westringa Place to the northern most point of Witonga Drive.

**Schedule 15**

## The Sportsman's Creek (Clarence River) - Net Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of nets of every description.	The whole of the waters of that part of Sportsman's Creek together with its creeks, tributaries and inlets from the weir above Lawrence upwards to its source.

**Schedule 16**

## Set Mesh Net Closure

<i>Column 1</i> <b>Methods</b>	<i>Column 2</i> <b>Waters</b>
By means of <b>meshing nets</b> , except when such nets are used by the method of 'splashing' (that is, shooting the net, splashing the water in the vicinity and retrieving the net as a continuous operation), as prescribed by cl 41 of the Regulation.	<ol style="list-style-type: none"> <li>1) All waters of the <b>Clarence River</b> and tributaries, upstream from the Koolkhan Power Station.</li> <li>2) The whole of the waters of <b>Sportsman's Creek down stream of the weir above Lawrence</b> , and the whole of the waters of <b>Shark Creek</b> and the <b>Esk River</b>.</li> <li>3) <b>Coldstream</b> All waters of the Coldstream River, upstream of the Tucabia road bridge.</li> </ol>
<b>Time period: This closure will only apply from 15 May to 31 August in each year.</b>	

**Table A3.** Hunter River Closure

**FISHERIES MANAGEMENT ACT 1994**  
**Section 8 Notification – Fishing Closure**  
**Hunter River Prawn Trawl Closure 2002/2003**

I, Edward Obeid, by this notification, prohibit the taking of prawns and fish by means of trawl nets of every description, and by the method of trawling by means of nets of every description, from all waters of the Hunter River together with all its creeks, tributaries and inlets, from its confluence with the South Pacific Ocean, upstream to its junction with the Williams River.

This prohibition does not extend to the taking of prawns and fish by a licensed commercial fisher exercising the authority of an endorsement to operate in the Estuary Prawn Trawl Restricted Fishery; operating from a licensed fishing boat which has a S4 (Hunter River) Prawn Trawl endorsement; and using an otter trawl net (prawns) fitted with a by-catch reduction device approved by the Director, NSW Fisheries; subject to the provisions of this notification.

**The Hon Edward Obeid OAM, MLC**  
**Minister for Mineral Resources**

**Minister for Fisheries**

Prawn trawling period:

In Subdivisions 1 and 2, from 6a.m. to 6p.m. weekdays only, during the period 2 December 2002 to 17 April 2003 (inclusive), excluding each public holiday.

In Subdivisions 3 to 7, from 6a.m. to 6p.m. weekdays only, during the period 2 December 2002 to 30 May 2003 (inclusive), excluding each public holiday.

A prawn trawling trial may be undertaken to establish an earlier commencement date for the prawn trawling period. The trial is to be undertaken in accordance with conditions approved by the Director, NSW Fisheries. The first trial shot will be on 8 November 2002. If the trial criteria is reached, the season will open on 11 November. If the trial criteria is not reached, the next trial shot will be on 15 November and if the trial criteria is reached, then the season will open on 18 November. Otherwise the period will commence on 2 December 2002.

### Conditions and Subdivisions

## Conditions for periodic closing and opening of prawn trawling between 2 December 2002 and 30 May 2003

A prawn trawling trial may be undertaken to establish the size of prawns available or the abundance of prohibited size class of fish by-catch. The trial is to be undertaken in a manner agreed between the District Fisheries Officer, Hunter, and the elected Management Advisory Committee (MAC) representative for the Hunter River.

The size of prawns is to be indirectly established by a random count of prawns from a vessel's unsorted catch, which shall be weighed and counted to establish the number of prawns per 500 grams. This process is hereafter referred to as 'the count'. For the purposes of this notification the count must be equal to or less than 150 prawns before a subdivision may be opened to prawn trawling.

Any subdivision may be closed by a Fisheries Officer where the count at any time is more than 150 prawns per 500g. Once a count of prawns has been completed, a further trial may not be undertaken for at least 7 days.

Where a subdivision is closed due to a prawn count, subdivisions upstream of that closure are also closed unless a trial is undertaken that meets the relevant criteria. Such further trials are only to be undertaken at the request of the elected MAC representative.

Subdivision 6 may be closed by a Fisheries Officer where the number of any prohibited size class of fish by-catch exceeds 50 fish per shot. Once a prohibited size class of fish by-catch has been completed, a further trial may not be undertaken for at least 3 days.

The opening of any subdivision shall be notified by a notice displayed in the Newcastle Fishermen's Co-operative, the NSW Fisheries Office at Newcastle and other prominent locations as agreed between the District Fisheries Officer and representatives of persons entitled to prawn trawl in the Hunter River. The closing of a subdivision shall be notified by a public notice in the Newcastle Herald newspaper and notices displayed in the Newcastle Fishermen's Co-operative and the NSW Fisheries Office at Newcastle.

A notice must provide the following information:

Date of trial and location of trial.

Prawn count details.

Prohibited size class of fish by-catch.

Area of closure.

Period of closure.

Proposed date and location of next trial.

A sub-divisional closure is to take effect immediately after the count has occurred, if there are more than 150 prawns per 500 grams.

Subdivisions

For the purposes of this notification, the following subdivisions of the Hunter River may be closed and opened subject to the conditions of this notice.

*Subdivision 1*

The waters of the Hunter River downstream of its junction with the Williams River to its junction with Scotch Creek inclusive.

*Subdivision 2*

The waters of the Hunter River downstream of the junction of Scotch Creek to the Hexham road-bridge, inclusive.

*Subdivision 3*

The waters of the Hunter River (North Channel) downstream of the Hexham road-bridge to the junction with Mosquito Creek inclusive.

*Subdivision 4*

The waters of the Hunter River north channel and Mosquito Creek downstream to the Stockton road-bridge, inclusive, but excluding Fern Bay.

*Subdivision 5*

The waters of Fern Bay (Fullerton Cove) from a line at the southern end of Smiths Island and Sandy Island located at the deep northern channel of the Hunter River, inclusive.

*Subdivision 6*

The waters of the Hunter River (North Channel) downstream of the Stockton road-bridge to a line drawn south-westerly from the point of intersection of the south-westerly prolongation of the northwest side of Punt road, Stockton, with the high water mark to the most south-eastern point of the State dockyard Wharf. Also, the South Channel to the Tourle Street Bridge inclusive.

*Subdivision 7*

The waters of the Hunter River (South Channel) upstream of the Tourle Street Bridge, to the junction of the Hunter River (South Channel) and the Hunter River (North Channel) inclusive, at Hexham.

**Table A5.** Brisbane Water/Broken Bay Closure

**Hawkesbury River Prawn Trawling**  
**SCHEDULE 2, Fisheries Management (General) Regulation 2002**  
**Waters in which net and trap fishing are prohibited**  
**(Clause 18)**  
**Brisbane Water/Broken Bay**  
**Brisbane Water or any of its tributaries; Broken Bay north of a line drawn**  
**from Little Box Head to Green Point.**  
**FISHERIES MANAGEMENT ACT 1994**  
**Section 11 and Section 8 Notification - Fishing Closure**  
**General Estuarine Prawn Trawling Closure**  
**Hawkesbury River**

I, Edward Obeid, revoke the notification, and all amendments thereto, which prohibits the taking of fish and prawns by means of trawl nets of every description, and by the method of trawling by means of nets of every description, from all waters of the Hawkesbury River together with all its creeks, tributaries and inlets, from its confluence with the South Pacific Ocean, upstream to the vehicular ferry crossing at Lower Portland, as published in the New South Wales Government Gazette Number 109 of 10 October 1997.

I do now, by this notification, prohibit the taking of fish and prawns by means of trawl nets of every description, and by the method of trawling by means of nets of every description, from all waters of the Hawkesbury River together with all its creeks, tributaries and inlets, from its confluence with the South Pacific Ocean, upstream to the vehicular ferry crossing at Lower Portland.

Prawn trawling conditions:

This prohibition does not extend to the taking of fish (including prawns) by a licensed commercial fisher exercising the authority of an endorsement to operate in the Estuary Prawn Trawl Restricted Fishery, operating from a licensed fishing boat which has a S3 (Hawkesbury River) Prawn Trawl endorsement, and using an otter trawl net (prawns) in the waters described in schedule 1, subject to the provisions of this notification

This prohibition does not extend to the taking of fish (including prawns) by a licensed commercial fisher exercising the authority of an endorsement to operate in the Estuary Prawn Trawl Restricted Fishery, operating from a licensed fishing boat which has a S3 (Hawkesbury River) Prawn Trawl endorsement, and using an otter trawl net (prawns), fitted with a bycatch reduction device approved by the Director of Fisheries in the waters described in schedules 2 to 6, subject to the provisions of this notification

**The Hon Edward Obeid OAM, MLC**  
**Minister for Mineral Resources**  
**Minister for Fisheries**

**Table A6.** Hawkesbury River Closure Schedules

**FISHERIES MANAGEMENT ACT 1994**  
**Section 11 and Section 8 Notification - Fishing Closure**  
**General Estuarine Prawn Trawling Closure**  
Hawkesbury River

I, Edward Obeid, revoke the closure notification “General Estuarine Prawn Trawling Closure - Hawkesbury River” published in Government Gazette Number 141 of 27 October 2000 and all amendments thereto.

I do now, by this notification, prohibit the taking of fish and prawns by means of trawl nets of every description, and by the method of trawling by means of nets of every description, from all waters of the Hawkesbury River together with all its creeks, tributaries and inlets, from its confluence with the South Pacific Ocean, upstream to the vehicular ferry crossing at Lower Portland.

Prawn trawling conditions:

This prohibition does not extend to the taking of fish (including prawns) by a licensed commercial fisher exercising the authority of an endorsement to operate in the Estuary Prawn Trawl Restricted Fishery, operating from a licensed fishing boat which has a S3 (Hawkesbury River) Prawn Trawl endorsement using an otter trawl net (prawns), subject to the provisions of this notification including the following:

In the waters described in Schedule 1 the use of the net without a by-catch reduction device is permitted between sunrise and sunset if any prawns taken are returned immediately to the water alive.

In the waters described in Schedule 1 when the net is fitted with a by-catch reduction device approved by the Director of Fisheries.

In the waters described in Schedules 2, 3 and 4 when the net is fitted with a by-catch reduction device approved by the Director of Fisheries.

This notification will be in effect from 17 January 2003 to 26 October 2005, inclusive.

**The Hon Edward Obeid OAM, MLC**  
**Minister for Mineral Resources**  
**Minister for Fisheries**

**Schedule 1**

<b>Column 1</b> <i>Waters in which prawn trawling is permitted</i>	<b>Column 2</b> <i>Periods during which prawn trawling is permitted</i>
The waters of the Hawkesbury River upstream from a line drawn from the south-eastern corner of Middle Head to the north-eastern corner of West Head, to a line drawn across the river from the south-eastern most corner of Juno Point to the north-eastern most corner of Eleanor Bluff, and from that point to the north western most corner indicated by the Port Hand marker on Challenger Head.	From midnight Sunday to midnight Friday in each week, excluding public holidays.

**Schedule 2**

<b>Column 1</b> <i>Waters in which prawn trawling is permitted</i>	<b>Column 2</b> <i>Periods during which prawn trawling is permitted</i>
<p>The following waters of the Hawkesbury River and its tributaries:</p> <ul style="list-style-type: none"> <li>- upstream from a line drawn across the river from the south-eastern most corner of Juno point to the north-eastern most corner of Eleanor Bluff, to a line drawn from the most westerly point of Croppy Point to the most northerly point of Green Point;</li> <li>- upstream from the rail bridge at Brooklyn to the downstream vehicular ferry crossing at Wiseman's Ferry but excluding Berowra Creek, Marra Marra (or Mother Marr's) Creek and Coba Bay, together with their tributary creeks and bays upstream from the most southwesterly point of Morgan Point to the most southeasterly point of Murrion Point;</li> <li>- Mangrove Creek together with its tributary creeks and bays, upstream to Oyster Shell Road Bridge; and</li> <li>- upstream of the Wiseman's Ferry vehicular ferry crossing, but excluding MacDonal River, Colo River (upstream of the West Portland Road bridge approximately 250 metres from its junction with the Hawkesbury River), and Webbs Creek, and their tributaries, to the vehicular ferry crossing at Lower Portland.</li> </ul>	From midnight Sunday to 6pm Friday in each week, excluding public holidays.



**Schedule 3**

<b>Column 1</b> <i>Waters in which prawn trawling is permitted</i>	<b>Column 2</b> <i>Periods during which prawn trawling is permitted</i>
The waters of Marra Marra (or Mother Marr's) Creek and Coba Bay, upstream from a line drawn from the most southeasterly point of Murron point to the most southwesterly point of Morgan Point and then to the northeastern point of entry to Coba Bay.	From sunrise to sunset in each of the days Monday to Thursday (inclusive), and from sunrise to 6pm Friday in each week, excluding public holidays.

**Schedule 4**

<b>Column 1</b> <b>Waters in which prawn trawling is permitted</b>	<b>Column 2</b> <i>Periods during which prawn trawling is permitted</i>
The waters of the Hawkesbury River upstream from its entrance to the South Pacific Ocean, to a line drawn from the south-eastern corner of Middle Head to the north-eastern corner of West Head, but excluding Pittwater, south of a line drawn from Shark (or Warners) Rock to the north-eastern corner of West Head.	From midnight Sunday to midnight Friday in each week, excluding public holidays.

**Table A7** Port Jackson Closure Schedules

**FISHERIES MANAGEMENT ACT 1994**  
**Section 8 and 11 Notification - Fishing Closure**  
**General Estuarine Prawn Trawling Closure**  
Port Jackson

I, Edward Obeid, revoke the closure notification "General Estuarine Prawn Trawling Closure – Port Jackson" published in Government Gazette Number 172 of 11 October 2002.

I, do now by this notification prohibit the taking of fish and prawns by means of trawl nets of every description, or by the method of trawling by means of nets of every description, from all waters of Port Jackson.

This notification will be in effect from 17 January 2003 to 30 October 2003, inclusive.

This prohibition does not extend to the taking of prawns and fish by a licensed commercial fisher exercising the authority of an endorsement to operate in the Estuary Prawn Trawl Restricted Fishery; operating from a licensed fishing boat which has a S2 Port Jackson Prawn Trawl endorsement; using an otter trawl net (prawns) fitted with a by-catch reduction device approved by the Director, NSW Fisheries for the waters of Port Jackson; and when fishing in the waters described in Column 1 of the schedule below, during the period shown opposite in Column 2 of that Schedule; subject to the provisions of this notification.

**The Hon Edward Obeid OAM, MLC**  
**Minister for Mineral Resources**  
**Minister for Fisheries**

**Schedule**

<i>Column 1</i> <i>Waters</i>	<i>Column 2</i> <i>Periods during which prawn trawling is permitted</i>
The waters of Port Jackson together with all its rivers, bays and tributaries which are not closed to netting under any other schedule or Notification.	<p>1. From 5 p.m. Mondays to Thursdays (inclusive) to 9 a.m. the following day, and from 5pm Friday to midnight Friday in each week in the period between 5pm Monday 21 October 2002 and midnight Thursday 17 April 2003, excluding public holidays.</p> <p>2. From 5 p.m. Mondays to Thursdays (inclusive) to 9 a.m. the following day, and from 5pm to midnight Friday in each week, excluding public holidays, in a period as determined by the District Fisheries Officer, Sydney North, as detailed in the conditions of this Schedule.</p>

**Conditions:**

Late closing trial criteria for Port Jackson prawn trawling:

1) A prawn trawling trial may be undertaken to establish the late closing of the Port Jackson prawn trawling season. The trial is to be undertaken in a manner agreed between the District Fisheries Officer, Sydney North, and representatives of persons entitled to prawn trawl in Port Jackson.

2) Five 40 minute shots at different locations of which at least one shot yields a minimum of 1

kilogram of prawns, as determined by the District Fisheries Officer, Sydney North, will allow the late closing of the Port Jackson estuarine prawn trawling season.

3) The closing date of the Port Jackson prawn trawling season shall be notified by a public notice in the Sydney Morning Herald newspaper and notices displayed at the Sydney Fish Markets and the NSW Fisheries Office at Wollstonecraft.

4) The first closing trial shall commence 5 p.m. Wednesday 16 April 2003. If the trial criteria is reached the prawn trawling season shall be extended to 9 a.m. Friday 2 May 2003. A second closing trial shall commence 5 p.m. Wednesday 30 April 2003. If this trial criteria is reached the prawn trawling season shall be extended to 9 a.m. Friday 16 May 2003.

**FISHERIES MANAGEMENT (AQUATIC RESERVES) REGULATION 1995****under the****FISHERIES MANAGEMENT ACT 1994****UPDATED 1 MARCH 1999****PART 5—NORTH HARBOUR****The Reserve**

16. In this Part:

“Reserve” means the North Harbour Aquatic Reserve declared by notification published in Gazette No. 46 of 26 March 1982, at page 1336, being the land described in Schedule 4 together with the waters within the Reserve.

**Taking of fish or marine vegetation prohibited**

17. (1) A person must not:

- (a) take, or attempt to take, fish from the Reserve or
- (b) gather, or attempt to gather, marine vegetation from the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

- (a) wilfully disturb, injure or interfere with fish in the Reserve or
- (b) wilfully damage, destroy or interfere with marine vegetation in the Reserve.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(3) This clause is subject to the other provisions of this Part.

**General exemption**

18. A person:

- (a) may, by means of a hook and line, take, or attempt to take, fish that have fins and
- (b) may, in accordance with the written consent of the Director, do anything else prohibited by clause 17(1) or (2).

**Exemption for commercial fishers**

19. A commercial fisher:

- (a) may take, or attempt to take, a rock lobster by means of a pot manufactured or adapted for the purpose of taking rock lobsters and

(b) may, on a weekday, take, or attempt to take, fish by means of a hauling net, but only from the part of the Reserve north of Cannae Point and east of a line drawn from Cannae Point to Manly Point.

F97/227(2)

**FISHERIES MANAGEMENT ACT 1994****Urgent Notification under s 8 and s 9(2) – fishing closure**Ocean Prawn Trawling Closure - Angourie Point

I, Edward Obeid, prohibit the taking of all fish (including prawns), by all methods of trawling, in the waters at Angourie Point as described below.

This prohibition will be effective from 1 March 2003 to 29 February 2004.

In the event of an inconsistency between this notification, and the notification, “Ocean Prawn Trawling Closure - North Coast Region”, published in *NSW Government Gazette* No. 146 of 28 September 2001, this notification shall be the authority.

The Hon EDWARD OBEID, OAM, MLC  
Minister for Mineral Resources  
Minister for Fisheries

**Angourie Point – Waters**

Ocean waters adjacent to Brooms Head, Clarence River and Woody Head, within the boundary, commencing at a point at Mean High Water Mark at **ANGOURIE POINT** 29°29.18' S and 153°22.2' E, then east 0.5 nautical miles to a point 29°29.18' S and 153°22.72' E, then 0.7 nautical miles north to a point adjacent to **YAMBA POINT** at 29°26.48' S and 153°23.12' E, then to a point 0.6 nautical miles east of the **ILUKA BREAKWALL** at 29°25.6' S and 153°23.02' E, then north to a point 0.85 nautical miles from **WOODY HEAD** at 29°22.4' S and 153°23.46' E, then east to a point 3 nautical miles from **WOODY HEAD** at 29°22.4' S and 153°25.87' E, then south to a point 3 nautical miles east of **YAMBA POINT** at 29°26.48' E and 153°25.78' E, then south to a point 3 nautical miles east of **ANGOURIE POINT** at 29°29.2' S and 153°25.5' E, then south to a point 3 nautical miles east of **BROOMS HEAD** at 29°36.8' S and 153°23.8' E, then west to Mean High Water Mark at **BROOMS HEAD** at 29°36.8' S and 153°20.4' E, then bounded by Mean High Water Mark along the ocean shore north to the point of commencement at **ANGOURIE POINT** (references to directions are indicative only).

**FISHERIES MANAGEMENT ACT 1994**  
**FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995**

**Section 177(c) – Notice of Aquaculture Lease Cancellation**

The Minister has cancelled the following aquaculture leases:

THE Minister has cancelled the following aquaculture leases:

OL58/117 within the estuary of Wallis Lake having an area of 0.1444 hectares formerly leased by Mr Barry R Holden and Mrs Karen Holden.

OL62/077 within the estuary of Wallis Lake having an area of 0.5925 hectares formerly leased by Mr Barry R Holden and Mrs Karen Holden.

OL69/008 within the estuary of Wallis Lake having an area of 0.1957 hectares formerly leased by Mr Barry R Holden and Mrs Karen Holden.

OL79/072 within the estuary of Wallis Lake having an area of 0.2696 hectares formerly leased by Mr Barry R Holden and Mrs Karen Holden.

OL84/218 within the estuary of Wallis Lake having an area of 0.7239 hectares formerly leased by Mr Barry R Holden and Mrs Karen Holden.

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

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**FISHERIES MANAGEMENT ACT 1994**  
**FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002**

**Clause 39 (4) - Notice of Aquaculture Lease Renewal**

The Minister has renewed the following class 1 Aquaculture Lease:-

OL72/289 within the estuary of the Manning River, having an area of 0.6007 hectares to Christopher Kenneth Ruprecht of Mitchells Island, NSW, for a term of 15 years expiring on 24 September 2017.

OL86/100 within the estuary of the Manning River, having an area of 0.4340 hectares to Clift Oysters Pty Ltd of Tuncurry, NSW, for a term of 15 years expiring on 05 October 2017.

OL57/112 within the estuary of Wapengo Lake, having an area of 0.8452 hectares to Terry and Gabrielle Williams of Bega, NSW, for a term of 15 years expiring on 26 November 2017.

OL71/384 within the estuary of the Pambula River, having an area of 0.6637 hectares to Mary Whatman and Bruce Whatman of Pambula, NSW, for a term of 15 years expiring 23 October 2017.

OL86/249 within the estuary of the Macleay River, having an area of 1.2439 hectares to Stanley Deveridge and Elizabeth Deveridge of South West Rocks, NSW, for a term of 15 years expiring on 28 December 2017.

OL56/045 within the estuary of Port Stephens, having an area of 1.9120 hectares to Trevor Holbert and Dorothy Holbert of Salamander Bay, NSW, for a term of 15 years expiring on 09 September 2018.

OL72/211 within the estuary of Port Stephens having an area of 2.4304 hectares to Jeffrey Walter Kelly & Bronwyn Kelly of Salt Ash, NSW, for a term of 15 years expiring on 20 January 2018.

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



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# Department of Land and Water Conservation

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## Land Conservation

### ARMIDALE OFFICE

**Department of Land and Water Conservation**

**108 Faulkner Street, Armidale, NSW 2350**

**Phone: (02) 6772 5488      Fax (02) 6771 5348**

#### ORDER

Transfer of a Crown road to a Council

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

JOHN AQUILINA, M.P.,

Minister for Land and Water Conservation

—————  
SCHEDULE 1

*Parish – Bluffland; County – Clive;  
Land District and LGA – Tenterfield*

The Crown road separating Lot 166 from Lot 162 DP 751497 being an extension of Green Swamp Road.

—————  
SCHEDULE 2

Roads Authority: Tenterfield Shire Council.

File No.: AE 03 H 36.

Council's reference: SR4028:BT:LG:019.

—————

#### NOTIFICATION OF CLOSING OF ROADS

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

JOHN AQUILINA, M.P.,

Minister for Land and Water Conservation

—————  
Description

*Land District and L.G.A. – Inverell*

Road closed: Lot 1, DP 721942 at Toppers Mountain. Parish Herbert, County Gough. File No.: AE 02 H 504.

Note: On closing, the land within Lot 1, DP 721942 will remain land vested in the Crown as Crown land.

**DUBBO OFFICE**  
**Department of Land and Water Conservation**  
**142 Brisbane Street (PO Box 865), Dubbo, NSW 2830**  
**Phone: (02) 6841 5200 Fax: (02) 6841 5231**

**NOTIFICATION PLACING RESERVE UNDER  
CONTROL OF RURAL LANDS  
PROTECTION BOARD**

IN pursuance of the provisions of section 85, Rural Lands Protection Act 1998, the reserve specified hereunder is placed under the control of the Rural Lands Protection board for the Rural Lands Protection District as from the date of this notification.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation  
and Minister for Fair Trading

Description

*Land District and Shire – Coonamble;  
Rural Lands Protection District – Coonamble;  
Parish – Thara; County – Leichhardt*

Reserve 19232, for Water supply, notified this day.

File No.: DB03R2.

**ERRATUM**

THE notices relating to ROADS ACT 1993 Transfer of a Crown road to a Council for the Roads Authority of Walgett Shire Council that appeared in the *Government Gazette* of the 31 January 2003, Folio 674 and 14 February 2003 Folio 1652 for the Dubbo Office, the notices are hereby amended by the deletion of the text "The Crown Public Road west of Lot 9 DP 751566, above road intersecting Lot 9 in the Parish of Cuddie and the insertion of "The Crown Public Road west of and above road intersecting Lot 9 DP 751566, in the Parish of Cuddie".

File No.: DB02H364.

**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**

**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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Paul Joseph MASSEY-REED	Kyogle Recreation Area (R69556) Reserve Trust	Reserve No. 69556 Public Purpose: Public Recreation Notified: 27 September 1940 File Reference: GF02R74

For a term commencing 02 March 2003 and expiring 31 May 2003.

**GRIFFITH OFFICE**  
**Department of Land and Water Conservation**  
**2nd Floor, Griffith City Plaza,**  
**120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680**  
**Phone: (02) 6962 7522      Fax: (02) 6962 5670**

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

Description

*Land District – Narrandera; Shire – Narrandera*

Road closed: Lots 1 and 2 DP 1044252, Parish Narrandera, Mejum & Bundidgerry, County Cooper.

File No.: GH00H25

Note: On closing, the land within Lots 1 and 2 in DP 1044252 remains vested in the State of New South Wales as Crown land.

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

Description

*Land District – Mirrool; Shire – Griffith*

Road closed: Lot 1 DP 1044595 at Nericon, Parish Wyangan, County Cooper.

File No.: GH98H142.

Note: On closing, the land within Lot 1 DP 1044595 remains vested in the State of New South Wales as Crown land.

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

Description

*Land District – Mirrool; Shire – Griffith*

Road closed: Lot 1 DP 1046688 at Yenda, Parish Stanbridge, County Cooper.

File No.: GH98H44.

Note: On closing, the land within Lot 1 in DP 1046688 remains vested in the State of New South Wales as Crown land.

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

**ERRATUM**

## Description

*Parish – Quorrobolong; County – Northumberland;  
 Land District – Maitland;  
 Local Government Area – Cessnock*

IN the *Government Gazette* of 7 February 2003, Folio 1029, under the heading “NOTIFICATION OF CLOSING OF ROAD”, the notice is hereby amended by deleting the bracketed wording “(not being land under the Real Property Act).”

File No: MD 01 H 138.

JOHN AQUILINA, M.P.,  
 Minister for Fair Trading  
 and Minister for Land and Water Conservation

**ERRATUM**

## Description

*Parish – Broke; County – Northumberland;  
 Land District – Singleton;  
 Local Government Area – Singleton*

IN the *Government Gazette* of 14 February 2003, Folio 1657, under the heading “NOTIFICATION OF CLOSING OF ROAD”, the notice is hereby amended by deleting the bracketed wording “(not being land under the Real Property Act).”

File No: MD 01 H 200.

JOHN AQUILINA, M.P.,  
 Minister for Fair Trading  
 and Minister for Land and Water Conservation

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

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

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

**SCHEDULE 1**

COLUMN 1	COLUMN 2	COLUMN 3
Dungog Shire Council	Pilchers Mountain Environmental Protection (D1002990) Reserve Trust	Dedication No. 1002990 Public Purpose: Environmental Protection Notified: 15 December 2000 Torrens title reference: C/F338/1009839 File Ref: MD95 H 359/1

For a term commencing this day.

**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**

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation  
 and Minister for Fair Trading

Description

*Land District – Bega; Council – Bega Valley Shire;  
 Parish – Pambula; County – Auckland*

Schedule 1

The Crown public road at Pambula known as Oaklands Road adjoining the boundaries of lots 189, 156 and 155 DP 750227, lot 1537 DP 853851, lot 1532 DP 733169, western and southern boundaries of lot 1533 DP 733169 and lots 5, 6 and 7 DP 841624. The Crown public road at Pambula separating lot 1141 DP 1046896 (including end of road) from lot 1 DP 565878. Ref. NA02H311.

Schedule 2

Roads Authority: Bega Valley Shire Council.

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation  
 and Minister for Fair Trading

Description

*Land District – Nowra; Council – Shoalhaven City;  
 Parish – Ulladulla; County – St Vincent*

Schedule 1

The Crown public road at Ulladulla known as Cashman Road, separating lots 381 and 382 DP 613486 from lots 1 and 2 DP 1041316 and lot 22 DP 755967. Ref. NA03H5.

Schedule 2

Roads Authority: Shoalhaven City Council.

**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**

**APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 14 of the Necropolis Act 1901, and section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder are appointed, for the terms of office specified below, as members of the trust boards for the reserve trusts specified opposite thereto in Column 2, which have been established and appointed as trustees of the reserves referred to opposite thereto in Column 3 of the Schedules.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

**SCHEDULE 1**

COLUMN 1	COLUMN 2	COLUMN 3
Peter John FOSS Roger Etherden TUCKER James Askey PETTIGREW Albert John HOUSTON Warwick Victor SINCLAIR Robyn HAWES Harley Owen TARRANT	Anglican Cemetery Trust, Necropolis	The Anglican portions of Rookwood Necropolis, dedicated 7 April 1868 and 2 December 1887. D500912

For a period commencing 1 April 2003 and expiring 31 March 2008.

**SCHEDULE 2**

COLUMN 1	COLUMN 2	COLUMN 3
John Frederick DONOVAN David Leonard GRAY Peter Brian KILKEARY Karl Leslie VAN VORST Samuel Martin SIMPFFEN- DORFER Roy Albert LINNEY John GRILLIS	Independent Cemetery Trust, Necropolis	The Independent portions of Rookwood Necropolis, dedicated 7 April 1868 and 2 December 1887. D500906

For a period commencing 1 April 2003 and expiring 31 March 2008.

**SCHEDULE 3**

COLUMN 1	COLUMN 2	COLUMN 3
Peter John FOSS Roger Etherden TUCKER Stanford Ronald COLEFAX James Askey PETTIGREW Albert John HOUSTON Harley Owen TARRANT Robyn HAWES	General Cemetery Trust, Necropolis	The General portions of Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. D500913

For a period commencing 1 April 2003 and expiring 31 March 2008.

**SCHEDULE 4**

COLUMN 1	COLUMN 2	COLUMN 3
Jack Leonard FISHER Michael Alexander BURES Jacques Isaak KLEIN Mildred TEITLER Jack HOLLANDER Richard Abraham Samuel SEIDMAN	Jewish Cemetery Trust, Necropolis	The Jewish portions of Rookwood Necropolis, dedicated 7 April 1868 and 2 December 1887. D500903

For a period commencing 1 April 2003 and expiring 31 March 2008.

File No.: MN87R34.

**NOTIFICATION OF CLOSING OF ROADS**

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

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

**Descriptions**

*Land District – Metropolitan; L.G.A. – Woollahra*

Lot 1, DP 1045714 at Woollahra, Parish Alexandria, County  
 Cumberland.

MN00H316.

Note: On closing, title for the land in lot 1 remains vested in Woollahra Municipal Council as operational land.

## Descriptions

*Land District – Metropolitan;  
L.G.A. – City of Botany Bay*

Lot 1, DP 1048626 at Mascot, Parish Botany, County Cumberland.

MN02H61.

Note: On closing, title for the land in lot 1 remains vested in Botany Bay City Council as operational land.

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**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 1995**

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 Kempsey Shire 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 28 February 2003 to 28 March 2003 and should be sent to the Manager, Resource Knowledge, Department of Land and Water Conservation, PO Box 440, Taree 2430. Telephone enquiries should be directed to the Taree office on 02 6552 2788.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation  
and Minister for Fair Trading

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Description

Vacant Crown land within Lot 2 DP 635110 fronting Sancrox Road, Sancrox.

Reason: To determine appropriate future land use and management options of the Crown land.

Contact Officer: Bob Birse.

(File No. TE02 H 132).

**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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

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SCHEDULE

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Kempsey	Reserve No: 210024
Local Government Area: Kempsey	Public Purpose: Rubbish Depot
Parish: Beranghi	Notified: 12 June 1987
County: Macquarie	Lot DP
Locality: Crescent Head	Pt 7008 96356
Lot DP	290 722701
Pt 7008 96356	New Area: 159.18ha
Area: 5000m2	
File: TE96R5	

## Water Conservation

### NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

#### Water Restrictions Namoi Valley

THE Department of Land and Water Conservation is satisfied that the quantity of water available or likely to be available in the Namoi River is insufficient to meet all requirements with respect to taking of water from the river.

The Department hereby gives notice to all holders of Special Additional Licences issued under Part 2 of the Water Act 1912 that as from 23 February 2003 extraction of water pursuant to those Special Additional Licences is suspended until further notice.

RANDALL HART,  
Regional Director  
Barwon Region

and irrigation (replacement licence due to additional pump and increase in existing pump size) (GA2: 477260) (Ref: 50SL75550).

Any enquiries regarding the above should be directed to the undersigned (PH: [03] 5881-9200).

Written 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 at the Department's Office at Deniliquin within 28 days of the date of this publication.

L. J. HOLDEN,  
A/Senior Natural Resource Officer  
Murray Region

Department of Land and Water Conservation  
PO Box 205  
DENILQUIN NSW 2710.

### WATER ACT 1912

AN application under Part 2 of the Water Act 1912 being within a Proclaimed (declared) local area under section 5 (4) of the Act.

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

#### *Barwon/Darling River Valley*

YELTARA DEVELOPMENTS PTY LIMITED for 1 pump on the Darling River, Part Reserve East Lot 6405/769273, Parish of Wambah, County of Livingstone for water supply for irrigation of 4 hectares and domestic purposes (replacement licence due to permanent transfer of water entitlement - no increase in commitment to Darling River storages) (Ref: 60SL085415) (GA2:499563).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P. WINTON,  
Natural Resource Project Officer  
Murray Region

Department of Land and Water Conservation  
PO Box 363  
32 Enterprise Way, BURONGA NSW 2739.

### NOTICE UNDER SECTION 22B OF THE WATER ACT

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the unregulated Barwon River and the unregulated Darling River upstream of Menindee is insufficient to meet all requirements with respect to the taking of water therefrom, hereby gives notice to all holders of permits, authorities and licences issued under Part 2 of the Water Act other than those entitlement holders with permanent plantings that have the Departments authority to irrigate those plantings by way of specific permissions that as from 28th February 2003 extraction of water other than for stock and domestic purposes is hereby suspended until further notice.

GEOFF WISE,  
Regional Director  
Far West Region

### NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

#### Pumping Restrictions

Commissioners Waters, Tia River, Styx River, Dumaresq  
Creek And Their Tributaries And Macleay River  
And Tidal Pool

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Commissioners Waters, Tia River, Styx River, Dumaresq Creek And Their Tributaries And Macleay River And Tidal Pool is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Thursday 20 February 2003 and until further notice, the right to pump water is RESTRICTED to a maximum of twelve hours in any twenty-four hour period between the hours of 4pm and 10am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

### WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a proclaimed (declared) local area under section 5 (4) of the Act.

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

#### *Murray River Valley*

Richard Sloan CULROSS for two pumps on the Edward River on Lot 69, DP 756564, Parish of Moulamein, County of Wakool for water supply for stock and domestic purposes



Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation – 200 penalty units.
- b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

Dated this twentieth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467874

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**NOTICE OF WITHDRAWAL OF PUMPING  
SUSPENSIONS AND RESTRICTIONS UNDER  
SECTION 22B OF THE WATER ACT 1912**

Pappinbarra River, Mortons Creek, Wilson River,  
Hastings River, Forbes River, Thone River, Ellenborough  
River, Stewarts River, Camden Haven River And Their  
Tributaries

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS and RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act that pumping suspensions and restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.

Dated this twenty-fourth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467880

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**NOTICE OF WITHDRAWAL OF PUMPING  
SUSPENSIONS AND RESTRICTIONS UNDER  
SECTION 22B OF THE WATER ACT 1912**

Alumy Creek, Southgate Creek, Franks Creek, Swan  
Creek, Deep Creek, Glenugie Creek, Harringtons Lagoon,  
Orara River, Fridays Creek, Bucca Bucca Creek,  
Urumbilum River, Kangaroo Creek, Blaxlands Creek,  
Dundoo Creek, Halfway Creek, Sherwood Creek, Clarence  
River Above Mann River Junction, Timbarra River,  
Clarence River From Copmanhurst To Mann River  
Junction And Their Tributaries

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS AND RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice

to all holders of permits, authorities and licences under Part 2 of the Water Act that pumping suspensions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.

Dated this twenty-fourth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467876

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**NOTICE OF WITHDRAWAL OF PUMPING  
RESTRICTIONS UNDER SECTION 22B OF THE  
WATER ACT 1912**

Bellinger River, Never Never River And Their Tributaries

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the Bellinger River, Never Never River and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act that pumping restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.

Dated this twenty-fourth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467877

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**NOTICE OF WITHDRAWAL OF PUMPING  
RESTRICTIONS UNDER SECTION 22B OF THE  
WATER ACT 1912**

Upper Nymboida River, Little Murray River, Bielsdown  
River, Rocky Creek, Little Plains Creek, Little Falls Creek  
And Their Tributaries

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act that pumping restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.

Dated this twenty-fourth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467879

**NOTICE OF WITHDRAWAL OF PUMPING  
SUSPENSIONS UNDER SECTION 22B OF THE  
WATER ACT 1912**

Orara River, Fridays Creek, Bucca Bucca Creek,  
Urumbilum River, Kangaroo Creek, Blaxlands Creek,  
Dundoo Creek, Halfway Creek, Sherwood Creek, Pine  
Creek, Bonville Creek, Cordwells Creek, Boambee Creek,  
Pine Brush Creek, Corindi River, Coffs Creek  
And Their Tributaries

THE Department of Land and Water Conservation advises that PUMPING SUSPENSIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act that pumping suspensions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.

Dated this twenty-fourth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467878

**NOTICE OF WITHDRAWAL OF PUMPING  
RESTRICTIONS UNDER SECTION 22B OF THE  
WATER ACT 1912**

Maguires Creek, Houghlahans Creek, Pearces Creek,  
Emigrant Creek, Youngman Creek, Duck Creek, Gum  
Creek, Tucki Tucki Creek, Marom Creek And Their  
Tributaries

THE Department of Land and Water Conservation advises that PUMPING RESTRICTIONS under section 22B of the Water Act 1912 relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act that pumping restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.

Dated this twenty-sixth day of February 2003.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467882

**NOTICE UNDER SECTION 22B OF THE  
WATER ACT 1912**

**Pumping Restrictions**

Richmond River Above The Risk, Roseberry Creek, Long  
Creek, Findon Creek, Terrace Creek, Leycester Creek  
Above Tuncester, Back Creek And Their Tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Richmond River above the Risk, Roseberry Creek, Long Creek, Findon Creek, Terrace

Creek, Leycester Creek above Tuncester, Back Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Thursday 27 February 2003 and until further notice, the right to pump water is RESTRICTED to a maximum of twelve hours in any twenty-four hour period.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation – 200 penalty units.
- b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

Dated this twenty-sixth day of February 2003.

\* The suspension notices dated 28/9/2002 and 11/10/2002 are hereby revoked.

G. LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON  
GA2: 467883

**WATER ACT 1912**

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

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

*Murrumbidgee Valley*

ROSE VALLEY STATION PTY LIMITED for a pump on the Numeralla River, Lot 2, DP 750532, Parish of Clifford, County of Beresford for irrigation of 50 hectares (lucerne and broccoli). Replacement Licence – split of existing entitlement. 40SL70871.

ROSE VALLEY STATION PTY LIMITED for a pump on the Numeralla River, Lot 6, DP 750532, Parish of Clifford, County of Beresford for irrigation of 16.66 hectares (lucerne and broccoli). Replacement Licence – split of existing entitlement. 40SL70872.

ROSE VALLEY STATION PTY LIMITED for a pump on the Numeralla River, Lot 4, DP 750532, Parish of Clifford, County of Beresford for irrigation of 91.66 hectares (lucerne and broccoli). Replacement Licence – split of existing entitlement. 40SL70873.

Colin Stephen PILKINGTON for a pump on the Numeralla River, Lot 8, DP 750551, Parish of Montagu, County of Beresford for irrigation of 2.5 hectares (lucerne). New Licence – allocation via permanent transfer. 40SL70866.

Patricia Margaret and Ross Lindsay DICKSON for two pumps and a weir on Little Gilmore Creek for a water supply for domestic purposes and irrigation of 10 hectares (orchard). Replacement Licence – additional works. 40SL70867.

Leslie Keith and Gai Louise DOUGLAS for 3 pumps on Cudgel Creek, Lot 250, DP 729554, Parish of Cudgel, County of Cooper for irrigation of 64.5 hectares (lucerne and cereals). Replacement licence – additional works – no increase in allocation. 40SL70869.

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 28 days as fixed by the Act.

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

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

GA2:

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### WATER ACT 1912

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

*Murrumbidgee Valley*

JIPARU PTY LIMITED for a bore on Lot 5, DP 854334, Parish of Nanima, County of Murray for a water supply for irrigation of 40 hectares of grapevines. New Licence. 40BL189301.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 28th March 2003 as prescribed by the Act.

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

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

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### WATER ACT 1912

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

*Murrumbidgee Valley*

Barry John INGRAM and Maureen Margaret INGRAM for a bore on Lot 4, DP 726233, Parish of Mate, County of Wynyard for a water supply for the irrigation of 10 hectares (Lucerne). New Licence. 40BL189275.

William GRAHAM and Isabella Matilda GRAHAM for a bore on Lot 113, DP 754535, Parish of Arajoel, County of Mitchell for a water supply for the irrigation of 600 hectares (Lucerne, winter cereals, summer forage). New Licence. 40BL189276.

Rowan John HECKENDORF for a bore on Lot 3-5, or 110, 112, 113, 118, DP 754559, Parish of Mimosa, County of Mitchell for a water supply for the irrigation of 800 hectares (Lucerne, winter grains, summer forage). New Licence. 40BL189277.

Habib FARAG and Kamelia FARAG for a bore on Lot 1, DP 869409, Parish of Moppity, County of Harden for a water supply for stock, farming and the irrigation of 15 hectares (Orchard). New Licence. 40BL189192.

Greg Moray MANSON, Neil Bressay MANSON and Patricia Anne MANSON for a bore on Lot 7, DP 789253, Parish of Bedulluck, County of Murray for a water supply for stock and the irrigation of 10 hectares (Lucerne, oats). New Licence. 40BL189278.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 28th March, 2003 as prescribed by the Act.

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

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

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### 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*

RODDY HOLDINGS PTY LIMITED for a pump on an unnamed watercourse, Lot 14, DP 1041993, Parish of Mundongo, County of Buccleuch, for irrigation of 10 hectares (pasture). Licence application as a result of a property subdivision, no increase in valley allocation. Reference: 40SL70874.

Paul Neville CARVER and Lynn Ann NEILSEN for a pump on the Goobragandera River, Lot 13, DP 1041993, Parish of Mundongo, County of Buccleuch, for irrigation of 10 hectares (lucerne). Licence application as a result of a property subdivision, no increase in valley allocation. Reference: 40SL70818.

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 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.

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### WATER ACT 1912

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

Vito and Giovanna BARBARA for a pump on an unnamed watercourse and McKenzies Creek on 24//10192, Parish of Pitt Town, County of Cumberland for the irrigation of 11.0 hectares (Roses) (Existing works) (Lodged under the 1998 NSW Water Amnesty) (Ref:10SL56485) (GA2:462927).

Any inquiries regarding the above should be directed to the undersigned (Ph: 9895 7194).

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

WAYNE CONNERS,  
A/Natural Resource Project Officer  
Sydney/South Coast Region

Department of Land and Water Conservation  
PO Box 3935  
PARRAMATTA NSW 2124.

## WATER ACT 1912

Notice Under Section 22B

Cancellation of Pumping Suspension

Regulated Bega/Brogo River System and Tributaries

THE Water Administration Ministerial Corporation, pursuant to section 22B of the Water Act 1912, advises that, as a result of recent rains, the Suspension Notice that came into effect on Friday 17th January 2003 for the regulated Bega/Brogo River system and tributaries, has now been CANCELLED. Licensed pumping may resume within this year's announced 60% allocation.

Dated this twenty-fourth day of February 2003.

MEL-CHAMY,  
Resource Access Manager  
Sydney/South Coast Region

## MID MURRUMBIDGEE GROUNDWATER MANAGEMENT AREA

THE Department of Land and Water Conservation has announced that borrowing of up to 20% of entitlement from the 2003/2004 water year is now an option for groundwater users in the Mid Murrumbidgee Groundwater Management Area.

To utilise the borrow arrangement, groundwater users must first notify the Department's Resource Access Unit at Leeton of their requirements, and have approved meters fitted to bores. Any excess groundwater used this season will then be deducted from next season's allocation.

The Mid Murrumbidgee Groundwater Management Area consists of the alluvial aquifers beneath the flood plain of the Murrumbidgee River and major tributaries between Gundagai and Narrandera.

WARWICK FORD,  
Regional Director  
Murrumbidgee

Department of Land and Water Conservation

## Department of Mineral Resources

### COAL MINES REGULATION ACT 1982 AS AMENDED SECTION 5 (4) (a) (ii)

Declaration that a Place be Deemed Not Part of a Mine

IT is hereby notified by virtue of delegated authority from the Minister that a certain area described in the Schedule hereunder within Bayswater No. 2 Colliery is deemed not to be part of the Mine pursuant to section 5 (4) (a) (ii) of the Coal Mines Regulation Act 1982, as amended.

#### SCHEDULE

Formerly that part of the Bayswater No. 2 Colliery Holding having the place, known as the Mount Arthur Coal Construction Area, shown by diagonal hatching, within ML 1487, MPL263, CCL744 and CL396 on Drawing No. 300031, and described by survey co-ordinates contained in table "MGA Coordinate List for Area to remain deemed not to be part of a mine."

ROB REGAN,  
Chief Inspector of Coal Mines.

NOTICE is given that the following applications have been received:

#### EXPLORATION LICENCE APPLICATIONS

(T03-0009)

No. 2056, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 52 units, for Group 1, dated 17 February 2003. (Sydney Mining Division).

(T03-0010)

No. 2057, ANTHONY CLAUDE BERGER, area of 4 units, for Group 6, dated 17 February 2003. (Inverell Mining Division).

(T03-0011)

No. 2058, ANTHONY CLAUDE BERGER, area of 5 units, for Group 6, dated 17 February 2003. (Inverell Mining Division).

(T03-0012)

No. 2059, ANTHONY CLAUDE BERGER, area of 17 units, for Group 6, dated 17 February 2003. (Inverell Mining Division).

(T03-0013)

No. 2060, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 91 units, for Group 1, dated 19 February 2003. (Orange Mining Division).

(T03-0014)

No. 2061, ALKANE EXPLORATION LTD (ACN 000 689 216), area of 21 units, for Group 1, dated 20 February 2003. (Orange Mining Division).

(T03-0015)

No. 2062, DAVID THOMPSON, area of 8 units, for Group 1, dated 21 February 2003. (Armidale Mining Division).

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

NOTICE is given that the following applications have been granted:

#### EXPLORATION LICENCE APPLICATIONS

(T02-0090)

No. 1928, now Exploration Licence No. 6051, CENTRAL WEST GOLD NL (ACN 003 178 591) and MOUNT CONQUEROR MINERALS NL (ACN 003 312 721), County of Bligh, Map Sheet (8733), area of 24 units, for Group 1, dated 11 February 2003, for a term until 10 February 2005.

(T02-0387)

No. 1960, now Exploration Licence No. 6053, FALCON MINERALS LIMITED (ACN 009 256 535), Counties of Ashburnham and Wellington, Map Sheet (8631), area of 19 units, for Group 1, dated 14 February 2003, for a term until 13 February 2005.

(T02-0439)

No. 2010, now Exploration Licence No. 6052, MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), County of Macquarie, Map Sheet (9435, 9535), area of 4 units, for Group 10, dated 13 February 2003, for a term until 12 February 2005.

#### MINING LEASE APPLICATION

(T01-0186)

Broken Hill No. 184, now Mining Lease No. 1530 (Act 1992), MACAPIKA PTY LTD (ACN 083 661 401), Parish of Magenta, County of Kilfera; and Parish of Woolpagerie, County of Kilfera, Map Sheet (7630-3-N, 7630-4-S), area of 875 hectares, to mine for gypsum, dated 6 February 2003, for a term until 5 February 2024. As a result of the grant of this title, Mineral Claim No. 270 (Act 1992) and Mineral Claim No. 271 (Act 1992) have ceased to have effect and Exploration Licence No. 5559 has partly ceased to have effect.

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

NOTICE is given that the following applications have been withdrawn:

#### EXPLORATION LICENCE APPLICATIONS

(T02-0427)

No. 1998, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), County of Yancowinna, Map Sheet (7133, 7233). Withdrawal took effect on 19 February 2003.

(T02-0431)

No. 2002, INVESTIGATOR MINERALS PTY LTD (ACN 093 475 051), County of Farnell, Map Sheet (7135). Withdrawal took effect on 19 February 2003.

(T02-0432)

No. 2003, INVESTIGATOR MINERALS PTY LTD (ACN 093 475 051), County of Farnell, Map Sheet (7134, 7135). Withdrawal took effect on 19 February 2003.

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

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

(C82-4240)

Authorisation No. 404, CENTENNIAL MANDALONG PTY LIMITED (ACN 101 508 892), area of 3434 hectares. Application for renewal received 15 February 2003.

(T94-0245)

Exploration Licence No. 4818, TELMINEX NL (ACN 003 309 911), area of 19 units. Application for renewal received 21 February 2003.

(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), area of 10 units. Application for renewal received 14 February 2003.

(T00-0142)

Exploration Licence No. 5832, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), area of 6 units. Application for renewal received 18 February 2003.

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

#### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C98-2201)

Exploration Licence No. 5554, MT ARTHUR COAL PTY LIMITED (ACN 000 181 902), County of Durham, Map Sheet (9033), area of 213 hectares, for a further term until 9 February 2004. Renewal effective on and from 20 February 2003.

(T01-0024)

Mineral Lease No. 2851 (Act 1906), BORAL LIMITED (ACN 008 421 761), Parish of Cullen Bullen, County of Roxburgh, Map Sheet (8831-2-N), area of 4.323 hectares, for a further term until 31 December 2010. Renewal effective on and from 18 February 2003.

(T01-0611)

Mineral Lease No. 2941 (Act 1906), BORAL LIMITED (ACN 008 421 761), Parish of Cullen Bullen, County of Roxburgh, Map Sheet (8831-2-N), area of 3035 square metres, for a further term until 31 December 2010. Renewal effective on and from 18 February 2003.

(T01-0612)

Mineral Lease No. 2949 (Act 1906), BORAL LIMITED (ACN 008 421 761), Parish of Cullen Bullen, County of Roxburgh, Map Sheet (8831-2-N), area of 1871.7 square metres, for a further term until 31 December 2010. Renewal effective on and from 18 February 2003.

(C95-0288)

Private Lands Lease No. 497 (Act 1906), NORMA ELLEN DONALDSON and HELEN JOAN MURPHY, Parish of Awaba, County of Northumberland, Map Sheet (9232-3-S), area of 20.23 hectares, for a further term until 24 August 2017. Renewal effective on and from 18 February 2003.

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

#### REFUSAL OF APPLICATIONS FOR RENEWAL

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

(T89-1453)

Exploration Licence No. 3685, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Narromine, Map Sheet (8532), area of 5 units. The authority ceased to have effect on 18 February 2003.

(T00-0577)

Mining Purposes Lease No. 106 (Act 1973), RONHA MINERALS PTY LIMITED (ACN 005 244 137), Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 5.75 hectares. The authority ceased to have effect on 18 February 2003.

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:

(T93-0040)

Mineral Claim No. 122 (Act 1992), GORDON KEITH BOND, Parish of Brolga, County of Gipps, Map Sheet (8230-2-N), area of 2 hectares. Cancellation took effect on 17 February 2003.

(T96-1000)

Mineral Claim No. 201 (Act 1992), RONALD AUBREY DARNEY, BRETT DARNEY, CRAIG DARNEY and JASON DARNEY, Parish of Wuuluman, County of Bligh, Map Sheet (8732-4-N), area of 1.98 hectares. Cancellation took effect on 18 February 2003.

(T96-1001)

Mineral Claim No. 202 (Act 1992), RONALD AUBREY DARNEY, BRETT DARNEY, CRAIG DARNEY and JASON DARNEY, Parish of Wuuluman, County of Bligh, Map Sheet (8732-4-N), area of 1.98 hectares. Cancellation took effect on 18 February 2003.

(T96-0372)

Mining Lease No. 525 (Act 1973), JAMES DANIEL BLORE and MARIE JOAN BLORE, Parish of Clarence, County of Buller; and Parish of Clarence, County of Buller, Map Sheet (9340-1-S, 9340-1-S), area of 48.56 hectares. Cancellation took effect on 19 February 2003.

(T93-0912)

Mining Lease No. 1117 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LIMITED (ACN 000 393 135), Parish of Tuncurry, County of Gloucester, Map Sheet (9333-1-N), area of 44.48 hectares. Cancellation took effect on 21 February 2003.

(T99-0664)

Mining Lease No. 1391 (Act 1992), RZM PTY LTD (ACN 001 242 397), Parish of Barraganyatti, County of Dudley; and Parish of Clybucca, County of Dudley, Map Sheet (9436-2-S), area of 51.66 hectares. Cancellation took effect on 21 February 2003.

(T99-0665)

Mining Lease No. 1392 (Act 1992), RZM PTY LTD (ACN 001 242 397), Parish of Clybucca, County of Dudley, Map Sheet (9436-2-S), area of 62.64 hectares. Cancellation took effect on 21 February 2003.

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

constitute land within Opal Prospecting Area No. 3 and depicted on plan D7365 in the Department of Mineral Resources, Sydney, as Opal Prospecting Blocks 195, 196, 197 and 198.

Dated this 24th day of February 2003.

G. M. HAWKES,  
Manager,  
Titles Systems and Projects.

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**EXPIRY**

GOLD Lease No. 5853 (Act 1906), HARGRAVES RESOURCES NL (In Liquidation) (ACN 060 052 897), Parish of Parkes, County of Ashburnham; and Parish of Parkes, County of Ashburnham. This title expired on 16 February 2003.

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

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**MININGACT 1992**

Order Under Section 224

I, GRAHAM MARTIN HAWKES, Manager, Titles Systems and Projects, Titles Program, by delegation from the Minister for Minerals Resources, pursuant to the provisions of section 224 of the Mining Act 1992, do by this Order, constitute land within Opal Prospecting Area No. 1 and depicted on plan D4727 in the Department of Mineral Resources, Sydney, as Opal Prospecting Blocks 16C and 17C.

Dated this 24th day of February 2003.

G. M. HAWKES,  
Manager,  
Titles Systems and Projects.

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**MININGACT 1992**

Order Under Section 224

I, GRAHAM MARTIN HAWKES, Manager, Titles Systems and Projects, Titles Program, by delegation from the Minister for Minerals Resources, pursuant to the provisions of section 224 of the Mining Act 1992, do by this Order,

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## Department of Planning

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### **Bellingen Local Environmental Plan 2003**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (G00/00009/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

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Bellingen Local Environmental Plan 2003

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Bellingen Local Environmental Plan 2003

Clause 1

Preliminary

Part 1

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## Bellingen Local Environmental Plan 2003

### Part 1 Preliminary

#### 1 Name of plan

This plan is *Bellingen Local Environmental Plan 2003*.

#### 2 Aims of plan

- (1) The principal aim of this plan is to encourage development in the Bellingen local government area which is designed and carried out in a way that respects the environmental quality and capacity of the land and the needs of the community.
- (2) The objectives of this plan are:
  - (a) to identify and protect good agricultural land and to discourage land uses which jeopardise the potential of the land for agricultural purposes, and
  - (b) to encourage forms of development that minimise risks to sensitive environments, including wetlands, coastal systems, wooded slopes, ridge lines, scenic areas, river systems (including the mitigation of river bank failure, erosion or accretion) and other similar resources, and
  - (c) to encourage and support environmental restoration and enhancement and, in particular, the removal of weeds and the protection of riparian areas, and
  - (d) to protect water quality and habitat values, and
  - (e) to limit the development of land adversely affected by flooding, soil erosion, landslip or bush fire, and
  - (f) to provide for the protection of items of environmental heritage and historic importance (including the Bellingen town centre) and to guide the restoration of any items of environmental heritage that may from time to time be identified, including Aboriginal relics and places of significance, and
  - (g) to accommodate development which will both directly and indirectly increase job opportunities for the residents of the Bellingen local government area in appropriate locations, and

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- (h) to encourage a range of tourism activities and facilities that will complement the existing natural and human-influenced features of the area without degrading important environmental or agricultural features or the elements of the character and environmental quality of the area that are attractive to tourists and residents, and
- (i) to enable development for residential purposes that maximises housing choice (in terms of dwelling types and costs and different lifestyles) and the use of existing physical and social infrastructure and minimises development costs, and
- (j) to encourage a type and intensity of development appropriate for the location and in a sequence that maximises the efficiency and minimises the cost of providing transport, utility and community services, and
- (k) to provide opportunities for public and private recreation facilities associated with tourist and local resident needs, and
- (l) in relation to land at Urunga generally bounded by Hillside Drive, the Pacific Highway, the South Pacific Ocean and Hungry Head Road:
  - (i) to provide opportunities for the staged expansion of residential and rural residential development at Urunga, and
  - (ii) to encourage a range and choice of housing types and densities, and
  - (iii) to enable the provision of public and private services and amenities to meet the needs of an increased population, and
  - (iv) to encourage development related to tourism and recreation in a manner that complements the lifestyle and living environment for permanent residents, and
  - (v) to ensure that development is carried out in a manner which minimises risks of pollution, siltation or other degradation of significant wetlands, Urunga Lagoon and coastal ecosystems, and
  - (vi) to maximise the retention of existing vegetation in any development, and
  - (vii) to preserve wildlife habitat.

Bellingen Local Environmental Plan 2003

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Part 1

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

This plan applies to all land within the local government area of Bellingen.

### **4 Relationship to other environmental planning instruments**

- (1) This plan repeals *Bellingen Local Environmental Plan 1990*.
- (2) This plan amends:
  - (a) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting in Schedule 2 in alphabetical order “Bellingen local government area”, and
  - (b) *State Environmental Planning Policy No 60—Exempt and Complying Development* by deleting from Part 2 of Schedule 1 the matter “Bellingen”.

### **5 Definitions**

- (1) Expressions used in this plan that are defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.
- (2) In this plan, a reference to:
  - (a) a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) a map or plan is a reference to a map or plan deposited in the office of the Council, and
  - (c) land within a zone specified in the Table to clause 11 is a reference to land shown on the map in the manner indicated in clause 10 as the means of identifying land of the zone so specified.
- (3) Notes in this plan and the list of its contents do not form part of this plan.

### **6 Consent authority**

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

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## 7 What is exempt development?

Development listed in Schedule 1 is exempt development if it is of minimal environmental impact and it satisfies all of the following:

- (a) it is carried out on land that:
  - (i) is not State forest within the meaning of the *Forestry Act 1916*, and
  - (ii) is not reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, and
  - (iii) is not an aquatic reserve declared under the *Fisheries Management Act 1994*, and
  - (iv) is not a marine park declared under the *Marine Parks Act 1997*, and
  - (v) is not dedicated or reserved under the *National Parks and Wildlife Act 1974*, and
  - (vi) is not itself, and is not within, a wilderness area within the meaning of the *Wilderness Act 1987*, and
  - (vii) is not critical habitat within the meaning of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, and
  - (viii) is not land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, and
  - (ix) is not land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, and
  - (x) is not within Zone No 7 (a) or 7 (f), and
  - (xi) is not subject to an interim order under the *Heritage Act 1977*, or listed on the State Heritage Register under that Act, and
  - (xii) is not identified by the *National Parks and Wildlife Act 1974* as an Aboriginal place and does not contain an Aboriginal relic, and
  - (xiii) is not land to which clause 21 applies, and
  - (xiv) is not subject to subsidence, slip or erosion, and
  - (xv) is not contaminated, and
  - (xvi) is not a site that has previously been used:
    - (A) as a service station, or
    - (B) as a sheep or cattle dip, or
    - (C) for intensive agriculture, or
    - (D) for mining or extractive industry, or
    - (E) for waste storage or waste treatment, or

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Part 1

- 
- (F) for the manufacture of chemicals, asbestos or asbestos products,  
unless a notice of completion of remediation work for the proposed use has been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*, and
- (b) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
- (c) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (d) it complies with:
- (i) any relevant standards and other requirements specified for the development in Schedule 1, and
  - (ii) any other relevant requirements and standards in any other environmental planning instrument or development control plan applying to the land on which it is carried out, and
- (e) it does not contravene any condition of a development consent or any provision of an approval under the *Local Government Act 1993* that is in force, and
- (f) it does not adversely affect drainage of the site on which it is carried out, and
- (g) it does not restrict any vehicular or pedestrian access to or from the site, and
- (h) it is carried out at least 1 metre from any easement or public sewer main and it complies with any building-over-sewer requirements of the Council, and
- (i) any structures involved do not encroach on any registered easement other than one that permits the particular structure or work, and
- (j) it does not involve works requiring consent under clause 20, and
- (k) it does not involve damage to vegetation, where that damage requires consent and that consent has not been obtained, and
- (l) a minimum of 35% of the site is reserved for soft landscaping, and



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- (m) it does not involve changes to an existing, or installation of a new, effluent disposal system or sewer connection, and
- (n) it does not affect landscaping required by, or vegetation required to be retained by, a development consent, and
- (o) it does not constitute any building or other work within the dripzone of a tree, and
- (p) it is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection* and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that applies to the land, and
- (q) it does not involve alteration of natural ground levels in excess of 1 metre, and
- (r) it does not hamper the effectiveness of an asset protection zone.

## 8 What is complying development?

- (1) Development listed in Schedule 2 is complying development if it satisfies all of the following:
  - (a) it is development of a kind that can be carried out with development consent on the land on which it is proposed and the development is not:
    - (i) State significant development, or
    - (ii) designated development, or
    - (iii) development for which development consent cannot be granted except with the concurrence of a person other than:
      - (A) the Council, or
      - (B) the Director-General of National Parks and Wildlife as referred to in section 79B (3) of the Act, or
    - (iv) associated with an existing use, as defined in section 106 of the Act, and
  - (b) no draft environmental planning instrument contains provisions relating to that development that are more restrictive than the provisions under this plan, and
  - (c) it is carried out on land that:
    - (i) is not State forest within the meaning of the *Forestry Act 1916*, and

Bellingen Local Environmental Plan 2003

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Part 1

- 
- (ii) is not reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, and
  - (iii) is not an aquatic reserve declared under the *Fisheries Management Act 1994*, and
  - (iv) is not a marine park declared under the *Marine Parks Act 1997*, and
  - (v) is not dedicated or reserved under the *National Parks and Wildlife Act 1974*, and
  - (vi) is not itself, and is not within, a wilderness area within the meaning of the *Wilderness Act 1987*, and
  - (vii) is not State protected land within the meaning of the *Native Vegetation Conservation Act 1997*, and
  - (viii) is not critical habitat within the meaning of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, and
  - (ix) is not land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, and
  - (x) is not land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, and
  - (xi) is not within Zone No 7 (a), 7 (f) or 7 (s), and
  - (xii) is not a heritage item, the site of a heritage item or within a conservation area, and
  - (xiii) is not subject to an interim order under the *Heritage Act 1977*, or listed on the State Heritage Register under that Act, and
  - (xiv) is not identified by the *National Parks and Wildlife Act 1974* as an Aboriginal place and does not contain an Aboriginal relic, and
  - (xv) is not land to which clause 21 applies, and
  - (xvi) is not flood liable land, and
  - (xvii) is not subject to subsidence, slip or erosion, and
  - (xviii) is not within a high or moderate bush fire hazard class as determined by a bush fire risk management plan prepared under section 52 of the *Rural Fires Act 1997*, and
  - (xix) is not contaminated, and
  - (xx) is not a site that has previously been used:
    - (A) as a service station,
    - (B) as a sheep or cattle dip,
    - (C) for intensive agriculture,
-

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- (D) for mining or extractive industry,
- (E) for waste storage or waste treatment,
- (F) for the manufacture of chemicals, asbestos or asbestos products,

unless a notice of completion of remediation work for the proposed use has been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*, and

- (d) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (e) it complies with:
  - (i) the development standards and other requirements specified for the development in Schedule 2, and
  - (ii) any other development standards specified for the development in any environmental planning instrument or development control plan applying to the land on which it is carried out, and
- (f) it achieves the relevant outcomes specified for the development in Schedule 3, and
- (g) no environmental planning instrument applying to the land states that the adequacy of an acid sulfate soils management plan for the development must be considered before consent can be granted for it, and
- (h) it does not contravene any condition of a development consent or any provision of an approval under the *Local Government Act 1993* that is in force, and
- (i) a certificate of compliance has been obtained for the development, if required, from the water and sewerage authority, and
- (j) it is carried out at least 1 metre from any easement or public sewer main and complies with any building-over-sewer requirements of the Council, and
- (k) it does not involve works requiring consent under clause 20, and
- (l) it does not require damage to vegetation, where that damage requires consent and that consent has not been obtained, and
- (m) it does not constitute any building or other work within the dripzone of a tree, and

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- (n) it is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that applies to the land, and
  - (o) it does not hamper the effectiveness of an asset protection zone.
- (2) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Schedule 4.

**9 What development is not restricted or prohibited by this plan**

Nothing in this plan restricts or prohibits, or enables the consent authority to restrict or prohibit:

- (a) the carrying out of development described in Schedule 5, or
- (b) the use of existing buildings of the Crown by the Crown.

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## Part 2 Zoning controls

### 10 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map in the manner specified in the legend to the map in relation to that zone:

Zone No 1 (a1) (Agricultural Protection Zone)

Zone No 1 (a2) (Secondary Agriculture Zone)

Zone No 1 (c1) (Rural Residential Zone)

Zone No 1 (c2) (Rural Small Holdings Zone)

Zone No 1 (c3) (Rural Settlement Zone)

Zone No 1 (d) (Investigation Zone)

Zone No 1 (f) (Forestry Zone)

Zone No 2 (a) (Residential Zone)

Zone No 2 (b) (Village Area Zone)

Zone No 3 (Business Zone)

Zone No 4 (Industrial Zone)

Zone No 5 (Special Uses Zone)

Zone No 6 (a) (Public Recreation Zone)

Zone No 6 (b) (Private Recreation Zone)

Zone No 7 (a) (Environmental Protection (Wetlands) Zone)

Zone No 7 (f) (Environmental Protection (Coastal Land) Zone)

Zone No 7 (s) (Special Emphasis Zone)

Zone No 8 (National Parks and Nature Reserves Zone)

Zone No 9 (Proposed Road Zone)

### 11 Zone objectives and development control table

- (1) In each zone the development controls are divided into items, the effect of which is as follows:

Item 1 (Zone objectives) provides the main direction for development in the zone.

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Item 2 (Without development consent) specifies development that may be carried out in the zone without consent.

Item 3 (Exempt development) describes exempt development that may be carried out in the zone without consent or assessment under the Act.

Item 4 (Only with development consent) specifies development that may be carried out in the zone only with development consent.

Item 5 (Prohibited) specifies development that is prohibited in the zone.

Item 6 (Zone specific development controls and special matters for consideration) contains references to specific controls on, and matters to be considered by, the consent authority before granting development consent to certain development in the zone, in addition to the more general requirements of this plan and considerations prescribed in section 79C of the Act. Any error in (including any omission from) this item does not alter the effect of any specific control or matter.

- (2) Except where otherwise expressly provided by this plan, consent must not be granted to development unless the consent authority has considered the objectives of this plan and the objectives of the zone in which the land is situated and is of the opinion that the development is not inconsistent with those objectives.

### Table

**Note.** The Act, other environmental planning instruments and other clauses of this plan specify requirements for development in addition to those described in this Table. You should ensure that you have considered and will comply with all relevant controls on development before undertaking any work or activity in the Bellingen local government area.

## Zone No 1 (a1) (Agricultural Protection Zone)

### 1 Zone objectives

The objectives of this zone are:

- (a) to protect and conserve the productive potential of agricultural land, and
- (b) to encourage the productive and efficient use of land for agricultural purposes, and

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- (c) to control subdivision of land having regard to the efficient use of the land for agricultural purposes, and
- (d) to enable other forms of development associated with rural activity to be carried out where they are in keeping with the rural character of the area and where they minimise potential interference with the agricultural use of the land, and
- (e) to prevent development of inappropriate traffic-generating uses along main road frontages, and
- (f) to prevent development that is inappropriate, having regard to the risks of bush fire, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- (g) to protect the natural and scenic resources of the Bellingen local government area.

**2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development).

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Any development not included in Item 2, 3 or 5.

**5 Prohibited**

Development for the purpose of:

boarding-houses

bulk stores (other than those associated with agriculture)

car repair stations

clubs

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commercial premises  
exhibition homes  
health consulting rooms  
hospitals  
hotels  
institutions  
junk yards  
liquid fuel depots  
motels  
motor showrooms  
professional consulting rooms  
public buildings  
recreation facilities  
refreshment rooms  
residential flat buildings  
service stations  
shops (other than general stores)  
taverns  
total destination resorts  
transport terminals  
units for aged persons  
vehicle body repair workshops  
warehouses

**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26  
dwellings—see clause 50  
subdivision—see clause 43  
tourist facilities—see clause 28



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industries and rural enterprises in rural areas—see clause 39

development within the vicinity of Dorrigo—see clause 40

## **Zone No 1 (a2) (Secondary Agriculture Zone)**

### **1 Zone objectives**

The objectives of this zone are:

- (a) to enable the continuation of traditional forms of rural land use and occupation, and
- (b) to ensure that any development is of a type and intensity that is appropriate to the characteristics of the land, the rural environment, the standard of public services and amenities available to the development and the costs of upgrading those services, and
- (c) to ensure that development is carried out in a manner that does not adversely affect water quality, and
- (d) to prevent development that is inappropriate, having regard to the risks of bush fire, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- (e) to protect the natural and scenic resources of the Bellingen local government area.

### **2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development).

### **3 Exempt development**

As specified in clause 7.

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**4 Only with development consent**

Any development not included in Item 2, 3 or 5.

**5 Prohibited**

Development for the purpose of:

boarding-houses

bulk stores (other than those associated with agriculture)

car repair stations

commercial premises

exhibition homes

health consulting rooms

hotels

junk yards

liquid fuel depots

motor showrooms

professional consulting rooms

public buildings

residential flat buildings

shops (other than general stores or produce stores)

total destination resorts

transport terminals

units for aged persons

vehicle body repair workshops

warehouses

**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26

dwellings—see clause 50

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subdivision—see clause 43

industries and rural enterprises in rural areas—see clause 39

## **Zone No 1 (c1) (Rural Residential Zone)**

### **1 Zone objectives**

The objectives of this zone are:

- (a) to enable appropriately staged development in the form of small holdings, small farms or rural residential development to be carried out on land which is suitable for that development, and
- (b) to enable other forms of development to be carried out if they are in keeping with the rural character of the locality and compatible with existing or likely future small holdings, small farms and rural residential development, and
- (c) to ensure that the type and intensity of development is appropriate in relation to the characteristics of the land and the rural environment and the cost of providing a satisfactory level of public services and amenities, and
- (d) to contribute to a range of rural lifestyle opportunities.

### **2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development).

### **3 Exempt development**

As specified in clause 7.

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#### **4 Only with development consent**

Development for the purpose of:

agriculture (not including agriculture allowed without development consent)

animal boarding establishments

animal establishments

attached dual occupancies

bush fire fighting establishments

bush fire hazard reduction works

cemeteries

child care centres

community centres

community facilities

damage to vegetation

dwellings

educational establishments

environmental restoration works

forestry

general stores

health consulting rooms

home industries

hospitals

picnic areas and lookouts

places of public worship

professional consulting rooms

public buildings

reception establishments

recreation establishments

recreation facilities

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retail plant nurseries  
roads  
roadside stalls  
rural industries  
tourist facilities  
utility installations  
veterinary surgeon's establishments

Demolition

Subdivision

#### **5 Prohibited**

Any development not included in Item 2, 3 or 4.

#### **6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26

dwellings—see clause 50

subdivision—see clause 44

subdivision of land within an excluded area—see clause 47

subdivision of land on Newry Island—see clause 45

### **Zone No 1 (c2) (Rural Small Holdings Zone)**

#### **1 Zone objectives**

The objectives of this zone are:

- (a) to provide the opportunity for closer rural settlement and tourist development in appropriate parts of the Bellingen local government area, and
- (b) to maximise housing choice, and

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- 
- (c) to encourage a type and intensity of development that does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services, including road access, and
  - (d) to ensure that any development maintains the rural character of the locality, and
  - (e) to prevent development of inappropriate traffic-generating uses along main road frontages, and
  - (f) to prevent development that is inappropriate, having regard to the risks of bush fire, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
  - (g) to protect the natural and scenic resources of the Bellingen local government area.

**2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development).

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Any development not included in Item 2, 3 or 5.

**5 Prohibited**

Development for the purpose of:

boarding-houses

bulk stores (other than those associated with agriculture)

car repair stations

commercial premises

exhibition homes

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institutions

junk yards

liquid fuel depots

motor showrooms

public buildings

residential flat buildings

shops (other than general stores or produce stores)

total destination resorts

vehicle body repair workshops

warehouses

**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26

dwelling—see clause 50

subdivision—see clause 46

subdivision of land within an excluded area—see clause 47

industries and rural enterprises in rural areas—see clause 39

**Zone No 1 (c3) (Rural Settlement Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to encourage rural settlement in locations where existing services and facilities can be efficiently utilised, and
- (b) to reinforce the existing hierarchy of services and functions within the Bellingen local government area, and

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- 
- (c) to encourage integrated rural settlement to avoid environmental damage, maintain the traditional rural landscape and maintain the viability of the existing infrastructure throughout the Bellingen local government area, and
  - (d) to provide the opportunity for closer rural settlement and tourist development in appropriate locations, and
  - (e) to maximise housing choice, and
  - (f) to encourage a type and intensity of development that does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services, including road access, and
  - (g) to ensure that any development maintains the rural character of the locality, and
  - (h) to prevent development of inappropriate traffic-generating uses along main road frontages, and
  - (i) to prevent development that is inappropriate, having regard to the risks of bush fire, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
  - (j) to protect the natural and scenic resources of the Bellingen local government area.

**2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development).

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Any development not included in Item 2, 3 or 5.



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## **5 Prohibited**

Development for the purpose of:

boarding-houses  
bulk stores (other than those associated with agriculture)  
car repair stations  
commercial premises  
institutions  
junk yards  
liquid fuel depots  
motor showrooms  
public buildings  
residential flat buildings  
shops (other than general stores or produce stores)  
total destination resorts  
vehicle body repair workshops  
warehouses

## **6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26  
dwellings—see clause 50  
subdivision—see clause 48  
industries and rural enterprises in rural areas—see clause 39

### **Zone No 1 (d) (Investigation Zone)**

#### **1 Zone objectives**

The objectives of this zone are:

- (a) to indicate areas that may be identified as suitable for future urban expansion after further investigation, and

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- (b) to ensure that development within this zone is compatible with and does not frustrate future development of the land.

**2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development).

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Development for the purpose of:

agriculture (not including agriculture allowed without development consent)

animal boarding establishments

animal establishments

attached dual occupancies

bush fire fighting establishments

bush fire hazard reduction works

damage to vegetation

dwellings

environmental restoration works

forestry

industries

rural enterprises

utility installations

Demolition

Subdivision

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**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26

dwellings—see clause 50

subdivision—see clause 43

industries and rural enterprises in rural areas—see clause 39

**Zone No 1 (f) (Forestry Zone)**

**1 Zone objectives**

The objective of this zone is to make provision for all State forests within which forestry activities do not require development consent.

**2 Without development consent**

Any development authorised by or under the *Forestry Act 1916* and any ancillary or incidental development.

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Development (not included in Item 2 or 3) for the purpose of:

agriculture

damage to vegetation

drainage

environmental restoration works

extractive industries

industries

lookouts

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mines  
parking areas  
public utility undertakings  
recreation establishments  
refreshment rooms  
roads  
sawmills  
tourist facilities

Demolition  
Subdivision

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

Nil.

**Zone No 2 (a) (Residential Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to identify suitable lands to be used for the purposes of housing and associated facilities, and
- (b) to encourage a range of housing types in appropriate locations and at densities compatible with surrounding residential uses, and
- (c) to enable development providing services to surrounding residential areas only if it is compatible with the character of the living area, and

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- (d) to ensure that the height and scale of buildings are compatible with a normal detached dwelling character.

**2 Without development consent**

Nil.

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Any development not included in Item 2, 3 or 5.

**5 Prohibited**

Development for the purpose of:

abattoirs

animal boarding establishments

animal establishments

bulk stores

car repair stations

clubs

commercial premises

forestry

generating works

heliports

hotels

industries (other than home industries)

institutions

junk yards

liquid fuel depots

mines

motor showrooms

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places of assembly  
roadside stalls  
sawmills  
shops (other than general stores)  
stock and sale yards  
transport terminals  
vehicle body repair workshops  
warehouses

**6 Zone specific development controls and special matters for consideration**

Nil.

**Zone No 2 (b) (Village Area Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to make provision for certain suitable lands to be used for urban purposes, and
- (b) to encourage a range of housing types in appropriate locations, and
- (c) to enable development for retail, commercial and service purposes for the local and nearby rural community in appropriate locations where the scale and type of development is compatible with living areas, and
- (d) to recognise existing villages and to enable future development appropriate to their function, and
- (e) to preserve and enhance the local character and identity of villages within the Bellingen local government area, and
- (f) to provide for a range of development appropriate to the needs of a village community.

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**2 Without development consent**

Nil.

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Any development not included in Item 2, 3 or 5.

**5 Prohibited**

Development for the purpose of:

abattoirs

animal boarding establishments

animal establishments

institutions

junk yards

liquid fuel depots

mines

offensive or hazardous industries

sawmills

stock and sale yards

**6 Zone specific development controls and special matters for consideration**

subdivision of certain land within South Urunga—see clause 49

**Zone No 3            (Business Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to encourage the development and expansion of business activities which will contribute to economic growth and employment opportunities within the Bellingen local government area, and

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- 
- (b) to facilitate the establishment of retail, commercial and professional services to meet the needs of the community and which are compatible with the surrounding environment, and
  - (c) to provide for forms of business activities normally located on the fringe of the central business area, and
  - (d) to facilitate the establishment of services required by the travelling public and the tourist industry and for the development of facilities for refreshment, accommodation, recreation and amusement, and
  - (e) to permit non-commercial development where such development is compatible with the commercial character of the locality, and
  - (f) to encourage development which enhances the historic character of the Bellingen business centre.

**2 Without development consent**

Nil.

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Any development not included in Item 2, 3 or 5.

**5 Prohibited**

Development for the purpose of:

abattoirs

animal boarding establishments

animal establishments

caravan parks

exhibition homes



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extractive industries  
generating works  
heliports  
hospitals  
industries (other than light industries and home industries)  
institutions  
junk yards  
mines  
recreation establishments  
residential flat buildings (other than those containing commercial premises or shops)  
roadside stalls  
sawmills  
stock and sale yards  
transport terminals (other than bus stations and bus depots)

**6 Zone specific development controls and special matters for consideration**

Nil.

**Zone No 4 (Industrial Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to encourage development of land for the purpose of industry within convenient distances of the urban centres of the Bellingen local government area and with good access to major arterial roads, and
- (b) to enable certain other forms of development compatible with or ancillary to the industrial use

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of land, such as warehousing, transport and servicing, and

- (c) to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone.

**2 Without development consent**

Nil.

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Development for the purpose of:

agriculture

animal boarding establishments

animal establishments

buildings, works and land uses that are associated with, ancillary to, dependent on or which provide services to industries or other development permitted in the zone or people employed in those industries or that other development (not including residential accommodation)

bulk stores

bus depots

bush fire fighting establishments

bush fire hazard reduction works

car repair stations

clubs

damage to vegetation

emergency services

environmental restoration works

generating works

industries

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junk yards  
liquid fuel depots  
motor showrooms  
public utility undertakings  
recreation areas  
road transport terminals  
sawmills  
service stations  
transport terminals  
utility installations  
vehicle body repair workshops  
warehouses  
works depots

Demolition

Subdivision

**5 Prohibited**

Development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

Nil.

**Zone No 5            (Special Uses Zone)**

**1 Zone objectives**

The objective of this zone is to identify land used for key public purposes, community purposes and purposes incidental to those purposes.

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**2 Without development consent**

Development for the purpose of agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development)

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Development for the purpose of:

agriculture (not including agriculture allowed without development consent)

bush fire hazard reduction works

damage to vegetation

the particular building, work, place or use indicated on the map

environmental restoration works

signs

Demolition

Subdivision

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

Nil.

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## **Zone No 6 (a) (Public Recreation Zone)**

### **1 Zone objectives**

The objectives of this zone are:

- (a) to provide a range of open space and recreational land to meet the needs of the community for public recreation, and
- (b) to allow for the provision of suitable facilities to enhance the use and enjoyment of open space areas while ensuring that any development:
  - (i) promotes or is related to the use and enjoyment of open space, and
  - (ii) does not substantially diminish public use of or access to open space, and
  - (iii) does not adversely affect the natural environment, any items or areas of heritage significance or the existing amenity of the area.

### **2 Without development consent**

Development for the purpose of:

works (but not buildings) involved in landscaping or gardening

### **3 Exempt development**

As specified in clause 7.

### **4 Only with development consent**

Development for the purpose of:

agriculture  
buildings used for landscaping or gardening  
bush fire hazard reduction works  
child care centres  
community centres  
dams  
damage to vegetation

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environmental restoration works  
forestry  
parking areas  
racecourses  
recreation areas  
recreation facilities  
refreshment rooms  
showgrounds  
tourist facilities  
utility installations (other than gas holders or generating works)

Demolition

Subdivision

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

development in open space zones—see clause 29

**Zone No 6 (b) (Private Recreation Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to identify and preserve private land used for recreational purposes, and
- (b) to allow for the provision of suitable facilities to enhance the use and enjoyment of open space areas.

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**2 Without development consent**

Development for the purpose of:  
works (but not buildings) involved in landscaping or gardening

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Development for the purpose of:  
agriculture  
buildings used for landscaping or gardening  
bush fire hazard reduction works  
clubs  
community centres  
damage to vegetation  
dwelling-houses and residential buildings required for use or occupation by persons employed in the carrying out of other development allowed by this Item  
environmental restoration works  
parking areas  
racecourses  
recreation areas  
recreation facilities  
refreshment rooms  
showgrounds  
sportsgrounds  
tourist facilities  
utility installations (other than gas holders or generating works)

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Demolition

Subdivision

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

development in open space zones—see clause 29

**Zone No 7 (a) (Environmental Protection (Wetlands) Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to identify and protect the wetland environment and the natural habitats it supports for conservation purposes, with particular attention being given to the protection of mangroves, and
- (b) to prohibit development that is likely to have a detrimental effect on habitat or the landscape, and
- (c) to enable development that would not have a significant detrimental effect on the habitat.

**2 Without development consent**

Nil.

**3 Exempt development**

Nil—as specified in clause 7.

**4 Only with development consent**

Development for the purpose of:

agriculture

animal establishments

bush fire hazard reduction works



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damage to vegetation  
 environmental restoration works  
 utility installations (other than gas holders or generating works)

Demolition  
 Subdivision

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26  
 dwellings—see clause 50  
 subdivision—see clause 43

**Zone No 7 (f) (Environmental Protection (Coastal Land) Zone)**

**1 Zone objectives**

The objectives of this zone are:

- (a) to identify and protect environmentally sensitive and scenic coastal land and ensure that dune systems are not permanently altered, and
- (b) to enable development that does not have a significant detrimental effect on the habitat, landscape or scenic quality of the locality, and
- (c) to preserve flora and fauna habitats, and
- (d) to ensure that development is adequately protected from flooding and coastal erosion hazards.

**2 Without development consent**

Nil.

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Clause 11

Zoning controls

Part 2

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**3 Exempt development**

Nil—as specified in clause 7.

**4 Only with development consent**

Development for the purpose of:

agriculture

animal establishments

beach amenities

bush fire hazard reduction works

camping grounds

damage to vegetation

dwellings

environmental restoration works

holiday cabins

home industries

parking areas

picnic areas and lookouts

surf clubhouses

utility installations

Demolition

Subdivision

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26

development in Zone No 7 (f)—see clause 30

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dwelling—see clause 50

subdivision—see clause 43

## **Zone No 7 (s) (Special Emphasis Zone)**

### **1 Zone objectives**

The objectives of this zone are:

- (a) to identify and protect natural habitats for conservation purposes, with particular attention being given to the protection of forest ecosystems, and
- (b) to protect significant forested views within the Bellingen local government area, and
- (c) to prohibit development that is likely to have a detrimental effect on the habitat or landscape, and
- (d) to enable development that would not have a significant detrimental effect on the habitat.

### **2 Without development consent**

Nil.

### **3 Exempt development**

As specified in clause 7.

### **4 Only with development consent**

Any development not included in Item 2, 3 or 5.

### **5 Prohibited**

Development for the purpose of:

attached dual occupancies

boarding-houses

bulk stores

bus depots

bus stations

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car repair stations  
caravan parks  
churches  
clubs  
commercial premises  
exhibition homes  
generating works  
health consulting rooms  
hotels  
industries (other than home industries)  
institutions  
junk yards  
liquid fuel depots  
motels  
motor showrooms  
professional consulting rooms  
public buildings  
recreation vehicle areas  
residential flat buildings  
road transport terminals  
sawmills  
service stations  
shops  
stock and sale yards  
total destination resorts  
transport terminals  
units for aged persons  
vehicle body repair workshops  
warehouses

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Part 2 Zoning controls

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**6 Zone specific development controls and special matters for consideration**

general principles for rural development—see clause 26

development in Zone No 7 (s)—see clause 31

dwellings—see clause 50

subdivision—see clause 43

**Zone No 8 (National Parks and Nature Reserves Zone)**

**1 Zone objectives**

The objective of this zone is to identify land included in national parks, nature reserves, Aboriginal areas and State recreation areas reserved or dedicated under the *National Parks and Wildlife Act 1974*.

**2 Without development consent**

Any development authorised by or under the *National Parks and Wildlife Act 1974* and any ancillary or incidental development.

**3 Exempt development**

As specified in clause 7.

**4 Only with development consent**

Nil.

**5 Prohibited**

Any development not included in Item 2, 3 or 4.

**6 Zone specific development controls and special matters for consideration**

Nil.

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Clause 11

Zoning controls

Part 2

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## **Zone No 9 (Proposed Road Zone)**

### **1 Zone objectives**

The objective of this zone is to identify and preserve land intended to be acquired for new roads or the widening of existing roads.

### **2 Without development consent**

Development for the purpose of:

agriculture (not including activities involving the erection of a building or damage to vegetation that are not exempt development)

roads

road widening

### **3 Exempt development**

As specified in clause 7.

### **4 Only with development consent**

Development for the purpose of:

agriculture (not including agriculture allowed without development consent)

bush fire hazard reduction works

damage to vegetation

environmental restoration works

utility installations

Demolition

Subdivision

### **5 Prohibited**

Any development not included in Item 2, 3 or 4.

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Part 2                Zoning controls

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**6    Zone specific development controls and special matters  
for consideration**

acquisition of land—see clause 54

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## Part 3 Special provisions

### 12 Development for certain additional purposes

Nothing in this plan prevents the carrying out, with development consent, on land described in Schedule 6 of development described in relation to that land in that Schedule, subject to such requirements, if any, as are specified in that Schedule.

### 13 Temporary use of land

Consent may be granted to the carrying out on any land, for a maximum period of 28 days (whether consecutive or non-consecutive) in any 1 year, of development that would otherwise be prohibited by the provisions of this plan if the consent authority is satisfied that the development is compatible with the objectives of the zone in which the land is located.

### 14 Height of buildings

Consent must not be granted to the erection of a building that would have a height of more than 10 metres.

### 15 Subdivision generally

A person must not subdivide land without development consent.

### 16 Construction of dams

A person must not carry out development for the purpose of a dam without development consent, unless the work is exempt development.

### 17 Sawdust and sawmill waste

Sawdust or sawmill waste must not be:

- (a) burnt, or
- (b) deposited on any land, whether by way of filling or otherwise, unless it is being used for landscaping as a mulch or weed suppressant material (or both),

without development consent.



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**18 Development in the vicinity of creeks and streams and other waterbodies**

- (1) A person must not carry out development within a waterbody or within 50 metres of the banks of a waterbody except with development consent, unless the development is exempt development.
- (2) Consent must not be granted to any such development unless the consent authority has made an assessment of the effect that the development is likely to have on:
  - (a) the stability of banks, and
  - (b) flows to and water table levels in any nearby wetland, and
  - (c) water quality,and of the needs of existing and potential users of water downstream from the development.

**19 Flood considerations**

- (1) A person must not carry out development on flood liable land except with development consent, unless the development is exempt development.
- (2) Subclause (1) does not apply to development for the purpose of agriculture that may otherwise be carried out on the land without development consent.
- (3) Consent must not be granted to the erection of a building or the carrying out of a work on flood liable land unless the consent authority is satisfied that:
  - (a) the development will not unduly restrict the flow characteristics of flood waters, and
  - (b) the development will not unduly increase the level of flooding on other land in the vicinity, and
  - (c) the structural characteristics of any building or works the subject of the application are capable of withstanding flooding, and
  - (d) the development does not involve any risk to life, human safety or private property in time of flood, and
  - (e) satisfactory arrangements have been or are to be made for access to the building or work during a flood.

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- (4) Consent may be refused to development that, in the opinion of the consent authority, will:
- (a) adversely affect the flood level at any point above or below the site of the development, or
  - (b) increase, to a substantial degree, the flow of water on any adjoining land, or
  - (c) cause soil erosion, siltation or destruction of river bank vegetation, or
  - (d) affect the water table of any adjoining land, or
  - (e) adversely affect river bank stability, or
  - (f) involve a risk to life, human safety or private property in time of flood.
- (5) Before granting consent to development, the consent authority must have regard to information, if any, provided by the Department of Public Works and Services or the Department of Land and Water Conservation as to the flooding characteristics of the land.

## 20 Development on land identified in an acid sulfate soil class

- (1) A person must not, without development consent, carry out on land within a class shown in Column 1 of the following Table the works described in Column 2 of that Table, except as provided by subclause (3).

### Table

Column 1	Column 2
Acid sulfate soil class as shown on the map	Works
1	Any works
2	Works below natural ground surface Works by which the watertable is likely to be lowered

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Column 1	Column 2
Acid sulfate soil class as shown on the map	Works
3	Works beyond 1 metre below natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

- (2) For the purpose of this clause, **works** includes:
- (a) any disturbance of soil which would result in more than 1 tonne of soil being disturbed on a holding in any 12-month period (including, among other activities, disturbance such as occurs in carrying out agriculture, construction or maintenance of drains, extractive industry, dredging, construction of artificial waterbodies such as canals, dams and detention basins, foundations, trenching or flood mitigation works), and
  - (b) any other works that are likely to lower the watertable.
- (3) Consent is not required by this clause for the carrying out of works if:
- (a) a preliminary assessment of the works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been submitted to the Council, and
  - (b) the Council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the works need not be carried out pursuant to an acid sulfate soil management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.

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- (4) Consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soil management plan prepared for the development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
  - (b) the likelihood of the 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 of the related acid sulfate soil management plan.

## **21 Development affected by coastal processes**

- (1) This clause applies to coastal land situated east of or within 200 metres west of the back beach erosion escarpment other than that land in the vicinity of Mylestom that is east of the heavy broken red line shown on the map.
- (2) A person must not carry out development on land to which this clause applies except with development consent.
- (3) The consent authority may decline to grant development consent if it has not been supplied with a plan of survey delineating the distance specified in subclause (1) for the land to which the development application relates.
- (4) Consent must not be granted to development on land to which this clause applies unless the consent authority has:
  - (a) made an assessment of the stability of that land and the likely influence of coastal processes, and
  - (b) considered any comments in relation to coastal erosion hazards received from the Department of Land and Water Conservation within 28 days of the consent authority having sent that Department a copy of the development application.

## **22 Coastal lands**

- (1) This clause applies to land to which the *NSW Coastal Policy 1997* applies.
- (2) Before granting consent to development, the consent authority must take into account:

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- (a) the *NSW Coastal Policy 1997*, and
  - (b) the *Coastline Management Manual* produced by the Department of Public Works in 1990, and
  - (c) the *North Coast Design Guidelines* produced by the Department of Planning in 1989.
- (3) Consent must not be granted to development that would impede any existing lawful public access to the foreshore.
- (4) Consent must not be granted to development that would result in beaches or waterfront open space being overshadowed before 3 pm midwinter (standard time) or 7 pm midsummer (daylight saving time).

### 23 Wetlands and fisheries

Consent must not be granted to any development within a river or stream, coastal or inland wetland or fishery habitat area or within the drainage catchment of, or on land adjoining, a river or stream, coastal or inland wetland or fishery habitat area unless the consent authority has considered the following matters:

- (a) the need to maintain or improve the quality and quantity of flows of water to the wetland or habitat, and
- (b) the need to conserve existing amateur and commercial fisheries, and
- (c) any loss of habitat which will or is likely to be caused by the development, and
- (d) whether an adequate public foreshore reserve is available or is to be provided and, if so, whether there is or will be, adequate public access to that reserve, and
- (e) whether the development will, or is likely to, result in pollution of the river, stream, wetland or habitat area and any measures to eliminate pollution, and
- (f) the proximity of aquatic reserves declared under the *Fisheries Management Act 1994* and the effect the development will have on these reserves, and
- (g) whether the site of the development is State protected land within the meaning of the *Native Vegetation Conservation Act 1997* and any measures to prevent soil erosion, and
- (h) the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved, and

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- (i) the recommendations of any environmental audit or water quality study prepared by the Department of Land and Water Conservation or the Environment Protection Authority relating to the river, stream, wetland, area or catchment of which the Council has been notified for the time being by that Department or Authority.

#### **24 Development on or in the vicinity of ridgelines**

Consent must not be granted to development on or near any ridgeline where, in the opinion of the consent authority, that development is likely to substantially detract from the visual amenity of the area.

#### **25 Development in the vicinity of national parks and nature reserves**

Consent must not be granted to development in the vicinity of a national park or nature reserve unless the consent authority has made an assessment of the effect the development will have on the environmental significance of the national park or nature reserve concerned.

#### **26 General principles for rural development**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), 1 (f), 7 (a), 7 (f) or 7 (s).
- (2) Consent must not be granted to any development unless the consent authority is satisfied that:
  - (a) each of the general principles set out in Schedule 7 has been complied with, in so far as it is relevant to the development, or
  - (b) if the development does not comply with any relevant general principle, the failure is due to a contradiction between the requirements made by two or more of those principles when applied to the development or is because the particular circumstances of the site make it impractical to comply with one or more of those principles.

#### **27 Tourism development**

- (1) Before granting any consent for tourism development, the consent authority must have regard to:
  - (a) the *North Coast Region Tourism Development Strategy* and the *Tourism Development Along the New South Wales Coast: Guidelines*, and

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- (b) if the development consists of or includes use of a natural tourism area for tourism purposes, the publication titled *Tourism Development near Natural Areas: Guidelines for the North Coast* regarding the location of facilities, the intensity of development and the means of access available from the site of the development to any adjoining natural areas.

**Note.** The publications referred to in this subclause are available at the Grafton office of the Department.

- (2) Consent must not be granted for tourism development in rural areas unless the consent authority is satisfied that the development will be low-key and small-scale, and will incorporate ecotourism principles.
- (3) Consent must not be granted for any tourism development unless the consent authority is satisfied that:
- (a) adequate access by road, railway or water transport (or any combination of them) exists or will be provided to service the development, and
- (b) the development will not substantially detract from the visual amenity or be detrimental to any other significant feature of the natural environment.

#### **28 Tourist facilities in Zone No 1 (a1)**

- (1) Consent must not be granted for tourist facilities within Zone No 1 (a1) unless:
- (a) the operation of the tourist facility on the land is to be undertaken in conjunction with the agricultural use of the land, and
- (b) the operation of the tourist facility on the land will not conflict with adjoining agricultural uses.
- (2) Subclause (1) (a) does not apply where the development is on a holding with an area of not more than 5 hectares.

#### **29 Matters for consideration for development in open space zones**

Before consent is granted for development within an open space zone, the consent authority must take the following matters into consideration:

- (a) the need to retain the land for its existing and likely future use, and
- (b) the need for the development on the land, and

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- (c) whether there are any alternatives to the development, and
- (d) the impact of the development on the existing or likely future use and character of the land, and
- (e) whether any building will be secondary and complementary to the existing or proposed use of the land as public open space, and
- (f) whether the development will substantially diminish public use of and access to open space, and
- (g) whether the development is compatible with adjacent uses in relation to its height, bulk and noise generation and any other aspects that might conflict with surrounding land uses, and
- (h) whether the development will promote and be ancillary to the use and enjoyment of the land as distinct from satisfying a requirement generated by an adjoining land use or by an unassociated community need, and
- (i) whether the development is consistent with any plan of management applying to the land under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*, and
- (j) whether the development is compatible with the notified purpose if the land is a Crown reserve, and
- (k) whether the development is consistent with any plan of management applying to the land adopted under section 114 of the *Crown Lands Act 1989*.

### 30 Development in Zone No 7 (f)

- (1) Consent must not be granted to development within Zone No 7 (f) except with the concurrence of the Director-General.
- (2) In considering whether to grant concurrence required by subclause (1), the Director-General must take into consideration:
  - (a) the extent to which the development will result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (b) the extent to which the development will adversely affect the scenic qualities of the coastal landscape, and
  - (c) the likelihood of the development adversely affecting or being adversely affected by coastal processes.



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### **31 Development in Zone No 7 (s)**

- (1) Consent must not be granted to development of land that is part of a holding that includes land within Zone No 7 (s) and in any other zone unless the development is to be carried out on part of the land that is not within Zone No 7 (s), except where the consent authority is satisfied that:
- (a) the development is for the purpose of enhancing the biodiversity or natural scenic values of the land, or
  - (b) the characteristics of the part of the land concerned are different from the general characteristics on the basis of which the land was included in Zone No 7 (s),
- and that there are no other reasonable or practical alternatives in the circumstances.
- (2) Consent must not be granted to development within Zone No 7 (s) unless the consent authority is satisfied that:
- (a) the development is essential for the reasonable economic use of the land or the provision of utility services, and
  - (b) the development will 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 important vegetation systems, and
  - (c) the development is essential to reduce the risk of bush fire, and
  - (d) appropriate measures will be taken to retain existing vegetation or to rehabilitate the site, and
  - (e) the development will not adversely affect wildlife and wildlife movement patterns.

### **32 Heritage items**

- (1) A person must not, in respect of a building, work, relic, tree or place 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

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- (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 that comprises the place,
- except with development consent, unless it is exempt development.
- (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 development will affect the heritage significance of the heritage item concerned and any stylistic or horticultural features of its setting.

### **33 Development in the vicinity of heritage items**

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

### **34 Conservation areas**

- (1) A person must not, in respect of a conservation area:
- (a) demolish or alter a building or work within the area, or
  - (b) damage or move a relic, or excavate for the purpose of exposing or removing a relic, within the area, or
  - (c) damage or despoil a place or tree within the area, or
  - (d) erect a building on or subdivide land within the area,
- except with development consent, unless it is exempt development.
- (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 development will affect the heritage significance of the conservation area concerned.
- (3) Consent must not be granted to a development application required by subclause (1), being an application for consent to erect a new building or to alter an existing building within a conservation area, unless the consent authority has made an assessment of:
- (a) the pitch and form of the roof, and

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- (b) the style, size, proportion and position of the openings for windows and doors, and
- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the conservation area.

### **35 Heritage notifications**

- (1) Consent must not be granted to the demolition of or damage to a building, work, relic or place that is a heritage item or within a conservation area unless the consent authority has considered any response received from the Heritage Council within 28 days of the consent authority having sent the Heritage Council a copy of the development application.
- (2) Subclause (1) does not apply to the partial demolition of or damage to a building, work, relic or place that is a heritage item or within a conservation area if, in the opinion of the consent authority, the partial demolition or damage will be of a minor nature and will not adversely affect the heritage significance of the heritage item or conservation area in relation to the environmental heritage of the Bellingen local government area.

### **36 Conservation incentives**

Nothing in this plan prevents consent being granted to:

- (a) the use, for any purpose, of a building that is a heritage item or of the land on which any such building is erected, or
- (b) the use, for any purpose, of a building within a conservation area or of the land on which any such building is erected,

if the consent authority is satisfied that:

- (c) the proposed use will have little or no adverse effect on the amenity of the locality, and
- (d) the conservation of the building depends on consent being granted pursuant to this clause.

### **37 Development on main road and highway frontages**

- (1) This clause applies to development on land:
  - (a) that has frontage to a main road or State highway, or

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- (b) that has a direct vehicular access to a main road or State highway by a right-of-way or other means, or
  - (c) that has a direct vehicular access to a road that intersects with a main road or State highway and the point of access is within 90 metres of the intersection of the road and the main road or State highway.
- (2) Consent must not be granted to development unless the consent authority is satisfied that:
- (a) the development, by its nature or intensity, or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main road or State highway, and
  - (b) the development is of a type, whether or not related to the characteristics of the land on which it will be carried out, that justifies a location in proximity to a main road or State highway, and
  - (c) 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 road or State highway will not be impeded, and
  - (d) the development will not prejudice future improvements or realignments to a main road or State highway, as have been indicated to the Council for the time being by the RTA, or any proposal of that Authority, of which the Council is aware, to proclaim part of the road as a controlled access road within the meaning of the *Roads Act 1993*.

### **38 Restriction on access**

A point of access to any main road or State highway must not be formed except with development consent.

### **39 Industries and rural enterprises in rural areas**

Consent may be granted to development for the purpose of an industry or a rural enterprise on any land within Zone No 1 (a2), 1 (c2), 1 (c3) or 1 (d), or on land within Zone No 1 (a1) that is within 1 kilometre of land within Zone No 2 (b) at Dorrigo, but only if, in the opinion of the consent authority:

- (a) the land is appropriately located in relation to urban areas, and

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- (b) the land is the most suitable and practicable available for that industry, rural industry or enterprise, and
- (c) the industry, rural industry or enterprise could not otherwise be accommodated on land within Zone No 4, and
- (d) the development will not adversely affect the use and enjoyment of any adjoining land, and
- (e) the development will be located and designed to minimise any adverse environmental impact.

#### **40 Development within the vicinity of Dorrigo**

In the case of land within Zone No 1 (a1) that is within 1 kilometre of land within Zone No 2 (b) at Dorrigo, consent may be granted to development for any purpose other than an industry or rural enterprise (including development that would otherwise be prohibited by this plan), but only if:

- (a) the development is primarily intended to result in the provision of services to the residents of Dorrigo and the surrounding district, and
- (b) the consent authority is satisfied that no suitable land is available for the development within Zone No 2 (b) at Dorrigo.

#### **41 Development at Urunga**

- (1) This clause applies to land at Urunga generally bounded by the Kalang River, the Pacific Highway, the South Pacific Ocean and Hungry Head Road and including the localities of Newry Island, Yellow Rock, Urunga, South Urunga and Hungry Head.
- (2) Consent must not be granted to development within Zone No 2 (b) generally south of Hillside Drive on land to which this clause applies unless the consent authority is satisfied that:
  - (a) where the development involves the generation of domestic or other waste, it will be disposed of by a reticulated sewage system, and
  - (b) the development is designed to maximise the retention of existing vegetation but, if removal of existing vegetation is unavoidable, appropriate measures to re-establish vegetation will be implemented, and

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- (c) appropriate measures will be implemented during construction and after completion of the development to control stormwater flows, soil erosion and siltation of wetland areas, and
  - (d) the development is designed to minimise risk to life and property from bush fire and flood, and
  - (e) adequate steps have been taken to determine whether the land on which the development is to be carried out contains Aboriginal archaeological relics, and the development incorporates appropriate measures in respect of any identified relics, and
  - (f) the size and arrangement of allotments intended to be used for residential purposes are appropriate in relation to the efficiency of reticulated sewage systems, to the potential need for future resubdivision, and to the desirability of maintaining larger allotments adjacent to the Pacific Highway, the North Coast Railway, electricity easements, wetlands or watercourses, and
  - (g) the development is unlikely to prejudice the timing or nature of development of other land, and
  - (h) the development will not create or require vehicular access to the Pacific Highway other than by use of planned local roads and related intersections, except temporary access pending construction of those planned local access roads.
- (3) Despite any other provision of this plan, consent may be granted to development for the purpose of the following on the land to which this clause applies in Zone No 1 (c1) in the vicinity of Hungry Head Road:
- (a) commercial premises with a floor area not exceeding 30 square metres,
  - (b) tourist facilities and shops associated with a tourist facility and located on the same land as the tourist facility.

#### **42 Land subject to geological and mining hazards**

Consent must not be granted to development on land which, on information supplied for the time being to the Council by the Department of Mineral Resources:

- (a) contains recoverable extractive or mineral resources, or
- (b) is the site of an existing mine or extractive industry, or

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(c) is liable to slip or other movement associated with geological conditions,

or on land within 1 kilometre of any such land, unless the consent authority is satisfied that the development is unlikely to:

(d) be subject to hazards associated with blasting, mine subsidence, landslip or other land movement, or

(e) prejudice the recovery of extractive or mineral resources.

**43 Subdivision of land in rural and environmental protection zones**

(1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s).

(2) Consent must not be granted to subdivision of land to which this clause applies except in accordance with this clause.

(3) Consent may be granted to subdivision of land located on the Dorrigo plateau where each allotment to be created by the subdivision has an area of not less than 70 hectares.

(4) Consent may be granted to subdivision of land involving the creation of a *special purpose allotment*, being an allotment to be lawfully used, or which may be so used because of an existing development consent or the existing use provisions of the Act, otherwise than for the purpose of agriculture, forestry, a dwelling or rural workers' accommodation, but only if the consent authority is satisfied that:

(a) the special purpose allotment will be of sufficient size for its intended use, and

(b) the agricultural potential of the other allotment or allotments resulting from the subdivision and of surrounding land will not be unreasonably reduced, and

(c) no accommodation will be required or expected in conjunction with the special purpose, and

(d) adequate consideration has been given to the future use of the allotment at any time at which the special use of the allotment might cease.

(5) Consent may be granted to subdivision of land involving the creation of an allotment for a public reserve or other public purpose.

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- (6) Consent may be granted to a boundary adjustment, but only if:
- (a) the number of dwellings permissible under clause 50 (3) on the land following that adjustment is not greater than the number permissible immediately before the adjustment, and
  - (b) in the case of land on the Dorrigo plateau, each allotment to be created by the boundary adjustment has an area of not less than 70 hectares.
- (7) Consent must not be granted to a boundary adjustment pursuant to subclause (6) if the consent authority is of the opinion that:
- (a) the agricultural potential of the land will be unreasonably reduced because of the adjustment, or
  - (b) the result of the adjustment will be to create unreasonable conflict between existing and likely future agricultural activities carried out on surrounding land and the activities to be carried out on the allotments following adjustment of the boundaries, or
  - (c) the size of the resulting allotments will be inconsistent with the subdivision pattern within the locality and such inconsistency is undesirable, or
  - (d) the resulting allotments will, by their shape, size and location, create unreasonable additional demand for services within the locality.
- (8) Where a holding includes land within a zone or zones referred to in subclause (1) and also within Zone No 2 (a), 2 (b), 3, 4, 5 or 6 (b), consent may be granted to subdivision of the holding to separate all of the land within the zones referred to in subclause (1) from all or part of the land within any other zone specified in this subclause.
- (9) Consent must not be granted to subdivision pursuant to subclause (8) if the consent authority is of the opinion that:
- (a) the agricultural potential of land within Zone No 1 (a1) or 1 (a2) will be unreasonably reduced because of the subdivision, or
  - (b) the result of the subdivision will be to create unreasonable conflict between existing and likely future agricultural activities carried out on surrounding land and the activities to be carried out on the allotments following the subdivision, or



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- (c) the size of the resulting allotments will be inconsistent with the subdivision pattern within the locality and such inconsistency is undesirable, or
  - (d) the resulting allotments will, by their shape, size and location, create unreasonable additional demand for services within the locality, or
  - (e) the subdivision is likely to result in an undesirable proliferation of buildings.
- (10) Consent must not be granted to a subdivision pursuant to subclause (3), (4), (5), (6) or (8) where the land to be subdivided is located partly within Zone No 7 (a), 7 (f) or 7 (s) and partly within another zone referred to in subclause (1), unless the consent authority is satisfied that:
- (a) each allotment to be created by the subdivision which, in the opinion of the consent authority, is likely to be used for a purpose that will involve the erection of buildings or the carrying out of works involving disturbance to the natural characteristics of the land, includes land on which the buildings and any associated principal development areas are to be located, or the disturbance is to be carried out, that is not within Zone No 7 (a), 7 (f) or 7 (s), and
  - (b) the subdivision and likely future use of the allotments to be created is not likely to have a detrimental effect on the environmental qualities of the land within Zone No 7 (a), 7 (f) or 7 (s).

**44 Subdivision of land in Zone No 1 (c1)**

- (1) Consent may be granted to subdivision to create an allotment that will contain land within Zone No 1 (c1) but only if:
- (a) the area of each allotment created by the subdivision, other than an allotment for a public reserve or other public purpose, will be not less than 4,000 square metres, and
  - (b) the subdivision will not result in the average size of all allotments (exclusive of any allotment for a public reserve or other public purpose) created from land that was held in one ownership on 9 February 1990 being less than 8,000 square metres, and

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- (c) each allotment created by the subdivision, other than an allotment for a public reserve or other public purpose, will be capable of supporting a means of disposal of domestic sewage and waste water acceptable to the consent authority, and
  - (d) an adequate water supply is available to the land, and
  - (e) where the total number of dwellings permissible on the land pursuant to clause 50 (3) will be increased as a result of the subdivision, the land to be subdivided is, or as a result of the subdivision will be, linked by a bitumen sealed road, meeting contemporary engineering standards, to the nearest urban service centre.
- (2) Where land to be subdivided under subclause (1) is part of a holding that includes land within Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s), that part of the holding within those zones (excluding any part on which a dwelling-house is permissible under clause 50 (3)) must be incorporated into a single new allotment to be created containing land within Zone No 1 (c1) under the provisions of subclause (1). The area of land in any of Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s) is not to be included in the calculation of allotment sizes specified in subclause (1).

**45 Subdivision of land in Zone No 1 (c1) on Newry Island**

- (1) This clause applies to land within Zone No 1 (c1) on Newry Island, at Urunga.
- (2) Despite any other provision of this plan, consent must not be granted to subdivision of land to which this clause applies other than a boundary adjustment or subdivision to create an allotment for a public reserve or other public purpose.
- (3) Consent may be granted to a boundary adjustment only if the number of dwellings permissible under clause 50 (3) on the land following the adjustment is not greater than the number permissible immediately before the adjustment.

**46 Subdivision of land in Zone No 1 (c2)**

- (1) Consent may be granted to subdivision to create an allotment that will contain land within Zone 1 (c2) but only if:
  - (a) the area of each allotment created by the subdivision other than an allotment for a public reserve or other public purpose will be not less than 2 hectares, and

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- (b) the subdivision will not result in the average size of all allotments, exclusive of any allotment for a public reserve or other public purpose, and any allotment larger than 20 hectares created from land that was held in one ownership on 9 February 1990 being less than 5 hectares, and
  - (c) each allotment created by the subdivision, other than an allotment for a public reserve or other public purpose, will be capable of supporting a means of disposal of domestic sewage and waste water acceptable to the consent authority, and
  - (d) where the total number of dwellings permissible on the land pursuant to clause 50 (3) will be increased as a result of the subdivision, the land to be subdivided is, or as a result of the subdivision will be, linked by a bitumen sealed road, meeting contemporary engineering standards, to the nearest urban service centre.
- (2) Where land to be subdivided under subclause (1) is part of a holding that includes land within Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s), that part of the holding within those zones (excluding any part on which a dwelling-house is permissible under clause 50 (3)) must be incorporated into a single new allotment to be created containing land within Zone No 1 (c2) under the provisions of subclause (1). The area of land in any of Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s) is not to be included in the calculation of allotment sizes specified in subclause (1).

**47 Subdivision of land within an “excluded area”**

- (1) This clause applies to land within Zone No 1 (c1) or 1 (c2) shown stippled on the map.
- (2) Land to which this clause applies is referred to in this clause as an *excluded area*.
- (3) Consent may be granted to subdivision that will create an allotment within an excluded area which, in the opinion of the Council, will be used for the purpose of a dwelling, but only if:
  - (a) the Council has obtained the agreement in writing of the Director-General to a revised *Bellingen Shire Rural Residential/Small Holding Release Strategy* which meets the requirements set out in clause 20 (3) of the *North Coast Regional Environmental Plan*, and
  - (b) the subdivision is in accordance with that Strategy.

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- (4) Notwithstanding subclause (3), consent may be granted to a boundary adjustment, but only if the number of dwellings permissible under clause 50 (3) on the land following that adjustment is not greater than the number permissible immediately before the adjustment.

**48 Subdivision of land in Zone No 1 (c3)**

- (1) Consent may be granted to subdivision to create an allotment that will contain land within Zone No 1 (c3) but only if:
- (a) the area of each allotment created by the subdivision, other than an allotment for a public reserve or other public purpose, will be not less than 2 hectares, and
  - (b) the subdivision will not result in the average size of all allotments, exclusive of any allotment for a public reserve or other public purpose, and any allotment larger than 20 hectares created from land that was held in one ownership on 9 February 1990 being less than 3 hectares, and
  - (c) each allotment created by the subdivision, other than an allotment for a public reserve or other public purpose, will be capable of supporting a means of disposal of domestic sewage and waste water acceptable to the consent authority, and
  - (d) where the total number of dwellings permissible on the land pursuant to clause 50 (3) will be increased as a result of the subdivision, the land to be subdivided is, or as a result of the subdivision will be, linked by a bitumen sealed road, meeting contemporary engineering standards, to the nearest urban service centre.
- (2) Where land to be subdivided is part of a holding that includes land within Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s), that part of the holding within those zones (excluding any part on which a dwelling-house is permissible under clause 50 (3)) must be incorporated into a single new allotment to be created containing land within Zone No 1 (c3) under the provisions of subclause (1). The area of land in any of Zone No 1 (a1), 1 (a2), 1 (d), 7 (a), 7 (f) or 7 (s) is not to be included in the calculation of allotment sizes specified in subclause (1).

**49 Subdivision of certain land within South Urunga**

- (1) This clause applies to the land within Zone No 2 (b) shown stippled on the map.

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- (2) Land to which this clause applies is referred to in this clause as an *excluded area*.
- (3) Notwithstanding any other provision of this plan, consent must not be granted to subdivision that will create an allotment within an excluded area, other than a subdivision that will create an allotment for a public purpose or a boundary adjustment, until:
  - (a) a development control plan applying to the land subject to the subdivision has been approved by the Council making recommendations for lot yields and road network layouts that are different from those set out in *Development Control Plan No 10—South Urunga Development Area* at 19 June 2001, and
  - (b) a review of the capacity of the Urunga Waste Water Treatment Plant and the Lower Bellinger Water Supply has been completed and the Council is of the opinion that the allotments to be created within the excluded area can be adequately serviced.

#### **50 Rural dwellings**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), 7 (a), 7 (f) or 7 (s).
- (2) Development for the purpose of a dwelling must not be carried out on land to which this clause applies except in accordance with this clause.
- (3) Consent may be granted to development for the purpose of a dwelling-house only if there is no other dwelling erected on the land (other than rural workers' accommodation) or the only dwelling on the land (other than rural workers' accommodation) is a dwelling to be replaced or extended by the dwelling-house for which consent is being sought, and the land:
  - (a) is located on the Dorrigo plateau and has an area of not less than 70 hectares, or
  - (b) is an allotment, not being a special purpose allotment or an allotment for a public reserve or other public purpose, created in accordance with the provisions of clause 43 (3), (6) or (8), 44, 45, 46, 47 or 48 or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, or

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- (c) is an allotment created in accordance with the provisions of clause 13 (2) of *Bellinghen Local Environmental Plan 1990* or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by that provision was unreasonable or unnecessary, or
  - (d) is an allotment created in accordance with clause 13 (3) or (4) of *Bellinghen Local Environmental Plan 1990*, not being a special purpose allotment or an allotment for an essential public reserve or other public purpose, or
  - (e) is an allotment created in accordance with clause 13 (6) of *Bellinghen Local Environmental Plan 1990*, or
  - (f) is an allotment created in accordance with the provisions of clause 14, 15 or 15A of *Bellinghen Local Environmental Plan 1990* or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, or
  - (g) is an allotment created in accordance with clause 12 of this plan or clause 42 of the *Bellinghen Local Environmental Plan 1990*, but only where the relevant plan provided that a dwelling was to be permissible on the lot resulting from the subdivision, or
  - (h) is an allotment, other than a special purpose allotment, created in accordance with the provisions of *Interim Development Order No 1—Shire of Bellinghen* or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, and on which a dwelling-house could have been erected with or without development consent under the provisions of *Interim Development Order No 1—Shire of Bellinghen*, or
  - (i) is an allotment created in accordance with a development consent that required consolidation of land prior to or in conjunction with development for the purpose of a dwelling, rural worker's dwelling or rural workers' accommodation, or
  - (j) is land that is subject to a development consent for a dwelling-house or expanded dwelling granted in accordance with the provisions of clause 17 (3) (a) of *Bellinghen Local Environmental Plan 1990* or a consent granted pursuant to

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*State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, but only if that consent has not lapsed, or

- (k) is land that is subject to a development consent for a dwelling-house or expanded dwelling granted in accordance with the provisions of *Interim Development Order No 1—Shire of Bellingen* or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, but only if that consent has not lapsed, or
  - (l) is land subject to a development consent for a dwelling-house or expanded dwelling granted under clause 12 of this plan or clause 42 of *Bellingen Local Environmental Plan 1990*, but only if that consent has not lapsed, or
  - (m) is a 1969 existing holding, or
  - (n) is a 1990 existing holding, or
  - (o) is a 1996 existing holding, or
  - (p) is residue land, or
  - (q) is land on which a dwelling-house could have been erected under the provisions of this clause, but for the excision of land for a public purpose that was undertaken without the need for development consent, or
  - (r) is land on which a dwelling-house could have been erected under the provisions of this clause, but for the addition of land by way of a consolidation that was undertaken without the need for development consent, or
  - (s) is land on which a dwelling-house could have been erected under the provisions of this clause, but for the excision under the provisions of this plan of a special purpose allotment or an allotment for a public reserve or other public purpose.
- (4) Consent must not be granted to development for the purpose of a dwelling-house to replace an existing dwelling under subclause (3) unless a condition is imposed requiring that the new dwelling-house must not be occupied until the original dwelling is demolished or rendered permanently incapable of separate habitation.

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- (5) If land is located partly within Zone No 7 (a), 7 (f) or 7 (s) and partly within another zone referred to in subclause (1), consent must not be granted to development for the purpose of a dwelling-house on that part of the land that is within Zone No 7 (a), 7 (f) or 7 (s).
- (6) Consent may be granted to development for the purpose of rural workers' accommodation on land on which one, but no more than one, dwelling-house or expanded dwelling is erected, but only if:
- (a) the land on which the rural workers' accommodation will be located is not within Zone No 7 (a), 7 (f) or 7 (s), and
  - (b) a dwelling-house is permissible on the land under the provisions of this clause, and
  - (c) that land has an area:
    - (i) in the case of land on the Dorrigo plateau, of not less than 70 hectares, or
    - (ii) in the case of any other land, of not less than 40 hectares.
- (7) Consent must not be granted to development for the purpose of rural workers' accommodation under subclause (6) unless:
- (a) the consent authority is satisfied that the rural workers' accommodation will be occupied by a person or persons employed or engaged by the owner of the holding for the purpose of undertaking agriculture or operating an animal establishment on the same holding, and
  - (b) the development of the rural workers' accommodation will not impair the suitability of the land for agriculture, and
  - (c) the agricultural pursuits carried out on that holding warrant the employment of at least one full-time worker, in addition to persons occupying the dwelling-house or expanded dwelling on the holding, and that it is essential for the operation of those agricultural pursuits that the worker reside on the property for the duration of his or her employment.
- (8) Consent must not be granted to development on land pursuant to subclause (3) or (6) unless a condition is imposed on the consent requiring the consolidation of the land, if the land subject to the development application comprises more than one allotment.
- (9) Consent may be granted to development for the purpose of a caretaker's dwelling on an allotment that was created as a special purpose allotment in accordance with a development consent granted



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under the provisions of *Interim Development Order No 1—Shire of Bellingen* or prior to 24 December 1999 under the provisions of clause 13 (3) of *Bellingen Local Environmental Plan 1990*, but only if:

- (a) there is no other dwelling on the land, and
  - (b) the use of the allotment for that special purpose is established, and
  - (c) the consent authority is satisfied that the caretaker's dwelling is ancillary to the use for which the allotment was created and that it is essential for the carrying out of that use that a caretaker reside on the allotment at all times.
- (10) Consent must not be granted pursuant to subclause (9) unless a condition is imposed on the consent requiring that:
- (a) should the use of the allotment for the purpose for which it was created cease for a period, the caretaker's dwelling must not be occupied while the use is not operating, and
  - (b) should the use of the allotment for the purpose for which it was created be abandoned, the caretaker's dwelling must be demolished or rendered permanently incapable of separate habitation.

#### **51 Expanded dwellings**

- (1) Where development for the purpose of a dwelling-house may be carried out, a person may, with development consent:
  - (a) where there is no existing dwelling on the land, erect an expanded dwelling on the land, or
  - (b) alter or add to a dwelling erected on the land so as to create an expanded dwelling.
- (2) Clause 50 applies to development for the purpose of an expanded dwelling pursuant to subclause (1) in the same way as it applies to development for the purpose of a dwelling-house.

#### **52 Dual occupancy in rural areas**

- (1) Where development for the purpose of a dwelling-house may be carried out on land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), or 1 (d) in accordance with the provisions of clause 50 (3), a person may, with development consent:

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- (a) where there is no existing dwelling on the land, erect an attached dual occupancy on the land, or
  - (b) alter or add to a dwelling-house or expanded dwelling erected on the land so as to create an attached dual occupancy.
- (2) Clause 50 applies to development for the purpose of an attached dual occupancy pursuant to subclause (1) in the same way as it applies to development for the purpose of a dwelling-house.

### **53 Advertising structures and signs**

- (1) Consent may be granted to development for the purpose of an advertising structure, but only if:
- (a) the advertising structure is to be used to display a sign or signs specific to the lawfully created use of the site on which the advertising structure is to be erected, and
  - (b) the consent authority is satisfied that the advertising structure will not interfere with the character or amenity of the area, and
  - (c) where the structure will be adjacent to or adjoining the Pacific Highway, the consent authority, having considered any comments received from the RTA within 28 days of the consent authority having sent the RTA a copy of the development application, is satisfied that the advertising structure will not jeopardise or impair traffic safety, and
  - (d) where the structure will be adjacent to or adjoining any road other than the Pacific Highway, the consent authority is satisfied that the advertising structure will not jeopardise or impair traffic safety.
- (2) Consent may be granted to development for the purpose of a sign, but only if:
- (a) the sign is specific to the lawfully created use of the site on which the sign is to be displayed, and
  - (b) the consent authority is satisfied that the sign will not interfere with the character or amenity of the area, and
  - (c) where the sign will be adjacent to or adjoining the Pacific Highway, the consent authority, having considered any comments received from the RTA within 28 days of the consent authority having sent the RTA a copy of the development application, is satisfied that the sign will not jeopardise or impair traffic safety, and

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- (d) where the sign will be adjacent to or adjoining any road other than the Pacific Highway, the consent authority is satisfied that the sign will not jeopardise or impair traffic safety.

**54 Acquisition of land within Zone No 9**

- (1) The owner of any land within Zone No 9 may, by notice in writing, require the RTA to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
- (a) the land is vacant land immediately before the day on which the notice is given, or
  - (b) the land is not vacant, but:
    - (i) the land is included in a 5-year works program of the RTA current at the time of the receipt of the notice, or
    - (ii) the RTA has decided not to give concurrence under subclause (3) 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 public road purposes.
- (3) A person may, with development consent and the concurrence of the RTA, carry out development on land within Zone No 9 if that development:
- (a) may be carried out on land in an adjoining zone, or
  - (b) is compatible with development which may be carried out on land in an adjoining zone.
- (4) In deciding whether to grant concurrence to development under this clause, the RTA must take the following matters into consideration:
- (a) the need to carry out development on the land for the purpose for which the land is reserved, and
  - (b) the imminence of acquisition, and
  - (c) the likely additional cost to the RTA resulting from the carrying out of the development.
- (5) Any development may be carried out on land acquired under this clause, but only with development consent, until such time as the land is required for the purpose for which it was acquired.

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**55 Community use of school facilities or sites**

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not the use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

**56 Relocation of major roads**

- (1) A road or other means of access which forms a junction or intersection with a main road must not be opened without development consent.
- (2) Consent may be granted to the opening of a public road or other means of access forming a junction or intersection with a main road, but only if the consent authority has taken into consideration:
  - (a) the treatment of the junction or the intersection and its location having regard to town and country planning principles and to the safety and convenience of the public, and
  - (b) the effect of opening the road or other means of access on the development of the locality, and
  - (c) any representations received from the RTA within 28 days of the consent authority having sent the RTA a copy of the development application.

**57 Roads, drainage, recreation areas, parking etc**

Notwithstanding any other provision of this plan, development may be carried out on any land, without development consent, for the purpose of roads, stormwater drainage, recreation areas, bush fire hazard reduction works, parking, erosion control, amenity buildings, wetland protection or beach and dune rehabilitation if the development is to be carried out by or on behalf of the Council or another public authority and is not on land within Zone No 7 (a), 7 (f) or 7 (s).

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**58 Classification and reclassification of public land**

- (1) The public land described in Part 1 or 2 of Schedule 8 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 8:
  - (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.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 8, 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 (if any) specified for the land in Column 3 of Part 2 of Schedule 8.
- (4) In this clause, *the relevant amending plan*, in relation to land described in Part 2 of Schedule 8, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (5) The public land described in Part 3 of Schedule 8 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (6) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 8, the Governor approved of subclause (3) applying to the land.

**59 Suspension of certain agreements, covenants and the like**

- (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 agreement, covenant or other like instrument imposing restrictions as to the erection or use of buildings for certain purposes, or as to the use of land for certain purposes, to the extent necessary to serve that purpose, does not apply to development carried out in accordance with this plan.

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- (2) Pursuant to section 28 of the Act, before the making of this plan, the Governor approved of subclause (1).

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Schedule 1 Exempt development

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**Schedule 1 Exempt development**

(Clause 7)

**Note.** Check requirements contained in clause 7 before consulting this Schedule.  
If proposed development does not satisfy the criteria in this Schedule, the development may be able to be carried out with consent and a development application will be required.

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environmental restoration works  
fences  
flagpoles  
fuel tanks  
garage sales  
garden sheds  
goalposts, sight screens and similar ancillary sporting structures  
greenhouses  
home occupations  
horse stables and yards  
internal pathways, driveways, access tracks and creek crossings  
landscaping and gardening  
letterboxes  
minor internal alterations  
minor external alterations and renovations to Class 1 and 10 buildings  
park and street furniture  
paths and staircases installed in public parks and recreation spaces  
pergolas  
playground equipment  
poultry yards  
public meetings  
re-cladding of roofs or walls or repair/maintenance of damaged materials  
retaining walls  
satellite dishes  
scaffolding  
skylight roof windows (non-opening)

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solar and convection water heaters and household power generation units  
stockyards  
street signs  
water heaters (excluding solar systems)  
water tanks—at or above ground level  
windows and glazed areas

**Access ramps for people with disabilities**

**(being the erection and use of access ramps suitable for use by people with disabilities)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

**Not involving a heritage item.**

Maximum height (not including handrails) 1 metre above ground level.

Located a minimum distance of 1 metre from any property boundary.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or premises.

For domestic use only.

Designed and constructed in compliance with AS 1428, *Design for access and mobility*.

Must be visually unobtrusive.

One per dwelling.

**Advertising structures, displays and signs**

**(being the erection of an advertising structure and its use to display a sign, or the use of land to display a sign that is not on an advertising structure)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, or on flood liable land.**

**Requirements applying to all signs (except to the extent of any inconsistency with a specific requirement for the sign below).**

**Not involving a heritage item or within a conservation area.**

Must advertise only businesses or events which are operating legally.

Must not cover mechanical ventilation inlets or outlets.

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Must be of a professional standard and finish.

Must not have total area of more than 5 square metres per premises.

All signs painted on windows must not be opaque and must not cover more than 3 square metres per premises.

Must not be located on any roof or above the line of any guttering, verandah or awning.

**Note.** Signs on the fascia of the verandah or awning are included.

Must not be attached to any tree.

Must not cover more than 25% of any exterior wall.

Must not be illuminated.

Must not be a suspended under awning sign or a vertical or horizontal projecting wall sign.

Must be located on the land or premises to which the sign relates.

If a free-standing structure, must not be higher than 1.8 metres.

Must be visually unobtrusive.

**Any sign not visible from any place outside the site on which it is displayed**

May involve a heritage item or be located within a conservation area.

Must not obstruct views or sunlight to or from any other land.

**Temporary signs (including banners) for social, cultural, political or recreational events**

May involve a heritage item or be located within a conservation area.

Does not include commercial advertising apart from name of event sponsor(s).

Not displayed earlier than 28 days before the event or later than 7 days after the event.

Must be safely constructed and securely fixed to prevent a nuisance or hazard.

Must not be of a design (eg lettering size, style, number of words) or in a location that is a hazard to traffic.

**Note.** Sign erected on or over a public road requires consent under the *Roads Act 1993*.

**Real estate signs**

May involve a heritage item or be located within a conservation area.

The sign must be a real estate sign advertising that the premises on which it is displayed are for sale or lease.

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Must be located on the premises to which the sign relates.

Maximum of 1 sign per agent, with a maximum of 4 signs in total per premises.

Each sign to have a maximum area of:

- (a) in areas zoned for residential or rural uses—1.2 metres x 0.6 metre for a standard sign and 1.2 metres x 0.9 metre for an auction sign,
- (b) in areas zoned for industrial and commercial uses—2.5 square metres.

Must not be attached to a tree.

Erected only during the period for which the property is for sale or lease, except in the case of an auction sign, in which case the sign may be erected no more than four weeks prior to the auction date, and must not be displayed more than 7 days after contracts are exchanged for the sale or lease of the premises.

**Business identification signs in areas zoned for residential uses**

Contains only the name and occupation of the resident.

Maximum of 1 per premises.

Must be located on the premises to which the sign relates.

The sign to have a maximum area of 0.75 square metre.

Must not be located over a public road.

**Suspended under awning signs in areas zoned for commercial uses**

All signs over a public road must be at least 600 millimetres from kerb/roadway edge.

May be illuminated if located within the Urunga central business area.

An illuminated sign must not include any flashing lights.

Maximum of 1 per premises.

Not closer than 3 metres to another under awning sign, whether on the same property or not.

Each sign to have a maximum area of 1.5 square metres.

If the sign extends over a public road, suspended at a height no less than 2.6 metres above ground/pavement level.

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### **Aerials and antennae**

**(being the erection of aerials and antennae and their use for domestic purposes, but not satellite dishes which are dealt with as a separate class of exempt development)**

**Not involving a heritage item or within a conservation area.**

Maximum height 4 metres above adjacent ground level.

The structure must be attached to a building on the property.

To be structurally sound and supported by guy cables where necessary.

Anchoring devices must not compromise the structural integrity or allow moisture penetration of the building.

Clearance from electricity transmission lines must be provided in accordance with relevant electricity authority requirements.

Must be visually unobtrusive.

### **Air conditioning units for dwellings—attached to external walls or ground mounted**

**(being the erection and use of air conditioning units for dwellings where the units are attached to external walls or ground mounted)**

**Not involving a heritage item or within a conservation area.**

Located a minimum of 3 metres from any property boundary.

Noise generated by the air conditioning unit must not be audible inside any habitable room of an adjacent dwelling.

Any work required for the installation of the unit must not reduce the structural integrity of the building.

Any opening created must be adequately weatherproofed.

Must be visually unobtrusive.

### **Ancillary or incidental development**

**(being development on land for the purpose of parking, loading facilities, drainage, pollution control, security or a similar thing that is ancillary or incidental to an existing lawful use of the land)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

**Not involving a heritage item or within a conservation area.**

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No structure is to exceed:

- (a) 10 square metres in area, or
- (b) 2.4 metres in height.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Awnings, canopies and stormblinds on dwellings**

(being the erection and use of awnings, canopies and stormblinds)

**Not on land within an asset protection zone.**

**Not involving a heritage item.**

Maximum area 10 square metres.

Maximum height 3 metres.

Must be visually unobtrusive.

**Barbecues**

(being the erection and use of barbecues)

**Not on flood liable land.**

Maximum area 4 square metres (does not include paved area for seating and the like around the BBQ itself).

Maximum height 1.8 metres.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Note.** Potential smoke and odour nuisance for neighbours should be avoided when choosing the design and location of the BBQ.

**Bird aviaries (for domestic purposes only and not for keeping of fowls—for which, see “poultry yard”)**

(being the erection of bird aviaries and their use for domestic purposes, but not for keeping fowls)

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**Not on land within 50 metres of the bank of a waterbody, on State protected land, or on flood liable land.**

Maximum area 10 square metres.

Maximum height 2.4 metres.

Maximum height of any building, other than a fence or unroofed wire enclosure, 2.4 metres.

Maximum height of any fence or unroofed wire enclosure 1.8 metres.

Any building, other than a fence, must:

- (a) in an urban area, be at least 7 metres from a boundary with a road or other public place and at least 900 millimetres from any other boundary, or
- (b) in a rural area, be at least 20 metres from a boundary with a road or other public place and at least 10 metres from any other boundary.

Located in rear yard only.

One per dwelling.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Note.** Potential noise nuisance for neighbours should be avoided when choosing the location, number and type of birds to be kept.

### **Bus shelters**

**This exemption does not apply within 50 metres of the bank of a waterbody, on State protected land, or on flood liable land.**

Must be suitably designed and constructed by or for the Council.

Must not obstruct the line of sight of vehicular traffic.

Maximum height of 2.4 metres above the footpath.

Maximum area 10 square metres.

Must not include advertising.

Access to shelter must not include any steps or grade greater than the requirements of AS 1428.1:2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*.

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Roof water and water from any hard stand surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Cabanas/gazebos**

**This exemption does not apply within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

Maximum area 10 square metres.

Maximum height of 2.4 metres.

Located in rear yard only.

In an urban area, must be at least 7 metres from a boundary with a road or public place and at least 900 millimetres from any other boundary.

In a rural area, must be at least 20 metres from a boundary with a road or public place and at least 10 metres from any other boundary.

Must comply with the Council's setback requirements.

Not to be used for habitable purposes.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

One per dwelling.

Must be visually unobtrusive.

**Catteries**

**(being the erection of catteries and their use)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

One per dwelling.

Not for commercial use as an animal boarding establishment.

Maximum area 10 square metres.

Maximum height of any building or wire enclosure 2.4 metres.

Any building, other than a fence, must:

- (a) in an urban area, be at least 7 metres from a boundary with a road or other public place and at least 900 millimetres from any other boundary, or

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(b) in a rural area, be at least 20 metres from a boundary with a road or other public place and at least 10 metres from any other boundary.

Located in rear yard only.

Must be visually unobtrusive.

Roof water and other water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

### **Change of use of a shop of one kind to a shop of another kind**

**(being a use for a different kind of shop resulting from such a change)**

**The new use must not be for a shop at which food is prepared and sold.**

**Not involving any change to the appearance of a heritage item or a conservation area (including signs, colours, finishes and the like).**

**Not involving building work.**

The building must have been constructed legally for the purpose of a shop or there must be a current development consent for the use of the premises as a shop.

The new use must not involve use as a shop which is or contains a restricted publications area within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

The curtilage of the shop must not be used for storage or display purposes.

There must be no increase in the amount of floor area used for the shop display area above that specified in any relevant condition of a development consent or, if there is no such condition, above that which the original shop used.

The hours of operation of the new shop must be consistent with any relevant condition of a development consent or, if there is no such condition, not extend outside the hours during which the original shop was used.

Must not involve the generation of offensive noise.

Where a condition of development consent imposed a requirement relating to:

- (a) the provision or maintenance (or both) of landscaping, or
  - (b) the parking of vehicles, or
  - (c) the provision of space for the loading or unloading of goods or vehicles,
- on the use of the shop or on the use of the land on which the shop is created, the requirement applies to or in respect of the use of the new kind of shop.



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**Change of use of a place of public worship of a particular kind to another kind**

(being a use of a place of public worship for a different kind of public worship resulting from such a change)

**Not involving any change to the appearance of a heritage item or conservation area (including signs, colours, finishes and the like).**

**Not involving building work.**

The new use must not create or increase adverse environmental impacts such as noise, movement of motor vehicles, or parking of motor vehicles.

The hours of operation of the new use must not extend outside the hours of the former use.

Where a condition of development consent imposed a requirement relating to:

- (a) the provision or maintenance (or both) of landscaping, or
- (b) the parking of vehicles, or
- (c) the provision of space for the loading or unloading of goods or vehicles, or
- (d) hours of operation,

on the use of the place of public worship or on the use of the land on which the place of public worship is located, the requirement applies to or in respect of the new use of the place of public worship.

Must not involve the generation of offensive noise.

**Change of use of commercial premises to another kind of commercial premises**

(being a different commercial premises use resulting from such a change)

**Not involving any change to the appearance of a heritage item or conservation area (including signs, colours, finishes and the like).**

**Not involving building work.**

The building must have been constructed legally for the purpose of commercial premises or there must be a current development consent for the use of the premises as commercial premises.

The change must not involve commercial premises which are or contain:

- (a) a restricted publications area within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*, or
- (b) a brothel.

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The curtilage of the commercial premises must not be used for storage or display purposes.

The hours of operation of the new commercial premises must not extend outside the hours during which the original commercial premises were used.

Must not involve the generation of offensive noise.

Where a condition of development consent imposed a requirement relating to:

- (a) the provision or maintenance (or both) of landscaping, or
- (b) the parking of vehicles, or
- (c) the provision of space for the loading or unloading of goods or vehicles,

on the use of the commercial premises or on the use of the land on which the commercial premises are located, the requirement applies to or in respect of the use of the new commercial premises.

**Change of use of a social or sporting club (other than a club registered under the Registered Clubs Act 1976), or a community or cultural centre, to any other of these uses**

(being a different use as a social or sporting club, or a community or cultural centre, resulting from such a change)

**Not involving any change to the appearance of a heritage item or conservation area (including signs, colours, finishes and the like).**

**Not involving building work.**

The building must have been constructed legally for the purpose of a social or sporting club (other than a club registered under the *Registered Clubs Act 1976*), community or cultural centre or there must be a current development consent for the use of the premises for such a club or centre.

Where a condition of development consent imposed a requirement relating to:

- (a) the maintenance or provision (or both) of landscaping, or
- (b) the parking of vehicles, or
- (c) the provision of space for the loading or unloading of goods or vehicles,

on the use of the building or on the use of the land on which the building is located, that requirement applies to or in respect of the new use.

Must not involve the generation of offensive noise.

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**Change of use of a building for the purpose of an industry or light industry to another light industry**

(being a use of a building for the purpose of a light industry resulting from such a change)

**Not involving any change to the appearance of a heritage item or conservation area (including signs, colours, finishes and the like).**

**Not involving building work.**

The building must have been constructed legally for the purpose of an industry or a light industry or there must be a current development consent for the use of the premises for an industry or light industry.

Total floor space that may be used for the purpose of the new light industry must not exceed 500 square metres.

The building must have rear service access or access to off-street loading facilities.

The curtilage of the building must not be used for storage or display purposes.

The hours of operation of the new light industry must not extend outside the hours during which the former industry or light industry was carried on, or outside the hours between 6 am and 6 pm, whichever is the more restrictive.

Must not involve the generation of offensive noise.

Where a condition of development consent imposed a requirement relating to:

- (a) the provision or maintenance (or both) of landscaping, or
- (b) the parking of vehicles, or
- (c) the provision of space for the loading or unloading of goods or vehicles,

on the use of the building for the purpose of the industry or light industry or on the use of the land on which the building is located, the requirement applies to or in respect of its use for the purpose of the new light industry.

**Clothes hoists/lines**

**(being the erection of clothes hoists or clothes lines and their use)**

Maximum height 2.4 metres.

Located in rear yard only.

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### **Cubbyhouses**

(being the erection of cubbyhouses and their use)

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

Maximum height of 2.1 metres above natural ground level.

Maximum area of 10 square metres.

Located in rear yard only.

Minimum distance of 3 metres from property boundary.

Not associated with commercial premises.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

One per dwelling.

Must be visually unobtrusive.

### **Damage to vegetation**

(being damage or removal of vegetation as specified below only)

**Note.** Clearing for which the *Native Vegetation Conservation Act 1997* or a regional vegetation management plan under that Act requires consent is not exempt development, despite this item.

**Where the work is carried out within 50 metres of the bank of a waterbody or on flood liable land, it must not disturb the soil except to the minimum extent required for hand removal of the vegetation.**

**If the work involves the disturbance of the ground surface, measures must be taken to prevent soil erosion.**

**Not involving a heritage item.**

**Being, on land within Zone No 2 (a), 2 (b), 3, 4, 5, 6 (a) or 6 (b):**

- (a) damage or removal of any plant (other than a plant that is native to the Bellingen local government area and also within 50 metres of the bank of a waterbody) that:
  - (i) is less than 3 metres in height, and
  - (ii) has a girth of less than 300 millimetres at a height of 1 metre above natural ground surface, and
  - (iii) has a branch spread of less than 3 metres, or
- (b) damage or removal of any vegetation that is an environmental weed, or

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- (c) damage or removal of any vegetation where the base of the trunk or stem is within 4 metres of the face of a lawful existing residential building or a proposed residential building authorised by a current building approval under the *Local Government Act 1993* or development consent under the *Environmental Planning and Assessment Act 1979*, or
  - (d) damage or removal of any vegetation where the damage is essential to the carrying out of construction work authorised by a current approval under the *Local Government Act 1993* or development consent under the *Environmental Planning and Assessment Act 1979*, or
  - (e) removal of a maximum of 10% of the canopy of a tree where the work is necessary for the health of the tree and is designed and carried out in accordance with AS 4373—1996, *Pruning of amenity trees*, or
  - (f) damage or removal of any tree where it can be proved that the tree is a dead tree (not being a heritage item) or that it has become dangerous requiring immediate removal to protect life or to prevent substantial damage to property, or
  - (g) damage or removal, by means not likely to be detrimental to the native ecosystem, of any vegetation declared to be a noxious weed within the Bellingen local government area under the *Noxious Weeds Act 1993*, or
  - (h) damage or removal of any vegetation where directed by the Council for the purpose of bush fire hazard reduction.

**Being, on land within Zone No 1 (a1), 1 (a2), 1 (c2), 1 (c3), 1 (d) or 7 (s):**

- (a) damage or removal of any vegetation that is an environmental weed, or
- (b) damage or removal of any vegetation that is not native to the Bellingen local government area, or
- (c) damage or removal of any plant that:
  - (i) is not within Zone No 7 (s) or 50 metres of the bank of a waterbody, and
  - (ii) is less than 3 metres in height, and
  - (iii) has a girth of less than 300 millimetres at a height of 1 metre above natural ground surface, and
  - (iv) has a branch spread of less than 3 metres, or
- (d) damage or removal of any vegetation where the base of the trunk or stem is within 4 metres of the face of a lawful existing residential building or a proposed residential building authorised by a current building approval under the *Local Government Act 1993* or development consent under the *Environmental Planning and Assessment Act 1979*, or

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- (e) damage or removal of any vegetation where the damage is essential to the carrying out of construction work authorised by a current approval under the *Local Government Act 1993* or development consent under the *Environmental Planning and Assessment Act 1979*, or
- (f) removal of a maximum of 10% of the canopy of a tree where the work is necessary for the health of the tree and is designed and carried out in accordance with AS 4373—1996, *Pruning of amenity trees*, or
- (g) damage or removal of any tree where it can be proved that the tree is a dead tree (not being a heritage item) or that it has become dangerous requiring immediate removal to protect life or to prevent substantial damage to property, or
- (h) damage or removal, by means not likely to be detrimental to the native ecosystem, of any vegetation declared to be a noxious weed within the Bellingen local government area under the *Noxious Weeds Act 1993*, or
- (i) damage or removal of any vegetation within 3 metres of the boundary between land owned by different persons where that damage or removal is necessary to allow the erection or maintenance of a dividing fence between those lands, or
- Note.** The consent of the owner (including the Council, in the case of road boundaries) of the land on which the vegetation is growing is required prior to the undertaking of work.
- (j) damage or removal of any vegetation within 0.5 metre of the boundary between land owned 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*, or
- Note.** The consent of the owner (including the Council, in the case of road boundaries) of the land on which the vegetation is growing is required prior to the undertaking of work.
- (k) damage or removal of vegetation, not within Zone No 7 (s), involving only the selective cutting of individual trees:
- (i) where such trees are obtained from land that is generally forested, and
  - (ii) where such trees are to be used for the purpose of obtaining wood for fence posts, stockyards, farm buildings, firewood, bridges and the like on the same holding, and
  - (iii) where the cutting is to be carried out on a sustainable yield basis by which no more than 5% of the trees on the holding are removed in any year, or
- (l) damage or removal of any vegetation on land within Zone No 1 (a1) involving only the clearing of regrowth which is:
- (i) less than 6 metres in height, and
  - (ii) not within 50 metres of a waterbody, and

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- (iii) on land that is classified as Class 1, 2 or 3 agricultural land by the Director-General of the Department of Agriculture, or
- (m) damage or removal of any vegetation where directed by the Council for the purpose of bush fire hazard reduction.

### Dams

**(being the carrying out of a work for the purpose of a dam and use of the dam)**

**On land within Zone No 1 (a1) or 1 (a2) only.**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or on a permanent watercourse.**

Disturbs an area less than 0.25 hectare—including the earthworks for construction of the dam and the area to be inundated.

Area of dam, including area to be inundated, must be at least 10 metres from any property boundary.

The dam and overflow provision must be designed to accommodate the 5% AEP storm event without nuisance to neighbouring or downstream properties.

Maximum of two per property.

Must not be located within 40 metres of any on-site sewage management system.

**Note 1.** Before starting work you should ensure that the walls will be stable and the dam will hold water.

**Note 2.** The *NSW Government Farm Dams Policy* (also known as the *Farm Dams Assessment Guide* and published in August 1999 by the Department of Land and Water Conservation) allows for dams to be constructed in certain circumstances without a Water Act licence. Other dams require a licence. The landowner should ensure the proposal complies with the policy or consult with DLWC before constructing a farm dam.

### Decks/patios (unroofed and attached to dwellings)

**(being erection of unroofed decks or patios that are attached to dwellings and their use)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

**Not involving a heritage item or within a conservation area.**

Maximum area 10 square metres.

Finished surface level to be not greater than 1 metre above existing ground level.

Must not affect the structural integrity of the dwelling.

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In an urban area, must be at least 7 metres from a boundary with a road or public place and at least 900 millimetres from any other boundary.

In a rural area, must be at least 20 metres from a boundary with a road or public place and at least 10 metres from any other boundary.

Must not unreasonably impact on privacy of neighbouring properties.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

One per dwelling.

Must be visually unobtrusive.

### **Demolition**

**(being the demolition of a building or work)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

**Not involving a heritage item.**

Only if:

- (a) the demolition is required by an order under section 121B of the Act, or
- (b) the demolition is of a building or work (other than a retaining wall), the construction of which would be exempt development under this plan.

Must be carried out to AS 2601—2001, *Demolition of structures*.

No materials, goods or machinery are to be stored, placed or otherwise permitted to stand on any public place.

Where the work involves or affects a public place, the person undertaking the work must produce evidence of public liability insurance cover for a minimum of \$10 million to the Council prior to the commencement of any work.

Must not involve the generation or handling of any hazardous or intractable waste.

No demolition materials are to be burnt or buried on the site.

Must not cause nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise or the like.

Waste materials must be disposed of in an approved waste management facility.

**Note.** The WorkCover Authority has advised that:

- (a) all care should be taken in work involving the removal of lead paint to avoid lead contamination, and



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- (b) the work must comply with the WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement*, published in June 2002.

**Dog kennels and runs**

(being the erection of dog kennels and runs and their use)

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

One per dwelling.

Not for commercial use as an animal boarding establishment.

Maximum area 10 square metres.

Maximum height of any building, other than a fence or unroofed wire enclosure, 2.4 metres.

Maximum height of any fence or unroofed wire enclosure 1.8 metres.

Any building, other than a fence, must:

- (a) in an urban area, be at least 7 metres from a boundary with a road or other public place and at least 900 millimetres from any other boundary, or
- (b) in a rural area, be at least 20 metres from a boundary with a road or other public place and at least 10 metres from any other boundary.

Located in rear yard only.

Must be visually unobtrusive.

**Environmental restoration works****General**

Being any of the following:

- (a) removal of exotic species (that is, not naturally occurring local species) of vegetation followed by seeding or planting of vegetation in the disturbed area within 2 weeks of the cessation of the disturbance,
- (b) planting of trees, shrubs and other plants for revegetation purposes, not involving forestry, and consisting of locally occurring native species only,

**Note.** Plants to be used should be of local provenance where possible.

- (c) removal of exotic species growing within a native vegetation remnant that has been fenced for the protection of the native vegetation, but only if removal is in a manner not detrimental to remaining vegetation,
- (d) removal of noxious weeds by means not detrimental to the native ecosystem.

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Must not involve the reshaping of the ground surface.

Must not interfere with flood behaviour, except in a beneficial way.

**Special provisions—work within 20 metres of the banks of a waterbody (must comply with the above and also the following):**

Removal of exotic species only and only by a means that does not involve the disturbance of the soil except to the minimum extent required for hand removal. Work may constitute any of the following methods: hand removal, cut and paint stump or stem injection.

Must involve revegetation, being planting with locally occurring native species of local provenance from the toe of the bank to at least 2 rows out from the top of the bank (extending at least 10 metres from the top of the bank in the tidal zone, at least 5 metres in other areas) in accordance with any revegetation guidelines prepared by the Department of Land and Water Conservation for that locality current at the time the works are carried out.

**Note.** The further the planting extends out from the bank the better.

The work must not have a detrimental effect on riverbank stability.

## **Fences**

**(being the erection and use of fences, other than fences required by the Swimming Pools Act 1992)**

**Not involving a heritage item or within a conservation area.**

**General requirements—all fences**

All fences are to be constructed so that they:

- (a) do not prevent the natural flow of stormwater drainage/run off, and
- (b) are not likely to cause damage to structures or vegetation should the fence be damaged in a flood, and
- (c) are of post and wire or rail construction permeable to flood waters if on flood liable land.

Must not involve the reshaping of the land surface.

Must be visually unobtrusive.

**Side fences (between the building line and a street or any other public place) and front fences**

If constructed of timber, metal or lightweight materials:

- (a) site area less than 2,000 square metres—maximum height 1 metre, or
- (b) site area more than 2,000 square metres—maximum height 1.8 metres.

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If constructed of masonry or brick—maximum height 500 millimetres.

**Side fences (between the building line and the rear boundary) and rear boundary fences**

If constructed of timber, metal or lightweight materials—maximum height 1.8 metres.

If constructed of masonry or brick—maximum height 500 millimetres.

**Security fences**

Only if:

- (a) chain wire type fences around Council-owned compounds and depots, or
- (b) chain wire type fences around land within Zone No 4 (the Industrial Zone) with the fence setback a minimum of 6 metres from any road boundary.

**Electric fences**

To be erected in accordance with AS 3014—1991, *Electrical installation—Electric fences*, if connected to mains power supply.

Not adjacent to areas subject to regular pedestrian access in built up areas.

**Fences for the control of livestock**

Constructed of posts and wire or rails.

Construction must not involve damage to vegetation (unless that damage is, in itself, exempt development).

**Fences—to protect riverbanks, revegetation and rehabilitation works or remnant native vegetation**

Fencing must be located to ensure access for maintenance of the fence over its expected life.

Must not cause obstruction to water flow, including floodwaters.

Must be constructed of normal rural fencing materials and must not be of solid construction (for example, must not be of brick, stone, concrete block, corrugated iron or steel panel construction).

**Fences to protect forestry plantations/orchards/crops and internal paddock dividing fences**

Fencing must be located to ensure access for maintenance of the fence over its expected life.

Must not cause obstruction to water flow, including floodwaters.

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Must be constructed of normal rural fencing materials and must not be of solid construction (for example, must not be of brick, stone, concrete block, corrugated iron or steel panel construction).

**Note.** These requirements do not set aside the provisions of the *Dividing Fences Act 1991*. You are advised to talk to your neighbour at an early stage and consult the *Dividing Fences Act 1991*.

### **Flagpoles**

**(being the erection and use of flagpoles)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

**Not within a conservation area.**

Maximum height 6 metres above ground level.

Must not project beyond property boundaries.

Maximum flag area 3 square metres.

Ropes or cables used as stays or halyards must be adequately tensioned to prevent flogging.

Flag must not display advertising material.

One per dwelling.

### **Fuel tanks**

**(being the erection and use of fuel tanks and their stands)**

**Only on land within Zone No 1 (a1) or 1 (a2).**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

Maximum size 1,500 litres.

Above ground tanks only.

Located a minimum of 50 metres from any property boundary.

Maximum height 3 metres.

Constructed of prefabricated metal, free-standing and not relying on other structures for support, and erected in accordance with manufacturer's specifications.

Kept in accordance with AS 1940—1993, *The storage and handling of flammable and combustible liquids*.

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Clearance from power lines to be in accordance with relevant electricity authority requirements.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

One per dwelling.

Must be visually unobtrusive.

### **Garage sales**

**(being the use of a garage and the curtilage of a dwelling for the purpose of selling miscellaneous items)**

Sale of personal items by permanent residents of the dwelling only.

No more than 48 hours duration.

Maximum of 2 per year.

A sign advertising the sale up to 1 square metre in size may be erected on the site on the day of the sale. Any such sign must not be attached to a tree.

### **Garden sheds**

**(being the erection and use of garden sheds)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land, on flood liable land or within an asset protection zone.**

Maximum floor area 10 square metres.

Maximum height 2.1 metres.

Must be located in the rear yard.

In an urban area, must be at least 7 metres from a boundary with a road or public place and at least 900 millimetres from any other boundary.

In a rural area, must be at least 20 metres from a boundary with a road or public place and at least 10 metres from any other boundary.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

One per dwelling.

Must be visually unobtrusive.

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### **Goal posts, sight screens and similar ancillary sporting structures**

(being the erection of goal posts, sight screens and similar ancillary sporting structures (but not grandstands, dressing sheds and other structures which accommodate people) on sporting or playing fields and their use in connection with sporting events)

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

Only in the following circumstances:

- (a) if located in public parks or recreation areas and constructed by or for the Council, or
- (b) if located on school premises.

Must be installed in accordance with relevant Australian Standards and the *Building Code of Australia*.

### **Greenhouses**

(being the erection and use of greenhouses)

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

Maximum area 10 square metres.

Maximum height of 2.4 metres.

Located in rear yard only.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

One per dwelling.

Must be visually unobtrusive.

### **Home occupations**

(not including the operation of bed and breakfast style accommodation)

**Note.** *Home occupation* is defined in the Dictionary.

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**Horse stables and yards****(being the erection and use of horse stables and yards)****Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.****On land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3), 1 (d), or 4 only.**

Maximum area 20 square metres.

Maximum height of any building, other than a fence, 3.5 metres.

Maximum height of any fence or unroofed yard 1.8 metres.

Any building, other than a fence, must:

- (a) in an urban area, be at least 7 metres from a boundary with a road or other public place and at least 900 millimetres from any other boundary, or
- (b) in a rural area, be at least 20 metres from a boundary with a road or other public place and at least 10 metres from any other boundary.

Erected at least 30 metres from any dwelling not associated with the stable, public hall, school or premises used for the manufacture, preparation, sale or storage of food.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Internal pathways, driveways, access tracks and creek crossings****(being the construction and use of pathways, driveways, access tracks or creek crossings)**

Used for:

- (a) access to a private home and ancillary buildings, legally erected, on land held in the one ownership, unless any relevant approval or consent for those structures contains specific requirements for the construction, maintenance or use of access, or
- (b) stock and vehicle movements within land held in the one ownership for the purposes of normal farm management and operation.

Any crossing of a waterbody or gully must be in accordance with a permit issued for the work under section 3A of the *Rivers and Foreshores Improvement Act 1948*, where such permit is required.

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Not involving the construction of roads or tracks involving the alteration of natural landform.

Not involving the construction of any bridge or causeway or similar structure or work, or the excavation or alteration of any bank.

To be structurally sound and of stable construction with adequate reinforcement.

Not to be elevated or suspended above natural ground level.

### **Landscaping and gardening**

**(being development such as landscaping, gardening, the carrying out and use of paving or the erection and use of minor structures (for example, fountains, birdbaths or ponds) that is ordinarily incidental or ancillary to a lawful use authorised by an approval or development consent, or that does not require such approval or consent)**

**Not involving a heritage item.**

Any ancillary structure must be erected at least 1 metre from the boundary of the site and extend no more than 3 metres above natural ground level.

Any ancillary structure must not cover more than 10 square metres.

Must not involve excavation deeper than 500 millimetres below natural ground level.

The disturbed area must not be more than 150 square metres.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must not involve the planting of any environmental weed.

### **Letterboxes**

**(being the erection and use of letterboxes that are free standing or in “banks”)**

Maximum height of 1.2 metres above ground level.

Number of boxes not to exceed the total number of dwellings and businesses on the site.

Must be accessible to people with disabilities (if servicing more than a single residence).

Must not contravene any condition of any development consent applying to the site.

Must not be visually unobtrusive.

Must be located on private land (not on the road reserve—footpath, road verge etc).



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**Minor internal alterations**

(being replacement of doors, walls, ceilings or floor linings, and deteriorated frame members, with the same, equivalent or similar materials that are compatible with the existing building, and renovations of bathrooms, kitchens, and the inclusion of built-in fixtures such as vanities, cupboards and wardrobes)

Not involving a heritage item or within a conservation area.

**Residential premises**

The building must have been lawfully erected.

Applies only to alterations or renovations to previously completed buildings.

Must not include changes to the configuration of rooms whether or not by changes to openings, existing walls, partitions or other means of structural support.

Work must not change window arrangements for light and ventilation needs, reduce a doorway for egress purposes or involve enclosure of an open area.

**Commercial premises**

Alteration or renovations involving fixtures and fittings in food premises are not included in this item.

Non-structural works such as shelving, displays and benches and partitions that do not provide structural support to any part of the building are included in this item.

Existing floor area not to exceed 200 square metres.

Work must not compromise fire safety or access to a fire exit.

Must not involve a change in the use of any part of the building.

Must not include changes to the configuration of rooms whether by changes to openings, existing walls, partitions or other means of structural support.

Must not change window arrangements for light or ventilation needs, reduce the size of a doorway for egress purposes or involve enclosure of an open area.

The building must have been lawfully erected.

**Note 1.** The WorkCover Authority has advised that:

- (a) all care should be taken in work involving the removal of lead paint to avoid lead contamination, and
- (b) the work must comply with the WorkCover Authority's *Your Guide to Working with Asbestos*, published in June 2002.

**Note 2.** The alteration should not affect the structural strength and stability of the building. For example, external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal of internal walls without considering overall strength and stability may result in failure of the structure. You are advised to contact a structural engineer, architect or

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building surveyor before commencing alterations to ensure you comply with the *Building Code of Australia* (BCA) and will not affect the structural sufficiency and stability of the building. Compliance with the BCA is a requirement for all exempt development involving a building.

### **Minor external alterations and renovations to Class 1 and 10 buildings only**

**(being the painting, repair, renewal or recladding of doors, roofs or walls, but not including removal or reduction in size of windows)**

**Not involving a heritage item or within a conservation area.**

Must only involve replacing existing materials with the same or similar materials which are compatible with the existing building and finish.

Must not involve structural alterations or change to the external configuration of the building.

Selection of colour and materials must complement the neighbourhood amenity.

Must be visually unobtrusive.

**Note 1.** The WorkCover Authority has advised that:

- (a) all care should be taken in work involving the removal of lead paint to avoid lead contamination, and
- (b) the work must comply with the WorkCover Authority's *Your Guide to Working with Asbestos*, published in June 2002.

**Note 2.** The alteration should not affect the structural strength and stability of the building. For example, external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal of internal walls without considering overall strength and stability may result in failure of the structure. You are advised to contact a structural engineer, architect or building surveyor before commencing alterations to ensure you comply with the *Building Code of Australia* (BCA) and will not affect the structural sufficiency and stability of the building. Compliance with the BCA is a requirement for all exempt development involving a building.

### **Park and street furniture**

**(being the erection and use of seats, bins, picnic tables, drinking fountains, street lights or minor shelters not including bus shelters)**

Construction by or for the Council and designed, fabricated and installed in accordance with relevant Australian Standards and the *Building Code of Australia*.

Located on land under the control of the Council.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

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**Paths and staircases installed in public parks and recreation spaces**  
(being the construction of paths and staircases in public parks and recreation spaces and their use)

Constructed by or for the Council.

Designed, fabricated and installed in accordance with the *Building Code of Australia* (Section B) and AS 4100—1998, *Steel structures*, AS 1720, *Timber structures* and AS 3600—2001, *Concrete structures*.

Must comply with the *Australian National Parks and Wildlife Service Walking Track Management Manual* standards if applicable.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Works must not adversely affect the stability of the bed or bank or the flow of water in a waterbody.

Must be visually unobtrusive.

Where the land is a Crown reserve, works are to be in accordance with a plan of management under the *Crown Lands Act 1989*.

**Pergolas**

(being the erection and use of open pergolas supported from ground level)

**Note.** Roofed or enclosed pergolas require consent.

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

**Not involving a heritage item unless the pergola is to be in the rear yard.**

Maximum area 20 square metres.

Maximum height 2.4 metres.

In an urban area, must be at least 7 metres from a boundary with a road or public place and at least 900 millimetres from any other boundary.

In a rural area, must be at least 20 metres from a boundary with a road or public place and at least 10 metres from any other boundary.

No roof or wall cladding.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

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Maximum of two per site.

Must be visually unobtrusive.

### **Playground equipment**

**(being the erection and use of playground equipment)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

#### **General—all equipment**

Structure must be at least 1.2 metres away from a pool safety fence measured in accordance with clause 2.3 of AS 1926, *Swimming pool safety*.

Must be installed in accordance with manufacturer's instructions and comply with relevant AS 1924, *Playground equipment for parks, schools and domestic use* and AS 2555—1982, *Supervised adventure playgrounds—Guide to establishment and administration*.

Rear yard only.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

#### **In conjunction with a residence**

Maximum height 2.4 metres.

#### **Not in conjunction with a residence**

Maximum height 2.4 metres.

Maximum ground coverage 10 square metres.

Adequate safety arrangements, including soft landing surfaces, to be provided.

#### **On community land as defined in the Local Government Act 1993**

Must be constructed by or for the Council.

#### **On school premises**

Only to be used for school purposes.

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**Poultry yards****(being erection of a poultry yard and its use only for the keeping of chickens, hens and roosters, guinea fowls, turkeys, geese and ducks)****Not on land within 50 metres of the bank of a waterbody or on flood liable land.**

If for the purpose of housing fowls (including guinea fowls), the yard must not be erected within 4.5 metres of a dwelling not associated with the yard, a public hall, a school or any premises used for the manufacture, preparation, sale or storage of food.

If for the purpose of housing poultry other than fowls, the yard must not be erected within 30 metres of any building referred to above.

The floors of poultry housing must be paved with concrete or mineral asphalt underneath the roosts or perches. This requirement does not apply to poultry yards:

- (a) that are more than 15.2 metres from the nearest dwelling not associated with use of the yard, or from the nearest public hall or school, or
- (b) that are situated on clean sand.

Maximum area of 10 square metres and a maximum of 6 adult birds in Zone No 2 (a) or 2 (b).

Maximum area of 50 square metres in zones other than Zone No 2 (a) or 2 (b).

Maximum height of any building, other than a fence or unroofed wire enclosure, 2.4 metres.

Maximum height of any fence or unroofed wire enclosure 1.8 metres.

Any building, other than a fence, must:

- (a) in an urban area, be at least 7 metres from a boundary with a road or other public place and at least 900 millimetres from any other boundary, or
- (b) in a rural area, be at least 20 metres from a boundary with a road or other public place and at least 10 metres from any other boundary.

Adequate drainage must be provided.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Located in rear yard only.

One per dwelling.

Must be visually unobtrusive.

**Note.** Consideration should be given to avoiding potential noise nuisance for neighbours when choosing the location, and the number and type of birds to be kept.

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### **Public meetings**

(being the use of a class 9b building for the purpose of a public meeting)

### **Re-cladding of roofs or walls or repair/maintenance of damaged materials**

**Not involving a heritage item.**

Must only involve replacing existing materials with similar materials, which are compatible with the existing building and finish.

Re-cladding must not involve structural alterations or change to the external configuration of a building.

The building must have been lawfully erected.

Must be visually unobtrusive.

**Note.** The WorkCover Authority has advised that:

- (a) all care should be taken in work involving the removal of lead paint to avoid lead contamination, and
- (b) the work must comply with the WorkCover Authority's *Your Guide to Working with Asbestos*, published in June 2002.

### **Retaining walls**

(being the construction and use of retaining walls)

**Not on land within 50 metres of the bank of a water body or on flood liable land.**

This exemption does not apply to retaining walls that provide structural support to buildings or roadways.

Maximum height 600 millimetres.

Masonry walls to comply with:

- (a) AS 3700—2001, *Masonry structures*,
- (b) AS 3600—2001, *Concrete structures*,
- (c) AS 1170, *Minimum design loads on structures*.

Timber walls to comply with:

- (a) AS 1720, *Timber structures*,
- (b) AS 1170, *Minimum design loads on structures*.

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All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage and run-off.

Must be located at least 1 metre from any property boundary.

Water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Satellite dishes**

**(being the erection and use of satellite communications dishes)**

**Not involving a heritage item or within a conservation area.**

**On residential properties**

Must be for domestic use only.

Maximum height: ground mounted—1,800 millimetres; roof mounted—800 millimetres.

Maximum diameter 1,000 millimetres.

One per dwelling.

Not visible from a public place.

A minimum of 900 millimetres from a property boundary.

If roof mounted, located on rear section of roof, below ridge line of roof.

Must be visually unobtrusive.

**On commercial properties**

Maximum height: ground mounted—1,800 millimetres; roof mounted—1,200 millimetres.

Maximum diameter 1,000 millimetres.

Situated a minimum of 900 millimetres from the boundary if the adjoining property is residential.

One installation per property.

Not visible from a public place.

If roof mounted, located on rear section of roof.

Must be visually unobtrusive.

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Schedule 1

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### **Scaffolding**

**(being the erection and use of scaffolding)**

Not to encroach onto footpath or public thoroughfare.

To have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble.

Must enclose the work area.

Must comply with AS 1576, *Scaffolding*.

**Note.** All scaffolding must meet relevant WorkCover Authority requirements.

### **Skylight roof windows (non-opening)**

**(being the installation of non-opening skylight roof windows)**

**Not involving a heritage item.**

Maximum area of skylight not to exceed 1 square metre.

Located not less than 900 millimetres from a property boundary and not less than 900 millimetres 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 must be adequately weatherproofed.

Installation must be to manufacturer's instructions.

Must be visually unobtrusive.

**Note.** Consideration should be given to the impact of a skylight on the heat load of the building.

### **Solar and convection water heaters and household power generation units**

**(being the installation and use of convection water heaters and household electric power generation units)**

**Not involving a heritage item if visible from the outside of the building.**

Installed to manufacturer's specifications and requirements.

Installed by a licensed tradesperson.

Associated building work must not reduce the structural integrity of the building or involve structural alterations.

Any openings created by an installation must be adequately weatherproofed.

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Schedule 1 Exempt development

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Must be installed flush with the roof unless it is not visible from a public place.

Must be visually unobtrusive.

### **Stockyards**

**(being the erection and use of stockyards)**

**On land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3) or 1 (d) only.**

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

To be used in conjunction with normal agricultural activities carried out on the land only.

Roofed area not greater than 20 square metres.

Does not alter or create a new access onto a public road.

A stock truck must be able to manoeuvre to and from the loading race in a manner not dangerous to traffic and to stand wholly off the public road carriageway to load and unload livestock, if the structure is designed for this purpose.

Located more than 200 metres from the nearest dwelling not located on the same property and more than 100 metres from the nearest waterbody.

Fences must be structurally sound and capable of restraining stock.

No height restriction for fences.

Roof water and water from any hard surface must be disposed of in a manner that does not cause nuisance to any person or on any premises.

Must be visually unobtrusive.

**Note.** Consent is required where it is proposed to handle stock on a commercial basis not involved with production on the property.

### **Street signs**

**(being the erection of street signs comprising name plates, directional signs and advance traffic warning signs)**

Construction or installation by or for the Council.

Must be structurally sound.

To be designed, fabricated and installed in accordance with relevant Australian Standards.

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Exempt development

Schedule 1

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**Water heaters (excluding solar systems)**

**(being the installation and use of water heaters, excluding solar water heating systems)**

The work must not reduce the structural integrity of the building or involve structural alterations.

Installation to be carried out by a licensed person.

Must be inside a building or in the rear yard.

**Water tanks—at or above ground level**

**(being the installation or erection of water tanks at or above ground level and their use)**

**Not on land within 50 metres of the bank of a waterbody, on State protected land or on flood liable land.**

**Not within a conservation area.**

Located in rear yard only.

Not to be located on a support stand with an average height of more than 600 millimetres above ground level.

Maximum overall height 3 metres.

Installation and stands are to be structurally sound and comply with the manufacturer's specifications.

Rural areas maximum 50,000 litres capacity per tank.

Urban areas maximum storage capacity of 10,000 litres.

In an urban area, must be at least 7 metres from a boundary with a road or public place and at least 900 millimetres from any other boundary.

In a rural area, must be at least 20 metres from a boundary with a road or public place and at least 10 metres from any other boundary.

Tank not to rest on footing of building or rely upon wall for support.

Where reticulated water is provided, tank must not be interconnected with any system supplying drinking water unless fitted with mechanical backflow prevention devices in accordance with AS 2845, *Water supply—backflow prevention devices*.

Provision must be made to prevent overflow creating a nuisance or erosion.

Must be visually unobtrusive.

**Note.** This exemption does not apply to installations below ground or on land that requires excavation.

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**Windows and glazed areas**

**(being the replacement of windows and glazed areas of residential premises)**

Must only involve replacing existing materials with the same materials or similar materials that are compatible with the existing building and finish.

Replacement must be with materials that comply with:

- (a) AS 1288—1994, *Glass in buildings—Selection and installation*, and
- (b) AS/NZS 2208:1996, *Safety glazing materials in buildings*.

Must not reduce the area provided for light or ventilation.

Must not involve removal or alteration of structural support members.

**Note.** The WorkCover Authority has advised that all care should be taken in work involving the removal of lead paint to avoid lead contamination and the Authority's *Your Guide to Working with Asbestos*, published in June 2002, should be referred to for any work involving asbestos cement.

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Complying development

Schedule 2

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## Schedule 2 Complying development

(Clause 8)

**Note.** Check requirements contained in clause 8 before consulting this Schedule.

A reference in this Schedule to a code or policy of the Council is to the code or policy as in force when this plan commenced, unless this Schedule provides otherwise.

### Bed and breakfast accommodation

**(being the use of an existing lawful dwelling-house for the temporary accommodation of visitors for commercial purposes)**

**Within Zone No 2 (a) or 2 (b) only.**

Does not include the display of signs.

**Note.** See separate provisions about display of signs.

The owner or operator must be a permanent resident of the dwelling-house.

The dwelling-house to contain a maximum of 4 bedrooms.

Only one bedroom, to accommodate a maximum of 2 persons only, is to be used for visitor accommodation.

A minimum of 2 bathrooms are provided in the dwelling-house, one for residents, one for visitors.

**Note.** Construction of an additional bathroom requires a development application unless it is within another category of complying development.

The dwelling-house must be connected to a reticulated sewer system.

The dwelling-house must not contain any facilities in the visitor room for the preparation of food by guests (eg kitchen, sink and the like).

A fire safety system that complies with Part 3.7 of Volume 2 of the *Building Code of Australia* is in the dwelling-house.

A portable fire extinguisher and fire blanket must be installed in the kitchen.

Car parking, in accordance with the Council's *Off Street Vehicle Parking Code*, is provided. One car parking space for the permanent residents of the dwelling-house and one space for the bedroom used for visitor accommodation must be provided.

Access and facilities for persons with disabilities must be fully provided in accordance with AS 1428.1:2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*. This includes the provision of an

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Schedule 2      Complying development

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accessible car parking space in accordance with the standard. An accessible, continuous path of travel must be available from that space to the dwelling-house.

Vehicular access complies with or will be reconstructed to comply with the Council's *Vehicular Access (Investigation, Design and Construction) Policy*.

Meets all relevant criteria in this item without:

- (a) damage to vegetation, unless that damage is exempt development,
- (b) construction within the dripzone of any plant, unless its damage or removal is exempt development.

**Note.** If alterations or additions to a dwelling-house are needed to allow its use for bed and breakfast accommodation, the next item may apply.

### **Alterations and additions to dwelling-houses**

**(being alterations or additions to a lawfully erected single-storey dwelling-house)**

**On land within Zone No 2 (a) or 2 (b) only.**

**Not on land within 50 metres of the bank of a waterbody.**

Must not involve the creation of an attached dual occupancy.

Must comprise less than a 50% increase in the existing floor area of the dwelling-house.

Must not involve the creation of more than 5 rooms capable of being used as bedrooms.

Must be connected to reticulated sewer system.

The site coverage ratio must be no greater than 0.5:1.

Slope of natural ground level within the principal development area must not exceed 20%.

The building, after the alterations and additions, must have no more than one room that is capable of being used as a kitchen.

Must not result in building higher than a single storey.

Car parking, in accordance with the Council's *Off Street Vehicle Parking Code*, is provided.

Meets all relevant criteria in this Schedule and the outcomes specified for the development in Schedule 3 without:

- (a) damage to vegetation, unless that damage is exempt development, or

Bellingen Local Environmental Plan 2003

Complying development

Schedule 2

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- (b) construction within the dripzone of any plant, unless its damage or removal is exempt development.

### **Outcomes required for bed and breakfast accommodation—Group A**

#### **Garages and carports**

**(being the erection and use of garages and carports associated with single dwelling-houses)**

**On land within Zone No 2 (a), 2 (b) or 3 only.**

The allotment on which the garage or carport is erected must have an area of at least 450 square metres.

Meets all relevant criteria in this Schedule and the outcomes specified for the development in Schedule 3 without:

- (a) damage to vegetation, unless that damage is exempt development, or
- (b) construction within the dripzone of any plant, unless its damage or removal is exempt development.

### **Outcomes required for garages and carports—Group A**

#### **Swimming pools**

**(being development for the purpose of a swimming pool on an allotment larger than 450 square metres where the pool is ancillary to a single dwelling-house on the same allotment that is occupied for private use only)**

Backwash must be discharged to the Council's reticulated sewer system in accordance with AS/NZS 3500.2.2:1996, Part 2.2: *National Plumbing and Drainage—Sanitary plumbing and drainage—Acceptable solutions*, Section 10.9 and Figure 10.2, where sewer is available or comply with the principles of AS/NZS 1547:2000, *On-site domestic wastewater management*.

Meets all relevant criteria in this Schedule and the outcomes specified for the development in Schedule 3 without:

- (a) damage to vegetation, unless that damage is exempt development, or
- (b) construction within the dripzone of any plant, unless its damage or removal is exempt development.

### **Outcomes required for swimming pools—Group B**

Bellingen Local Environmental Plan 2003

Schedule 3 Required outcomes for complying development

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### **Schedule 3 Required outcomes for complying development**

(Clause 8)

#### **Group A—Alterations and additions to dwelling-houses, garages and carports**

##### **Streetscape**

Each part of the structure complies with any building setback or other siting requirement specified for the land in an environmental planning instrument or development control plan.

The site is not cut or filled so as to alter a level by more than 1 metre.

Carports and garages facing a public road or accessway have a width of not more than 50% of the frontage or 6 metres, whichever is the lesser.

The original height of the building is unaltered, with a maximum height for the new work of 5 metres.

Roof forms match those of the existing building and complement adjacent buildings.

Must be visually unobtrusive.

Garage doors, when open, do not impede traffic (vehicular or pedestrian) on the public road or accessway.

Materials match existing materials.

Window frames match the existing.

Sheet metal cladding is not used for external walls.

A dwelling-house facing a public road or accessway has a front door or window, at least 1 square metre in area, to a habitable room facing the street.

##### **Bulk and scale**

The finished floor level of the structure at any point is not more than 500 millimetres above natural ground level.

The roof pitch matches the existing (to a maximum of 30°) and any roof openings are flush with the roof pitch.

The main area of private open space of any adjoining property, to a maximum of 100 square metres, and any habitable rooms in that property, are not in shadow between 10 am and 3 pm on 21 June, as a result of the development.

Bellingen Local Environmental Plan 2003

Required outcomes for complying development

Schedule 3

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The external wall of each structure affected by the proposed development is at least 900 millimetres from the nearest side boundary and the rear boundary.

**Privacy and security**

Windows in a habitable room that are within 9 metres of, and allow an outlook to, a window of a habitable room in a neighbouring dwelling:

- (a) are offset from the edge of one window to the nearest edge of the other by a distance of at least 0.5 metre, or
- (b) have sill heights of at least 1.7 metres above floor level, or
- (c) have fixed obscure glazing in any part of the window below 1.7 metres above floor level,

unless the properties are separated by a common boundary fence that interrupts the view between the windows.

**Open space and landscaping**

A minimum of 35% of the site is maintained as soft landscaping, that is, not be covered by a building or an impervious surface.

Not more than 35% of the front setback area is paved or sealed.

An area of private open space is provided for the dwelling at the rate of at least 50 square metres per 1 or 2 bedroom dwelling, and at least 80 square metres for dwellings containing 3 or more bedrooms.

The private open space is directly accessible from the main living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.

The private open space is not located between the dwelling and the front boundary.

The private open space is not in shadow between 10 am and 3 pm on 21 June.

One part of the private open space has an area of 25 square metres with a minimum dimension of 4 metres, maximum grade of 12.5% and is directly accessible from the main living area in the dwelling.

To be counted as private open space, an area must not have any dimension less than 2.5 metres.

**Site access and circulation**

Maximum of 1 driveway per allotment.

Vehicular access complies with the Council's *Vehicular Access (Investigation, Design and Construction) Policy*.



## Bellingen Local Environmental Plan 2003

Schedule 3 Required outcomes for complying development

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**Group B—Swimming pools****Streetscape**

The pool is not located between the dwelling and the front boundary.

**Bulk, scale and location**

All coping or decking around the pool is not more than 500 millimetres above the natural ground level.

The pool, including any associated decking, is at least 1.5 metres from the side and rear boundaries of the site.

The water surface area of the pool does not exceed 50 square metres.

Pedestrian access is available around the entire perimeter of the pool.

The site is not cut or filled so as to alter a level by more than 1 metre.

**Open space and landscaping**

A minimum of 35% of the site is soft landscaped, that is, not covered by a building, an impervious surface or the pool.

**Privacy**

The noise level of any filtration equipment or pumps does not exceed 5 dB(A) above the ambient background level measured at the property boundary.

Where the pool or its surrounds are within 9 metres of, and allow an outlook to, a window of a habitable room in a dwelling, verandah or private open space on a different allotment, the pool is screened to prevent such outlook.

Lighting of the pool and surrounds does not cause interference with the quiet enjoyment of neighbouring properties.

**Installation and construction**

The installation and construction of the pool complies, where relevant, with:

- (a) AS/NZS 1838:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication* and AS/NZS 1839:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Installation*, or
- (b) AS 2783—1992, *Use of reinforced concrete for small swimming pools*.

**The pool and surrounding structures**

The swimming pool and surrounding structures comply with AS 1926.2—1995, *Swimming pool safety—Location of fencing for private swimming pools*.

Bellingen Local Environmental Plan 2003

Conditions of complying development certificates

Schedule 4

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## Schedule 4 Conditions of complying development certificates

(Clause 8)

**Note.** Complying development must be carried out in accordance with the conditions of the complying development certificate and the requirements of all environmental planning instruments (including this plan), development control plans and regulations under the Act that applied to the land concerned when the complying development certificate was issued (see section 84A (1) of the Act).

### General—all certificates

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.  
This requirement does not apply to the extent to which an exemption is in force under clause 187 or 188 of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of that regulation.
- (2) A building in respect of which there is a change of building use to a class 1b building must comply with the provisions in P2.3.2 of Volume 2 of the *Building Code of Australia*.
- (3) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved

## Bellingen Local Environmental Plan 2003

## Schedule 4 Conditions of complying development certificates

in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- (4) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.
- (5) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (6) If the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
  - (b) adequate provision must be made for drainage.
- (7) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must preserve and protect the building from damage.
- (8) If the work involved in the erection or demolition of a building:
  - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place,
 

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

Bellingen Local Environmental Plan 2003

Conditions of complying development certificates

Schedule 4

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The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (9) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- (10) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, if access to existing toilets is not adequate.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

## Bellingen Local Environmental Plan 2003

## Schedule 4 Conditions of complying development certificates

In this condition:

**accredited sewage management facility** means a sewage management facility to which Part 4 of the *Local Government (Approvals) Regulation 1999* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 43 of the Regulation.

**approved by the Council** means the subject of an approval in force under Part 2 of the *Local Government (Approvals) Regulation 1999*.

**public sewer** has the same meaning as it has in the *Local Government (Approvals) Regulation 1999*.

**sewage management facility** has the same meaning as it has in the *Local Government (Approvals) Regulation 1999*.

- (11) The development must be carried out in accordance with the “approved plans” endorsed by the Certifier, the details and conditions attached to this certificate and in accordance with the conditions of this complying development certificate. A copy of this certificate and the approved plans must be kept on site at all times while work is being undertaken.

The “approved plans” are:

[insert list of relevant documents]

- (12) The development must at all times comply with the requirements (copy attached) specified for the development in *Bellingen Local Environmental Plan 2003* on the date of issue of this certificate.
- (13) At least two days before any site works, building or demolition begins, the applicant must:
- (a) give written notice of commencement of work and appointment of principal certifying authority to the Council,
  - (b) notify the adjoining owners in writing that work will commence.
- (14) The site and surrounding areas are to be kept in a clean and tidy condition at all times. Waste must be contained in a suitable receptacle until removed from the site.

Bellingen Local Environmental Plan 2003

Conditions of complying development certificates

Schedule 4

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- (15) Any construction works involving the generation of noise which extends beyond the boundary of the premises must be confined to the hours between 7 am and 6 pm Monday to Friday and 8 am to 5 pm Saturdays, and not be carried out on Sundays or public holidays.
- (16) Heavy equipment utilised on the site must be fitted with residential type muffler systems and appropriate certification must be submitted to and approved by the Council's Director of Environmental Health and Planning prior to commencement of work.
- (17) Construction materials, building waste containers and "skips" and the like are not to be placed within the public road reserve without separate written consent from the roads authority under the *Roads Act 1993*.
- (18) Appropriate measures are to be taken to prevent damage to trees and other vegetation that are to be retained (including root systems) during site works and construction. Trees and other vegetation to be retained are to be protected by the erection of suitably sturdy protective fencing located on the edge of or outside the dripzone. Fencing must be in place prior to the commencement of any works on the site and must remain in place until the works are complete. No building materials or other items are to be placed or stored within the fenced-off areas.
- (19) Works must be undertaken on the site to prevent erosion and transport of soil and sediment off the site and onto adjoining properties.
- (20) All construction within the road reserve (including driveways, retaining walls, letterboxes, drains and the like) must be in accordance with a consent issued under the provisions of the *Roads Act 1993* for the work required in association with this development, and comply with Bellingen Council's *Standard Conditions for Engineering Works Associated With Developments*.

#### **Bed and breakfast**

Kitchen is to be fitted out in accordance with the Council's *Food Premises Code*.

## Bellingen Local Environmental Plan 2003

Schedule 4 Conditions of complying development certificates

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**Alterations and additions to dwelling-houses**

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia* and with the approved plans and specifications.

**Note.** Where the Council is the principal certifying authority, the following aspects of the building works, where relevant, must be inspected and approved by Council at the following stages. The Council requires 48 HOURS PRIOR NOTICE to permit inspection of these works.

**Stages of building work:**

- (a) Trenches with steel in position before footings are laid. Sediment and erosion control measures must also be in place.
- (b) Pier holes before concrete is poured.
- (c) Concrete slabs and beams with steel in position before concrete is poured.
- (d) Framing and roof members with plumbing roughed in and water connected prior to installation of internal lining.
- (e) Sewer drains prior to backfilling of trenches.
- (f) Completion of works prior to occupation or use.

Prior to the issue of the final compliance certificate, evidence shall be submitted to the Council from a licensed electrician that:

- (a) the smoke alarm unit complies with AS 3786—1993, *Smoke alarms* or is listed in the Scientific Services laboratory (SSL) *Register of Accredited Products—Fire Protection Equipment*, and
  - (b) the smoke alarm system is connected to the mains electrical power supply and has a standby (battery backup) power supply.
- (2) Before any site works, building or demolition begins, the applicant must:
- (a) notify the Council of the name, address, phone number and licence number of the builder, and

Bellingen Local Environmental Plan 2003

Conditions of complying development certificates

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- (b) erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
  - (c) protect and support any neighbouring buildings, and
  - (d) protect any public place from obstruction, inconvenience or damage due to the carrying out of the development, and
  - (e) prevent any substance from falling onto any public place, and
  - (f) comply with any other conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*.

This item does not impose a requirement on an applicant if it is complied with by the builder.

No construction access is permitted other than at the vehicle entry points shown on the approved plans. All loading, unloading and storage of materials for works is to take place within the site.

- (3) Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the construction work. Disturbance must not occur outside this area.
- (4) All plumbing work shall be carried out by a licensed plumber and drainer and in accordance with AS 3500, *National Plumbing and Drainage Code* and NSW variations.

In particular, pipework is to be bedded and secured in accordance with relevant provisions.

**Note 1.** Granular bedding required to all drains.

**Note 2.** Water must not be drawn from the Council's water supply until a meter has been installed by the Council's water operator.

- (5) Water efficient devices must be installed where appropriate, including:
  - (a) pressure limiting valves, and
  - (b) dual flush toilet systems, and
  - (c) shower saver water nozzles.



## Bellingen Local Environmental Plan 2003

## Schedule 4 Conditions of complying development certificates

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- (6) The Council's water supply must be protected in accordance with AS 3500.1, *National Plumbing and Drainage Code*, Part 1: *Water supply*—Section 4.
  - (7) Stormwater must be collected and drained via a gravity system to a Council stormwater system or disposed of on-site in a manner that does not create erosion, adversely affect the operation or performance of an on-site sewage management system or cause a nuisance on, or to occupiers of, adjoining or adjacent properties.

**Garages and carports**

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia* and with the approved plans and specifications.

**Note.** Where the Council is the principal certifying authority, the following aspects of the building works, where relevant, must be inspected and approved by the Council at the following stages. The Council requires 48 HOURS PRIOR NOTICE to permit inspection of these works.

**Stages of building work:**

- (a) Trenches with steel in position before footings are laid. Sediment and erosion control measures must also be in place.
  - (b) Pier holes before concrete is poured.
  - (c) Concrete slabs and beams with steel in position before concrete is poured.
  - (d) Framing and roof members with plumbing roughed in and water connected prior to installation of internal lining.
  - (e) Completion of works prior to occupation or use.
- (2) Before any site works, building or demolition begins, the applicant must:
    - (a) notify the Council of the name, address, phone number and licence number of the builder, and
    - (b) erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
    - (c) protect and support any neighbouring buildings, and

Bellingen Local Environmental Plan 2003

Conditions of complying development certificates

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- (d) protect any public place from obstruction, inconvenience or damage due to the carrying out of the development, and
  - (e) prevent any substance from falling onto any public place, and
  - (f) comply with any other conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*.

This item does not impose a requirement on an applicant if it is complied with by the builder.

- (3) No construction access is permitted other than at the vehicle entry points shown on the approved plans. All loading, unloading and storage of materials for works is to take place within the site.
- (4) Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the construction work. Disturbance must not occur outside this area.
- (5) Stormwater must be collected and drained via a gravity system to a Council stormwater system or disposed of on-site in a manner that does not create erosion, adversely affect the operation or performance of an on-site sewage management system or cause a nuisance on, or to occupiers of, adjoining or adjacent properties.

#### **Swimming pools**

- (1) No construction access is permitted other than at the vehicle entry points shown on the approved plans. All loading, unloading and storage of materials for works is to take place within the site.
- (2) Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the construction work. Disturbance must not occur outside this area.
- (3) Swimming pool fences must be constructed around the pool in accordance with the *Swimming Pool Act 1992* and AS 1926, *Swimming pool safety*.

## Bellingen Local Environmental Plan 2003

## Schedule 4 Conditions of complying development certificates

A resuscitation chart must be displayed in a prominent position within the pool area.

**Note.** The Royal Life Saving Society Australia has resuscitation charts available. The chart must be made of durable plastic suitable for external display.

- (4)
- (a) The swimming pool shall not be filled until such time as the childproof fence and gates have been erected and approved by the Council.
  - (b) Childproof fencing and gates shall be a minimum of 1.2 metres in height and shall be constructed prior to filling pool. Such fencing and gates shall comply with AS 1926, *Swimming pool safety*.
  - (c) All windows facing into the pool enclosure which are below 1.2 metres from floor level shall be fitted with security screens in compliance with AS 2818—1993, *Guide to swimming pool safety*.
- Note.** The Council has available resuscitation charts, suitable for display near your swimming pool. The charts are made of durable plastic suitable for external display, near the pool.
- (5) Filter pump noise—the filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining property owners. If necessary, an acoustic enclosure must be fitted to the pump such that the noise from the swimming pool pump and filtration equipment when measured at the boundary of the adjoining premises shall not exceed the background level (LA 90) by more than 5 dB(A) and the noise from the pool pump shall not be audible within a room of any other residence during the hours of 8 pm to 7 am Monday to Friday or 8 pm to 8 am Saturdays, Sundays and public holidays.
- (6) The pool concourse is to be set at least 150 millimetres above the finished ground level such that surface water does not enter the pool.
- (7) Backwash must be discharged to the Council's reticulated sewer system in accordance with AS/NZS 3500.2.2:1996, Part 2.2: *National Plumbing and Drainage—Sanitary plumbing and drainage—Acceptable solutions*, Section 10.9 and Figure 10.2, where sewer is available or comply with the

Bellingen Local Environmental Plan 2003

Conditions of complying development certificates

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principles of AS/NZS 1547:2000, *On-site domestic wastewater management*.

- (8) The pool water shall be treated and maintained as required by NSW Health in their booklet *Water Quality for Swimming Pools and Spas*.
- (9) Any soil or other material excavated for the installation of the pool must be disposed of in a manner approved by the Council.

**Note.** The swimming pool must not be used until an occupation certificate has been issued.

Bellingen Local Environmental Plan 2003

Schedule 5 Development not restricted or prohibited by this plan

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## **Schedule 5 Development not restricted or prohibited by this plan**

(Clause 9)

- 1 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 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, that is to say:
  - (a) development of any description at or below the surface of the ground,
  - (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

Bellingen Local Environmental Plan 2003

Development not restricted or prohibited by this plan

Schedule 5

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- appointed day of any plant or other structures 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 electricity or pipes above the surface of the ground 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 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 The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, 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

## Bellingen Local Environmental Plan 2003

Schedule 5 Development not restricted or prohibited by this plan

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- (b) the formation or alteration of any means of access to a road.
- 4 The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or 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.
- 5 The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, wharves, 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.
- 6 The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

Bellingen Local Environmental Plan 2003

Development not restricted or prohibited by this plan

Schedule 5

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- (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.
- 7 The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension 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.
- 8 The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the realignment or relocation of such road.
- 9 The carrying out of any forestry work by the Forestry Commission, a School Forest Trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve.
- 10 The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes,
- (b) any development designed to change the use or purpose of any such reserve.
- 11 The carrying out or causing to be carried out by a council 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, reafforestation, flood



Bellingen Local Environmental Plan 2003

Schedule 5      Development not restricted or prohibited by this plan

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mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, 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.

12      In this Schedule, ***appointed day*** means the day on which this plan commences.

Bellingen Local Environmental Plan 2003

Development for certain additional purposes

Schedule 6

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## **Schedule 6 Development for certain additional purposes**

(Clause 12)

- 1 Lots 1–14 DP 241258—development for the purpose of a dwelling-house on each allotment.
- 2 Lots 34–40 DP 242505—development for the purpose of a dwelling-house on each allotment.
- 3 Lots 8, 9 DP 603201—development for the purpose of a dwelling-house on each allotment.
- 4 Lot 1 DP 740324—development for the purpose of a dwelling-house.
- 5 Lots 43–45 DP 243169—development for the purpose of a dwelling-house on each allotment.
- 6 Lots 1, 4–20 DP 238373—development for the purpose of a dwelling-house on each allotment.
- 7 Lots 20, 21 DP 564999—development for the purpose of a dwelling-house on each allotment.
- 8 Lots 6–13 DP 241696—development for the purpose of a dwelling-house on each allotment.
- 9 Lots 30–35 DP 243991—development for the purpose of a dwelling-house on each allotment.
- 10 Lots 1–7, 10–39 DP 262072—development for the purpose of a dwelling-house on each allotment.
- 11 Lots 1, 2 DP 794420—development for the purpose of a dwelling-house on each allotment.
- 12 Lots 172–184 DP 242788—development for the purpose of a dwelling-house on each allotment.
- 13 Lots 4–24 DP 243295—development for the purpose of a dwelling-house on each allotment.
- 14 Lots 11–13 DP 606689—development for the purpose of a dwelling-house on each allotment.
- 15 Lots 6–16 DP 234703—development for the purpose of a dwelling-house on each allotment.

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## Bellingen Local Environmental Plan 2003

Schedule 6 Development for certain additional purposes

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- 16 Lots 1–17 DP 8131—development for the purpose of a dwelling-house on each allotment.
- 17 Lots 1–7, 9–15 DP 217512—development for the purpose of a dwelling-house on each allotment.
- 18 Lot 2 DP 800107—development for the purpose of a dwelling-house.
- 19 Lots 1–3 DP 515981—development for the purpose of a dwelling-house on each allotment.
- 20 Lots 1–7 DP 223495—development for the purpose of a dwelling-house on each allotment.
- 21 Part of Lot 103 DP 603706, having frontage to Trunk Road 76 at Thora—development for the purpose of a junk yard.
- 22 Lot 2 DP 586539, Newry Island, Urunga—development for the purpose of an oyster depuration plant.
- 23 Lot 1 DP 201668, Pacific Highway—development for the purpose of a liquid fuel depot, subject to the consent authority being satisfied that the requirements of the Roads and Traffic Authority and the Department of Mineral Resources have been or will be met.
- 24 Land within Zone No 6 (a) adjacent to the western boundary of Lot 110 DP 755553 (Lot 1 DP 242682)—development for the purpose of a camping area, boat landing and storage facilities and commercial boatsheds.
- 25 Part Portion 134, Parish of Never Never, being the residue after the excision of Lot 6 DP 230589—development for the purpose of an arts and crafts shop.
- 26 Lot 239 DP 755552, Village of Urunga—development for the purpose of a boatshed and restaurant facilities and a caretaker’s residence.
- 27 Lots 144 and 421, DP 755557, South Arm Road, Urunga—development for the purpose of a dwelling-house, following the consolidation of the two allotments.
- 28 Lots 10, 11 Section B DP 8086 and Lots D and E DP 392914, 39 Hammond Street, North Bellingen—development for the purpose of the following land uses:

Bellingen Local Environmental Plan 2003

Development for certain additional purposes

Schedule 6

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- (a) repairing and servicing of small machinery and electrical equipment, such as pumps, lawn mowers, compressors, washing machines, refrigerators (other than repairing and servicing which involves reconstruction or manufacturing, or panel beating or spray painting of all or part of that machinery of equipment), and
- (b) the hire of motor vehicles, small machinery or electrical equipment, and
- (c) the display for sale of not more than 2 motor vehicles at any one time, and
- (d) the sale of small machinery or electrical equipment.
- 29 Lot 1 DP 624708, Mahers Road—subdivision to create 3 allotments and development for the purpose of a dwelling-house on each of the resulting allotments.
- 30 Lot 30 DP 806173, Wollumbin Drive, Urunga—development for the purpose of a single dwelling-house, or tourist facilities accommodating up to 10 people and connected to an on-site waste disposal system.
- 31 Part Lot 6 DP 810257, Peakes Road, Dorrigo—development for the purpose of tourist facilities comprising refreshment room, craft centre, cabin accommodation, rest room facilities, manager’s residence and associated carparking, but only if:
- (a) a management plan has been prepared and adopted for the Dangar Falls Reserve in accordance with the *Crown Lands Act 1989* and having regard to the *NSW North Coast Crown Reserves Management Strategy* published in 1994 by the then NSW Crown Lands Service, and
- (b) arrangements satisfactory to the Council have been made for the provision for water supply and drainage and the disposal of stormwater and sewage from the land, and
- (c) the design of the development is consistent with the *North Coast Design Guidelines* published in 1989 by the then Department of Planning, and

## Bellingen Local Environmental Plan 2003

Schedule 6 Development for certain additional purposes

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- (d) the development commences within a period of 5 years from the date of publication of the *Bellingen Local Environmental Plan 1990 (Amendment No 13)* in the Government Gazette (that date being 3 January 1997).
- 32 Lot 2 DP 792596, Pacific Highway, Urunga—subdivision to create 2 allotments and development for the purpose of a dwelling that need not be connected to the Urunga reticulated sewerage system on each of the resulting allotments.
- 33 Part of Lot 8 DP 854162, Waterfall Way, Bellingen, as shown on the map marked “Bellingen Local Environmental Plan 1990 (Amendment No 14)”—subdivision to create 2 allotments on the southern side of Waterfall Way and development for the purpose of a dwelling on each of the resulting allotments, but only if the consent authority is satisfied that:
- (a) re-forestation has been undertaken on all slopes in excess of 25%, and
  - (b) adequate financial security is in place to ensure proper establishment and maintenance of that re-forestation at no cost to the Council, and
  - (c) the development of buildings on the land will not substantially detract from the visual amenity of the area, particularly in regard to potential intrusion into the skyline.
- 34 Lot 13 and part of Lots 11, 12 and 14 DP 808430, part of Portion 44, Parish of North Bellingen and part of Portion 45, Parish of North Bellingen, Gleniffer Road, Bellingen, as shown on the map marked “Bellingen Local Environmental Plan 1990 (Amendment No 14)”—subdivision of land within Zone No 1 (c3) and development for the purpose of a dwelling on each of the resulting allotments, but only if the consent authority is satisfied that:
- (a) re-forestation has been undertaken on all slopes in excess of 25%, and
  - (b) adequate financial security is in place to ensure proper establishment and maintenance of that re-forestation at no cost to the Council, and

Bellingen Local Environmental Plan 2003

Development for certain additional purposes

Schedule 6

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- (c) the development of buildings on the land will not substantially detract from the visual amenity of the area, particularly in regard to potential intrusion into the skyline.
- 35 Lot 59 DP 816169, Old Brierfield Road, Bellingen—subdivision to create 2 allotments and development for the purpose of a dwelling on each of the resulting allotments.
- 36 Lot 12 DP 864284, Perrys Road, Repton—subdivision in two stages:
- (a) firstly to create 2 allotments, with 1 lot having an area not less than 4.5 hectares, and
- (b) secondly to create a 5 lot neighbourhood scheme on the larger lot and the erection of a dwelling on each of the resulting allotments.
- 37 Part of Lot 330 DP 852545, Mount Street, Fernmount, as shown on the map marked “Bellingen Local Environmental Plan 1990 (Amendment No 14)”—subdivision to create 2 allotments and development for the purpose of a dwelling on each of the resulting allotments.
- 38 Lot 26 DP 814203, McDougall Place, Fernmount—subdivision to create 2 allotments and development for the purpose of a dwelling on each of the resulting allotments.
- 39 Lot 32 DP 814203, McDougall Place, Fernmount—subdivision to create 2 allotments and development for the purpose of a dwelling on each of the resulting allotments.
- 40 Lots 1 and 3 DP 843898, Waterfall Way, Fernmount—subdivision to create 2 allotments and development for the purpose of a dwelling on each of the resulting allotments.
- 41 Part of Lot 4 DP 723071, North Bank Road, Bellingen and part of Lot 41 DP 814175, North Bank Road, Bellingen, as shown on the map marked “Bellingen Local Environmental Plan 1990 (Amendment No 14)”—subdivision to create a total of 5 allotments and development for the purpose of a dwelling on each of the resulting allotments.
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## Bellingen Local Environmental Plan 2003

Schedule 6      Development for certain additional purposes

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- 42      Part of Lot 30 DP 806173, Wollumbin Drive, Urunga, as shown on the map marked “Bellingen Local Environmental Plan 1990 (Amendment No 14)”—subdivision to create 2 allotments with one lot having an area of not less than 1 hectare and development for the purpose of a dwelling on each of the resulting allotments.

Bellingen Local Environmental Plan 2003

General principles for rural development

Schedule 7

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## **Schedule 7 General principles for rural development**

(Clause 26)

- 1 Development should be generally compatible with the suitability and capability of the land on which it is based.
- 2 Development should not materially reduce the agricultural production potential of the land on which it is to be located or of adjoining land.
- 3 Development should not take place on land that is likely to be affected by flooding, soil erosion, geological or mining hazards, landslip or instability, unless it is sited and designed to minimise any risk.
- 4 Development should not take place on land containing items of environmental, archaeological or scientific importance where those items are likely to be adversely affected by the development.
- 5 Development should not take place on land of mineral or extractive resource potential or in areas where such development would compromise the potential for recovering mineral or extractive resources (including forestry).
- 6 Development should be located and designed so as not to detract from the rural or scenic character of the locality.
- 7 The design of subdivisions and the location of building sites should have regard to:
  - (a) the retention and possible extension of native vegetation areas and natural habitats, and
  - (b) the natural topography and the need to minimise visual intrusiveness by following natural contours and minimising excavation and fill, and
  - (c) views of the land from nearby roads and public places and the need to minimise the intrusiveness of development, and
  - (d) the need to prevent soil erosion and sedimentation caused by clearing land and uncontrolled flows of water across land, and

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## Bellingen Local Environmental Plan 2003

Schedule 7 General principles for rural development

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- (e) the need for flood-free sites for buildings and for stock during floods, and
  - (f) the need to locate allotments and building sites so as to minimise the risk of damage by bush fires, and
  - (g) the need for works, including perimeter roads or fire trails, to reduce bush fire hazards, and
  - (h) the need to maintain the rural character of the area, including the prevention of buildings intruding into the skyline when viewed from roads or other public places, and
  - (i) the siting of buildings, having regard to the location of adjoining development and the need to prevent an overconcentration of development inappropriate for the locality.
- 8 Development should not take place unless consideration has been given to the nature of bush fire hazard in the area and, where the land is in an area of bush fire risk, an investigation is undertaken into appropriate means of reducing hazard, including:
- (a) the location of building sites on each allotment of a proposed subdivision in the area of least risk, and
  - (b) the need for and impact of a perimeter road or fire trail around any proposed subdivision, and
  - (c) the provision of a water supply adequate for fire fighting services, and
  - (d) the means of access for fire fighting vehicles, and
  - (e) the need for asset protection zones and the impact of this on the allotment layout of any proposed subdivision, and
  - (f) the need for fireproof building materials, and
  - (g) the availability of fire fighting equipment, and
  - (h) the availability of appropriate means to ensure that fire protection measures, including asset protection zones and hazard reduction, are maintained.

Bellingen Local Environmental Plan 2003

General principles for rural development

Schedule 7

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- 9 The development can be adequately and economically served by:
- (a) facilities on the land for the disposal of sewage and domestic wastes and for the supply of water for domestic, fire fighting and gardening purposes, and
  - (b) electricity, telephone, postal and garbage disposal services, and
  - (c) adequate all-weather flood-free access to an urban service centre.
- 10 Development should not take place where such development creates a demand for an unreasonable or uneconomic provision or extension of public services whether by the Council or by any other public authority.
- 11 Development should not take place where it is likely to lead to an increase in run-off into local streams or increased pollution levels in local streams or subterranean water resources.
- 12 Development should not prejudice the intended use, function and management of travelling stock reserves, particularly by increasing vehicular access to such a reserve.
- 13 Development should not create or worsen a condition of ribbon development on any main road or arterial road, in relation to visual impact, traffic hazards associated with vehicular access points, or potential disruption to traffic flow on the road.

Bellingen Local Environmental Plan 2003

Schedule 8 Classification and reclassification of public land

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## Schedule 8 Classification and reclassification of public land

(Clause 58)

**Note.** At the commencement of this plan, there were no entries in this Schedule.

### Part 1 Land classified, or reclassified, as operational land—no interests changed

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Bellingen Local Environmental Plan 2003

Heritage items

Schedule 9

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## Schedule 9 Heritage items

(Dictionary)

- 1 Osprey nest sites—dead trees and land within 100 metres of them on:
  - Lot 22 DP 703013 (GR 958 302 Bellingen 1:25 000)
  - Portion 118 DP 755552 (GR 013 226 Missabotti 1:25 000)
  - Portion 225 DP 755557 (GR 015 287 Raleigh 1:25 000)
  - Portion 32 DP 755552 (GR 984 243 Missabotti 1:25 000)
  - Portion 113 DP 755553 (GR 038 303 Raleigh 1:25 000)
- 2 Lot 3 DP 800990—Hotel Dorrigo, corner Hickory and Cudgery Streets, Dorrigo
- 3 Lot 2 DP 537756, 647 Waterfall Way, Fernmount—former Fernmount Police Station (comprising the brick residence and attached cell block)

Bellingen Local Environmental Plan 2003

Schedule 10      Main roads

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## **Schedule 10 Main roads**

(Dictionary)

State Highway No 10 (Pacific Highway)

State Road No 76 (Waterfall Way)

Main Road No 118 (Bowraville Road)

Main Road No 119 (Tyringham Road)

Main Road No 120 (Megan Road)

Bellingen Local Environmental Plan 2003

Dictionary

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## Dictionary

(Clause 5 (1))

**acid sulfate soil** means actual or potential acid sulfate soil as defined in the *Acid Sulfate Soils Assessment Guidelines*.

**Acid Sulfate Soils Assessment Guidelines** means the *Acid Sulfate Soils Assessment Guidelines* as published by the NSW Acid Sulfate Soils Management Advisory Committee and adopted for the time being by the Director-General.

**adjoining** an area of land, means abutting the area or separated from the area only by a public reserve, a road, a river, a watercourse, tidal or non-tidal water, or another like feature.

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

**agriculture** means the use of land for the purpose of:

- (a) the keeping or breeding of livestock, bees, poultry or other birds, or
- (b) the cultivation of crops, including cereals, fruit, nuts, vegetables, flowers and ornamental plants,

and includes the production of bushfoods where the plants have been established for this purpose (and are not naturally established native vegetation), but does not include use of an animal establishment or animal boarding establishment.

**airline terminal** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

**allotment** means a lot in a current plan within the meaning of the *Conveyancing Act 1919*.

**alter**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the building or work, not including changes that consist of maintenance of the existing detail, fabric, finish or appearance of the outside of the building or work.

Bellingen Local Environmental Plan 2003

Dictionary

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**animal boarding establishment** means a building or place used for the commercial boarding of animals.

**animal establishment** means a building or place used intensively for the purposes of animal husbandry or the training or keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed other than feed produced on the land on which the establishment is conducted.

**asset protection zone** has the same meaning as in the document titled *Planning for Bushfire Protection* published in December 2001 by the NSW Rural Fire Service in collaboration with Planning NSW.

**attached dual occupancy** means a building containing 2 dwellings.

**back beach erosion escarpment** means the identifiable landward limit of wave attack during severe storm events.

**beach amenities** means toilets, showers, change rooms and associated buildings.

**bed and breakfast establishment** means a dwelling in which temporary overnight accommodation is provided for guests, and

- (a) in which at least breakfast is offered to guests, and
- (b) which does not contain facilities in rooms for the preparation of meals by guests, and
- (c) that is not used for the permanent or long-term accommodation of any persons other than those, and the family of those, who operate and manage the facility and who would normally reside on the land.

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

**boundary adjustment** means a subdivision that is to adjust the boundary between allotments and that does not divide the land into a greater number of allotments than it was divided into immediately before the subdivision.

**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 or on adjoining land in the same ownership.

**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.

Bellingen Local Environmental Plan 2003

Dictionary

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**bush fire hazard reduction work** means the controlled application of appropriate fire regimes or other means (chemical, mechanical, manual or otherwise) for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire in accordance with the *Bellingen Bush Fire Risk Management Plan* approved under section 58 of the *Rural Fires Act 1997*.

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

**car repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being body building or panel beating which involves dismantling, or spray painting other than of a touching-up character.

**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).

**church** means any place of public worship, whether in the Christian tradition or otherwise.

**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 of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the *Registered Clubs Act 1976*.

**cluster housing** means the erection of more than two dwellings having communal open space and other shared facilities on a single allotment of land.

**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 Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.



Bellingen Local Environmental Plan 2003

Dictionary

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**community centre** means a building or place used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding facilities,
- (g) any other like building or activity.

**community facilities** means a building or place owned or controlled by a public authority or community organisation which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this Dictionary.

**complying development** is identified in clause 8.

**conservation area** means an area of heritage significance shown hatched on the map or identified as such in the *North Coast Regional Environmental Plan*.

**Council** means the Bellingen Council.

**dam** means an excavation in which water is stored by the use of earthen walls or walls made of other materials.

**damage to vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning vegetation,
- (c) severing, topping or lopping branches, limbs, stems or trunks of vegetation,
- (d) wilful destruction of vegetation,
- (e) damaging or injuring vegetation in any other way.

Bellingen Local Environmental Plan 2003

Dictionary

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**dead tree** means a tree that is no longer capable of performing any of the following processes or is exhibiting any of the following symptoms:

**Processes**

photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves),

osmosis (the ability of the root system to take up water),

turgidity (the ability of the plant to hold moisture in its cells),

growth as a response to physical stress.

**Symptoms**

permanent leaf loss in both deciduous and evergreen plants,

permanent wilting (the loss of turgidity which is marked by drying out of stems, leaves and roots),

shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood).

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

**development** has the same meaning as in the Act.

**Dorrigo plateau** means land to which this plan applies situated generally to the north and northwest of the New England, Bellinger River and Dorrigo National Parks.

**dripzone** means that area below a plant that is contained within a line projected onto the ground directly below the outermost extent of the plant's aboveground parts.

**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 1, but not more than 1, dwelling.

**educational establishment** means a building used as a school, college, TAFE establishment, 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 weed** means a plant listed in the Council's policy, adopted from time to time, as an environmental weed.

Bellingen Local Environmental Plan 2003

Dictionary

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***exempt development*** is identified in clause 7.

***exhibition home*** means a dwelling constructed for display purposes to demonstrate aspects of housing form, design, construction, materials and the like, and which may or may not be used for ancillary purposes such as a site office for house sales purposes.

***expanded dwelling*** means a single dwelling comprised of two or more buildings erected in close proximity to each other.

***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 upon which it is carried on, 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 liable land*** means land that is at or below the 1% Annual Exceedance Probability (AEP) flood level.

***floor*** means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

***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 roads required for the removal of wood and forest products and for forest protection.

***general store*** means a shop used for the sale by retail of general merchandise and which 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.

***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 Act 2001* or *Osteopaths Act 2001*, and

Bellingen Local Environmental Plan 2003

Dictionary

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- (c) a physiotherapist registered under the *Physiotherapists Act 2001*, and
- (d) an optometrist registered under the *Optometrists Act 1930* or *Optometrists Act 2002*.

**health consulting rooms** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling-house or expanded dwelling and used by not more than three health practitioners (masseurs, naturopaths, acupuncturists, kinesiologists and the like) who practise therein and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

**height** means the greatest distance measured vertically from any point on the article to be measured to the natural ground level immediately below that point.

**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 public use which is set apart 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 that is situated within a conservation area, listed in Schedule 9 or identified as such in the *North Coast Regional Environmental Plan*.

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

**high bush fire hazard area** means an area identified in the *Bellingen Bush Fire Risk Management Plan* approved under section 58 of the *Rural Fires Act 1997* as being within a High relative hazard class.

**holding** means:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease).

**home industry** means an industry carried on in a building under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the

## Bellingen Local Environmental Plan 2003

## Dictionary

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- dwelling occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (b) the industry does not:
- (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any 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 or within the curtilage of a dwelling by the permanent residents of the dwelling which does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice or sign exhibited on the dwelling or the land on which the dwelling is situated to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- (f) a bed and breakfast establishment or a tourist facility.

***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:

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- (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 premises, the lawful operation of which requires a hotelier's licence under the *Liquor Act 1982*.

**industry** means any manufacturing process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up or adapting of any goods or any article or any part of an article for trade, sale or gain or as an ancillary activity to any business, but does not include an extractive industry.

**institution** means a penal or reformative establishment.

**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 their parts.

**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.

**main road** means a road listed in Schedule 10.

**major road frontage**, in relation to land, means the frontage of that land to:

- (a) a main road or arterial road, or

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- (b) a road connecting with a main road or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main road or arterial road.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which 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 sands mine** means a mine for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals.

**motel** means a building or buildings (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 or buildings are also used in 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 sold or displayed there.

**natural tourism area** means an area which:

- (a) adjoins a national park, nature reserve or State recreation area within the meaning of the *National Parks and Wildlife Act 1974*, or a State forest, or
- (b) comprises or is adjacent to predominantly Crown land, or
- (c) is, in the opinion of the Council, a natural area with qualities which make it a major attraction.

**offensive noise** means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

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- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted or
- (b) that is of a level, nature, character or quality prescribed by the regulations under the *Protection of the Environment Operations Act 1997* or that is made at a time, or in other circumstances, prescribed by those regulations.

***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.

***parking space*** includes any designated area, garage or court available for use by vehicles.

***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 purposes 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 building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

***principal development area*** means the area including and immediately around a dwelling and which is used for garages, carports, sheds, drying yards, domestic sewage and waste water disposal areas, swimming pools, the primary outdoor area adjacent to that dwelling, lawns, gardens and the like.

***private open space*** means an area provided to a dwelling that is not subject to casual overlooking or surveillance by any person in any adjoining property, whether public or private, when going about their normal activities.

***produce store*** means a shop selling goods or equipment used primarily for the purposes of agricultural production.

***professional consulting rooms*** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling-house or expanded dwelling and used by not more than three legally qualified medical practitioners or by not more



## Bellingen Local Environmental Plan 2003

## Dictionary

than three dentists within the meaning of the *Dental Practice Act 2001*, or by not more than three health care professionals, who practise therein 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 place** means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
  - (ii) a common, or
  - (iii) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased.

**public utility undertaking** means any of the following undertakings carried on or permitted or suffered to be carried on by or 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, gas or electricity (including transmission towers and the like) or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, Government Department, corporation, firm or authority carrying on the undertaking.

Bellingen Local Environmental Plan 2003

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**rear yard** means:

- (a) in Zones Nos 2 (a) and No 2 (b), the area behind the front alignment of the dwelling (relative to the road), and
- (b) in zones other than Zones Nos 2 (a) and 2 (b), any area at least 20 metres from the road boundary and capable of being screened from view from the road.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council or a public authority to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used 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 purposes,

but does not include a racecourse or a showground.

**recreation establishment** means health farms, religious retreat houses, rest homes, youth camps and the like, but does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used or intended for use for a land use elsewhere specifically defined in this Dictionary.

**recreation facilities** 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.

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

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) of the Bellingen local government area which is 50 or more years old.

Bellingen Local Environmental Plan 2003

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**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**residential flat building** means a building containing 3 or more dwellings.

**residue land** means land that is, or has boundaries co-extensive with the boundaries of, a 1969 existing holding, exclusive of:

- (a) any allotment created in accordance with the provisions of *Interim Development Order No 1—Shire of Bellingen* or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary and on which a dwelling-house was permissible under the planning instrument that applied when the allotment was created or that was a special purpose allotment, and
- (b) any allotment created in accordance with the provisions of clause 9, 13, 14, 15 or 15A of *Bellingen Local Environmental Plan 1990* or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, and
- (c) any land that is subject to a development consent for a dwelling-house or expanded dwelling granted pursuant to the provisions of *Interim Development Order No 1—Shire of Bellingen* or clause 17 (3) (a) of *Bellingen Local Environmental Plan 1990*, or a consent granted pursuant to *State Environmental Planning Policy No 1—Development Standards* because any of the requirements made by those provisions was unreasonable or unnecessary, but only if that consent has not lapsed, and

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- (d) any allotment created for a public reserve or other public purpose, and
- (e) any land that is a State forest within the meaning of the *Forestry Act 1916*, and
- (f) any land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (g) any land that is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for environmental protection purposes.

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

**roads authority** has the same meaning as in section 7 of the *Roads Act 1993*.

**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.

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

**RTA** means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

**rural enterprise** means an industry or other business which, by virtue of its nature, the service provided or the products produced, distributed or sold, is in the opinion of the Council, appropriately located in a rural zone.

**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.

**rural workers' accommodation** means a building on a holding used to accommodate a person or persons employed for the purpose of undertaking agriculture or operating an animal establishment on the same holding.

Bellingen Local Environmental Plan 2003

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

**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 purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) the retail selling or hiring of small consumer goods,
- (c) washing and greasing of motor vehicles,
- (d) installation of accessories,
- (e) 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 Dictionary, or a building or place used for a land use elsewhere specifically defined in this Dictionary.

**sign** means a display of symbols, messages or other devices to identify premises or for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure or the carrying out of a work.

**site area** means the area of land to which an application for consent under the Act relates, excluding any land on which the development to which the application relates is not permitted by or under this plan.

**site coverage ratio** means the ratio of the floor area of buildings on an allotment to the area of that allotment.

**soft landscaping** means areas which are not built upon or paved with pathways, driveways, parking areas, swimming pools or the like.

**special purpose allotment** has the meaning given by clause 43 (4).

**State protected land** has the same meaning as in the *Native Vegetation Conservation Act 1997*.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

Bellingen Local Environmental Plan 2003

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**stream** means a watercourse having a natural or artificially enhanced channel that is identified on a 1:25,000 topographic map and classified as being perennial, intermittent or seasonal, or ephemeral where:

- (a) **perennial** means a stream that flows continuously—these streams are generally associated with a water table in the localities through which they flow, and
- (b) **intermittent or seasonal** means a stream that flows only in certain times of the year, and
- (c) **ephemeral** means a stream that flows only in direct response to rainfall, and whose channel is mostly above the water table.

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

**the map** means the map marked “Bellingen Local Environmental Plan 2003”, as amended by the maps (or the specified sheets of the maps) marked as follows:

**timber plantation** means an area of land on which the predominant number of trees forming, or expected to form, the canopy are trees that have been planted (whether by sowing seed or otherwise) for the purpose of timber production.

**total destination resort** means largely self-contained tourist accommodation providing a wide range of facilities and experience in a resort-style arrangement.

**tourist facility** means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, houseboat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities, but does not include a total destination resort.

**transport terminal** means a building or place used as an airline terminal or a road transport terminal, bus station or bus depot, but does not include such a building or place used by not more than 2 trucks or buses.

**tree** means a perennial plant with one or more self-supporting trunks, which has:

- (a) a height of 3 metres or more, or
- (b) a branch and canopy spread of 3 metres or more, or

Bellingen Local Environmental Plan 2003

Dictionary

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- (c) at least one trunk with a girth of 300 millimetres or more at a height of 1 metre.

**units for aged persons** means a residential flat building used to house aged persons as defined in the *Aged or Disabled Persons Care Act 1954* of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Department of Housing or any other Department or instrumentality of the Crown in right of the Commonwealth or the State.

**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.

**vacant land** means land on which there are no buildings other than fences.

**vegetation** means any tree, understorey plant, groundcover or any plant occurring in a wetland or waterbody.

**vehicle body repair workshop** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery involving body building, panel beating or spray painting.

**veterinary surgeon's establishment** means a building or place used by one or more veterinarians for the care of animals, regardless of whether or not other persons are employed to assist with the business, and which may involve the temporary accommodation of animals for pre- or post-operative care and observation.

**visually unobtrusive** means compatible with the surrounding environment in terms of material, colour, reflectiveness, texture, profile, size and scale.

**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.

**waterbody** means a natural waterbody, whether or not artificially modified, including:

- (a) a lake, lagoon or wetland, or
- (b) a stream, or
- (c) tidal waters including any bay, estuary or inlet.

Bellingen Local Environmental Plan 2003

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**1969 existing holding** means land which is, or has boundaries co-extensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 12 September 1969.

**1990 existing holding** means land located on the Dorrigo plateau which is, or has boundaries co-extensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 9 February 1990, but only if the land has a total area of not less than 40 hectares all of which, before that date, formed part of a single 1969 existing holding.

**1996 existing holding** means land, not located on the Dorrigo plateau, which is, or has boundaries co-extensive with the boundaries of:

- (a) an allotment not held in the same ownership as any adjoining or adjacent allotment, or
- (b) the aggregation of all adjoining or adjacent allotments held in the same ownership (including land held under a Crown lease),

as at 18 June 1996, but only if the land has a total area of not less than 40 hectares all of which, before that date, formed part of a single 1969 existing holding.





New South Wales

## **Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00198/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1                    Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)

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## **Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone most of the land to which this plan applies to the Residential B Zone under *Campbelltown (Urban Area) Local Environmental Plan 2002 (the 2002 plan)*, and
- (b) to rezone part of the land to partly the Local Open Space Zone and partly the Community Uses Zone under the 2002 plan to allocate land to meet future population needs, and
- (c) to zone part of the land, being Glenfield Road and part of Campbelltown Road, to the Special Uses Arterial Roads Zone under the 2002 plan to be consistent with the adjoining zoning, and
- (d) to allow, with the consent of Campbelltown City Council, for the carrying out of development on part of the land for the purpose of a service station/convenience store, and
- (e) to allow, with consent of the Council, for the carrying out of development on part of the land for the purpose of a shop, in conjunction with a community facility, and
- (f) to add a provision in the 2002 plan dealing with the control of bushfire hazards, and
- (g) to allow for detailed development controls to be provided for in a development control plan.

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)

Clause 3

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

This plan applies to certain land within the City of Campbelltown, being land adjoining Campbelltown Road, Old Glenfield Road, Glenfield Road and the Main South Railway Line, as shown distinctively coloured and lettered on the map marked “Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)” deposited in the office of the Council of the City of Campbelltown.

### **4 Amendment of Campbelltown (Urban Area) Local Environmental Plan 2002**

*Campbelltown (Urban Area) Local Environmental Plan 2002* is amended as set out in Schedule 1.

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 42A

Insert after clause 42:

#### 42A Bushfire hazard

- (1) In considering whether to grant consent to any development on land which, in the opinion of the consent authority, is likely to be affected by bushfire, the consent authority must take into account whether:
  - (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bushfire control and fuel management adopted by the Council, and
  - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the development, and
  - (c) the increased demand for emergency services during bushfire events created by the development would lead to a significant decrease in the ability of emergency services personnel to effectively control major bushfires, and
  - (d) the measures adopted to avoid or mitigate the threat from bushfire, including siting of the development, design of structures and materials used, clearing of vegetation, Inner Protection Areas and Outer Protection Areas (within the meaning of *Planning for Bushfire Protection*) and landscaping and fire control aids such as roads and water supplies, are inadequate for the locality or would result in unacceptable environmental impacts.
- (2) In considering the matters referred to in subclause (1), the consent authority must have regard to and, as much as possible, be satisfied that, the provisions of *Planning for Bushfire Protection* have been met.

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)

Amendments

Schedule 1

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(3) In this clause:

***Planning for Bushfire Protection*** means the document titled *Planning for Bushfire Protection* published in December 2001 by the NSW Rural Fire Service in collaboration with Planning NSW, a copy of which is available for inspection at the office of the Council.

**[2] Schedule 2 Additional development**

Insert at the end of item 2:

Lot 1 DP 122424, Campbelltown Road, Glenfield.

**[3] Schedule 2, item 11**

Insert after item 10:

**11** Development for the purpose of a shop, in conjunction with a community facility:

Land at the corner of Old Glenfield Road and Glenfield Road, Glenfield, as shown coloured brown and edged with a heavy black broken line on the map marked "Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)"

**[4] Schedule 3 Dictionary**

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

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 3)



New South Wales

## **Gosford Local Environmental Plan No 378**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/00544/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 378

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## Gosford Local Environmental Plan No 378

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Gosford Local Environmental Plan No 378*.

### 2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies (being surplus Crown land) to the Special Uses zone under *Interim Development Order No 122—Gosford (the IDO)* to permit development of that part of the land for the purpose of a golf course and purposes ancillary to that purpose, and
- (b) to rezone the remaining land (being surplus Crown land) to the Open Space (Special Purposes) zone under the IDO to recognise the environmental value of the land for the purpose of preserving its flora and fauna.

### 3 Land to which plan applies

This plan applies to part of Lot 502, DP 722244, Empire Bay Drive, Kincumber, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 378” deposited in the office of the Council of the City of Gosford.

### 4 Amendment of Interim Development Order No 122—Gosford

*Interim Development Order No 122—Gosford* is amended by inserting in appropriate order in the definition of *I.D.C. Map* in clause 3 (1) the following words:

Gosford Local Environmental Plan No 378



New South Wales

## **Grafton Local Environmental Plan 1988 (Amendment No 35)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00033/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning



Clause 1            Grafton Local Environmental Plan 1988 (Amendment No 35)

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## **Grafton Local Environmental Plan 1988 (Amendment No 35)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Grafton Local Environmental Plan 1988 (Amendment No 35)*.

### **2 Aims of plan**

- (1) This plan aims to confirm the status of the public land to which this plan applies (being a public car park) as operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*.
- (2) This plan incidentally makes more extensive provisions in *Grafton Local Environmental Plan 1988 (the 1988 plan)* 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 1993 Act.
- (3) This plan also provides self-contained provisions in the 1988 plan for the classification or reclassification of public land as community land.

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

This plan applies to land known as the Duke Street Central Car Park, Duke Street, Grafton, being Lot 11, DP 1027121, Lot 12, DP 391707, Lots 7B, 8 and 9B, DP 17579, Part Lot 8 in Conveyance No 170 Book 2677, Part Lot 8 in Conveyance No 958 Book 3069, Part Lot 9 in Conveyance No 146 Book 2716, Part Lot 9 in Conveyance No 306 Book 2838 and Part Lot 9 in Conveyance No 925 Book 2939, as shown edged heavy black on the map marked "Grafton Local Environmental Plan 1988 (Amendment No 35)" deposited in the office of Grafton City Council.

Grafton Local Environmental Plan 1988 (Amendment No 35)

Clause 4

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**4 Amendment of Grafton Local Environmental Plan 1988**

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

Grafton Local Environmental Plan 1988 (Amendment No 35)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 38

Omit the clause. Insert instead:

#### **38 Classification and reclassification of public land as operational land**

- (1) The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to land described in Part 1 of Schedule 5.
- (3) Land described in Part 2 of Schedule 5:
  - (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 operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 5, 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 (if any) specified opposite the land in Column 3 of Part 3 of Schedule 5.
- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 5, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 5, the Governor approved of subclause (4) applying to the land.

Grafton Local Environmental Plan 1988 (Amendment No 35)

Amendments

Schedule 1

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**[2] Clause 38A**

Insert before clause 39:

**38A Classification and reclassification of public land as community land**

The public land described in Schedule 6 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

**[3] Schedule 5**

Omit “**Classification or re-classification of public land as community land or operational land**” from the heading to the Schedule.

Insert instead “**Classification and reclassification of public land as operational land**”.

**[4] Schedule 5, Column 1 heading**

Omit “**Column 1 Property description**”.

**[5] Schedule 5, Column 2**

Omit all matter relating to the Column.

**[6] Schedule 5, Part 1**

Insert before the list of properties in the Schedule:

**Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993**

Grafton Local Environmental Plan 1988 (Amendment No 35)

Schedule 1 Amendments

**[7] Schedule 5, Parts 2 and 3**

Insert at the end of the Schedule:

**Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed**

Locality	Description
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**Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed**

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged

**Grafton**

Duke Street	Duke Street Central Car Park, being Lot 11, DP 1027121, Lot 12, DP 391707, Lots 7B, 8 and 9B, DP 17579, Part Lot 8 in Conveyance No 170 Book 2677, Part Lot 8 in Conveyance No 958 Book 3069, Part Lot 9 in Conveyance No 146 Book 2716, Part Lot 9 in Conveyance No 306 Book 2838 and Part Lot 9 in Conveyance No 925 Book 2939, as shown edged heavy black on the map marked "Grafton Local Environmental Plan 1988 (Amendment No 35)" deposited in the office of the Council.	Rights of way reserved in Conveyances No 681 Book 316, No 679 Book 316, No 183 Book 420, No 540 Book 1003, No 496 Book 1012, No 495 Book 1012 and No 576 Book 953.
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Grafton Local Environmental Plan 1988 (Amendment No 35)

Amendments

Schedule 1

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**[8] Schedule 6**

Insert after Schedule 5:

**Schedule 6 Classification and reclassification of  
public land as community land**

(Clause 38A)

**Locality**

**Description**

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New South Wales

## **Pitwater Local Environmental Plan 1993 (Amendment No 64)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/02273/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Pitwater Local Environmental Plan 1993 (Amendment No 64)

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## **Pitwater Local Environmental Plan 1993 (Amendment No 64)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Pitwater Local Environmental Plan 1993 (Amendment No 64)*.

### **2 Aim of plan**

This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

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

This plan applies to land within the local government area of Pittwater, being Lot 6, DP 730450, known as 155a Garden Street, Warriewood, as shown edged heavy black on the map marked "Pitwater Local Environmental Plan 1993 (Amendment No 64)" deposited in the office of Pittwater Council.

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

*Pitwater Local Environmental Plan 1993* is amended as set out in Schedule 1.



Pitwater Local Environmental Plan 1993 (Amendment No 64)

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 4)

### Schedule 13 Classification or reclassification of public land as operational

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

#### Warriewood

155a Garden Street	Lot 6, DP 730450, as shown edged heavy black on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 64)"— <i>Pittwater Local Environmental Plan 1993 (Amendment No 64)</i>	Nil.
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New South Wales

## **Strathfield Local Environmental Plan No 100**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00025/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Strathfield Local Environmental Plan No 100

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## **Strathfield Local Environmental Plan No 100**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Strathfield Local Environmental Plan No 100*.

### **2 Aims of plan**

This plan aims:

- (a) to make further provision with respect to complying development in the local government area of Strathfield, and
- (b) to remove from the complying development Schedule to the *Strathfield Planning Scheme Ordinance* the matter relating to subdivision.

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

This plan applies to all land within the local government area of Strathfield under the *Strathfield Planning Scheme Ordinance*.

### **4 Amendment of Strathfield Planning Scheme Ordinance**

The *Strathfield Planning Scheme Ordinance* is amended as set out in Schedule 1.

Strathfield Local Environmental Plan No 100

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 22B Complying development

Omit “, as amended by (*Amendment No 1*) of that plan approved by the Council on 20 March 2001.” from clause 22B (4).

Insert instead:

, as amended by the following amendments to that Development Control Plan:

(*Amendment No 1*), as approved by the Council on 20 March 2001,

(*Amendment No 2*), as approved by the Council on 12 November 2002.

### [2] Schedule 14 Complying development

Omit all matter relating to subdivision.

## Roads and Traffic Authority

### ROADS ACT 1993

Order - Section 31

Fixing or Varying of Levels of part of the Newell Highway North of Gilgandra in the Coonabarabran Shire Council area

The Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of part of State Highway No 17 – Newell Highway between 58.54 km to 61.73 km north of Gilgandra, as shown on Roads and Traffic Authority Plan No 0017.098.RC.3658.

PJ Deardon  
Project Services Manager  
Roads and Traffic Authority of New South Wales  
51-55 Currajong Street  
Parkes NSW 2870

(RTA Papers FPP 98.5357; RO 17/98.1254)

### ROADS ACT 1993

Order - Section 31

Fixing or Varying of Levels of part of the Newell Highway north of Gilgandra in the Gilgandra Shire Council area

The Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of part of State Highway No 17 – Newell Highway between 20.18 km to 21.345 km north of Gilgandra, near Bidon and Hodgkiss Bridges as shown on Roads and Traffic Authority Plan No 0017.165.RC.3666.

PJ Deardon  
Project Services Manager  
Roads and Traffic Authority of New South Wales  
51-55 Currajong Street  
Parkes NSW 2870

(RTA Papers FPP 165.5357; RO 17/165.1263 Pt2)

### ROADS ACT 1993

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

Notice of Compulsory Acquisition of Land at Prestons in the Liverpool City Council area.

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

D J Lorsch  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

#### SCHEDULE

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

Lots 14, 16 and 17 inclusive and 19 to 23 inclusive Deposited Plan 1049307, being parts of the land in Reserve No 98131 for Public Recreation, Showground and Community Purposes notified in Government Gazette No 64 of 18 April 1986 on page 1718 and said to be in the possession of the Crown and Liverpool Showground Trust (reserve trustee); and

Lot 15 Deposited Plan 1049307, being part of Reserve No 54146 from Sale or Lease Generally notified in Government Gazette No 56 of 11 May 1923 on page 2253 and said to be in the possession of the Crown.

(RTA Papers FPP 3M1637; RO 259.12160)

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

Notice of Compulsory Acquisition of Land at Darlinghurst and Woolloomooloo in the South Sydney City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of His Excellency the Lieutenant Governor, that the land described in Schedule 1 and the interest in land described in Schedule 2 below are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

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SCHEDULE 1

Lot 44 Deposited Plan 1047474, being part of the land in Certificate of Title 101/1044533 and said to be in the possession of New South Wales Land and Housing Corporation (registered proprietor) and Bamburgh Developments Pty Limited (equitable owner);

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SCHEDULE 2

An easement in gross for rock anchors as described in Memorandum 2139814 recorded at Land and Property Information NSW over the land described below.

Land Burdened

The site designated by letter [E] on Deposited Plan 1045442, and described thereon as a “proposed easement for rock anchors 5.18 wide” and limited in height and depth as shown on Deposited Plan 1045442, being part of the land in Certificate of Title 5/135330 and said to be in the possession of New South Wales Land and Housing Corporation (registered proprietor);

The site designated by letter (W) on Deposited Plan 1046751, and described thereon as a “proposed easement for rock anchors 2.5 wide” and limited in height and depth as shown on Deposited Plan 1046751, being part of the land in Certificate of Title 2/62308 and said to be in the possession of New South Wales Land and Housing Corporation (registered proprietor);

The site designated by letter (W) on Deposited Plan 1046751, and described thereon as a “proposed easement for rock anchors 2.5 wide” and limited in height and depth as shown on Deposited Plan 1046751, being part of the land in Certificate of Title 203/63364 and said to be in the possession of New South Wales Land and Housing

Corporation (registered proprietor) and The Haymarket Foundation Limited (lessee); and

The sites designated by letters [S] and [W] on Deposited Plan 1047474, and described thereon as a “proposed easement for rock anchors and support variable width” and a “proposed easement for rock anchors 2.44 wide & variable” respectively and limited in height and depth as shown on Deposited Plan 1047474, being parts of the land in Certificates of Title 101/1044533 and said to be in the possession of New South Wales Land and Housing Corporation (registered proprietor) and Bamburgh Developments Pty Limited (equitable owner).

(RTA Papers FPP 3M1448)

## ROADS ACT 1993

Order - Sections 46, 47 and 50

Redeclaration of Roads in the RTA Sydney Region.

I, the Minister for Roads, pursuant to Sections 46, 47 and 50 of the Roads Act, by this Order:

- a) Vary the route of State Highway No 5 – Great Western Highway and Main Roads Nos 165, 170 and 190, and Secondary Roads Nos 2005, 2011 and 2066, by revoking the previously published declarations of these roads and declaring as State Highway No 5 – Great Western Highway and Main Roads Nos 165, 170 and 190, and Secondary Roads Nos 2005, 2011 and 2066 the roads described in the schedule below, and
- b) Revoke the previously published declaration of Main Road No 530, and
- c) Declare as Secondary Road No 2102 the route described in the schedule below.

## SCHEDULE

NAME AND NUMBER      DESCRIPTION

State Highway No 5      **Great Western Highway** - From the intersection of Broadway and Quay Street, Railway Square at Haymarket via Broadway and Parramatta Road to Parramatta, then via Wentworthville, Prospect, Eastern Creek and St Marys to Penrith, then via Henry Street, North Street, Belmore Street, and Jane Street to Castlereagh Road at Penrith, then from Castlereagh Road at Penrith via High Street, Victoria Bridge, old Great Western Highway and Russell Street to the interchange with the Western Motorway at Leonay, then from the end of the Western Motorway at the junction with Governors Drive at Lapstone, via Springwood, Leura, Katoomba, Lithgow and Kelso to Durham Street, Bathurst, then via Durham Street and Stewart Street to Brilliant Street at Bathurst.

Main Road No 165      From the southern toll plaza of Sydney Harbour Bridge at Millers Point via Western Distributor, to Anzac Bridge including:  
On-load ramps from Kent Street and Clarence Street, Off-load ramps to York Street and Grosvenor Street, On-load ramps from Sussex Street at Druiitt Street and at Market Street, On-load ramps from Harris Street at Fig Street, On-load ramp from Pymont Street, Exit road to Wheat Road/ Shelley Street near the Pedestrian Footbridge opposite King Street, Off-load ramps to King Street at Sussex Street, and to Harbour Street at Bathurst Street, Off-load ramp to Harris Street at Fig Street, Eastbound and Westbound Off-load ramps to Pymont Bridge Road, Eastbound and Westbound On-load ramps from Pymont Bridge Road, Off-load ramp to Allen Street, the ground level connections of Western Distributor from Bathurst Street to 100 metres north of Old Pymont Bridge; then via Anzac Bridge, and Victoria Road to Church Street, Parramatta, including the on-load ramp through the White Bay Underpass from The Crescent at Rozelle.

Main Road No 170      From Bunnerong Road at Chifley via Botany Road, Regent Street, Harris Street and Allen Street to the Western Distributor at Pymont;  
With a loop from Botany Road at Alexandria via Henderson Road, Wyndham Street and Gibbons Street to Regent Street at Redfern, and  
With a branch from George Street at Railway Square, Haymarket via Lee Street to Regent Street at Chippendale.

- Main Road No 190 From Heathcote Road at Lucas Heights via New Illawarra Road, Old Illawarra Road, Alfords Point Road, Davies Road, Fairford Road, Fairford Road extension, Stacey Street, Rookwood Road, Joseph Street, Olympic Drive, Boorea Street, Rawson Street, St Hilliers Road, and Silverwater Road and its extension to Kissing Point Road at Dundas;  
With a branch from Davies Road at the Clancy Street Interchange via Clancy Street to Henry Lawson Drive at Padstow Heights;  
With a branch from the Fairford Road extension via Stacey Street South to Canterbury Road at Bankstown; and  
With a branch from the intersection of Rookwood Road and Stacey Street at Yagoona via Rookwood Road to Liverpool Road (Hume Highway) at Yagoona.
- Secondary Road No 2005 From Fountain Street at Alexandria via Mitchell Road and Henderson Road to Botany Road at Alexandria.
- Secondary Road No 2011 From O’Riordan Street at Zetland, via Wyndham Street, Gibbons Street, and Lawson Square to Regent Street at Redfern.
- Secondary Road No 2066 From the junction of O’Connell Street and the Great Western Highway at Parramatta, via O’Connell Street and Barney Street to Church Street at North Parramatta.
- Secondary Road No 2102 From Pittwater Road at Queenscliff via Oliver Street, Bennett Street, Adams Street, Carrington Parade, Griffin Road, The Strand and Dee Why Parade to Pittwater Road at Dee Why.

CARL SCULLY MP  
MINISTER FOR ROADS

RNIM 901533 SB



## Roads Act 1993

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

Cabonne 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.

**G.L.P. Fleming**  
**General Manager**  
**Cabonne Council**  
 (by delegation from the Minister for Roads)

### Schedule

#### 1. Citation

This Notice may be cited as the Cabonne Council B-Doubles Notice No 1/2003.

#### 2. Commencement

This Notice takes effect on the date of Gazettal.

#### 3. Effect

This Notice remains in force until 30 June 2008 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 Cabonne Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25		Pye Street, Nanima Street, Gooloogong-Eugowra Rd, Paytens Bridge Road	Intersection of Pye Street and MR 377 in Eugowra	Entry to Gundamain Feedlot on the Paytens Bridge Road	80km/hr speed limit for B-doubles

## Roads Act 1993

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

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

**G J Haley,**  
**General Manager**  
**Forbes Shire Council**  
**(by delegation from the Minister for Roads)**

### Schedule

#### 1. *Citation*

This Notice may be cited as the Forbes Shire Council Road Train Notice No 1/2003.

#### 2. *Commencement*

This Notice takes effect on the date of Gazettal.

#### 3. *Effect*

This Notice remains in force until 30 June 2008 unless it is amended or repealed earlier.

#### 4. *Application*

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

#### 5. *Routes*

##### Road Train routes within the Forbes Shire Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
	SR 2	Abattoirs Road	SH17 Newell Highway	Road End – Total Length 240 metres	Nil

## Roads Act 1993

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

Forbes 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.

**G. J. HALEY,**  
**General Manager**  
**Forbes Shire Council**  
**(by delegation from the Minister for Roads)**

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### Schedule

#### 1. *Citation*

This Notice may be cited as the Forbes Shire Council B-Doubles Notice No 1/2003.

#### 2. *Commencement*

This Notice takes effect on the date of Gazettal.

#### 3. *Effect*

This Notice remains in force until 30 June 2008 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 Forbes Shire Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
	Sr 146	Calarie – Daroobalgie Rd	SH17 Newell Highway	Daroobalgie Waste Landfill Depot – Total Length 1.42km.	Nil

## Roads Act 1993

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

Orange City 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.

**Allen Dwyer**  
**General Manager**  
**Orange City Council**  
 (by delegation from the Minister for Roads)

### Schedule

#### 1. *Citation*

This Notice may be cited as the Orange City Council B-Doubles Notice No 01/2003.

#### 2. *Commencement*

This Notice takes effect on the date of Gazettal.

#### 3. *Effect*

This Notice remains in force until from 30 June 2008 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 Orange City Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	157	Leeds Parade	Phillip Street	Bindaree Beef	Both Directions

**ROADS ACT 1993**  
**Notice under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation, 1996**

Hornsby Shire 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.

R J Ball  
 General Manager  
 Hornsby Shire Council  
 (by delegation from the Minister for Roads)

17 February 2003

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**Schedule**

**1. Citation**

This Notice may be cited as the Hornsby Shire Council B-Double Notice No 1/2003.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

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

**4. Application**

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

**5. Routes**

**B-Double routes within the Hornsby Shire Council**

<b>Type</b>	<b>Road</b>	<b>Starting point</b>	<b>Finishing point</b>
25	Beaumont Rd, Berowra	Beaumont Rd, intersection of Gundah Rd	

## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### EXEMPTION ORDER

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977, to the University of Western Sydney, Aboriginal Education Centre, to designate and recruit Aboriginal and Torres Strait Islander persons for the positions of Team Leader, Community Liaison and Recruitment; Team Leader, Student Support; and Executive Assistant to the Director.

This exemption will remain in force for a period of ten years from the date given.

Dated this 24th day of February 2002.

BOB DEBUS,  
Attorney General

### ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 47 (4) (a)

TAKE NOTICE that the company "North Sydney Community Centre Limited" formerly registered under the provisions of the Corporations Act 2001, is now incorporated under the Associations Incorporation Act 1984 as "North Sydney Community Centre Incorporated" effective 21 February 2003.

R. DONNELLY,  
Delegate of the Director-General,  
Department of Fair Trading.

### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 55A (3)

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A (3) of the Associations Incorporation Act 1984. Cancellation is effective as at the date of gazettal.

Hathaway Cottages Hostel Incorporated  
Cudmirrah-Berrara Fundraising Association  
Incorporated  
Save St Patricks Estate Action Group Incorporated

Dated: 25 February 2003.

CHRISTINE GOWLAND,  
Manager, Financial Analysis,  
Registry of Co-operatives and Associations,  
Department of Fair Trading.

### BANKS AND BANK HOLIDAYS ACT 1912

#### NOTICE

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 19 (3) of the Banks and Bank Holidays Act 1912, appoint Thursday, 16 October 2003, to be observed as a public holiday within the Lismore City Council area.

Dated this 24th day of February 2003.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations

### CASINO CONTROL ACT 1992

#### ORDER

PURSUANT to section 66 (1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, approve the following amendments to the rules for the playing of the game of "Roulette" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

**(1) Amendments to the rules for the playing of "Roulette"**

(a) Roulette sub-rule 2.2 is repealed and in substitution therefor, the following new sub-rule 2.2 is approved:

2.2 The layout cloth of the table shall display the name and/or the logo of the casino, shall have areas designated for the placement of wagers and shall be marked in a manner substantially similar to that shown in diagram "A" or "B" or "C" or "D" or "E" or "F" or "M".

(b) Roulette sub-rule 7.1.2 is repealed and in substitution therefor, the following new sub-rule 7.1.2 is approved:

7.1.2 The display of the touch screen monitor of an open ATS must display all the elements substantially similar to that shown in diagram F or M; and

7.1.2.1 may contain any additional elements necessarily required by these rules; and/or

7.1.2.2 may include features in addition to those shown in diagram F or M, if those features are not inconsistent with diagram F or M, or these rules.

(c) Roulette sub-rule 7.1.3 is repealed and in substitution therefor, the following new sub-rule 7.1.3 is approved:

7.1.3 A drop box shall be attached to the dealer's (SGC) podium and may, where so provided, be attached to each ATS.

(d) Roulette sub-rule 7.2.2 is repealed and in substitution therefor, the following new sub-rule 7.2.2 is approved:

7.2.2 A person wishing to play the game must first establish an ATS account by either:

7.2.2.1 the tendering to the dealer of an amount of cash, chips or casino promotional tokens or vouchers; or

7.2.2.2 inserting an amount of cash into the ATS drop box.

(e) Roulette sub-rule 7.2.4 is repealed and in substitution therefor, the following new sub-rule 7.2.4 is approved:

7.2.4 Where a player inserts cash into an ATS drop box, the amount of cash will automatically be credited to the ATS chip account in respect of that ATS, thereby causing that amount to be shown as standing to the credit of the ATS chip account.

(f) Roulette sub-rule 7.2.5 is repealed and in substitution therefor, the following new sub-rule 7.2.5 is approved:

7.2.5 The person for the time being in control of an open ATS may at any time:

7.2.5.1 tender further amounts of cash, chips or casino promotional tokens or vouchers to the Dealer who must, as soon as practicable, credit the amount tendered to the player's ATS chip account; or

7.2.5.2 insert a further amount of cash into the ATS drop box.

(g) The following new Roulette Diagram "M" is approved:

**DIAGRAMM**

**DOUBLEZERORAPIDROULETTEATSSCREEN LAYOUT**



This Order shall take effect on and from the date of publication in the New South Wales *Government Gazette*. Signed at Sydney, this 25th day of February 2003.

BRIAN FARRELL,  
Chief Executive,  
for and on behalf of the  
Casino Control Authority.

**CO-OPERATIVES ACT 1992**

Notice Under Section 601AA of the Corporations Law as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

**Name of Co-operative**

Network of Independent Computer Consultants Co-operative Ltd.

Dated this 25th day of February 2003.

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

**DISTRICT COURT OF NEW SOUTH WALES**

**DIRECTION**

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

Parkes, 10:00 a.m., 22 September 2003 (2 weeks) (in lieu of 8 September 2003).

Dated this 21st day of February 2003.

R. O. BLANCH,  
Chief Judge.

**HERITAGE ACT 1977**

Interim Heritage Order No. 00068

IN pursuance of section 24 of the Heritage Act 1977, I, the Minister for Planning, do, by this my Order:

- (i) make an interim heritage order in respect of the item of the environmental heritage specified or described in Schedule 'A'; and
- (ii) declare that the interim heritage order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

Dated: Sydney, 18th February 2003.

ANDREW REFSHAUGE,  
Minister for Planning

**SCHEDULE 'A'**

The property situated at 14-16 View Street, Blaxland, on the land described in Schedule 'B'.

**SCHEDULE 'B'**

All those pieces or parcels of land known as Lot A, DP 398972.

**HERITAGE ACT 1977**

Interim Heritage Order No. 00069

IN pursuance of section 24 of the Heritage Act 1977, I, the Minister for Planning, do, by this my Order:

- (i) make an interim heritage order in respect of the item of the environmental heritage specified or described in Schedule 'A'; and
- (ii) declare that the interim heritage order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

Dated: Sydney, 19th February 2003.

ANDREW REFSHAUGE,  
Minister for Planning

SCHEDULE 'A'

The property known as 'Brise de Mer' situated at 118 North Steyne, Manly, on the land described in Schedule 'B'.

SCHEDULE 'B'

All those pieces or parcels of land Lot 2, DP 928178.

**LOCAL GOVERNMENT ACT 1993**

Nambucca Heads Sewerage Augmentation  
Vesting of Easements in Nambucca Shire Council

THE Minister for Land and Water Conservation of the State of New South Wales, declares that the easement described in the Schedule hereto, which was acquired for the purpose of the Nambucca Heads Sewerage Augmentation Scheme, is vested in Nambucca Shire Council.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation  
and Minister for Fair Trading

SCHEDULE

Interest in Land

Easement rights as described under the heading Sewer Pipeline in Memorandum E931212, filed in the Office of Land and Property Information NSW, over the site shown in:

Deposited Plan 1042764 (SB55272) as '(C) PROPOSED EASEMENT FOR SEWER PIPELINE 2 WIDE'.

DPWS Reference: 177.

**PARLIAMENTARY ELECTIONS AND ELECTORATES ACT 1912**

State Electoral Office  
Appointment of Polling Places

HIS Excellency the Lieutenant Governor with the advice of the Executive Council and pursuant to section 98 (1) of the Parliamentary Elections and Electorates Act 1912, is satisfied the convenience of a large number of electors of the electoral districts set out hereunder in Column 1 would be furthered by appointing polling-places outside those districts as set out in Column 2 AND appoints such polling-places.

**COLUMN1**

**Electoral Districts**

1. Albury
2. Auburn
3. Ballina

**COLUMN2**

**Polling Places**

- Sydney (Albury)
- Baden  
Horton Street  
Sydney (Auburn)
- Sydney (Ballina)

**COLUMN1**

**Electoral Districts**

4. Bankstown
5. Barwon
6. Bathurst
7. Baulkham Hills
8. Bega
9. Blacktown
10. Bligh
11. Blue Mountains
12. Burrinjuck
13. Cabramatta
14. Camden
15. Campbelltown
16. Canterbury
17. Cessnock
18. Charlestown
19. Clarence
20. Coffs Harbour
21. Coogee
22. Cronulla
23. Davidson
24. Drummoyne
25. Dubbo
26. East Hills

**COLUMN2**

**Polling Places**

- Bankstown North  
Bankstown West  
Hillcrest  
Sydney (Bankstown)  
William Street
- Sydney (Barwon)
- Sydney (Bathurst)
- Kellyville South  
Northmead Central  
Showground Road  
Sydney (Baulkham Hills)
- Sydney (Bega)
- Cornelia  
Sydney (Blacktown)
- Sydney (Bligh)
- Coughlan Road  
Sydney (Blue Mountains)  
Tallowood Gardens
- Sydney (Burrinjuck)
- Humphries Road  
Sydney (Cabramatta)
- Menangle Park  
Oakdale North  
Sydney (Camden)
- Coronation Park  
Robert Townson  
Sydney (Campbelltown)
- Belmore North  
Bexley Road  
Enfield East  
Moonbie  
Sydney (Canterbury)  
Thorncraft
- Sydney (Cessnock)
- Brunker Road  
John Young  
Main Road  
Medcalf Street  
Sydney (Charlestown)
- Coronation  
Sydney (Clarence)
- Grafton Road  
Sydney (Coffs Harbour)  
Urunga North
- Miller Street  
Randwick West  
Sydney (Coogee)  
Wellington Street
- Sydney (Cronulla)
- Melwood  
Richmond Park  
Rosedale  
Sydney (Davidson)
- Sydney (Drummoyne)
- Sydney (Dubbo)
- Sydney (East Hills)



<b>COLUMN1</b>	<b>COLUMN2</b>	<b>COLUMN1</b>	<b>COLUMN2</b>
<b>Electoral Districts</b>	<b>Polling Places</b>	<b>Electoral Districts</b>	<b>Polling Places</b>
27. Epping	Agincourt Denistone Farnell Sydney (Epping) Terry Road West Pennant Hills	45. Lismore	Brunxner Sydney (Lismore)
28. Fairfield	Adams Park Cambridge Street Pennington Sydney (Fairfield) Wellington Road	46. Liverpool	De Meyrick First Avenue Sydney (Liverpool) Union Hall
29. Georges River	Banner Road Kingsgrove Central Sydney (Georges River)	47. Londonderry	Sydney (Londonderry)
30. Gosford	Gosford North Sydney (Gosford) Wamberal Central	48. Macquarie Fields	Kinross Place Sydney (Macquarie Fields)
31. Granville	Chester Hill South Guildford South Guildford West Sydney (Granville)	49. Maitland	Eastern Avenue Sydney(maitland)
32. Hawkesbury	Gilmour Sydney (Hawkesbury) Vineyard North Windsor Road	50. Manly	St Johns St Kevins Sydney (Manly)
33. Heathcote	Sydney (Heathcote)	51. Maroubra	Sydney (Maroubra)
34. Heffron	George Street Redfern Central Redfern South Strachan Street Sydney (Heffron)	52. Marrickville	Darlington Central Malcolm Street Sydney (Marrickville)
35. Hornsby	Sydney (Hornsby)	53. Menai	Faraday Sydney (Menai)
36. Illawarra	St Therese Sydney (Illawarra) Tongarra Road Wallabah	54. Miranda	Kirrawee North Sutherland Central Sutherland South Sydney (Miranda)
37. Keira	Carters Lane Millbrook Sydney(keira)	55. Monaro	Sydney (Monaro)
38. Kiama	Oldfield Sydney (Kiama)	56. Mount Druitt	Bouganville Road Emerton Mount Druitt North Sydney (Mount Druitt)
39. Kogarah	Barnards Bexley East Gallipoli Street Kingsland Road Sydney (Kogarah)	57. Mulgoa	Cross Street Sydney (Mulgoa)
40. Ku-ring-gai	Arnold Street Sydney (Ku-ring-gai)	58. Murray-darling	Sydney (Murray-darling)
41. Lachlan	Sydney (Lachlan)	59. Murrumbidgee	Sydney (Murrumbidgee)
42. Lake Macquarie	Clarence Street King Street Macquarie Road Sydney (Lake Macquarie)	60. Myall Lakes	Sydney (Myall Lakes)
43. Lakemba	King Georges Road Mountview Avenue Ogilvy Sydney (Lakemba)	61. Newcastle	Adamstown St James All Saints Regent Street Sydney (Newcastle)
44. Lane Cove	Stringybark Sydney (Lane Cove) Twin Road	62. North Shore	Sydney (North Shore)
		63. Northern Tablelands	Sydney (Northern Tablelands)
		64. Orange	Sydney (Orange)
		65. Oxley	Sydney (Oxley)
		66. Parramatta	Cumberland Sydney (Parramatta)
		67. Peats	Donnison Street Sydney (Peats)
		68. Penrith	Samuel Terry Sydney (Penrith)
		69. Pittwater	Sydney (Pittwater)
		70. Port Jackson	Hyde Park East
		71. Port Macquarie	Station Street Sydney (Port Macquarie)
		72. Port Stephens	Sydney (Port Stephens)
		73. Riverstone	Breakfast Road Sydney (Riverstone)
		74. Rockdale	Carlton South Sydney (Rockdale)

<b>COLUMN1</b>	<b>COLUMN2</b>
<b>Electoral Districts</b>	<b>Polling Places</b>
75. Ryde	Lyon Park Sydney (Ryde) Wharf Road
76. Smithfield	Bradman Street Sandringham Sydney (Smithfield)
77. South Coast	Sydney (South Coast)
78. Southern Highlands	Kalinga Street Sydney (Southern Highlands)
79. Strathfield	Sydney (Strathfield)
80. Swansea	Sydney (Swansea)
81. Tamworth	Sydney (Tamworth)
82. The Entrance	Brush Road Sydney (The Entrance)
83. The Hills	Sydney (The Hills)
84. Tweed	Sydney (Tweed)
85. Upper Hunter	Sydney (Upper Hunter)
86. Vacluse	Albert Court Forth Street Sydney (Vacluse) Waverley Park
87. Wagga Wagga	Sydney (Wagga Wagga)
88. Wakehurst	Ann Street Sydney (Wakehurst)
89. Wallsend	Lawson Avenue St James Sydney (Wallsend)
90. Wentworthville	Best Road Langdon Road Sydney (Wentworthville) Violet Place
91. Willoughby	Artarmon Falcon Macpherson Sydney (Willoughby)
92. Wollongong	Byamee Dapto North Rotary Park Sydney (Wollongong)
93. Wyong	Myrtle Brush Ourimbah Central Sydney (Wyong)

BOB CARR, M.P.,  
Premier

Signed this 12th day of February 2003.

CATHY ZOI,  
Assistant Director-General  
(Chemicals and Waste),  
Environment Protection Authority.

### PESTICIDES REGULATION 1995

#### Notice Granting Exemption under Clause 11G

BY this notice and following consultation with the Pesticides Implementation Committee established under the Pesticides Act 1999, the Environment Protection Authority (EPA) grants to Energy Australia, Country Energy, Australian Inland Energy Water Infrastructure and Integral Energy and their contractors an exemption from Clauses 11D (1) (h) and 11E (2) (c) (ii) of the Pesticides Regulation 1995, where a pesticide application is made to a pole in a remote location out of site of any property dwelling and for which there are no obvious details of the owner/occupier. The exemption applies from the date of this notice.

Signed this 12th day of February 2003.

CATHY ZOI,  
Assistant Director-General  
(Chemicals and Waste),  
Environment Protection Authority.

### POISONS AND THERAPEUTIC GOODS ACT 1966

#### Order Under Clause 171 (1) Poisons and Therapeutic Goods Regulation 2002

#### Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Dr Christopher HARTLEY of 25 Bowaga Avenue, Blaxland 2774, prohibiting him, until further notice, as a medical practitioner from having possession of and supplying drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This Order is to take effect on and from Tuesday, 25 February 2003.

ROBYN KRUK,  
Director-General.

Department of Health, New South Wales.  
Sydney, Thursday, 20 February 2003.

### PESTICIDES REGULATION 1995

#### Publication of Exemption Granted Under Clause 11G

THE following exemption is published by the Environment Protection Authority (EPA) in accordance with Clause 11G of the Pesticides Regulation 1995 ("the Regulation"). Clause 11G of the Regulation provides that the EPA may, after appropriate consultation, exempt a person or specified class of persons from any of the record making and keeping requirements under Part 4A of the Regulation.

### ROADS ACT 1993

#### Proclamation of Dedication of Land at Tallawarra as Public Road

I, JAMES JACOB SPIGELMAN, Lieutenant-Governor of the State of New South Wales, on the recommendation of the Minister for Energy, proclaim that the land described in the Schedule, owned by Pacific Power and used by the public as a road, is hereby dedicated as a public road under section 13 of the Roads Act 1993.

Dated this 19th day of February 2003.

JAMES JACOB SPIGELMAN,  
Lieutenant-Governor  
of the State of New South Wales.

SCHEDULE

All that parcel of land shown as Lots 1 to 6 inclusive in Deposited Plan 1049520, situated in the Wollongong City Council area, Parish of Calderwood, County of Camden.

**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 THE INTERNATIONAL BUDO FEDERATION (AUSTRALIA) to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Pankration.

KATE McKENZIE,  
Chairperson.

Sporting Injuries Committee,  
Sydney, 25th February 2003.

**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 MACKSVILLE & DISTRICTS BASKETBALL ASSOCIATION to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Basketball.

KATE McKENZIE,  
Chairperson.

Sporting Injuries Committee,  
Sydney, 25th February 2003.

**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 SOCCER NSW LTD – COUNCIL OF CLUBS to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Soccer.

KATE McKENZIE,  
Chairperson.

Sporting Injuries Committee,  
Sydney, 25th February 2003.

**TRANSPORT ADMINISTRATION ACT 1988**

DIRECTION

Section 49 — Transport Administration Act 1988

I, CARL SCULLY, the Minister for Roads, hereby direct the Chief Executive of the Roads and Traffic Authority not to construct any freeway or motorway on the proposed F6

corridor between St Peters and the Royal National Park which passes through the local government areas of Marrickville, Rockdale and Sutherland Shire. Further, I direct that the Roads and Traffic Authority not construct any road or transport development of any type between the Royal National Park and the southern side of Gymea Station, so that this portion of the F6 corridor can be preserved, as much as possible, for open space.

CARL SCULLY, M.P.,  
Minister for Roads

**TRANSPORT ADMINISTRATION ACT 1988**

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

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

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the sub-surface stratum land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the State Rail Authority, as authorised by the Transport Administration Act 1988, being for underground rail facilities in connection with the Parramatta Rail Link.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 18th day of November 2002.

HOWARD LACY,  
Chief Executive.

SCHEDULE

All that sub-surface stratum of land situate at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being that part of Lot 1 in Deposited Plan 1046092 within Lots 1 and 2 in Deposited Plan 270258, having an area of 864 square metres or thereabouts. This land is to be excluded from Community Plan DP 270258 and an application has been made to the Supreme Court by Plaintiff No. 1587 of 2003. for orders amending any applicable development contract, and the management statement, by-laws and schedule of unit entitlements as a consequence of the acquisition.

SRA Reference: 012969.

**TRANSPORT ADMINISTRATION ACT 1988**

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

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

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the sub-surface stratum land described in the Schedule hereto

is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the State Rail Authority, as authorised by the Transport Administration Act 1988, being for underground rail facilities in connection with the Parramatta Rail Link.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 17th day of January 2003.

HOWARD LACY,  
Chief Executive.

#### SCHEDULE

All that sub-surface stratum of land situate at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 11 in Deposited Plan 1047085, having an area of 7652 square metres or thereabouts and said to be in the possession of The Macquarie University.

All that sub-surface stratum of land situate at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 2 in Deposited Plan 1047085, excluding thereout that part of the Easement to Drain Water 9 wide and variable in Deposited Plan 614852, created in favour of Ryde City Council above a horizontal plane at 35 metres above Australian Height Datum, having an area of 3657 square metres or thereabouts and said to be in the possession of AMP Henderson Global Investors Limited and AMPLife Limited.

All that sub-surface stratum of land situate at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 3 in Deposited Plan 1044956, having an area of 3152 square metres or thereabouts and said to be in the possession of Miff Pty Limited.

SRA Reference: 013111.

#### WATER ACT 1912

Office of the Commissioners of Inquiry for Environment and Planning

Notice of Public Hearing  
into an Application for a Water Approval under  
Section 167 (1) of Part 8 of the Water Act 1912  
by Mac'scon Pty Ltd

THE application is for an approval under section 167 (1) of Part 8 of the Water Act 1912, from Mac'scon Pty Ltd described as:

- for an earthen bund (levee) on Nambucca River Lot 42, DP 788702, Parish Buckra Bendinni, County Raleigh, for the prevention of inundation of land by floodwater and to act as an acoustic control device for the proposed development.

Pursuant to section 120A of the Environmental Planning and Assessment Act 1979 as amended, the Commission of Inquiry into the proposed Sand and Gravel Extraction Operation will hold a Public Hearing for the purpose of considering the above described application and objections made thereto.

All objections lodged with the Department of Land and Water Conservation in respect of the above application will be referred to and considered by the Commission of Inquiry.

The Public Hearing will be held at Nambucca Shire Council Chambers, 44 Princess Street, Macksville, at a date to be advised.

Persons seeking to make a submission to the Public Hearing are required to register by sending **FOUR COPIES** of their submission in writing to the Office of the Commissioners of Inquiry (GPO Box 3415, Sydney 2001), by **1:00 p.m., Wednesday, 2 April 2003.**

**Please indicate in your submission if you wish to appear before the Public Hearing and the estimated time necessary to present your submission.**

If you have any questions in regard to the Hearing, please call Alejandra Rojas on (02) 9299 2904.

PAUL FREEMAN,  
Registrar.

# 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:

### 4 March 2003

**S0218928** SECONDARY RESOURCE USE OF PRE-TREATED MUNICIPAL SOLID WASTE. DOCUMENTS: \$220.00 PER SET

### 6 March 2003

**IT 036/2946** HYDRAULIC & AIR OPERATED RESCUE EQUIPMENT. DOCUMENTS: \$110.00 PER SET

### 13 March 2003

**025/6037** PEST CONTROL SERVICES. DOCUMENTS: \$110.00 PER SET

### 18 March 2003

**S0232875** CLEANING OF CENTRAL COAST AHS - VARIOUS SITES. CATEGORY B. INSPECTION DATE & TIME: 19/02/2003 @ 9:30 AM SHARP. AREA: 13,251 SQ. METERS. DOCUMENTS: \$55.00 PER SET

**036/250** CONTINENCE & SEXUAL HEALTH PRODUCTS. DOCUMENTS: \$110.00 PER SET

### 19 March 2003

**0203165** SUPPLY OF HAND HELD / MOBILE INFRINGEMENT ISSUING TECHNOLOGY. DOCUMENTS: \$110.00 PER SET

### 25 March 2003

**035/439** MISCELLANEOUS MEDICAL AND SURGICAL DEVICES. DOCUMENTS: \$110.00 PER SET

### 26 March 2003

**0202878** SUPPLY OF AMMUNITION. DOCUMENTS: \$110.00 PER SET

### 2 April 2003

**0203185** SUPPLY OF PROTECTIVE CLOTHING FOR THE NSW RURAL FIRE SERVICE. DOCUMENTS: \$110.00 PER SET

### 9 April 2003

**S0200178** PROVISION OF JURORS MEALS AT DARLINGHURST AND QUEENS SQUARE COURTS. 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>).

**cmSolutions****TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

**Tender Closing: Monday, 17th March 2003**

Tender No: 35728. Tenders are invited for the printing, distribution and collection, scanning and manual data entry of Baseline Student Satisfaction Survey Forms x 10 kinds. Each A4 form is 4pp and printed black and 1 PMS colour throughout. Each page will be sequentially numbered and have a bar code identifying the different forms.

Completed surveys will need to be scanned. Many of the responses will be via a cross in a box, however some responses need numbers or text to be written in boxes provided for this. These all need to be scanned and recorded. Some questions call for other comments to be provided.

Enquiries to Jeff Fauchon on 9721 9830 or Gavin Potter on 9721 9836.

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# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BEGA VALLEY SHIRE COUNCIL

#### Erratum

IN the Bega Valley Shire notice that appeared in the *Government Gazette* of 13th September, 2002, Folio 8175 under the heading "Notice of Compulsory Acquisition of Land", the notice is hereby amended by altering the land in the first Schedule to read Lot 1, DP 1037443 and the land in the second Schedule to read Lot 2 in DP 1037443.

Furthermore under the heading "Dedication of Land as Public Road" that also appeared on 13th September, 2002, Folio 8175, that notice is hereby amended to read Lot 2 in Deposited Plan 1037443.

D. G. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega, NSW 2550. [0143]

### BLACKTOWN CITY COUNCIL

#### Roads Act 1993, Section 10 (1)

#### Dedication of Land as Public Road

NOTICE is hereby given by Blacktown City Council that pursuant to section 10 (1), Division 1, Part 2 of the Roads Act 1993, the land described in the Schedule below is hereby dedicated as public road. Dated at Blacktown, 18th February, 2003. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown, NSW 2148

#### SCHEDULE

Lot 3, DP 1046244. [0144]

### HORNSBY SHIRE COUNCIL

#### Roads Act 1993

#### Roads General Regulation 1994

#### Renaming of Public Road – Mary Ann Place

NOTICE is hereby given that the Hornsby Shire Council, in pursuance of section 162 of the abovementioned Act, has renamed the road as shown hereunder:

Present Name	New Name
McCusker Crescent. Adjacent to Lots 1031, 1032, 2001, 2002, 2003, 2004, 2005 and 3001.	Mary Ann Place.

Authorised by resolution of the Council on 5th February, 2003. HORNSBY SHIRE COUNCIL, PO Box 37, Hornsby, NSW 1630. [0146]

### KOGARAH MUNICIPAL COUNCIL

#### Roads Act 1993, Section 116

#### Installation of No Truck Signs in Carlton

THE Kogarah Council advises that pursuant to section 116 of the Roads Act 1993, it proposes to install No Truck signs in Carlton. Roads affected by the proposal include those in the area bound by Park Road, Elizabeth

Street, Railway Parade, Gray Street and Princes Highway. It should be noted that those load limits do not apply to buses or commercial vehicles in excess of the limit when needing to gain access to properties in the area defined above. A period of twenty-eight (28) days from the date of this notice is allowed for persons to lodge a written objection to the proposed load limits. Further information regarding the proposal can be gained by viewing the plan of the proposed No Truck signs at Council's Customer Service Centre, located at 84 Railway Parade, Kogarah. If you have any inquiries regarding this matter, please contact Council's Assistant Traffic Engineer, Attila Nemeth on (02) 9330 9540. GARY SAWYER, General Manager, Kogarah Municipal Council, Locked Bag 8, Kogarah, NSW 2217. [0147]

### NARRABRI SHIRE COUNCIL

#### Roads Act 1993, Section 162

#### Naming of Public Roads – Riverside Drive, Bennett Close

THE Narrabri Shire Council in pursuance of section 162 of the abovementioned Act and in accordance with Clause 9, Division 2 – Part 2 of the Roads (General) Regulation 2000, has resolved that the following roads in the township of Narrabri be named as follows:

Description	Name
Unnamed road commencing at the north-western corner of Lot 22, DP 1032295 and running to the eastern corner of Lot 12, DP 1032295.	Riverside Drive.
Unnamed road commencing at the north-eastern corner of Lot 17, DP 1032295 and running to the eastern side of Lot 20, DP 1032295.	Bennett Close.

No objections to the proposed names were received within the prescribed period of time. IAN McCALLUM, General Manager, Narrabri Shire Council, PO Box 261, Narrabri, NSW 2390. [0148]

### PARRAMATTA CITY COUNCIL

#### Roads Act 1993, Section 10

#### Notice of Dedication of Land as Public Road at Granville in the Parramatta City Council Area

THE Parramatta City Council in accordance with the resolution of Council, Minute No. 10353, 10th February, 2003, 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 Granville, Parish of Liberty Plains, County of Cumberland, shown as Lot 2, Deposited Plan 555046 and Lot 3, DP 554800. [0149]

**PARRY SHIRE COUNCIL**

Roads Act 1993

Roads (General) Regulation 2000, Part 2 – Roads  
Division 2 – Naming of Roads

## Renaming of Public Roads

NOTICE is hereby given that the Council at its meeting  
of 25th July, 2002 resolved to rename the roads hereunder:

<b>Description</b>	<b>New Name</b>	<b>Description</b>	<b>New Name</b>
Somerton – Bective Road (Top), Somerton from Babinboon Road – north.	Racecourse Road.	Port Stephens Cutting – Weabonga Road, Weabonga from RR7718 (Nowendoc Road) north.	Weabonga Road.
Somerton – Bective Road (Bottom), Somerton from Babinboon Road – south.	Warminster Road.	Terrible Billy – Niangala Road, Niangala from RR7718 north to Niangala Village.	Niangala Road.
Bective – Thibault Road, Bective from Bective Soldiers Settlement Road – west.	Prices Road.	Weabonga – Campfire Road, Weabonga from Port Stephens Cutting -Weabonga Road north-east to Walcha Shire Boundary.	Ingalba Flat Road.
Bective Soldiers Settlement Road, Bective from Gidley Siding Road runs west – south – west.	Soldiers Settlement Road.	Woolbrook – Campfire Road, Woolbrook from Woolbrook south through Walcha Shire.	Campfire Road.
Browns Road, Bective from Bective – Wintons Road west to Soldiers Settlement Road.	Jack Brownes Road.	Congi – Woolbrook Road, Woolbrook from Danlemar Road north-west to Oxley Highway.	Back Woolbrook Road.
Bective – Winton Road, Bective/Winton from Oxley Highway south – north to Old Winton Road.	Bective Lane.	Bendemeer – Woolbrook Road, Woolbrook/Bendemeer from Back Woolbrook Road west – adjoins Bendemeer Station Road.	Nerstane Road.
Fishers – Tongue Lane, Loomberah from Loomberah Road east to Pendene Road.	Tongues Lane.	Walcha Stock Route Road, Woolbrook from Oxley Highway east to Walcha Shire Boundary.	Top Congi Road.
Kia Ora – McCullochs Road, Loomberah from Kia Ora Lane – south.	Macqueens Road.	Airlie Station Road, Bendemeer from Airlie Stock Route Road north to “Airlie Station”.	Yaccamunda Road.
Dungowan – Woolomin Road, Dungowan from Duri-Dungowan Road – south.	Back Woolomin Road.	Retreat – Kingstown Road, Retreat from Retreat Road north to Uralla Shire Boundary.	Kingstown Road.
Goonoo Goonoo – Nundle Road, Goonoo Goonoo from SH9 – east to Marsden Park Road.	Middlebrook Road.	Tilmunda – Uralla Road, Bendemeer from Airlie Stock Route Road east to Retreat Road.	Tilmunda Road.
Old Tamworth – Werris Creek Road, Duri from Woodlands – Goonoo Goonoo Road north to Skeltons Lane.	Lees Road.	Longford – Retreat Road, Bendemeer/Retreat from Watsons Creek Road north to Uralla Boundary.	Retreat Road.
Woodlands – Goonoo Goonoo Road, Duri from New England Highway west to unnamed lane.	Bartons Lane.	Retreat – Glenbarra Road from Retreat Road south-west to Manilla Shire Boundary.	Pringle Road.
Belgamba – Gowrie Road, Gowrie from MR130 east to Gowrie Road.	Heath Road.	Bendemeer – Woolbrook Road, Bendemeer from Bendemeer east – adjoins Bendemeer – Woolbrook Road.	Bendemeer Station Road.
Gowrie – Goonoo Goonoo Road, Gowrie from New England Highway west – south.	Top Gowrie Road.	Bendemeer – Watsons Creek Road, Bendemeer/Watsons Creek from Bendemeer north-west to Watsons Creek.	Watsons Creek Road.
Gowrie Post Office Road, Gowrie from Gowrie Road east – north.	Marshalls Lane.	Bendemeer Reserve Road, Bendemeer from Watsons Creek Road west.	Gardiners Road.
Werris Creek Silo Road, Werris Creek from MR 579 east.	Silo Road.	Kootingal – Limbri Road, Kootingal/Limbri from Kootingal north-east to Limbri.	Limbri Road.
		Limbri Recreation Ground Road, Limbri from Limbri Road east.	Recreation Ground Road.



<b>Description</b>	<b>New Name</b>	<b>PARRY SHIRE COUNCIL</b>	
Yarrol Lane, Kootingal from New England Highway north, meets Yarrol Road.	Gunters Lane.	Roads Act 1993 Roads (General) Regulation 2000 Naming of Public Roads	
Higgins Lane, Hallsville from Meldorn Lane west.	McCarthy's Lane.	NOTICE is hereby given that Council has pursuant to section 162 of the Roads Act 1993, named those sections of road in Parry Shire as described hereunder:	
Warrah Farm Subdivision Road, Hallsville from Browns Lane north-east to Meldorn Lane.	Warrah Road.	<b>Description</b>	<b>New Name</b>
Bective Subdivision Road No. 1, Attunga from Lower Somerton Road south.	Balcarry Lane.	Unnamed road from SH11 – south east, Parish of Tangaratta, County of Parry.	Ten Mile Lane.
Bective Subdivision Road No. 2, Attunga from Lower Somerton Road south.	Bective West Lane.	Unnamed road from MR130 – north west, Parish of Warral, County of Parry.	Lockwoods Road.
Old Menedebri Road, Somerton from Top Somerton Road west – adjoins Perrings Road.	Jeffries Lane.	Unnamed road from Gowrie Road – west, Parish of Timbumburi, County of Parry.	Rocky Water Hole Road.
Keepit Road, Somerton from MR553 west to Gunnedah Shire Boundary.	Menedebri Road.	Unnamed road from junction of Tongues-Fishers Road south-east to Duri Dungowan Road, Parish of Loomberah, County of Parry.	Condons Road.
Currabubula Stock Route Road, Currabubula/Duri from Currabubula north to Byfields Road.	Curra Stock Route Road.	Unnamed road from Belgamba Road north to Woodlands Road, Parish of Currabubula, County of Buckland.	Pikes Lane.
Dawsons Road, Currabubula from Scotts Lane west.	Clift Lane.	Unnamed road from Gowrie Road south-west, Parish of Turi, County of Parry.	Hopetoun Lane.
Lomax Road, Werris Creek from Glen Alpine Road east to Shire Boundary.	Purlewah Road.	Unnamed road of Drains Lane – west, Parish of Goonoo Goonoo, County of Parry.	Carora Lane.
Carora Lane, Werris Creek from Glen Alpine Road south.	Lomax Road.	Unnamed road from Nowendoc Road – north, Parish of Callaghan, County of Parry.	Billy Creek Road.
Dunlop Lane, Calala from Onslow Thompson Road east to Camerons Lane.	Newmans Lane.	Unnamed road from Nowendoc Road – north east, Parish of Callaghan, County of Parry.	Woods Lane.
Moncktons Road, Kootingal from Kootingal Village north.	Walmar Road.	Unnamed road from Nowendoc Road – south, Parish of Callaghan, County of Parry.	Koolkuna Road.
Tower Road, Bendemeer from unnamed road east.	Bullimbulla Road.	Unnamed road of Congi-Woolbrook Road – west, Parish of Muluerindi, County of Inglis.	Milton Hill Road.
Jamiraquis Road, Bendemeer from Jalna Road north.	Brideb Road.	Unnamed road from SH9 – south, Parish of Muluerindi, County of Inglis.	Muswell Hill Road.
Pine Hurst Road, Bendemeer from Airlie Stock Route Road east to Uralla Shire Boundary.	Danehurst Road.	Unnamed road off Mulla Creek Road – north, Parish of Bullimball, County of Inglis.	Jamiesons Road.
Lyes Road, Garthowen from Magnesite Road south.	Abras Road.	Unnamed road from Back Kootingal Road south-east, Parish of Nemingha, County of Parry.	Renindi Road.
Campbells Lane, Appleby from Appley Road north.	Evans Lane.	Unnamed road from Top Somerton Road – north, Parish of Bubbogullion, County of Inglis.	Shorters Lane.
Dynamic Lifter Lane, Kootingal from Back Kootingal Road east.	Digby Lane.	Unnamed road north from Niangala Village, Parish of Callaghan, County of Parry.	Toby Road.
Shortners Lane, Attunga from Top Somerton Road north.	Murchisons Lane.		
Metcalf Lane, Hallsville from Meldorn Lane west.	Reilleys Road.		
Fenners Road, Watsons Creek from Watsons Creek Road – north.	Hazelglen Road.		

PARRY SHIRE COUNCIL, PO Box 441, Tamworth, NSW 2340.

[0168]

Description	New Name
Unnamed road off end of Moonbi Common Road, Parish of Moonbi, County of Inglis.	Splitters Gully Road.
Unnamed road from Inlet Road – north, Parish of Attunga, County of Inglis.	Attunga Forest Road.
Unnamed road from SH11 – south, Parish of Moorowara, County of Parry.	Keelendi Lane.
Unnamed road from New England Highway – north-east, Parish of Perry, County of Inglis.	Osborne Road.
Unnamed road from Twinbrook Road – north west, Parish of Haning, County of Inglis.	Skewes Road.
Unnamed road off Moonbi Gap Road – south, Parish of Moonbi, County Inglis.	Vernons Lane.
Unnamed road off Daruka Road – north to Woonooka Road, Parish of Moonbi, County Inglis.	Cypress Pine Lane.
Unnamed loop road off Loomberah Road, Parish of Calala, County of Parry.	Oakley Road.
Unnamed road north off eastern end of Clift Road, Parish of Clift, County of Buckland.	Dunover Road.
Unnamed road west off Manilla Road, Parish of Woolomol, County of Inglis.	Ryans Road.

PARRY SHIRE COUNCIL, PO Box 441, Tamworth, NSW 2340. [0150]

#### RYDE CITY COUNCIL

Roads Act 1993, Sections 16 and 17

Dedication of land as Public Road

NOTICE is hereby given that after the expiration of twenty-eight (28) days Council will pursuant to section 16 of the Roads Act 1993, dedicate as a public road that part of Deeble Street, Tennyson Point between Champion Street and Glades Bay shown in Deposited Plan 2166. During the period of twenty-eight (28) days the owner of the land may in accordance with the rules of the Court, apply to the Land and Environment Court for a declaration that the land should not be dedicated as a public road. MICHAEL G. McMAHON, Chief Executive, City of Ryde, Locked Bag 2069, North Ryde, NSW 1670. [0151]

#### SOUTH SYDNEY CITY COUNCIL

Roads Act 1993, Part 10, Division 2

Proposed Lease – Part of Redfern Street, Redfern

PUBLIC NOTICE is hereby given that South Sydney City Council has received a request for the lease to an adjoining land owner for a period of five (5) years part of the stratum airspace above Redfern Street adjacent to No. 1 Lawson Square for access purposes. Full particulars

of the proposal are shown on Plan No. S4-130/885 which is available at Council's Administrative Offices at 280 Elizabeth Street, Surry Hills. Any objections to the abovementioned proposal may be lodged with Council in writing within thirty (30) days of the date hereof. Further information can be obtained by contacting Mervyn Baxter on (02) 9288 5444. (Council Papers 2028009). MICHAEL WHITTAKER, General Manager, South Sydney City Council, Locked Bag 5000, Strawberry Hills, NSW 2012.

[0152]

#### TENTERFIELD SHIRE COUNCIL

Heritage Act 1977

Interim Heritage Order

Interim Order No. 1/2002

UNDER section 25 of the Heritage Act 1977 Tenterfield Shire Council does by this order:

1. Make an Interim Order to cover the item of the environment heritage specified or described in Schedule 'A' and,
2. Declare that the heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse twelve (12) months from the date that it is made unless the local council has passed a resolution before that date either:

1. in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
2. in the case of an item which in the Council's opinion, is of State Heritage significance, nominate the item for inclusion on the State Heritage Register.

Dated 20th December, 2002.

S. A. RILEY, Director of Environmental Services, Tenterfield Shire Council, PO Box 214, Tenterfield, NSW 2372.

#### SCHEDULE 'A'

The property known as 'Peberdy House' situated at 182 Rouse Street, Tenterfield, NSW 2372 on the land described in Schedule 'B'.

#### SCHEDULE 'B'

All those pieces or parcels of land known as Lot 4, section 22, DP 758959, shown edged heavy black on the plan catalogued in the office of the Tenterfield Shire Council. [0169]

#### ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DENIS BERNARD STREET, late of Blacktown, in the State of New South Wales, retired school teacher, who died on 23rd August 2002, must send particulars of his/her claim to the executor, Bernadette Mary Ingold, c.o. Frank M. Deane & Co., Solicitors, 227 Elizabeth Street, Sydney, 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 21st January 2003. FRANK M. DEANE & CO, Solicitors, 227 Elizabeth Street, Sydney NSW 2000 (DX 1179, Sydney), tel.: (02) 9264 3066.

[0153]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MIGNONNE ORIETTE ARMSTRONG, late of North Turramurra, in the State of New South Wales, who died on 15th December 2002, must send particulars of his/her claim to the executor, Paul Throssell Armstrong, c.o. Messrs Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby, 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 13th February 2003. MESSRS BARTON & CO, Solicitors, 128/121-133 Pacific Highway, Hornsby NSW 2077 (DX 9696, Hornsby), tel.: (02) 9476 1744.

[0154]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NOEL ANDREW DAVIS, late of Kincumber, in the State of New South Wales, clerk, who died on 2nd December 2002, must send particulars of his/her claim to the executor, Bruce Noel Davis, c.o. John G. Burton & Associates, 16 Adelaide Street, East Gosford, 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 11th February 2003. JOHN G. BURTON & ASSOCIATES, 16 Adelaide Street, East Gosford NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899.

[0155]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LESLIE EMMETT SHEEHY, late of 21 Halloran Street, Lilyfield, in the State of New South Wales, driver/cleaner, who died on 16th December 2002, must send particulars of his/her claim to the executor, Peter Joseph Colquhoun, c.o. Colquhoun & Colquhoun, Solicitors, 588 Darling Street, Rozelle, 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 19th February 2003. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street, Rozelle NSW 2039, tel.: (02) 9818 2666.

[0157]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARGARET LOUISE HUTCHINSON (otherwise known as Margaret Louise Cope), late of 16 Craigie Avenue, Padstow, in the State of New South Wales, pensioner, who died on 11th September 2002, must send particulars of his/her claim to the administrators, Suellen Joy Gavage and David George

Hutchinson, c.o. K. O'Malley Jones & Williamson, Solicitors, Post Office Box 15, Campsie, within one (1) calendar month from publication of this notice. After that time the administrators may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Letters and Administration were granted in New South Wales on 4th February 2003. K. O'MALLEY, JONES & WILLIAMSON, Solicitors, 142 Beamish Street, Campsie NSW 2194, tel.: (02) 9718 2035.

[0158]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LYDIA KITTY SIMMONS, late of Umina, in the State of New South Wales, widow, who died on 25th November 2002, must send particulars of his/her claim to the Executor, Darren John Beilby, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy, or their agents Turner Whelan, Solicitors, Level 2, 162 Goulburn Street, Sydney, 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 4th February 2003. PENINSULA LAW, Solicitors, 103-105 Blackwall Road, Woy Woy NSW 2256 (DX 8806, Woy Woy), tel.: (02) 4342 1277.

[0159]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CONSTANCE ELIZABETH FOWLER, late of 4 Railway Terrace, Granville, in the State of New South Wales, widow, who died on 23rd October 2002, must send particulars of his/her claim to the executor, Warren Ryle Fowler, 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 19th February 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0160]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PAMELA THERESE SMITH, late of 11/27-31 Sheffield Street, Merrylands, in the State of New South Wales, widow, who died on 8th December 2002, must send particulars of his/her claim to the executors, Susan Therese Absalom and Peter Kenneth Barnes and Kenneth Glenn Barnes, 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 11th February 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0161]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JEAN HEATHER SCARBOROUGH, late of 34 Oxford Street, Smithfield, in the State of New South Wales, widow, who died on 5th November 2002, must send particulars of his/her claim to the executors, Maxwell James Scarborough and Neil Jeffrey Scarborough, 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 18th February 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [0162]

IN the Supreme Court of New South Wales Sydney Registry Probate Division.—After 60 days from publication of this notice an application for probate of the will dated 6th December 2002 of KENNETH RONALD NICHOLS, late of 63 Renfrew Road, Werrie Beach, in the State of New South Wales, electrical contractor deceased, will be made by Leonard Barry Johnson, the executor named in the said will. Creditors are required to send particulars of their claims upon his estate to JORDAN ANTONOPOULOS & CO., Solicitors, Suite 24, 432 Chapel Road North, Bankstown, NSW 2200 (DX 11256, Bankstown), tel.: (02) 9796 3511. [0156]

### COMPANY NOTICES

NOTICE of winding up order.—BUILD-CARE PTY LIMITED (Liquidator appointed) A.C.N. 065 934 616.—On 18th February 2003, the Supreme Court of New South Wales, Equity Division, made an Order that the company be wound up by the Court and appointed myself as official liquidator. Dated this 19th day of February 2003. M. C. Donnelly, Official Liquidator, c.o. FERRIER HODGSON, Chartered Accountants, Level 17, 2 Market Street, Sydney NSW 2000. [0163]

NOTICE of final meeting.—BRIGGS CONSULTING SERVICES PTY LIMITED (In Voluntary Liquidation) A.C.N. 056 369 469.—Notice is hereby given in pursuance of section 509 of the Corporations Law that the final meeting of members will be held at the office of Pringle Moriarty & Co., Suite 12C, 44 Oxford Road, Ingleburn, in the State of New South Wales, on 31st March 2003 at 10.45 a.m. for the purpose of presenting the liquidator's final account and report and giving any explanation thereof. Dated 24th February 2003. Stanley Moriarty, Liquidator, PRINGLE MORIARTY & CO., Chartered Accountants, Suite 12C, 44 Oxford Road, Ingleburn NSW 2565, tel.: (02) 9605 1344. [0164]

NOTICE of final meeting.—ULTIMATE ACHIEVEMENT PTY LIMITED (In Voluntary Liquidation) A.C.N. 074 536 342.—Notice is hereby given in pursuance of section 509 of the Corporations Law that the final meeting of members will be held at the office of Pringle Moriarty & Co., Suite 12C, 44 Oxford Road, Ingleburn, in the State of New South Wales, on 31st March 2003 at 10.30 a.m.

for the purpose of presenting the liquidator's final account and report and giving any explanation thereof. Dated 24th February 2003. Stanley Moriarty, Liquidator, PRINGLE MORIARTY & CO., Chartered Accountants, Suite 12C, 44 Oxford Road, Ingleburn NSW 2565, tel.: (02) 9605 1344. [0165]

NOTICE of voluntary liquidation.—NEWIM PTY LIMITED (In Liquidation) A.C.N. 085 668 597.—At a general meeting of the abovenamed company, duly convened and held at Suite 12 Westlakes Arcade 108-112 The Boulevard Toronto NSW on 19th February 2003 at 10.00 a.m. the following Special Resolution passed: "That the company be wound up as a Members' Voluntary Liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidators so desire." Dated 19th February 2003. Ian Perry, Liquidator, K. H. PERRY & CO., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto NSW 2283, tel.: (02) 4959 5322. [0166]

### OTHER NOTICES

#### INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement  
Wollongong

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Huntingwood this 20th day of February 2003.

JOHN WALLACE,  
General Manager Engineering Performance  
Integral Energy Australia  
51 Huntingwood Drive  
Huntingwood NSW 2148

#### SCHEDULE 1

Easement for overhead power lines as set out in Memorandum No. 3021850 filed at Land & Property Information NSW. For the purposes of this notice, "lot burdened" means Lot 101 DP 847615.

#### SCHEDULE 2

All that piece or parcel of land at Wollongong, in the local government area of Wollongong, Parish of Wollongong, and County of Camden, being the site of the proposed easement for electricity purposes 6 wide affecting that part of Lot 101 DP 847615 designated (C) on DP 1031204. [0167]