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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

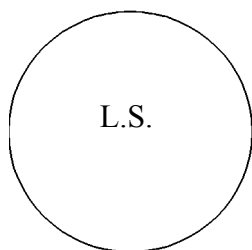
Children and Young Persons (Care and Protection) Act 1998
No 157

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 *Children and Young Persons (Care and Protection) Act 1998*, do, by this my Proclamation, appoint 30 September 2004 as the day on which Chapter 12 of that Act (section 200 excepted) commences.

Signed and sealed at Sydney, this 19th day of May 2004.

By Her Excellency's Command,



CARMEL TEBBUTT, M.L.C.,
Minister for Community Services

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the chapter of the *Children and Young Persons (Care and Protection) Act 1998* that deals with children's services, other than a provision (section 200) that has already commenced.



Proclamation

under the

Children and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158

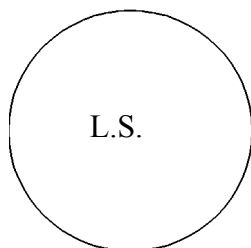
MARIE BASHIR, Governor

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 *Children and Young Persons Legislation (Repeal and Amendment) Act 1998*, do, by this my Proclamation, appoint 30 September 2004 as the day on which the following provisions of that Act commence:

- (a) section 3 (1) in so far as it repeals Division 1 of Part 3, and Part 4, of the *Children (Care and Protection) Act 1987*,
- (b) Schedule 2.23, and section 5 in so far as it applies to Schedule 2.23.

Signed and sealed at Sydney, this 19th day of May 2004.

By Her Excellency's Command,



CARMEL TEBBUTT, M.L.C.,
Minister for Community Services

GOD SAVE THE QUEEN!

Explanatory note

The objects of this Proclamation are to repeal the provisions of the *Children (Care and Protection) Act 1987* that deal with the licensing of child care services and the employment of children and to commence an amendment to the *Ombudsman Act 1974* that is consequential on the repeal of the provisions that deal with the licensing of child care services.

Regulations



New South Wales

Children (Care and Protection) Repeal Regulation 2004

under the

Children (Care and Protection) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Care and Protection) Act 1987*.

CARMEL TEBBUTT, M.L.C.,
Minister for Community Services

Explanatory note

The object of this Regulation is to repeal the *Centre Based and Mobile Child Care Services Regulation (No 2) 1996* and the *Family Day Care and Home Based Child Care Services Regulation 1996* on 30 September 2004.

This Regulation is made under the *Children (Care and Protection) Act 1987*, including section 124 (the general regulation-making power).

Clause 1 Children (Care and Protection) Repeal Regulation 2004

Children (Care and Protection) Repeal Regulation 2004

under the

Children (Care and Protection) Act 1987

1 Name of Regulation

This Regulation is the *Children (Care and Protection) Repeal Regulation 2004*.

2 Commencement

This Regulation commences on 30 September 2004.

3 Repeals

The *Centre Based and Mobile Child Care Services Regulation (No 2) 1996* and the *Family Day Care and Home Based Child Care Services Regulation 1996* are repealed.



Children's Services Regulation 2004

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

CARMEL TEBBUTT, M.L.C.,
Minister for Community Services, Minister

Explanatory note

This Regulation makes provision for licensing and management of children's services under Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*. In particular, this Regulation deals with the following matters:

- (a) the making of applications for a licence for a children's service,
- (b) the granting of licences for a children's service,
- (c) the conditions of licences for different classes of children's services, which include requirements for:
 - (i) staffing of children's services, and
 - (ii) the number of children who may be provided with a children's service, and
 - (iii) the facilities and equipment of children's services,
 - (iv) the administration of children's services, and
 - (v) practices for providing children's services, and
 - (vi) the conduct of probity checks of certain persons involved in providing children's services,
- (d) appeals to the Administrative Decisions Tribunal against certain decisions involving licences for children's services.

Children's Services Regulation 2004

Explanatory note

This Regulation refers to the following publications:

- (a) guidelines published by the New South Wales Cancer Council under the title *Shade for Child Care Services*,
- (b) the *Building Code of Australia*,
- (c) Australian/New Zealand Standard AS/NZS 2172–1995 *Cots for household use—Safety requirements*,
- (d) Australian and New Zealand Standard AS/NZS 4422:1996, *Playground surfacing—Specifications, requirements and test method*,
- (e) Australian Standard AS 1851.1—1995, *Maintenance of fire protection equipment*, Part 1: Portable fire extinguishers and fire blankets,
- (f) the guide published by the Department of Health under the title *Caring for Children—Food, Nutrition and Fun Activities*, Third Edition.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, in particular section 264 (the general power to make regulations), section 220 (the power to make regulations for the purposes of Chapter 12) and clause 1 of Schedule 3 (the power to make regulations of a savings or transitional nature consequent on the enactment of that Act).

Children's Services Regulation 2004

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Clause 1 Children's Services Regulation 2004

Part 1 Preliminary

Children's Services Regulation 2004

under the

Children and Young Persons (Care and Protection) Act 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Children's Services Regulation 2004*.

2 Commencement

This Regulation commences on 30 September 2004.

3 Application

This Regulation applies to prescribed children's services, being:

- (a) centre based children's services, or
- (b) family day care children's services, or
- (c) home based children's services, or
- (d) mobile children's services,

referred to in this Regulation simply as *children's services*.

Note. See also sections 199, 200 and 213 of the Act.

4 Definitions

- (1) In this Regulation, words and expressions that are defined in the dictionary at the end of this Regulation have the meanings set out in the dictionary.
- (2) Notes included in this Regulation do not form part of this Regulation.

5 Meaning of "notifiable offence"

- (1) For the purposes of this Regulation, all offences are *notifiable offences* other than the following:

Children's Services Regulation 2004

Clause 5

Preliminary

Part 1

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- (a) an offence (other than an offence referred to in subclause (2)) under the road transport legislation,
- (b) an offence that relates to the parking of a motor vehicle.
- (2) The following offences under the road transport legislation are also notifiable offences for the purposes of this Regulation:
- (a) an offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),
- (b) an offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving while under the influence of alcohol or any other drug),
- (c) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently if the person found guilty is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
- (d) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a road or road-related area furiously or recklessly or at a speed or in a manner which is dangerous to the public,
- (e) an offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (f) an offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop after an accident),
- (g) an offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to produce a driver licence when required, refusing to state a name or home address, or stating a false name or home address),
- (h) an offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed),
- (i) any other offence under the road transport legislation if the court orders the disqualification of the person found guilty from holding a driver licence.

Clause 6 Children's Services Regulation 2004

Part 1 Preliminary

- (3) In this clause, **road transport legislation** has the same meaning as it has in the *Road Transport (General) Act 1999*.

Note. **Road transport legislation** is defined in section 5 of the *Road Transport (General) Act 1999* as:

- (a) that Act,
- (b) the *Road Transport (Driver Licensing) Act 1998*,
- (c) the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*,
- (d) the *Road Transport (Safety and Traffic Management) Act 1999*,
- (e) the *Road Transport (Vehicle Registration) Act 1997*,
- (f) any other Act or regulation (or any provision of such an Act or regulation) prescribed by the regulations under the *Road Transport (General) Act 1999*,
- (g) any regulation made under any Act referred to in paragraphs (a)–(f) above.

6 Meaning of “required abilities to care for children”

For the purposes of this Regulation, a person has the **required abilities to care for children** if the person:

- (a) is sympathetic to the welfare of children, and
- (b) has adequate knowledge and understanding of children and families so as to be capable of meeting their needs, and
- (c) is able adequately to care for and supervise children, and
- (d) is of suitable maturity, health and personality to care for children.

Children's Services Regulation 2004

Clause 7

Licensing procedures

Part 2

Part 2 Licensing procedures

Division 1 Applications for licences

7 Who may apply for a licence?

- (1) Subject to this clause, an application for a licence may be made by any person or body:
 - (a) who is the owner (or one of the owners) of the premises at which the children's service is proposed to be provided, or
 - (b) who is the lessee (or one of the lessees) of those premises under a lease that has a period of not less than 3 years to run (including the period of any option to renew the lease) at the time of the making of the application and who is entitled to immediate possession of the premises, or
 - (c) who, not being an owner or lessee referred to in paragraph (a) or (b), has obtained the consent of the Director-General to the making of the application.
- (2) An application for a licence may not be made by a natural person unless he or she is of or above the age of 21 years.
- (3) If development consent under the *Environmental Planning and Assessment Act 1979* is required for the conduct of a children's service at the premises of the proposed service, an application for a licence may not be made until development consent has been obtained.
- (4) An application for the Director-General's consent under subclause (1) (c) is to be made in the approved form.

8 How is an application made?

- (1) An application for a licence is to be made in the approved form.
- (2) For the purposes of this Regulation, an application is incomplete unless:
 - (a) the application is accompanied by all the information, documents and particulars required by or under this Part (unless the Director-General has waived or postponed the requirement in relation to the applicant under clause 19), and

Clause 9 Children's Services Regulation 2004

Part 2 Licensing procedures

- (b) the applicant has furnished to the satisfaction of the Director-General any further particulars that the Director-General may require under section 206 (4) of the Act.

Note. Section 206 (4) of the Act provides that the Director-General may require an applicant for a licence to furnish such further particulars with respect to the application as the Director-General may specify in a written notice to the applicant.

9 Personal information to be contained in application

- (1) An application is to contain the information specified in subclause (2) about each of the following persons:
- (a) if the applicant is a natural person, the applicant,
 - (b) if the applicant is a public authority:
 - (i) the chief executive officer (however described) of the public authority, and
 - (ii) if the public authority is a local authority, the manager of community services (however described) of the local authority,
 - (c) if the applicant is neither a natural person nor a public authority:
 - (i) each natural person involved in the control and management of the applicant, and
 - (ii) if the applicant is a corporation and a majority shareholder of the applicant is another corporation, each natural person involved in the control and management of the majority shareholder corporation,
 - (d) the proposed supervisor for the children's service nominated under clause 15.
- (2) For the purposes of subclause (1), the specified information is the following:
- (a) the person's full name, any other name by which the person is known (such as a nickname) and all former names of the person,
 - (b) the person's contact details, including the person's postal address, home and business telephone numbers (including any mobile telephone numbers), any home and business fax numbers and any address for electronic mail,
 - (c) the person's residential address, if different from the postal address,

Children's Services Regulation 2004

Clause 10

Licensing procedures

Part 2

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- (d) the period of time for which the person has lived at that residential address, and the residential address at which the person lived before taking up residence at the current residential address,
 - (e) the person's date of birth and place of birth (including country of birth),
 - (f) details of the person's qualifications, experience and training,
 - (g) details of any children's services or other youth related activities that the person has previously been involved in (for example, a service or activity that the person operated, managed, carried out or assisted with),
 - (h) details of any criminal conviction of the person for an offence relating to neglect of a child or young person or assault (including sexual assault), whether or not the conduct constituting the offence occurred, or the person was convicted, in New South Wales,
 - (i) details of any charge for an offence relating to neglect of a child or young person or assault (including sexual assault) preferred against the person in the period of 5 years immediately before the application is made, whether or not the conduct to which the charge relates occurred, or the charge was preferred, in New South Wales,
 - (j) details of any disciplinary action or departmental or other proceedings of which the person is aware that have been taken in respect of the person relating to neglect of a child or assault (including sexual assault) in the period of 5 years immediately before the application is made, whether or not the conduct to which the action or proceedings relate occurred, or the proceedings were taken, in New South Wales.

10 Identity documents to accompany application

- (1) An application is to be accompanied by duly certified copies of the documents specified in subclause (2) for each of the following persons:
 - (a) if the applicant is a natural person, the applicant,
 - (b) if the applicant is a public authority:
 - (i) the chief executive officer (however described) of the public authority, and

Clause 10 Children's Services Regulation 2004

Part 2 Licensing procedures

- (ii) if the public authority is a local authority, the manager of community services (however described) of the local authority,
 - (c) if the applicant is neither a natural person nor a public authority:
 - (i) each natural person involved in the control and management of the applicant, and
 - (ii) if the applicant is a corporation and a majority shareholder of the applicant is another corporation, each natural person involved in the control and management of the majority shareholder corporation,
 - (d) the proposed supervisor for the children's service nominated under clause 15.
- (2) For the purposes of subclause (1), the specified documents are the following:
 - (a) the person's birth certificate (or if the person cannot practicably obtain such a certificate, any current passport held by the person),
 - (b) if the person changed his or her name upon marriage, the marriage certificate,
 - (c) either:
 - (i) a current Australian driver licence held by the person, or
 - (ii) if the person does not hold a current Australian driver licence, any current driver licence held by the person (together with a photograph of the person taken and certified in accordance with subclause (3)) or any current passport held by the person,
 - (d) if applicable, any registered deed by which the person has formally changed the person's name,
 - (e) if applicable, the person's naturalisation certificate.
- (3) A photograph referred to in subclause (2) (c) (ii):
 - (a) must have been taken no earlier than 12 months before it is provided to the Director-General, and
 - (b) must be accompanied by a written statement from a natural person (*the verifier*) who knows the person that:
 - (i) states the full name and address of the verifier, and

Children's Services Regulation 2004

Clause 11

Licensing procedures

Part 2

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- (ii) states that the verifier is of or above the age of 18 years, and
 - (iii) states that the verifier has known the person for 12 months or more, and
 - (iv) states that the verifier is not a relative of the person, and
 - (v) is signed by the verifier, and
 - (c) must be endorsed on the reverse of the photograph with the words "I, [*name of verifier*], certify that this is a true photograph of [*name of person*]" and the signature of the verifier.

11 Documents showing applicant is a fit and proper person

- (1) An application for a licence is to be accompanied by information to demonstrate that the applicant is a fit and proper person to be concerned in the provision of the children's service.
- (2) For the purposes of subclause (1), the application is to be accompanied by the documents specified in subclause (3) for each of the following persons:
 - (a) if the applicant is a natural person, the applicant,
 - (b) if the applicant is a public authority:
 - (i) the chief executive officer (however described) of the public authority, and
 - (ii) if the public authority is a local authority, the manager of community services (however described) of the local authority,
 - (c) if the applicant is neither a natural person nor a public authority:
 - (i) each natural person involved in the control and management of the applicant, and
 - (ii) if the applicant is a corporation and a majority shareholder of the applicant is another corporation, each natural person involved in the control and management of the majority shareholder corporation.
- (3) For the purposes of subclause (2), the specified documents are the following:
 - (a) a duly certified copy of the person's qualifications in the area of children's services or any related area (such as a diploma, certificate of competency or statement of attainment),

Clause 12 Children's Services Regulation 2004

Part 2 Licensing procedures

- (b) character references from 2 independent referees, each dated no earlier than 3 months before the reference is furnished to the Director-General and containing an address to which further inquiries of the referee may be made,
 - (c) if the person has any training or work experience in providing children's services (or assisting with providing children's services), references from 2 independent referees, each describing the person's performance during the training or work experience and containing an address to which further inquiries of the referee may be made.
- (4) Subclause (3) does not limit the information that may accompany the application for the purposes of subclause (1).

Note. For example, the information may include copies of bank statements, financial records and any other documents indicating that the applicant has a sound financial reputation and stable financial background.

12 Information to be provided by applicant who is neither a natural person nor a public authority

An application by a person who is neither a natural person nor a public authority must be accompanied by the following information:

- (a) the full name of the person, including any Australian Company Number or Australian Business Number,
- (b) any former names of the person,
- (c) the address of the registered office or head office of the person,
- (d) the contact details for the person, including the postal address (if different from the registered office or head office), telephone numbers (including any mobile telephone numbers), any facsimile number and any address for electronic mail,
- (e) the current constitution, charter, memorandum, rules, statement of objects, deed of trust or partnership agreement of the person (if any),
- (f) in the case of a corporation or body corporate, evidence of incorporation (such as a certificate of incorporation, or a certificate of registration under the *Corporations Act 2001* of the Commonwealth).

Children's Services Regulation 2004

Clause 13

Licensing procedures

Part 2

13 Information about training and development**(1) Centre based or mobile children's service**

An application for a licence for a centre based or mobile children's service must be accompanied by information to demonstrate that the applicant:

- (a) intends to make provision for the training and development of primary contact staff, and
- (b) intends to ensure that all primary contact staff:
 - (i) have the required abilities to care for children, and
 - (ii) understand their responsibilities under the child protection legislation, and
 - (iii) are fit and proper persons to care for children.

Note. The required abilities to care for children are specified in clause 6. The licensee of a centre based or mobile children's service is required by clause 51 to ensure that members of the primary contact staff are fit and proper persons to be members of the primary contact staff.

(2) Family day care children's service

An application for a licence for a family day care children's service must be accompanied by information to demonstrate that the applicant:

- (a) intends to make provision for the training and development of family day care carers and staff of the service, and
- (b) intends to ensure that all family day care carers and staff of the service understand their responsibilities under the child protection legislation.

(3) Home based children's service

An application for a licence for a home based children's service must be accompanied by information to demonstrate that the applicant:

- (a) intends to participate in training in child development and child care on an annual basis to maintain and update the applicant's knowledge and skills, and
- (b) understands the applicant's responsibilities under the child protection legislation.

Clause 14 Children's Services Regulation 2004

Part 2 Licensing procedures

14 Information about abilities, experience and capacity of applicant for a licence for a home based children's service

An application for a licence for a home based children's service must be accompanied by information to demonstrate that the applicant:

- (a) has the required abilities to care for children, and
- (b) has experience in caring for children, and
- (c) has demonstrated a capacity to exercise overall supervision of the provision of a children's service, and
- (d) has an understanding of nutrition, safe food handling, health, hygiene and safety in caring for children.

Note. The required abilities to care for children are specified in clause 6.

15 Authorised supervisor

- (1) An application for a licence for a children's service:
 - (a) must nominate a person as the proposed supervisor for the service, and
 - (b) must be accompanied by the prescribed documents to demonstrate that the person is eligible to be an authorised supervisor for the service.

Note. Under section 208 (1) (c) of the Act, the licence must specify the authorised supervisor of the service.

- (2) Subject to this clause, a person is eligible to be an authorised supervisor for a children's service if the person:
 - (a) has the required abilities to care for children, and
 - (b) has the required qualifications and experience, and
 - (c) has demonstrated a capacity to exercise overall supervision of the provision of the service, and
 - (d) is a fit and proper person to be concerned in the provision of the service, and
 - (e) has successfully completed a course in child protection approved by the Director-General for the purposes of this clause (being a course that covers all applicable requirements under the child protection legislation).

Note. The required abilities to care for children are specified in clause 6.

Children's Services Regulation 2004

Clause 15

Licensing procedures

Part 2

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- (3) For the purposes of subclause (2) (b), a person has the required qualifications and experience if the person:
- (a) has obtained:
 - (i) a degree or diploma in early childhood education from a university following a course with a duration (on a full-time basis) of not less than 3 years, or
 - (ii) a Child Care Certificate, a Certificate of Child Care Studies or an Associate Diploma of Social Science (Child Studies) from a registered training organisation, or
 - (iii) a Diploma of Community Services (Children's Services) from a registered training organisation, being a diploma as part of which the person has successfully completed a course unit in administration and a course unit in service management, or
 - (iv) another approved qualification, and
 - (b) has 12 months' full-time experience or its equivalent in part-time experience (gained after obtaining the qualification referred to in paragraph (a)) in providing a relevant children's service as a member of the primary contact staff.
- (4) Subclause (3) (a) and (b) do not apply in relation to the authorised supervisor of a home based children's service.
- (5) Subclause (3) (a) and (b) do not apply in relation to the authorised supervisor of a children's service that forms part of a school (within the meaning of the *Education Act 1990*) if the authorised supervisor:
- (a) is the school principal or some other member of the school teaching staff, and
 - (b) has tertiary qualifications in the field of education, and
 - (c) has an active role in the management of the early childhood curriculum at the school.
- (6) A person may be nominated as a proposed supervisor in relation to 2 children's services if at least one other member of staff of each service is qualified as required by clause 52, but may not be nominated as a proposed supervisor in relation to more than 2 children's services.

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- (7) For the purposes of subclause (1) (b), the *prescribed documents* are the following:
- (a) duly certified copies of the person's qualification referred to in subclause (3) (a) and of any other of the person's qualifications in the area of children's services or any related area (such as a diploma, certificate of competency or statement of attainment from a registered training organisation),
 - (b) work references from 2 independent referees describing the person's performance during the training or work experience referred to in subclause (3) (b),
 - (c) character references from 2 independent referees attesting to the person's suitability to work with children, each dated no earlier than 3 months before the reference is furnished to the Director-General and containing an address to which further inquiries of the referee may be made.

16 Information about premises to accompany application—centre based or mobile children's service

- (1) An application for a licence for a centre based children's service must be accompanied by the following information and documents:
- (a) the address of the premises where the children's service will be provided,
 - (b) evidence of the applicant's eligibility to apply for a licence under clause 7,
 - (c) 3 copies of a site plan of the premises at which the service is to be provided that:
 - (i) shows the location of every building, structure, outdoor play area, fence, gate and shaded area on the premises, and
 - (ii) shows the location of each point of entry to or exit from the premises, including entries and exits by way of any residential premises, and
 - (iii) specifies the type of each fence and gate located on the premises, and
 - (iv) shows the boundaries of the premises, and

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- (v) is drawn by a person who is entitled to use the title "architect", "architectural draftsman" or "architectural assistant" under the *Architects Act 1921* or who is accredited by the Building Designers Association of NSW Inc in relation to the design of the class of buildings concerned, and
 - (vi) is drawn to a metric scale of 1:100 or 1:200, and
 - (vii) is drawn on one sheet of paper,
- (d) 3 copies of a plan of each building on the premises that:
- (i) shows the elevations and dimensions of the building and the dimensions of the lot on which the building is located, and
 - (ii) shows the location of fences on the premises, and
 - (iii) shows the floor plan of each of the buildings concerned, together with the proposed use of each part of the building (including the location of the toilets, any nappy change area, craft preparation area and internal storeroom),
 - (iv) is drawn by a person who is entitled to use the title "architect", "architectural draftsman" or "architectural assistant" under the *Architects Act 1921* or who is accredited by the Building Designers Association of NSW Inc in relation to the design of the class of buildings concerned, and
 - (v) is drawn to a metric scale of 1:50 or 1:100, and
 - (vi) is drawn on one sheet of paper,
- (e) a statement in writing signed or sealed by the applicant and by the person referred to in paragraph (d) (iv):
- (i) stating that the premises comply with the Part 3 facilities and equipment requirements applicable to a centre based children's service, or
 - (ii) stating any respect in which the premises do not comply with those requirements,
- (f) if an occupation certificate is required under the *Environmental Planning and Assessment Act 1979* for the proposed use of the premises for a children's service, a copy of the certificate,
- (g) a certificate issued under section 149A of the *Environmental Planning and Assessment Act 1979* for the premises.
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- (2) An application for a licence for a mobile children's service must be accompanied by the following information and documents:
- (a) the address of the premises where the children's service will be provided, including any adjacent premises that will be used to provide the service in conjunction with the main premises,
 - (b) if an occupation certificate is required under the *Environmental Planning and Assessment Act 1979* for the proposed use of the premises for a children's service, a copy of the certificate,
 - (c) a certificate issued under section 149A of the *Environmental Planning and Assessment Act 1979* for the premises.

17 Venue management plans for mobile children's services

- (1) An application for a licence for a mobile children's service is to be accompanied by:
- (a) a statement as to whether any of the premises at which the service is proposed to be provided do not comply with the Part 3 facilities and equipment requirements applicable to a mobile children's service, and
 - (b) if so, a plan describing how the applicant intends to ensure the safety and well-being of children at those premises.
- (2) The Director-General:
- (a) may approve a plan submitted under subclause (1) (b), or
 - (b) may require the applicant to revise the plan as to any matter or in any respect specified by the Director-General.
- (3) A revised plan may be resubmitted to the Director-General for the approval of the Director-General.
- (4) Subclauses (2) and (3) apply to a revised plan resubmitted under subclause (3) in the same way as they apply to a plan submitted under subclause (1) (b).
- (5) The Director-General may not grant a licence for a mobile children's service for which a plan is required unless the Director-General has approved a plan for the service under this clause.
- (6) A plan approved by the Director-General under this clause is referred to in this Regulation as a *venue management plan*.

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18 Statements and undertakings about facilities and equipment, administration and policies to accompany application

- (1) An application for a licence must be accompanied by a statement of the philosophy and aim of the service.
- (2) Subject to subclause (3), an application for a licence for a centre based children's service or mobile children's service must also be accompanied by the following:
 - (a) a written undertaking signed or sealed by the applicant that at all times during the term of the licence the applicant will conduct such checks as are necessary to ensure that:
 - (i) the premises of the children's service comply with the Part 3 facilities and equipment requirements applicable to the class of children's services the subject of the application, and
 - (ii) the children's service is conducted in accordance with the Part 6 operational requirements and Part 7 administrative requirements applicable to the class of children's services the subject of the application,
 - (b) a written undertaking signed by the proposed supervisor that at all times during the term of the licence the proposed supervisor will conduct such checks as are necessary to ensure that:
 - (i) the premises of the children's service comply with the Part 3 facilities and equipment requirements applicable to the class of children's services the subject of the application, and
 - (ii) the children's service is conducted in accordance with the Part 6 operational requirements and Part 7 administrative requirements applicable to the class of children's services the subject of the application.
- (3) An application for a licence for a mobile children's service that is accompanied by a venue management plan must, in place of the undertakings referred to in subclause (2) (a) (i) and (b) (i), be accompanied by:
 - (a) a written undertaking signed or sealed by the applicant that at all times during the term of the licence the applicant will conduct such checks as are necessary to ensure that the premises comply with the venue management plan, and

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- (b) a written undertaking signed by the proposed supervisor that at all times during the term of the licence the proposed supervisor will conduct such checks as are necessary to ensure that the premises comply with the venue management plan.
- (4) An application for a licence for a family day care or home based children's service must also be accompanied by a written undertaking signed or sealed by the applicant that at all times during the term of the licence the applicant will conduct such checks as are necessary to ensure that:
 - (a) the premises of the children's service comply with the Part 3 facilities and equipment requirements applicable to the class of children's services the subject of the application, and
 - (b) the children's service is conducted in accordance with the Part 6 operational requirements and Part 7 administrative requirements applicable to the class of children's services the subject of the application.

19 Waiver and postponement of certain requirements

The Director-General may waive or postpone a requirement to provide specified information or documents under this Part, or may approve the production of specified information or documents in place of information or documents the subject of such a requirement.

20 Advertising of application and copy of advertisement to accompany application

- (1) An applicant for a licence must advertise notice of intention to apply for a licence in a daily newspaper circulating generally throughout New South Wales and in a newspaper circulating generally in the locality where the service is to be provided.
- (2) Such a notice:
 - (a) must be in the approved form, and
 - (b) must state the name of the applicant (including any alternative name by which the applicant is known) and any former names of the applicant, and
 - (c) if the applicant is neither a natural person nor a public authority, must state the name (and any former names and alternative names) of:

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- (i) each natural person involved in the control and management of the applicant, and
 - (ii) if the applicant is a corporation and a majority shareholder of the applicant is another corporation, each natural person involved in the control and management of the majority shareholder corporation, and
- (d) in the case of a centre based or home based children's service, must identify the address of the premises where the children's service is proposed to be provided, and
 - (e) must state that submissions in respect of the proposed application may be made to the Director-General within 3 weeks after the publication of the notice, and
 - (f) must be published no earlier than 2 weeks before the application is lodged with the Director-General and no later than the day on which the application is lodged.
- (3) An application for a licence must be accompanied by evidence of the due publication of the notice required by this clause.

21 Further licences

- (1) A licensee who intends to continue to provide the children's service to which the licence relates may apply for a further licence for that service in accordance with this clause.
- (2) The application:
 - (a) is to be made at least 6 months before the expiry of the licence, and
 - (b) is to be made in the approved form.
- (3) The application is to be accompanied by the information and documents required by clauses 9–18, except that:
 - (a) the application is not required to be accompanied by any of the documents referred to in clause 16 if:
 - (i) there have been no structural alterations to the premises to which the licence relates (including any fences) since the licence was granted, or
 - (ii) any such structural alterations have been approved in writing by the Director-General, and

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- (b) the application is not required to be accompanied by any information or documents referred to in clause 9 (2) (d)–(g), 10 (2) (a)–(e), 11 (3) (a), 12 (e) or (f) or 15 (1) (b) unless the relevant information (or the information contained in the relevant documents) that accompanied the initial application for the licence is no longer correct or accurate.

Note. The premises of a children's service include each part of the premises.

- (4) If an application for a further licence has not been determined by the Director-General by the time the licence expires:
- (a) the application is taken to have been refused by the Director-General on the day that the licence expires, and
- (b) if an application for a review of the refusal is made under clause 123, the licence remains in force until the application for review is finally dealt with.

Note. Clause 123 enables an applicant to apply for a review of a decision to refuse to grant a licence.

Division 2 Licences

22 Grant of licence

- (1) If a person applies to the Director-General for a licence, the Director-General is to:
- (a) grant the licence, or
- (b) cause to be served on the applicant a notice stating that, when 4 weeks have expired after service of the notice, the Director-General intends to refuse to grant the licence on the grounds specified in the notice unless it has been established to the Director-General's satisfaction that the licence should not be refused.
- (2) When 4 weeks have expired after a notice has been served under subclause (1) (b), the Director-General, after considering any submissions made during that period, is to:
- (a) grant the licence, or
- (b) refuse to grant the licence and cause to be served on the applicant a notice stating the grounds on which the licence has been refused.

Note. In order to lawfully operate a children's service it may be necessary to obtain approvals or consents from other public authorities, in addition to obtaining a licence.

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Clause 23

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Part 2

23 Form of licence

- (1) A licence is to be in the approved form.
- (2) A licence is to be endorsed with any condition imposed on it by the Minister under section 209 (b) of the Act.
- (3) A person may be a licensee for more than one children's service.

24 Term of licence

- (1) The Director-General may grant a licence for a term not exceeding 3 years.
- (2) A licence takes effect on the day on which it is granted or such later date as is specified in the licence.

25 Licence conditions generally

- (1) For the purposes of section 209 (a) of the Act, the prescribed conditions for a licence for a children's service are the provisions of Parts 3, 4, 5, 6 and 7 that are relevant to that class of children's service.
- (2) For the purposes of section 210 (1) of the Act, a provision of Part 3, 4, 5, 6 or 7 applies to the licensee unless it is expressed to apply to someone else.
- (3) The prescribed conditions are taken to include an additional condition to the effect that the licensee will develop procedures to ensure that the authorised supervisor, and all other members of staff of the service, comply with the provisions of this Regulation that apply to them.
- (4) In the case of a licence for a mobile children's service for which there is a venue management plan, the prescribed conditions are taken to include a further additional condition to the effect that the licensee will ensure that the premises of the service will comply with that plan.
- (5) In the case of a licence for a family day care children's service, the prescribed conditions are taken to include a further additional condition to the effect that the licensee:
 - (a) will make it a condition of registration with the service that a family day care carer must comply with the provisions of this Regulation that apply to a family day care carer, and

Clause 26 Children's Services Regulation 2004

Part 2 Licensing procedures

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- (b) will develop procedures to ensure that each family day care carer who is registered with the service complies with those provisions.

Division 3 Variation, suspension and revocation of licences

26 Grounds for variation, suspension or revocation of licences

- (1) Subject to this Division, the Director-General:
- (a) may vary or revoke a condition of a licence, or
 - (b) may impose a further condition on a licence, or
 - (c) may vary a particular specified in a licence, or
 - (d) may suspend a licence for a period not exceeding 6 months, or
 - (e) may revoke a licence.
- (2) The grounds on which the Director-General may take an action under subclause (1) are:
- (a) the licensee under the licence has requested that the Director-General take the action, or
 - (b) either the licensee or the authorised supervisor under the licence is no longer a fit and proper person to be concerned in the provision of the children's service, or
 - (c) either of those persons has contravened or failed to comply with a provision of the Act or this Regulation that applies to that person, or
 - (d) any premises of a children's service do not comply with any provision of the Act or this Regulation, or of a licence condition, that applies to them, or
 - (e) the authorised supervisor under the licence does not have the overall supervision of the provision of the children's service to which the licence relates.

Note. Section 211 of the Act specifies other grounds on which a licence may be revoked. These grounds include:

- (a) the Director-General is of the opinion that the continued operation of the children's service would constitute an unacceptable risk to the safety, welfare or well-being of any child or class of children attending the service, or
- (b) exceptional circumstances arise in which the Director-General considers it contrary to the best interests of the children attending the children's service for the service to continue, or
- (c) the Director-General is of the opinion that any person involved in the control and management of a licensee that is not a natural person is no longer a suitable person to hold a licence.

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Clause 27

Licensing procedures

Part 2

27 Variation, suspension or revocation of licence

- (1) If the Director-General intends to take any action referred to in clause 26 (1), the Director-General is to cause to be served on the licensee and the authorised supervisor under the licence a notice:
 - (a) stating that when 4 weeks have expired after service of the notice, the Director-General intends to take the action specified in the notice unless it has been established to the Director-General's satisfaction that the action should not be taken, and
 - (b) stating the reasons for the intention to take the action, and
 - (c) stating that the licensee may make submissions to the Director-General about the proposed action within the period of 4 weeks after service of the notice.
- (2) When 4 weeks have expired after the notice was served under subclause (1), the Director-General may, after considering any submissions made during that period by the licensee, take the action specified in the notice by a further notice served on the licensee.
- (3) Subsections (1) and (2) do not apply to any action taken at the request of the licensee.
- (4) Action taken pursuant to the further notice under subclause (2) takes effect on the date specified in the notice for that purpose.
- (5) A licence is taken not to be in force while it is suspended.
- (6) If a licence is revoked, the person who was the licensee under the licence immediately before the revocation:
 - (a) must return the licence to the Director-General within the period specified in the notice for its return, and
 - (b) must take all reasonably practicable steps to inform a parent of each child to whom the service is provided that the service will cease to be provided on the date specified in the notice for that purpose.
- (7) If a licence has been suspended, the Director-General may, at any time during the period of suspension, restore the licence by serving on the person who was the licensee under the licence immediately before it was suspended a notice stating that the licence is restored.

Clause 28 Children's Services Regulation 2004

Part 2 Licensing procedures

28 Notice to parents of variation, suspension or revocation of licence

- (1) A licensee who requests the Director-General to vary or revoke a licence condition, or add a further licence condition, or revoke the licence:
- (a) must give notice in writing of the request to a parent of each child to whom the service is provided within 2 weeks after the request is made, and
 - (b) must give notice in writing of the result of the request to each parent within 2 weeks after the licensee is notified of the result of the request by the Director-General.
- (2) A licensee must cause written notice to be given to a parent of each child to whom the service is provided of any other variation or addition of a licence condition within 2 weeks after the licensee is notified by the Director-General of the variation or addition.

Maximum penalty: 5 penalty units.

29 Change of mobile children's service

A licensee of a mobile children's service who intends to change the premises specified in the licence (whether by relocating the service, ceasing to provide the service at particular premises or providing the service at additional premises) or to change a venue management plan:

- (a) must request the Director-General to vary the licence under clause 26 (1) (c) with respect to the premises or venue management plan specified in the licence, and
- (b) must provide the information and documents specified in clauses 16 and 17, where relevant, and such other information as the Director-General may reasonably require.

Children's Services Regulation 2004

Clause 30

Facilities and equipment requirements

Part 3

Part 3 Facilities and equipment requirements

Division 1 Facilities

30 Space requirements: centre based children's services

- (1) The premises of a centre based children's service must have:
 - (a) a room or an area that is used only for administration of the service and for private consultation between staff and parents, and
 - (b) a room or an area, located away from the areas used by children, that is used for respite of staff, and
 - (c) a room or an area that is used only for sleeping for children under 2 years of age.
- (2) The premises of a centre based children's service must have at least 3.25 square metres of unencumbered indoor play space per child that is exclusively for the use of children provided with education and care while in attendance at the service.
- (3) For the purposes of calculating unencumbered indoor play space, items such as any passage way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas located in the building or any other facility such as cupboards and areas set aside as referred to in subclause (1) are to be excluded.
- (4) Subject to subclauses (7) and (8), the premises of a centre based children's service must have at least 7 square metres of useable outdoor play space per child that is exclusively for the use of children provided with education and care while in attendance at the service.
- (5) For the purposes of calculating useable outdoor play space, items such as car parking areas, storage sheds and other fixed items that prevent children from using the space or that obstruct the view of staff supervising children in the space are to be excluded.
- (6) The outdoor play space must be adequately shaded in accordance with guidelines published by the New South Wales Cancer Council under the title *Shade for Child Care Services*, as in force immediately before the commencement of this Regulation.
- (7) If the Director-General is satisfied that the location of a centre based children's service makes it impracticable to provide the required amount of useable outdoor play space, the Director-General may

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consent to the provision of some or all of that space in an indoor area that is to be designed and equipped to permit children to participate in activities that promote gross motor skills.

- (8) The Director-General may impose conditions on such a consent relating to any matter the Director-General sees fit, including the availability of natural light and ventilation.

31 Laundry

(1) **All children's services**

A children's service must have laundry arrangements, whether on the premises of the children's service or through another facility, service or arrangement.

- (2) The premises of a children's service must have safe, sanitary facilities for the storage of soiled clothes, linen and nappies before laundering or disposal.

(3) **Centre based children's service**

A centre based children's service that provides children under 3 years of age with the service must have laundry facilities available on the premises of the service, being facilities that include at least a laundry tub connected to both hot and cold water.

32 Craft preparation facilities: centre based or mobile children's service

- (1) The premises of a centre based or mobile children's service must have separate facilities (including a sink, bench top and lockable cupboard) for use in craft activities.

- (2) The area must not be next to any food preparation facilities or nappy change area at the premises.

33 Food preparation facilities

- (1) The premises of a children's service must have a designated area, that is both safe and hygienic, for food preparation and storage.

- (2) Facilities in the designated area must include a stove or microwave, sink, refrigerator, suitable disposal facilities and hot water supply.

- (3) Facilities for the preparation and storage of food must be designed, located and maintained so as to prevent children from gaining access to any harmful substance, equipment or amenity.

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Clause 34

Facilities and equipment requirements

Part 3

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- (4) Without limiting subclause (3), if the premises of a centre based or mobile children's service contains a separate kitchen, the kitchen must have a door, half-gate or other barrier to prevent unsupervised entry by children into the kitchen.
 - (5) In addition to a food preparation area, a centre based children's service must also have a designated area, that is both safe and hygienic, for the preparation of bottles for children under the age of 2 years.
 - (6) Any area in which bottles are prepared for children under the age of 2 years, whether in a centre based children's service or any other children's service, must be separate from any area in which nappy-changing facilities are provided.
 - (7) Despite subclause (1), a mobile children's service may provide food preparation and storage facilities through another facility, service or regular arrangement if food preparation and storage facilities are not available on the premises used by the mobile children's service.

34 Toilets and washing facilities

(1) All children's services

The premises of a children's service must have toilet, hand washing and bathing facilities that are safe and appropriate to the ages of the children at the service and must have products and equipment for cleaning those facilities whenever necessary.

(2) Centre based children's service

The sanitary facilities of a centre based children's service must comply with the requirements for class 9b buildings (Early childhood centres) of clause F2.3 of the *Building Code of Australia*.

Note. Table F2.3—9b provides that for every 15 children or part thereof there must be:

- (a) a junior toilet or adult toilet with a firm step and a junior seat,
- (b) one hand basin either with a firm step, or at a height so as to provide reasonable child access.

35 Nappy change facilities

(1) All children's services

The following facilities must be provided at the premises of a children's service if any child provided with the service wears nappies:

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Part 3 Facilities and equipment requirements

- (a) a stable surface for changing nappies, together with a mat that has an impervious washable surface, for every 10 children (or part thereof),
 - (b) hand washing facilities for adults in the immediate vicinity of the nappy changing area,
 - (c) sanitary facilities for the storage of soiled nappies pending laundering or disposal of the nappies,
 - (d) if the children's soiled clothing is laundered by the staff of a centre based or mobile children's service or by a family day care carer or home based licensee, adequate facilities for laundering the clothing or otherwise dealing hygienically with waste,
 - (e) facilities for the storage of clean nappies.
- (2) If any such child is under the age of 3 years, the stable surface referred to in subclause (1) (a) is to be a properly constructed nappy changing bench.
- (3) Any nappy changing bench or mat must be cleaned after each use.
- (4) The nappy changing facilities must be designed, located and maintained so as to prevent unsupervised access by children.
- (5) The nappy changing facilities must be separated from food preparation facilities and craft preparation facilities.
- (6) **Centre based children's service**
In addition to the facilities referred to in subclause (1), the premises of a centre based children's service must be equipped with the following:
- (a) an age appropriate washing facility with temperature regulated hot and cold running water in, or adjacent to, the nappy change area,
 - (b) a sluice or contaminated waste disposal unit in the nappy change area.
- (7) Nothing in subclause (6) prevents the premises of a centre based children's service from being equipped with an additional movable nappy changing bench. However, if such a bench is provided it must provide a stable surface on which to place a child when changing nappies.

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Clause 36

Facilities and equipment requirements

Part 3

36 Sleeping facilities

- (1) The premises of a children's service must have an adequate number of cots, beds, stretchers or sleeping mats (together with waterproof covers) or other culturally appropriate forms of bedding for all children who sleep while at the premises.
- (2) For the purposes of subclause (1), the ages of children at the service, the program of activities of the service and hours of operation of the service are to be taken into account when determining adequate sleeping facilities.
- (3) Provision must be made at the premises of a children's service to ensure that:
 - (a) mattresses and other bedding are clean and comfortable, and
 - (b) bed clothing is appropriate to the climate, and
 - (c) all bed clothing is kept clean and in good repair, and
 - (d) there is individual bed linen and blankets for each child, and
 - (e) children do not share the same bed at the same time, and
 - (f) bed linen used by one child is washed before it is used by another child, and
 - (g) no child who is of or above 7 years of age sleeps in the same room as another child of the opposite sex who is not a relative, and
 - (h) no child who is of or above the age of 2 years, and (except with the written consent of a parent of the child) no child who is under the age of 2 years, sleeps in a room in which an adult is sleeping.
- (4) Cots, beds, stretchers, mattresses and other bedding at the premises of a children's service must be arranged so as:
 - (a) to be in an area that has natural light, and
 - (b) to allow easy exit of any child, and
 - (c) to allow easy access to any child, and
 - (d) to reduce the risk of cross infection between children.
- (5) A sleeping area for children must be designed to ensure that all children in the area are readily accessible to staff of the service, or the family day care carer or home based licensee.

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- (6) Cots must comply with the requirements of Australian/New Zealand Standard AS/NZS 2172-1995 *Cots for household use-Safety requirements*, as published on 5 April 1995.

37 Storage facilities

(1) **All children's services**

The premises of a children's service must have storage facilities (whether fixed or movable) that are secure and inaccessible to children.

(2) **Centre based or mobile children's service**

The premises of a centre based or mobile children's service must have:

- (a) storage facilities for indoor and outdoor equipment, and
 - (b) storage facilities that give each child provided with the service at the premises access to a space for storage of the child's personal belongings.
- (3) Equipment used for providing a mobile children's service may be stored at any premises at which the service is provided, at the offices of the service or in any vehicle used to transport equipment used for providing the service.

38 Swimming pools

(1) **Centre based or mobile children's services**

There must not be a swimming pool (within the meaning of the *Swimming Pools Act 1992*) on the premises of any centre based or mobile children's service unless the pool existed on the premises before 6 November 1996.

- (2) Any swimming pool on the premises of a centre based or mobile children's service on or before the commencement of this clause must be fenced. The fencing must be in accordance with the *Swimming Pools Act 1992* (whether or not that Act applies to the swimming pool concerned).

(3) **Family day care or home based children's services**

Any swimming pool at the premises of a family day care carer or home based licensee must be fenced to the standard to which a new swimming pool would be required to be fenced under the *Swimming Pools Act 1992*.

Children's Services Regulation 2004

Clause 39

Facilities and equipment requirements

Part 3

Division 2 Equipment

39 Telephone

- (1) The premises of a children's service must be equipped with an operating telephone or two-way radio capable of communication with, at least, the nearest police station, ambulance station, fire service, and medical emergency facility and that is readily accessible to staff of the service.
- (2) The telephone may include a mobile telephone, but only if the telephone has a reception adequate for communication as referred to in subclause (1) and is maintained in a state of operation such that it may be used immediately at any time.

40 Development and play equipment

(1) All children's services

Play equipment (whether fixed or not) used on the premises of a children's service must not constitute a hazard to children at the service because of:

- (a) the height from which a child can fall, or
 - (b) the likelihood that a child can be trapped, pinched or crushed in the equipment or struck by it, or
 - (c) sharp or rough edges and projections or rust, or
 - (d) lack of stability.
- (2) Play equipment used on the premises must be safe and in good repair.
 - (3) All broken equipment and broken toys must immediately be removed from play areas.
 - (4) The premises of a children's service must have independent access for children to books and equipment that are suitable to the children's development and needs and that are representative of a diverse range of cultures.

(5) Centre based or mobile children's service

The premises of a centre based or mobile children's service must be equipped with a balance of indoor and outdoor equipment to meet the developmental and other needs of children that is readily available for use by the children and staff of the service.

Clause 41 Children's Services Regulation 2004
Part 3 Facilities and equipment requirements

- (6) In determining the balance of types of equipment and the sufficiency of equipment for the purposes of subclause (5), the age, number and interests of the children provided with the service must be taken into account.
- (7) The surfacing used underneath or around play equipment on the premises of a centre based children's service must comply with the requirements of Australian and New Zealand Standard AS/NZS 4422:1996 *Playground surfacing—Specifications, requirements and test method* as in force on the commencement of this Regulation.
- (8) **Family day care or home based children's service**
The home of a family day care carer or home based licensee must be equipped with equipment that is:
 - (a) adequate and sufficient to meet the individual interests and capabilities of each child provided with the service, and
 - (b) readily available for use by children and the family day care carer or home based licensee.
- (9) In determining the adequacy and sufficiency of equipment for the purposes of subclause (8), the age, number and interests of children provided with the service must be taken into account.

41 First aid kits

- (1) The premises of a children's service must be equipped with a suitable and fully stocked first-aid kit of a kind approved by the WorkCover Authority under the *Occupational Health and Safety Act 2000*.
- (2) The first aid kit must be inaccessible to children, but readily accessible to staff or a family day care carer or home based licensee.
- (3) Adult and child cardio-pulmonary resuscitation charts must be displayed in a prominent position both inside and outside the premises of a centre based or mobile children's service, or the part of the home of a family day care carer or home based licensee used to provide the service.

42 Fire safety equipment

- (1) **All children's services**
The premises of a children's service must be provided with:
 - (a) appropriately located smoke detectors, and

Children's Services Regulation 2004

Clause 43

Facilities and equipment requirements

Part 3

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- (b) a fire blanket that is kept adjacent to the cooking facilities at the premises, and
 - (c) appropriately located fire extinguishers.
- (2) **Centre based or mobile children's services**
- All fire protection equipment with which the premises of a centre based or mobile children's service is equipped must be tested in accordance with the requirements of AS 1851.1 for Level 1 service and be kept in proper working condition.
- Note.** AS 1851.1 requires equipment to be tested every 6 months at Level 1 service levels.
- (3) In subclause (2), *AS 1851.1* means Australian Standard AS 1851.1—1995, *Maintenance of fire protection equipment, Part 1: Portable fire extinguishers and fire blankets* as in force on the commencement of this Regulation.
- (4) **Family day care and home based children's services**
- All fire protection equipment with which the home of a family day care carer or home based licensee is equipped must be inspected annually and after any use.

Division 3 General

43 Ventilation, light and heating

- (1) The premises of a children's service must have access to natural light and must be properly ventilated, lit and heated when children are being provided with the service.
- (2) All heating and cooling units on the premises of a children's service must be adequately secured and guarded to prevent injury to children through contact with hot surfaces or moving parts or the emission of any sparks or flames.
- (3) The controls of all equipment on the premises that may be hazardous to children must be guarded to prevent access by children.
- (4) Fans on the premises or the home must be placed in a position that is inaccessible to children.

Clause 44	Children's Services Regulation 2004
Part 3	Facilities and equipment requirements

44 Hot water

(1) **Centre based children's service**

Hot water from any outlet accessible to children at a centre based children's service must be regulated to keep the temperature of water from the outlet below 43.5 degrees Celsius.

(2) **Family day care and home based children's service**

Children under school age who are provided with a children's service at the home of a family day care carer or home based licensee must not have unsupervised access to any hot water supply.

(3) Children of school age who are provided with a children's service at the home of a family day care carer or home based licensee must not have unsupervised access to any hot water supply unless the hot water supply is regulated so as to keep it below the temperature at which a child can be scalded.

45 Fencing

(1) Any part of the premises of a children's service that is designated for outdoor play space must be fenced on all sides.

(2) The design and height of any fence or gate on the premises must prevent children from scaling or crawling under or through it and must inhibit or impede intruders from entering the premises.

(3) Any side of a stairway, ramp, corridor, hallway or external balcony on the premises of a children's service that is not abutting a wall must be enclosed to prevent a child being trapped or falling through.

(4) All gates leading to or from the premises of a children's service must be designed so as to prevent children from entering or leaving the premises unsupervised.

(5) Child-proof barriers that are appropriate to the ages of children provided with the service must be provided at the top and bottom of stairs at the premises of a children's service if:

- (a) the Director-General so requires by notice in writing served on the licensee, or
- (b) in the case of a family day care children's service, the authorised supervisor of the service so requires by notice in writing served on the family day care carer concerned.

Children's Services Regulation 2004

Clause 46

Facilities and equipment requirements

Part 3

46 Glass

The licensee of a children's service must ensure that any glazed area of the premises of the children's service that is in a room or other place accessible to children and is 0.75 metres or less above the level of the floor:

- (a) is glazed with safety glass, if the *Building Code of Australia* requires the area to be glazed with safety glass, or
- (b) in any other case:
 - (i) is treated with a product that prevents glass from shattering if broken, or
 - (ii) is guarded by barriers that prevent a child from striking or falling against the glass.

47 Cleanliness, maintenance and repairs

- (1) The premises of a children's service, and all equipment and furnishing used in providing the children's service, must be maintained in a safe, clean and hygienic condition and in good repair at all times.
- (2) The licensee and the authorised supervisor must use their best endeavours to ensure that any buildings and grounds on the premises are kept free of vermin and pests.
- (3) The premises must not be fumigated while children are attending the premises.
- (4) The premises of a children's service must be fitted with appropriate devices that:
 - (a) are designed to prevent children from gaining access to power points or other electrical outlets, and
 - (b) are designed to minimise the risk of electrical shocks arising from electrical wiring.
- (5) The licensee and the authorised supervisor of a children's service must ensure that the premises of the service are kept clean of garbage, rubbish and rubble.

Clause 48	Children's Services Regulation 2004
Part 3	Facilities and equipment requirements

48 Safe environment—centre based or mobile children's service

The licensee of a centre based or mobile children's service must comply with the requirements of the *Occupational Health and Safety Act 2000* that apply to the licensee.

Note. The *Occupational Health and Safety Act 2000* requires employers to ensure the health, safety and welfare at work of all employees of the employer.

49 Repair of premises

- (1) If the Director-General directs the licensee of a centre based, mobile or home based children's service to effect any repairs or maintenance at the premises of the service, the licensee:
 - (a) if the licensee owns the premises (or does not own the premises but has the responsibility in relation to the licensee's occupation of the premises to effect repairs or maintenance of the kind directed), must comply with the direction within the time specified by the Director-General, or
 - (b) if the licensee does not own the premises and does not have the responsibility in relation to the licensee's occupation to effect repairs or maintenance of the kind directed, must use the licensee's best endeavours to ensure that the owner of the premises carries out the repairs or maintenance within the time specified by the Director-General.
- (2) If the Director-General notifies the licensee of a family day care children's service that any repairs are necessary at the home of a family day care carer of the service, the licensee must use his or her best endeavours to ensure that the owner of the home carries out the repairs or maintenance within the time specified by the Director-General.

50 Facilities and equipment requirements—responsibility of family day care carer

A family day care carer must ensure that the grounds and buildings of his or her home, and any equipment and amenities used at the home in providing the service, comply with the requirements of this Part that are applicable to family day care children's services.

Note. Under clause 101, the Director-General may direct the licensee to remove the name of a family day care carer who fails to comply with this provision from the family day care register for the service.

Children's Services Regulation 2004

Clause 51

Staffing requirements

Part 4

Part 4 Staffing requirements

Division 1 Staff of centre based and mobile children's services

51 Employment of staff

- (1) The licensee of a centre based or mobile children's service must not employ a person as a member of the primary contact staff for the service unless the licensee is satisfied that the person is a fit and proper person to be a member of the primary contact staff.

Note. Part 7 of the *Commission for Children and Young People Act 1998* requires an employer to conduct employment screening of a preferred applicant for certain child-related employment, including employment in child care centres.

The *Child Protection (Prohibited Employment) Act 1998* prohibits a person convicted of a serious sex offence from applying for, undertaking or remaining in child-related employment.

- (2) For the purposes of subclause (1), the licensee of a centre based or mobile children's service must ensure that each person whom the licensee employs or proposes to employ as a member of the primary contact staff has:
- (a) an understanding of the principles set out in section 202 of the Act, and
 - (b) an understanding that the environment of a children's service must be safe for children, and
 - (c) a basic knowledge of the stages of physical, emotional, cognitive, social and cultural development of children, and
 - (d) a basic knowledge of activities and learning experiences that are appropriate for the various ages and stages of development of children, and
 - (e) a basic knowledge of the health, hygiene and nutrition needs of children, and
 - (f) except in the case of a trainee, experience in caring for children.
- (3) A licensee of a centre based or mobile children's service must not employ a person as a member of the primary contact staff of the service unless the person is at least 18 years of age.
- (4) The licensee of a centre based or mobile children's service is to ensure that all primary contact staff for the service understand their responsibilities under the child protection legislation.

Clause 52 Children's Services Regulation 2004

Part 4 Staffing requirements

52 Qualified staff

- (1) The licensee of a centre based or mobile children's service must ensure that the following number of teaching staff members are in attendance at the premises of the service while the service is being provided:
 - (a) 1, if there are 30 or more but less than 40 children (other than school children) being provided with the service,
 - (b) 2, if there are 40 or more but less than 60 children (other than school children) being provided with the service,
 - (c) 3, if there are 60 or more but less than 80 children (other than school children) being provided with the service,
 - (d) 4, if there are 80 or more children (other than school children) being provided with the service.
- (2) The licensee of a centre based or mobile children's service must ensure that at all times while a child under 2 years of age is being provided with the service at least one primary contact staff member is in attendance at the service who:
 - (a) is an enrolled nurse (mothercraft) within the meaning of the *Nurses Act 1991* or an enrolled nurse within the meaning of that Act who has obtained:
 - (i) a Certificate IV from a TAFE establishment on completion of a course in Parenthood, or
 - (ii) a Certificate III from a registered training organisation on completion of a course in Children's Services, or
 - (b) is a registered nurse within the meaning of the *Nurses Act 1991* who has had previous work experience in providing a children's service or has other approved qualifications, or
 - (c) has obtained:
 - (i) a Child Care Certificate, a Certificate of Child Care Studies or an Associate Diploma of Social Science (Child Studies) from a TAFE establishment, or
 - (ii) a Diploma of Community Services (Children's Services) from a registered training organisation, or
 - (d) has some other approved qualification.

Children's Services Regulation 2004

Clause 53

Staffing requirements

Part 4

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- (3) The authorised supervisor of a centre based or mobile children's service must ensure that at least one person who holds a current approved first aid qualification is on the premises of the service at all times while children provided with the service are on the premises.
- (4) In this clause, *teaching staff member* of a children's service means a member of staff of the service who:
- (a) has a degree or diploma in early childhood education from a university following a course with a duration (on a full-time basis) of not less than 3 years, or
 - (b) has some other approved qualification, or
 - (c) has other approved training and other approved experience.

53 Staff to child ratios

- (1) The licensee of a centre based or mobile children's service must ensure that the ratio of primary contact staff to children being provided with the service is:
- (a) 1:5 in respect of all children who are under the age of 2 years, and,
 - (b) 1:8 in respect of all children who are 2 or more years of age but under 3 years of age, and
 - (c) 1:10 in respect of all children who are 3 or more years of age but under 6 years of age.
- (2) The licensee of a centre based or mobile children's service must ensure that at least 2 members of the primary contact staff are present on the premises of the service whenever children are being provided with the service at the premises.
- (3) If a centre based or mobile children's service is being provided to a group of children who are not all in the same age bracket, the licensee of the service must ensure that the ratio of primary contact staff to children in the group is the ratio specified in subclause (1) for the age bracket in which the youngest child in the group belongs.
- (4) In counting the number of primary contact staff for the purposes of this clause, a trainee referred to in paragraph (c) of the definition of *primary contact staff* in the dictionary to this Regulation is not to be included unless a majority of the staff counted (and at least 2) are primary contact staff who are not trainees.

Clause 54 Children's Services Regulation 2004

Part 4 Staffing requirements

- (5) In this clause, *age bracket* means a range of ages specified in subclause (1) (a), (b) or (c).

54 Cooking staff

- (1) The licensee of a centre based or mobile children's service must ensure that a qualified cook is employed by the service if meals are prepared and provided to children on the premises of the service.
- (2) The cook is to be available for the period necessary to prepare the meals for the number of children being catered for and to clean the area of the premises used to prepare the meals.
- (3) A person is a qualified cook only if the person holds a certificate attesting to the person's successful completion of a basic training course in food safety and nutrition that:
 - (a) complies with guidelines issued by the Director-General from time to time for the purpose of this clause, and
 - (b) is provided by a registered training organisation.
- (4) The licensee and the authorised supervisor of a centre based or mobile children's service must ensure that, for each cook employed by the service to prepare and provide meals to children on the premises, a copy of the cook's certificate, as referred to in subclause (3), is displayed on the premises in a prominent position.

55 Additional staff

- (1) The licensee of a centre based or mobile children's service must employ staff, additional to any other staff required by this Division, if the Director-General so requires by notice in writing served on the licensee.
- (2) Such a notice may specify both the number of staff to be employed and the qualifications they must have.
- (3) The Director-General may make such a requirement if satisfied that, having regard to any particular function carried out by the service, sufficient staff with suitable qualifications are not employed by the service.

56 Supervision by authorised supervisor—centre based children's service

The licensee of a centre based children's service must ensure that the authorised supervisor for the service:

- (a) has the overall supervision of the provision of the service, and

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Clause 57

Staffing requirements

Part 4

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- (b) is, each week, present on the premises of the service for no less than 50% of the time that the service is provided.

Division 2 Use of volunteers

57 Use of volunteers

A licensee of a children's service may provide a children's service with the assistance of volunteers, but only if the volunteers:

- (a) in the case of a centre based or mobile children's service, supplement the Part 4 staffing requirements and are not counted (except for the purposes of clauses 78 and 79) in determining whether the required staffing levels have been met, and
- (b) are accompanied by primary contact staff whenever they are in the presence of children, and
- (c) are covered by appropriate insurance arrangements.

Note. A licensee may be required to conduct a probity check of a volunteer as a licence condition, or under Part 7 of the *Commission for Children and Young People Act 1998*.

Clause 58 Children's Services Regulation 2004

Part 5 Child number requirements

Part 5 Child number requirements

58 Number of children

(1) Centre based or mobile children's service

Subject to clause 59, the number of children who may attend a centre based or mobile children's service at any one time while a service is being provided must not exceed the number of children specified in the licence for the service unless the Minister otherwise approves in a particular case.

(2) The maximum number of children that may be so specified is 90, of whom:

- (a) no more than 30 may be children under the age of 2 years, and
- (b) no more than 60 may be children of or above the age of 2 years, but under the age of 6 years, who do not ordinarily attend school.

(3) Family day care children's service

The licensee of a family day care children's service must ensure that the number of children for whom a service is provided by any family day care carer of the service (including children related to the carer) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

(4) Home based children's service

The licensee of a home based children's service must not provide a children's service for a number of children (including children related to the licensee) that at any one time exceeds 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

59 Director-General may approve emergency child care arrangements

(1) Centre based or mobile children's service

The Director-General may give approval for the licensee of a centre based or mobile children's service to provide the service to more children than the number of children specified in the licence for that service if the Director-General is of the opinion that the children need to be provided with the service as a matter of urgency.

Children's Services Regulation 2004

Clause 60

Child number requirements

Part 5

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- (2) The Director-General may give such an approval:
- (a) only with the agreement of the licensee of the centre based or mobile children's service, and
 - (b) only if the number of additional children specified in the approval does not at any one time exceed 5, or 10% of the number of children specified in the licence for the service, whichever is the lesser.

(3) **Family day care children's service**

The Director-General may give approval for a family day care carer to provide a family day care children's service to one more child than the number of children specified in the family day care register for the service as the maximum number of children that may be placed with that family day care carer if the Director-General is of the opinion that the child needs to be provided with the service as a matter of urgency.

(4) **Home based children's service**

The Director-General may give approval for one more child to be provided with a home based children's service than the maximum number of children who may be provided with the service under clause 58 if the Director-General is of the opinion that the child needs to be provided with the service as a matter of urgency.

60 Requirements for approval of emergency child care arrangements

- (1) The Director-General may give an approval under clause 59 only if each child the subject of the approval:
- (a) is a client of the Department or is a member of a family that is a client of the Department, or
 - (b) is, in the opinion of the Director-General, likely to become a client of the Department, or is a member of a family that is likely to become a client of the Department, or
 - (c) has a parent whose health needs require urgent care for the child, or
 - (d) has a parent who is undertaking a rehabilitation program, or
 - (e) is a client of, or is a member of a family that is a client of, an organisation funded by the Department (other than an organisation funded by or under the Children's Services Program administered by the Department), or

Clause 61 Children's Services Regulation 2004

Part 5 Child number requirements

- (f) has a parent who is participating in an approved job skills program for the long-term unemployed, or
 - (g) is the holder of a visa of a class of visas described as "protection" visas under the *Migration Act 1958* of the Commonwealth (or is the child of a person who holds such a visa).
- (2) The period for which a child may be provided with a service under such an approval must not exceed 6 months.
 - (3) Each child who is the subject of an approval under clause 59 is to be named in the approval.
 - (4) The licensee of a centre based, mobile or home based children's service must admit a child who is the subject of such an approval to the first available vacancy at the service.
 - (5) The authorised supervisor of a family day care children's service must admit a child who is the subject of such an approval to the first available vacancy at the service.
 - (6) The Director-General may give an approval for a particular child to be provided with a service under this clause on more than one occasion.

61 Group size—centre based or mobile children's service

The licensee of a centre based or mobile children's service must ensure that children are arranged and supervised in groups as follows:

- (a) if the children are under 2 years of age, in groups of not more than 10,
- (b) if the children are 2 or more years of age but under 3 years of age, in groups of not more than 16,
- (c) if the children are 3 or more years of age but under 6 years of age and do not ordinarily attend school, in groups of not more than 20.

62 Caring for school children at service—centre based or mobile children's service

- (1) The licensee of a centre based or mobile children's service must ensure that if any school child is provided with education or care by the licensee:

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- (a) the access of any pre-school child attending the service to facilities and staff of the service is not diminished, and
 - (b) any programs provided for pre-school children attending the service are not adversely affected, and
 - (c) if all the school children attending the service are attending school in kindergarten or Year 1, the total number of school children who are cared for at the premises of the service is not greater than 20% of the number of children specified in the licence for the service, and
 - (d) if any school children attending the service are attending school other than in kindergarten or Year 1, the total number of school children who are cared for at the premises of the service is not greater than 10% of the number of children specified in the licence for the service.
- (2) The percentages referred to in subclause (1) (c) and (d) may be exceeded if:
- (a) the indoor and outdoor areas and amenities used by the children are not used at the same time by any other children attending the service, and
 - (b) the staff providing the service to the children are not at the same time providing the service to any other children attending the service.
- (3) Nothing in subclause (1) authorises the licensee to provide education or care to more children (including school children) than the number specified in the licence for the service.

Note. Clause 59 provides that in certain circumstances the Director-General may authorise the licensee of the children's service to provide a children's service to a number of children that exceeds the number of children specified in the licence for the service.

63 Service to be provided only to children enrolled at service

The authorised supervisor of a children's service must ensure that all children (including school children) to whom the licensee provides education or care are enrolled in the service.

Clause 64 Children's Services Regulation 2004

Part 6 Operational requirements

Part 6 Operational requirements

Division 1 General

64 Programs for children

- (1) The licensee of a children's service must develop policies for the development and education of children that set out:
 - (a) the level of involvement of children, parents and staff in the development of the curriculum, and
 - (b) the ways in which the service ensures that individual children's interests are taken into account, and
 - (c) the ways in which children will be assisted in the transition to other early childhood programs or to school.
- (2) The authorised supervisor of a children's service must ensure that there is provided a program of activities that:
 - (a) balances indoor and outdoor experiences, and
 - (b) stimulates and develops each child's social, physical, emotional, cognitive, language and creative potential, and
 - (c) is appropriate to the individual needs and development level of each child, and
 - (d) is capable of engaging the interest of children, and
 - (e) allows children to freely select experiences, and
 - (f) is appropriate to the development of children.
- (3) In the case of a family day care children's service, the obligations of an authorised supervisor under subclause (2) are taken to be the obligations of each family day care carer of the service.

65 Interactions with children

(1) All children's services

The licensee and authorised supervisor of a children's service must ensure that interactions with children for whom the service is being provided occur in a way that ensures that the children:

- (a) are encouraged to express themselves and their opinions, and
- (b) are given the opportunity to become self-reliant and to develop self-esteem, and
- (c) are given guidance as to positive and responsible behaviour, and

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Part 6

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- (d) are not required to perform duties that are inappropriate, having regard to each child's family and cultural values, age and physical and intellectual development.
- (2) The licensee and authorised supervisor of a children's service must ensure that the dignity and rights of each child being provided with the service are maintained at all times and that:
- (a) child management techniques do not include physical, verbal or emotional punishment, including, for example, punishment that humiliates, frightens or threatens the child, and
 - (b) the child is not isolated for any reason other than illness, accident or a pre-arranged appointment with parental consent, and
 - (c) a child is given positive guidance directed towards acceptable behaviour with encouragement freely given, and
 - (d) the values of the child's family are respected, and
 - (e) the child is given support in the child's learning experiences, and
 - (f) the child is given emotional support, and
 - (g) the child is not required to sleep or rest against the child's wishes or needs.
- (3) The licensee and authorised supervisor of a children's service must ensure that all children enrolled in the service:
- (a) are treated without bias regardless of ability, gender, religion, culture, family structure or economic status, and
 - (b) if they have disabilities, or come from different cultural and linguistic backgrounds, are encouraged to fully participate (with any necessary help and support) in programs at the service, and
 - (c) if they have disabilities, are given access to:
 - (i) buildings, areas and facilities at which the service is provided, and
 - (ii) appropriate support services and specialised equipment and resources.
- (4) In the case of a family day care children's service, the obligations of an authorised supervisor under this clause are taken to be the obligations of each family day care carer of the service.

Clause 66 Children's Services Regulation 2004

Part 6 Operational requirements

66 Supervision of children

(1) All children's services

The licensee and authorised supervisor of a children's service must ensure that no member of the primary contact staff, a family day care carer or the home based licensee is performing other duties while supervising children.

(2) The licensee and authorised supervisor of a children's service must ensure that children at the service are supervised at all times (including while they are asleep) having regard to their ages and physical and intellectual development and to the activities in which they are engaged.

(3) In the case of a family day care children's service, the obligations of an authorised supervisor under subclauses (1) and (2) are taken to be the obligations of each family day care carer of the service.

(4) Centre based or mobile children's service

If, in the case of a centre based or mobile children's service, the toilet, hand washing and bathing facilities are not visible or easily accessible from the main areas where the service is provided, children provided with the service must be supervised when using those facilities.

(5) The licensee and authorised supervisor of a centre based or mobile children's service must use their best endeavours to monitor whether children provided for by the service are able to climb or crawl under any fences or gates on the premises at which the service is provided and, if so, to take appropriate action to prevent them doing so.

67 Child health

(1) Centre based or mobile children's service

The authorised supervisor of a centre based or mobile children's service must ensure that:

- (a) in relation to children provided with the service, all members of staff of the service observe strict health and hygiene practices that have regard to current community standards, and are in accordance with relevant government guidelines to minimise risks to children, and

Children's Services Regulation 2004

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Operational requirements

Part 6

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- (b) no alcohol or unlawful substances are consumed on any part of the premises of the service at any time when the service is being provided to children, and
- (c) no tobacco or any other substance is smoked on any part of the premises of the service at any time when the service is being provided to children and that all practicable steps are taken to ensure that no tobacco is smoked on any part of the premises that is indoors at any other time.
- (2) The licensee of a centre based or mobile children's service must develop and maintain procedures and policies to ensure that the authorised supervisor and primary contact staff of the service comply with the requirements of this clause.
- (3) **Family day care or home based children's service**
A family day care carer or home based licensee:
- (a) in relation to children provided with the service, must observe strict health and hygiene practices that have regard to current community standards and are in accordance with relevant government guidelines to minimise risks to children, and
- (b) must encourage children to observe these practices, and
- (c) must not provide care for children unless he or she is in good health and is free from any medical conditions or dependency on any medication or substance that may affect the carer's or licensee's ability to provide care for children, and
- (d) if the family day care carer or home based licensee requires regular medication, must obtain a medical certificate confirming his or her ability to care for children, and
- (e) must not be under the influence of alcohol or any other drug while the family day care carer or home based licensee is providing children with the service, and
- (f) must not consume any alcohol or unlawful substance while the family day care carer or home based licensee is providing children with the service, and
- (g) must provide a smoke free environment while providing the children with the service at the home of the family day care carer or home based licensee.
- (4) The licensee of a family day care children's service must develop and maintain procedures and policies to ensure that the family day care carers of the service comply with the requirements of this clause.

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68 Food and nutrition

(1) Centre based or mobile children's service

The licensee of a centre based or mobile children's service must ensure a policy is developed and maintained that:

- (a) is consistent with the *Food Act 2003* and the regulations under that Act, and
- (b) is consistent with the *Dietary Guide for Children*, and
- (c) ensures that each child provided with the service is given food and drinks that are nutritious, adequate in quantity, varied, offered at frequent intervals, appropriate to the developmental needs of the child and any special dietary needs of the child and appropriate to the culture and religion of the child, and
- (d) provides a system for parents of a child to be given information about:
 - (i) the approach taken by the service to meet the nutritional needs of the child, and
 - (ii) the eating habits of the child, and
- (e) outlines a program of nutrition education for primary contact staff covering the following matters:
 - (i) safe eating practices (including the eating environment),
 - (ii) understanding and handling eating behaviour of children (including refusal of food by children),
 - (iii) teaching children provided with the service about nutrition through food-related activities, and
- (f) requires information to be given to parents of children provided with the service to assist them in providing food for the child that is varied, adequate in quantity, appropriate to the developmental needs of the child and consistent with the *Dietary Guide for Children*,
- (g) requires information to be prominently displayed as to the service's weekly menu for children's meals,
- (h) outlines practices for the preparation, storage, handling and hygiene of food,
- (i) requires eating utensils and furniture used when eating to have a size and shape that encourage development of eating skills and independence in eating by children,

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- (j) requires primary contact staff to ensure that drinking water is provided and available to children at all times while the service is being provided.
- (2) The authorised supervisor of a centre based or mobile children's service must ensure that the policy referred to in subclause (1) is practised by each member of staff.
- (3) **Family day care or home based children's service**
A family day care carer or home based licensee must ensure that:
- (a) each child provided with the service is given food and drinks that are nutritious, adequate in quantity, varied, offered at frequent intervals, appropriate to the developmental needs of the child and any special dietary needs of the child and appropriate to the culture and religion of the child, and
- (b) drinking water is available to children at all times while the service is being provided, and
- (c) information is readily available to parents of a child that outlines:
- (i) the approach taken by the family day care carer or home based licensee to meet the nutritional needs of the child, and
- (ii) the eating habits of the child.
- (4) The licensee and the authorised supervisor of a family day care children's service must use their best endeavours to ensure that a family day care carer for the service complies with subclause (3).
- (5) In this clause, *Dietary Guide for Children* means the guide published by the Department of Health under the title *Caring for Children—Food, Nutrition and Fun Activities*, Third Edition.

69 Pool safety

- (1) The authorised supervisor of a children's service must ensure that the written authorisation of a parent of a child provided with the service is obtained before the child enters a pool of water on the premises of the children's service (whether or not the pool has been identified on the site plan accompanying the application for the licence for the service or the Director-General has otherwise been notified about the pool).

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- (2) The authorised supervisor of a children's service must ensure that if children provided with the service are allowed to swim at a swimming pool on the premises of the children's service, then there must be present within the fenced area of the pool at least one adult for each child using the pool.
- (3) The authorised supervisor of a children's service must ensure that:
 - (a) all paddling pools at the premises of the service are emptied immediately after use and stored to prevent the collection of water, and
 - (b) other water containers at the premises that could constitute a drowning hazard are safely covered or are inaccessible to children, and
 - (c) any pool filters at the premises are inaccessible to children.
- (4) The licensee of a children's service (other than a home based children's service) must develop and maintain procedures and policies to ensure that the authorised supervisor, primary contact staff or family day care carers comply with the requirements of this clause.
- (5) In the case of a family day care children's service, the obligations of an authorised supervisor under this clause are taken to be the obligations of each family day care carer of the service.

70 Storage of dangerous substances and equipment

- (1) The authorised supervisor of a children's service must ensure that all dangerous cleaning materials, disinfectants, poisonous and other dangerous substances and medications are kept in a child resistant container that is labelled with a description of its contents and directions for their use.
- (2) The authorised supervisor of a children's service must ensure that the following items are kept in secure storage facilities that are inaccessible to children:
 - (a) dangerous cleaning materials,
 - (b) disinfectants,
 - (c) poisonous and other dangerous substances,
 - (d) dangerous tools and equipment,
 - (e) toiletries,
 - (f) medications,

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- (g) first aid equipment,
 - (h) sharp or jagged objects that pose a hazard to children.
- (3) The authorised supervisor of a children's service must ensure that if a substance referred to in subclause (2) needs to be refrigerated, it is kept in a child resistant container in the refrigerator.
 - (4) In the case of a family day care children's service, the obligations of an authorised supervisor under this clause are taken to be the obligations of each family day care carer of the service.
 - (5) The licensee of a children's service (other than a home based children's service) must develop and maintain procedures and policies to ensure that the authorised supervisor and family day care carers comply with the requirements of this clause.

71 Animals

- (1) The licensee and authorised supervisor of a children's service must ensure that any animal (including livestock) or domesticated bird that enters or is kept on the premises of the service is in a clean and healthy condition.
- (2) The licensee and authorised supervisor of a children's service must ensure that any animal (including livestock) or domesticated bird that enters or is kept on the premises of the service does not constitute a health or safety risk to children (for example, by causing an allergic response or infection or in any other way having a detrimental effect on the well-being of children provided with the service).
- (3) The licensee and authorised supervisor of a children's service must ensure that the following are made inaccessible to a child in the care of the service unless the child is under direct supervision:
 - (a) every domestic pet or farm animal or other potentially dangerous animal kept on the premises of the service,
 - (b) any bedding, toys, litter tray, food, feeding container or water container used or consumed by animals.
- (4) The licensee and authorised supervisor of a children's service must ensure that all play areas are kept free from the following:
 - (a) animal droppings,
 - (b) bones,
 - (c) holes dug by animals.

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- (5) The licensee and authorised supervisor of a children's service must ensure that animals do not have access to the following:
 - (a) bedding used by children,
 - (b) toys or play equipment used by children,
 - (c) food preparation areas or food prepared by the service,
 - (d) eating surfaces,
 - (e) eating utensils.
- (6) The licensee and authorised supervisor of a children's service must ensure that no animal travels in a motor vehicle with a child in the course of the provision of the service to the child unless the animal is restrained in the car (for example, by a fixed barrier or harness or in a cage).
- (7) In the case of a family day care children's service, the obligations of an authorised supervisor under this clause are taken to be the obligations of each family day care carer of the service.

72 Plants

- (1) The licensee and authorised supervisor of a children's service must ensure that any poisonous vegetation in children's play areas on the premises of a children's service is identified and maintained so as to ensure that it does not present a hazard to children.
- (2) In particular, any vegetation on the premises of a children's service that can lead to injury or severe discomfort (for example, because of sharp prickles or prominent thorns) must be identified and maintained so as to ensure that it does not present a hazard to children.
- (3) In the case of a family day care children's service, the obligations of an authorised supervisor under this clause are taken to be the obligations of each family day care carer of the service.

Division 2 Information about and access to children

73 Obtaining information about child

The licensee of a children's service must ensure that procedures are in place for a parent of a child attending the service to obtain information from the licensee, the authorised supervisor, primary contact staff or family day care carers about the health, welfare and conduct of the child.

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Clause 74

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74 Arrival and departure of child**(1) All children's services**

The authorised supervisor of a centre based or mobile children's service, or a family day care carer or home based licensee, must ensure that:

- (a) when a child arrives at the premises of the children's service, a member of staff of the service, the family day care carer or the home based licensee receives the child, and
 - (b) when a child leaves the premises of the children's service, the person who collects the child is a parent of the child or another person who is authorised in writing by a parent of the child to collect the child, and
 - (c) if it is not possible to comply with paragraph (b), alternative arrangements to secure the safety and welfare of the child are made before the child is permitted to leave the premises, and
 - (d) if a school age child arrives at or leaves the premises of the children's service unaccompanied by a parent of the child, the arrival or departure is in accordance with procedures agreed to in writing by the child's parents.
- (2) For the purposes of subclause (1), a child who is collected or returned by a member of staff of a children's service is taken to have arrived when he or she is collected from the pick-up address and to have left when he or she is returned to the drop-off address.

(3) Centre based or mobile children's service

The authorised supervisor of a centre based or mobile children's service must ensure that at the end of each day all beds and all areas of the premises (whether indoors or outdoors) are thoroughly checked by at least 2 members of the primary contact staff to ensure that no child remains on the premises after the service closes for the day.

- (4) The licensee of a centre based or mobile children's service must develop and maintain procedures and policies to ensure that the authorised supervisor of the service complies with the requirements of subclause (1).

Clause 75 Children's Services Regulation 2004

Part 6 Operational requirements

(5) Family day care children's service

The licensee of a family day care children's service must develop and maintain procedures and policies to ensure that the family day care carers of the service comply with the requirements of subclause (1).

75 Access to children

- (1) The authorised supervisor of a children's service must ensure that any parent of a child:
 - (a) can contact the child at any time during the hours the child is at the service, and
 - (b) can exchange information about the child with primary contact staff, with family day care carers or with the home based licensee at mutually convenient times on an ongoing basis.
- (2) The licensee of a children's service must ensure that the authorised supervisor and members of staff or family day care carers of the service comply with the requirements of subclause (1).
- (3) The licensee of a children's service must ensure that video monitoring or surveillance equipment on the premises of the service is not used so as to enable children and staff at the premises to be viewed from a place other than those premises or that home.

76 Information and access to be denied to certain persons

- (1) Despite any other provision of this Division, a person who has been forbidden by court order from having contact with a child attending a children's service:
 - (a) must not be given any information concerning the child, and
 - (b) must not be allowed to enter the premises of the children's service while the child is attending the service.
 - (c) must not be permitted to collect the child from the service.
- (2) The licensee of a children's service must ensure that procedures are in place to ensure that the requirements of subclause (1) are complied with.

Children's Services Regulation 2004

Clause 77

Operational requirements

Part 6

Division 3 Excursions**77 Authority for excursions****(1) All children's services—routine excursions**

The authorised supervisor of a children's service must ensure that no child provided with the service leaves the premises of the service to participate in any routine excursion unless the licensee of the service has obtained written authorisation from a parent of the child for the child to participate in excursions of that kind.

(2) All children's services—non-routine excursions

The authorised supervisor of a children's service must ensure that no child provided with the service leaves the premises of the service to participate in any non-routine excursion unless the licensee of the service has obtained written authorisation from a parent of the child for the child to participate in that excursion.

(3) An authorisation referred to in subclause (2) must state the following:

- (a) the date of the excursion,
- (b) the proposed destination,
- (c) the method of transport or walking itinerary,
- (d) the activities to be carried out during the excursion,
- (e) the number of adults to accompany and supervise the children,
- (f) the name of the person with first aid qualifications who will accompany the children on the excursion,
- (g) the proposed period of time during which the excursion is to take place,
- (h) if practicable, an emergency contact number for the excursion.

(4) The licensee of a children's service (other than a home based children's service) must develop and maintain procedures and policies to ensure that the authorised supervisor complies with the requirements of this clause.

Clause 78 Children's Services Regulation 2004

Part 6 Operational requirements

78 Conduct of excursions: general

(1) All children's services

The authorised supervisor of a children's service must ensure that all excursions are conducted in a safe manner.

(2) The authorised supervisor of a children's service must ensure that any motor vehicle that is used to transport children on excursions (other than a motor vehicle with seating for more than 9 persons) is fitted with child restraints approved by the Roads and Traffic Authority.

(3) The authorised supervisor of a children's service must ensure that a suitable and fully stocked first aid kit is taken on all excursions and that the children on such an excursion are accompanied by a primary contact staff member with approved first aid qualifications.

(4) The licensee of a children's service (other than a home based children's service) must develop and maintain procedures and policies to ensure that the authorised supervisor, primary contact staff or family day care carers comply with the requirements of this clause that apply to them.

(5) Centre based or mobile children's service

The authorised supervisor of a centre based or mobile children's service must ensure that at least 2 adult persons, at least one of whom is a primary contact staff member, accompany the children on any excursion.

(6) Subject to subclause (7), the authorised supervisor of a centre based or mobile children's service must ensure that the minimum adult to child ratio of persons participating in the excursion is:

- (a) one adult for each 2 children who are under 3 years of age, and
- (b) one adult for each 5 children who are 3 or more years of age.

(7) The authorised supervisor of a centre based or mobile children's service must ensure that children are not taken on any excursion that involves using public transport or crossing a major road unless the minimum adult to child ratio of persons participating in the excursion is:

- (a) one adult for each 2 children who are under 3 years of age, and
- (b) one adult for each 4 children who are 3 or more years of age.

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Clause 79

Operational requirements

Part 6

(8) **Family day care or home based children's service**

A family day care carer or home based licensee must conduct all excursions in a safe manner.

79 Conduct of excursions: water hazards

(1) **All children's services**

The authorised supervisor of a children's service must ensure that:

- (a) children provided with the service are taken on an excursion to swim for the purpose only of learning water safety or learning to swim, and
- (b) when children are taken on such an excursion, the minimum adult to child ratio of participants in the excursion is one adult for each child.

(2) The authorised supervisor of a children's service must ensure that if children provided with the service are taken on any excursion to a beach, river, lake or other place where there is a significant water hazard (otherwise than for the purpose of learning water safety or learning to swim), the minimum adult to child ratio of persons participating in the excursion is:

- (a) one adult for each child who is under 3 years of age, and
- (b) one adult for each 2 children who are 3 or more years of age but who do not normally attend school, and
- (c) one adult for each 5 children who normally attend school.

(3) The licensee of a children's service (other than a home based children's service) must develop and maintain procedures and policies to ensure that the authorised supervisor, primary contact staff or family day care carers comply with the requirements of this clause that apply to them.

(4) **Centre based or mobile children's services**

The authorised supervisor of a centre based or mobile children's service must ensure that children are not taken on an excursion to a beach, river, lake or other place where there is a significant water hazard unless 2 of the adult persons accompanying the children have:

- (a) a certificate issued on completion, within the period of 12 months immediately before the excursion, of a senior first aid course that relates to resuscitation approved by the WorkCover Authority under the *Occupational Health and Safety Act 2000*, and

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- (b) a Bronze Medallion Award, or award given on completion of a water rescue test, issued by the Royal Life Saving Society—Australia, and
 - (c) the knowledge and ability to implement water safety procedures.

(5) **Family day care or home based children's service**

A family day care carer or home based licensee must ensure that the person in charge of any excursion to a beach, river, lake or other place where there is a significant water hazard has a current approved first aid qualification and the knowledge and ability to implement water safety procedures.

Division 4 Emergencies

80 Illness, accident and emergency treatment

(1) **All children's services**

The authorised supervisor of a children's service must ensure that a child is not enrolled in the service unless a parent of the child:

- (a) has given written authorisation for the service to seek urgent medical, dental or hospital treatment or ambulance service, and
- (b) has given written consent to the carrying out of appropriate medical, dental or hospital treatment,

in the event that such action appears to be necessary because the child has been injured, or is ill, at the premises.

(2) The authorised supervisor of a children's service must ensure that:

- (a) if a child has an accident or becomes ill while being provided with the service:
 - (i) the child is kept under adult supervision until the child recovers or until a parent of the child or some other responsible person takes charge of the child, and
 - (ii) if the child requires urgent medical or dental treatment, immediate steps are taken to secure that treatment, and
 - (iii) the child is returned as soon as practicable to the care of a parent of the child, and

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- (b) if any medication or medical, hospital or dental treatment or ambulance services are obtained for a child, a parent of the child is notified as soon as practically possible of the accident or illness and the treatment or services arranged for the child, and
- (c) if any other matter concerning the child's health arises while the child is being provided with the service, a parent of the child is given notice of that matter.
- (3) If the written authorisation referred to in subclause (1) (a) nominates a preferred medical practitioner or dentist to treat the child, any medical or dental treatment for the child must, if practicable, be carried out by that medical practitioner or dentist.
- Note.** Nothing in this clause limits the authority of a medical practitioner or dentist to carry out emergency medical or dental treatment on a child without the consent of the child's parent as referred to in section 174 of the Act.
- (4) An authorised supervisor of a children's service who becomes aware of a serious accident involving a child attending the service, being an accident that requires the child to receive medical, dental or hospital treatment, must immediately cause notice of that fact to be given to:
- (a) a parent of the child, and
- (b) the Director-General, and
- (c) the licensee of the service (except in the case of a home based licensee).
- (5) The authorised supervisor of a children's service who becomes aware of a serious accident involving a child attending the service, being an accident that requires the child to be hospitalised or causes the child to die, must immediately cause notice of that fact to be given to the licensee of the service.
- (6) An authorised supervisor or home based licensee who becomes aware of the death of a child while being provided with the children's service at the premises of the children's service, must immediately cause notice of that fact to be given to:
- (a) a parent of the child, and
- (b) a police officer, and
- (c) the Director-General, and
- (d) the licensee of the service (except in the case of a home based licensee).
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(7) **Centre based or mobile children's service**

The licensee of a centre based or mobile children's service must develop and maintain procedures and policies to ensure that the authorised supervisor and the primary contact staff of the service comply with the requirements of this clause.

(8) **Family day care children's service**

The licensee of a family day care children's service must develop and maintain procedures and policies to ensure that the authorised supervisor and the family day care carers of the service comply with the requirements of this clause.

81 Medication

- (1) The licensee of a children's service must ensure that:
 - (a) a policy is developed and maintained concerning the administration of medication to children, and
 - (b) procedures to implement that policy are developed and observed.
- (2) The authorised supervisor of a children's service must ensure that:
 - (a) medication is not administered to a child being provided with the service without written authorisation or authority from a parent of the child, and
 - (b) medication is administered from the container in which it was originally packaged, being (in the case of a prescription medicine) a container that is labelled with the child's name, the prescribed dosage and the medicine's use by date, and
 - (c) if it is necessary in an emergency to administer medication to a child that is being provided with the service without the prior consent of the child's parent, every attempt is made to secure that consent.
- (3) In the case of a family day care children's service, the obligations of an authorised supervisor under subclause (2) are taken to be the obligations of each family day care carer of the service.

82 Infectious diseases

(1) **All children's services**

The licensee of a children's service must ensure that a policy on infectious diseases is developed and maintained for the service that:

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- (a) is consistent with the *Public Health Act 1991* and the regulations under that Act, including the requirements for mandatory reporting, and
 - (b) outlines practices to be adopted in the event of an outbreak of an infectious disease at the service, and
 - (c) outlines the exclusion practices and conditions for return to care for children who have an infectious disease or who have been exposed to an infectious disease.
- (2) **Centre based or mobile children's service**
- The licensee and the authorised supervisor of a centre based or mobile children's service must ensure that primary contact staff, casual employees and contractors of the children's service practise the policy on infectious diseases.
- (3) The authorised supervisor of a centre based or mobile children's service must ensure that information about the occurrence within the service of significant infectious disease:
- (a) in any child provided with the service, or
 - (b) in any member of staff of the service,
- is made available to the parents of children provided with the service in a manner that is not prejudicial to the rights of individual children or staff.
- (4) **Family day care and home based children's service**
- The licensee and authorised supervisor of a family day care or home based children's service must ensure that the infectious diseases policy covers all persons normally resident in the home of a family day care carer or the home based licensee.
- (5) The licensee and the authorised supervisor of a family day care children's service must use their best endeavours to ensure that the family day care carers of the children's service practise the policy on infectious diseases.
- (6) The licensee of a home based children's service must practise the policy on infectious diseases.
- (7) The authorised supervisor of a family day care children's service or a home based licensee must ensure that information about the occurrence within the children's service of significant infectious disease:
- (a) in any child provided with the service, or
 - (b) in any family day care carer or in the home based licensee, or
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(c) in any person resident at the home of a family day care carer or the home based licensee,

is made available to the parents of children provided with the service in a manner that is not prejudicial to the rights of individual children, carers or other persons.

83 Emergency and evacuation procedures

- (1) The licensee of a children's service must ensure that a written emergency plan for fire and other emergencies (including evacuation procedures) is developed and kept up to date.
- (2) A copy of each plan must be displayed:
 - (a) in the case of a centre based children's service, in each playroom in any building on the premises of the service and at each main exit from the building, and
 - (b) in the case of a mobile children's service, at each of the premises where the service is provided, and
 - (c) in the case of a family day care children's service, at the home of each family day care carer of the service, and
 - (d) in the case of a home based children's service, at the home of the licensee of the service.
- (3) The licensee and authorised supervisor of a children's service must ensure that primary contact staff, family day care carers or the home based licensee practise emergency procedures (including evacuation procedures) with all children provided with the service at least once every 3 months so that they and the children are prepared for emergencies.
- (4) The licensee and the authorised supervisor of a children's service must ensure that a record of each practice is taken that includes an evaluation of the procedures followed and is kept at the premises of the service (or the offices of the service or the home of the home based licensee) for a period of 2 years after the practice.
- (5) The licensee of a children's service must ensure that an effective emergency communications plan is in place for situations in which the means of communication referred to in clause 39 are unavailable or inoperable.

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84 Family day care carer or home based licensee to hold first aid qualification

A family day care carer of a family day care children's service, or a home based licensee, must hold a current approved first aid qualification.

Clause 85 Children's Services Regulation 2004

Part 7 Administrative requirements

Part 7 Administrative requirements

Division 1 Information

85 Policies to be made available

- (1) The licensee of a children's service must develop policies to promote the health, safety and well-being of children attending the service, and must ensure that copies of those policies are available at the premises of the service for inspection by the children's parents.
- (2) In particular, the policies must deal with the following matters:
 - (a) child protection,
 - (b) ethical conduct,
 - (c) development and education,
 - (d) the treatment of children with special needs,
 - (e) interactions with children,
 - (f) procedures for handling complaints,
 - (g) parental involvement,
 - (h) access,
 - (i) arrival and departure,
 - (j) excursions,
 - (k) confidentiality of records,
 - (l) child health,
 - (m) illness, accident and emergency treatment,
 - (n) administration of medication,
 - (o) infectious diseases,
 - (p) food and nutrition,
 - (q) water safety,
 - (r) sun protection,
 - (s) storage of dangerous substances and dangerous equipment.

86 Information or documents required by Director-General

The licensee of any class of children's service, or a family day care carer of a family day care children's service, must provide the Director-General with such information in relation to the service as the Director-General may from time to time reasonably require.

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Part 7

87 Entry and inspection

The licensee of any class of children's service:

- (a) must not hinder any person authorised by or under the Act to enter and inspect the premises of the children's service, or where documents, records or a register maintained in connection with the service are kept, in the exercise of the person's functions, and
- (b) must ensure that the authorised supervisor, any staff of the service, or any family day care carer of the service, does not hinder any person authorised by or under the Act to enter and inspect any premises where the children's service is provided, or where documents, records or a register maintained in connection with the service are kept, in the exercise of the person's functions.

Note. It is an offence under section 241 (2) of the Act for a person to fail to comply with any requirement under that section made by a person authorised to enter and inspect the premises concerned. The maximum penalty for the offence is 200 penalty units.

88 Notice of complaint

If a parent of a child provided with any class of children's service makes a complaint to the licensee about the conduct of the service, the licensee must, unless the complaint is of an obviously trivial nature:

- (a) give written notice of the complaint to the Director-General within one week after the complaint is made, and
- (b) give written notice to the Director-General of any action taken in response to the complaint as soon as reasonably practicable after the action is taken.

89 Public liability insurance

- (1) The licensee of any class of children's service (other than a family day care children's service):
 - (a) must obtain and keep current a policy of insurance that adequately meets the licensee's public liability in respect of the provision of children's services, being a policy that provides for cover for an amount of not less than \$10,000,000, and
 - (b) must provide the Director-General with a duly certified copy of a certificate of currency with respect to such insurance on request by the Director-General, and

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- (c) must not require or request any parent of a child provided with the service to release or indemnify the licensee against any liability in proceedings against the licensee involving injury caused to the child while being provided with the service.
- (2) The licensee of a family day care children's service must ensure that each family day care carer who is listed on the family day care register for the service:
 - (a) obtains and keeps current a policy of insurance that adequately meets the carer's public liability in respect of the provision of children's services, being a policy that provides for cover for an amount of not less than \$10,000,000, and
 - (b) provides the licensee with a duly certified copy of a certificate of currency with respect to such insurance on request by the Director-General, and
 - (c) does not require or request any parent of a child provided with the service to release or indemnify the carer against any liability in proceedings against the carer involving injury caused to the child while being provided with the service.

90 Display of licence and family day care carer's certificate of registration

- (1) The licensee of a children's service (other than a family day care children's service) must ensure that the licence for the service is displayed at all times in a prominent place on the premises of the service that is accessible to parents of children attending the service.
- (2) A family day care carer must ensure that the carer's certificate of registration as a family day care carer is displayed at the carer's home at all times in a prominent place that is accessible to parents of children attending the service.

91 Copy of Regulation to be kept on premises of service

The licensee of a children's service must ensure that at least one copy of this Regulation is available at the premises of the service for inspection by the parents of children in respect of whom the service is provided.

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Clause 92

Administrative requirements

Part 7

Division 2 Records

92 Records in relation to children

- (1) Subject to subclause (2), the licensee and authorised supervisor of a children's service must ensure that the records referred to in Schedule 1 are made in relation to each child provided with the service and (as appropriate) kept up to date.
- (2) In the case of a family day care children's service, the family day care carer of the service who provides care for the child (rather than the licensee or the authorised supervisor) must ensure that the records referred to in Schedule 1 (other than those referred to in clause 4 of that Schedule) are made in relation to each child provided with the service and (as appropriate) kept up to date.

93 Records in relation to staff and visitors

(1) Centre based and mobile children's services

The licensee of a centre based or mobile children's service must ensure that the following records are made and kept up to date in relation to each member of staff of the service:

- (a) a copy of any relevant qualification held by the member,
- (b) a copy of any first aid qualification held by the member,
- (c) any other particulars that the Director-General requires, by notice in writing served on the licensee, to be kept in relation to the member.

- (2) The licensee of a centre based or mobile children's service must ensure that records are made and kept up to date of the day to day attendance of each member of staff, casual employee or contractor of the service, including times of arrival and departure during the day and including details of all absences.

(3) All children's services

The licensee of a children's service must ensure that records are made and kept up to date of the attendance of any visitor to the premises of the service, including times of arrival and departure.

- (4) The records kept under this clause in relation to any person must be signed by the person.

Clause 94 Children's Services Regulation 2004

Part 7 Administrative requirements

94 Records in relation to attendance at children's service

(1) Centre based or mobile children's service

The licensee of a centre based or mobile children's service must ensure that the authorised supervisor of the children's service maintains and keeps up to date a record of attendance by children at the service.

(2) The licensee of a centre based or mobile children's service must maintain and keep up to date a staff roster detailing the hours to be worked by each member of staff, casual employee or contractor of the service.

(3) Family day care children's service

The licensee of a family day care children's service must ensure that the authorised supervisor of the service maintains and keeps up to date a record of attendance by children at the service.

(4) Home based children's service

The licensee of a home based children's service must maintain and keep up to date a record of attendance by children at the service.

95 Records about programs for children, developmental records, daily routine

The licensee and authorised supervisor of a children's service must ensure that the following records are maintained and kept up to date:

- (a) the programs provided under clause 64,
- (b) the structure of the children's day,
- (c) a developmental record for each child provided with the service,
- (d) a weekly record of the service.

96 Retention of records

(1) The licensee of a children's service must ensure that the records referred to in clause 92 in respect of a child are kept:

- (a) in a safe and secure area at the premises of the service (or in the case of a family day care children's service, at the premises where the service is organised and arranged) for a period of not less than 2 years after the making of the record, and

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Administrative requirements

Part 7

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- (b) thereafter at a place approved by the Director-General until the time the child reaches (or would have reached) 24 years of age.
- (2) The licensee of a centre based or mobile children's service must ensure that the records referred to in clause 93 in relation to a member of staff are kept:
- (a) in a safe and secure area at the premises of the service while the member of staff remains a member of staff of the service, and
- (b) thereafter at a place approved by the Director-General for a period of not less than 7 years after the member of staff ceases to be a member of staff of the service.
- (3) The licensee of a children's service must ensure that the records referred to in clauses 94 and 95 are kept in a safe and secure area at the premises of the service for a period of 12 months after the record is made.
- (4) If the Director-General so directs, the licensee must give the records specified in the direction to the person (including the Director-General) specified in the direction within one week after the licensee receives the direction.
- (5) If a children's service ceases operation, the licensee must either:
- (a) keep the records referred to in clauses 92 and 93 at a safe and secure place and, if the records are to be moved to that place, obtain the approval of the Director-General before the records are moved to that place, or
- (b) give the records to such person (including the Director-General) as the Director-General approves in writing.
- (6) The licensee or authorised supervisor must give the parent of a child formerly provided with the service copies of the developmental records for the child kept by the service if requested to do so within 6 months after the child ceases to be provided with the service.

97 Inspection of records

- (1) The licensee of a children's service must ensure that the records relating to a child remain confidential and are made available only to the following persons:
- (a) if the licensee is a natural person, the licensee,
- (b) if the licensee is not a natural person, a natural person nominated by the licensee,

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- (c) the authorised supervisor of the service,
 - (d) a member of staff or contractor of the service authorised to access the records by the licensee or the authorised supervisor of the service,
 - (e) the Director-General,
 - (f) a person otherwise authorised by law to inspect the records,
 - (g) a parent of the child,
 - (h) any person authorised in writing to inspect the records by a parent of the child.
- (2) Nothing in this clause prevents records relating to a person who was formerly a child provided with the service being made available to that person.

98 Confidentiality guidelines

The licensee of a children's service is to prepare or cause to be prepared written guidelines setting out the policies and practices to be observed by the licensee, staff or family day care carers of the service and agents and contractors of the service to ensure confidentiality about records of the service, or information obtained by the licensee or staff, family day care carers, agents or contractors concerning:

- (a) children provided with the service, and
- (b) staff and their families, and
- (c) family day care carers and their families, and
- (d) the families of children provided with the service, and
- (e) contractors of the service and their families.

99 Mobile children's service register

A licensee of a mobile children's service, must keep a register of the following particulars:

- (a) the address of each of the premises at which the service is provided,
- (b) the name of the proprietor of each of those premises.

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Clause 100

Administrative requirements

Part 7

100 Family day care register

- (1) The licensee of a family day care children's service is to cause a register of the following particulars to be kept in relation to each family day care carer of the service:
 - (a) the name, address and home telephone number of the carer,
 - (b) the maximum number of children, as determined by the authorised supervisor, who may be placed with the carer at any one time,
 - (c) the number of children who have been placed with the carer at any one time.
- (2) The licensee of a family day care children's service is not to enter the name of a person as a family day care carer on the register for the service unless the person is an adult who, in the opinion of the authorised supervisor:
 - (a) has an appropriate understanding of young children's needs and development, including:
 - (i) the individual differences between children, and
 - (ii) activities that stimulate a child's growth and development, and
 - (iii) nutrition, health, hygiene and safety, and
 - (iv) behaviour management, and
 - (b) is responsive to children, and
 - (c) is physically and emotionally able to care for young children, and
 - (d) is the holder of a current first aid certificate or is otherwise appropriately qualified to provide first aid in a medical or other emergency, and
 - (e) is able to communicate effectively with adults, and
 - (f) is aware of and sensitive to the needs of young children and their families, including children from a range of cultures and religions and children with disabilities, and
 - (g) is a fit and proper person to be concerned in the provision of the service, and
 - (h) has a general understanding of the relevant requirements of this Regulation.

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- (3) Before entering the name of a person on the register for the service as a family day care carer, the licensee must ensure that:
 - (a) an inspection is carried out of the prospective carer's home, and
 - (b) an assessment is made as to whether the prospective carer's home is adequate for provision of the service.
- (4) The licensee is not to enter the name of a person on the register for the service as a family day care carer unless the person agrees in writing that his or her continued registration is conditional upon the carer permitting the licensee (or his or her delegate) and any officer of the Department to inspect the carer's home during the normal hours in which the children's service is provided by the carer.
- (5) The licensee is to issue a certificate of registration in the approved form to each person whose name is entered on the register for the service as a family day care carer.

101 Removal of names from family day care register

- (1) The Director-General may direct the licensee of a family day care children's service to remove a family day care carer's name from the register for the service:
 - (a) if the carer:
 - (i) is convicted of a notifiable offence, or
 - (ii) fails to comply with an obligation that this Regulation requires the licensee to impose on the carer, or
 - (b) if any part of the grounds and buildings of the carer's home that is available for use in connection with the service and is accessible to children, or any equipment used at the home in providing the service, fails to comply with the Part 3 facilities and equipment requirements applicable to family day care children's services, or
 - (c) if a person normally resident at the home of the carer:
 - (i) is convicted of an offence about which the carer is required to notify the Director-General, or
 - (ii) has injured a child provided with a service at the home, or
 - (iii) in the opinion of the Director-General, has taken any verbal or physical action against a child provided with a service at the home that has seriously humiliated, frightened or threatened the child.

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Clause 102

Administrative requirements

Part 7

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- (2) On receiving a direction under subclause (1) in relation to any person, the licensee must remove the person's name from the register.
 - (3) Nothing in this clause prevents the licensee of a family day care children's service from removing the name of a family day care carer from the family day care register for the service at any time and for any reason.
 - (4) On removing a person's name from the register for a family day care children's service, the licensee for the service:
 - (a) must notify the person of that fact, and (if the removal arises from a direction under subclause (1)) of the reasons given by the Director-General for the direction, and
 - (b) must notify the parents of the children to whom the person was providing the service of the fact that the person's name has been removed from the register.

Division 3 Authorised supervisors

102 Change of authorised supervisor

- (1) A licensee for a children's service who intends to appoint a new supervisor to replace the existing authorised supervisor for the service must apply for the Minister's consent to the appointment of the proposed new supervisor.
- (2) The Minister, by notice served on the licensee, the existing authorised supervisor and the proposed new supervisor:
 - (a) if the Minister considers the proposed new supervisor suitable to act as the authorised supervisor under the licence, may consent to the proposed new supervisor becoming the authorised supervisor under the licence, or
 - (b) may refuse the application.
- (3) An application under this clause must be accompanied by the same kind of documents as those required to accompany an application for a licence in relation to a proposed supervisor.

103 Temporary supervisors

- (1) The Minister may, by instrument in writing, appoint a specified person (*the temporary supervisor*) to act on behalf of the authorised supervisor for a specified children's service during the authorised supervisor's illness or absence.

Clause 104 Children's Services Regulation 2004

Part 7 Administrative requirements

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- (2) The instrument of appointment is to be served on both the licensee and the temporary supervisor.
 - (3) During any absence from duty of the authorised supervisor, the temporary supervisor has and may exercise all of the functions of the authorised supervisor.
 - (4) The Minister may, by notice served on a temporary supervisor, revoke that person's instrument of appointment as such on any ground that the Minister considers sufficient.
 - (5) Nothing in this clause prevents a person who is or has been the temporary supervisor for a children's service from being appointed, subject to the other provisions of this Regulation, as the authorised supervisor for that service.

104 Application of licence conditions if no authorised supervisor

While a children's service has no authorised supervisor, the licence conditions for the service that apply to an authorised supervisor extend to the licensee.

105 Notice of change relating to authorised supervisor

At least one week before a new authorised supervisor commences duty, the licensee must give written notice of that fact to the Director-General.

Division 4 Miscellaneous

106 Notice of proposed change to constitution of licensee

A licensee of any class of children's service who is not a natural person must give written notice of any proposed change to the constitution, charter, memorandum, rules, statement of objects, deed of trust or partnership agreement of the licensee to the Director-General no later than 4 weeks before the change occurs.

107 Notice of change in management of licensee: public authorities

- (1) This clause applies to a licensee that is a public authority.
- (2) If:
 - (a) the chief executive officer (however described) of the public authority ceases to be the chief executive officer, or

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- (b) if the public authority is a local authority, the manager of community services (however described) ceases to be the manager of community services,

the licensee must, within one week after the change, give the Director-General written notice of the change.

- (3) If:

- (a) a person becomes the chief executive officer (however described) of the public authority, or
- (b) if the public authority is a local authority, a person becomes the manager of community services (however described) of the local authority,

the licensee must, within one week after the change, give the Director-General written notice of the change, together with the information and documents in relation to a chief executive officer or manager of community services that is required by Part 2 of this Regulation to accompany an application for a licence.

108 Notice of change in management of licensee: bodies other than public authorities

- (1) This clause applies to a licensee that is neither a natural person nor a public authority.
- (2) If a person involved in the control and management of the licensee substantially alters the person's involvement or ceases to be so involved, the licensee must, within one week after the change, give the Director-General written notice of the change.
- (3) If a person becomes involved in the control and management of the licensee, the licensee must, within one week after the change, give the Director-General written notice of the change, together with the information and documents in relation to persons involved in the control and management of a licensee that is required by Part 2 of this Regulation to accompany an application for a licence.

109 Notice of significant change in circumstances of licensee

If a significant change that may affect the licensee's capacity to provide the children's service occurs:

- (a) in the circumstances (including financial circumstances) of the licensee of any class of children's service, or

Clause 110 Children's Services Regulation 2004

Part 7 Administrative requirements

(b) in the case of a licensee that is not a natural person, in the circumstances (including financial circumstances) of a person involved in the control and management of the licensee,

the licensee must give written notice to the Director-General of the change within one week after the change occurs.

110 Notice of change in contact information to be notified

Within one week after any change in a licensee's contact information, the licensee must give written notice of the fact, and new contact information, to the Director-General.

111 Notice of cessation of children's service

If a licensee of any class of children's service intends to cease providing the service, the licensee must give the Director-General notice in writing of that intention at least 3 weeks before the licensee ceases providing the service.

112 Notice of changes to premises—centre based, mobile or home based children's service

The licensee of a centre based, mobile or home based children's service must give written notice to the Director-General of any proposed alteration, renovation or demolition of any building or other structure on the premises of the service:

- (a) at least 6 weeks before any relevant work commences, or
- (b) before the consent or approval of any public or local authority is sought for the relevant work,

whichever is the earlier.

113 Notice of change to family day care carer's home

A family day care carer must give written notice to the authorised supervisor of any proposed alteration, renovation or demolition of any building or other structure at his or her home:

- (a) before the consent or approval of any public or local authority is sought for the relevant work, or
- (b) at least 6 weeks before any relevant work commences,

whichever is the earlier.

Children's Services Regulation 2004

Clause 114

Administrative requirements

Part 7

114 Notice of criminal charges or convictions—licensee

The licensee of any class of children's service must immediately give written notice to the Director-General:

- (a) if the licensee is charged with or convicted of a notifiable offence, or
- (b) in the case of a licensee that is not a natural person, if any person involved in the control and management of the licensee, or in the control and management of a majority shareholder corporation of the licensee, is charged with or convicted of a notifiable offence, or
- (c) if the licensee becomes aware that a member of the staff of the service (including the authorised supervisor) or a family day care carer of the service has been charged with or convicted of a notifiable offence, or
- (d) if the licensee becomes aware that a person who normally resides at any residential premises of the service, or at the home of a family day care carer of the service, has been charged with or convicted of a notifiable offence.

115 Notice of criminal charges or convictions—family day care carer

A family day care carer of a family day care children's service must immediately give written notice to the Director-General:

- (a) if the carer is charged with or convicted of a notifiable offence, or
- (b) if the carer becomes aware that any person who is normally resident at the carer's home has been charged with or convicted of a notifiable offence.

116 Informing and meeting family day care carers

- (1) The authorised supervisor of a family day care children's service is to provide a family day care carer whose name is entered on the family day care register for the service with all information in the authorised supervisor's possession in relation to a child to be placed with the carer before the child is placed with the carer.
- (2) The authorised supervisor is to convene a meeting as soon as practicable between:
 - (a) the person who requested the family day care children's service, and
 - (b) the family day care carer who provides that service,at the reasonable request of either person.

Clause 117 Children's Services Regulation 2004

Part 8 Probity checks

Part 8 Probity checks

117 Probity check of proposed licensee and supervisor

- (1) The Director-General must conduct a probity check of an applicant for a licence, and of the proposed supervisor for the service, for the purpose of establishing whether or not the applicant and proposed supervisor are fit and proper persons to provide or be involved in the provision of a children's service.
- (2) If the applicant for a licence is a public authority, the Director-General must conduct a probity check of:
 - (a) the chief executive officer (however described) of the public authority, and
 - (b) if the public authority is a local authority, of the manager of community services (however described) of the local authority.
- (3) If the applicant for a licence is neither a natural person nor a public authority, the Director-General must conduct a probity check of:
 - (a) each natural person involved in the control and management of the applicant, and
 - (b) if the applicant is a corporation and a majority shareholder of the corporation is another corporation, each natural person involved in the control and management of the majority shareholder corporation.

118 Probity checks of proposed staff

- (1) The licensee of a children's service must conduct a probity check of any natural person who is, or who is proposed to be, engaged in the operation or management of the children's service, including a person who is, or is proposed to be, engaged as a volunteer.
- (2) Subclause (1) does not apply if the licensee is required to carry out employment screening of the person as the preferred applicant for employment in primary child-related employment under Part 7 of the *Commission for Children and Young People Act 1998*.

119 Nature of probity check

- (1) For the purposes of this Part, a probity check of a person is to comprise the following procedures:
 - (a) a check for any criminal record of the person (whether or not within New South Wales),

Children's Services Regulation 2004

Clause 120

Probity checks

Part 8

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- (b) a check for any relevant apprehended violence orders made against the person or for any relevant disciplinary proceedings completed against the person,
 - (c) any other relevant check relating to the previous employment or other activities of the person,
 - (d) an assessment of the risk to children provided with the children's service arising from anything disclosed by such a check, having regard to all the circumstances of the case,
 - (e) in the case of a probity check carried out on behalf of a licensee, the disclosure of the results of any such check or risk assessment to the licensee of a children's service.
- (2) In this clause, *relevant apprehended violence order* and *relevant disciplinary proceedings* have the same meanings as they have in Part 7 of the *Commission for Children and Young People Act 1998*.

120 By whom probity check to be carried out

- (1) If a licensee so requests, a probity check that is required to be conducted by the licensee may instead be conducted by the Director-General or by the Commission for Children and Young People.
- (2) The Director-General may engage the Commission for Children and Young People to carry out a probity check, whether on his or her own behalf or on behalf of a licensee.

121 Probity check to be carried out in compliance with guidelines

As far as practicable, a probity check is to be conducted in accordance with any guidelines in force under section 35 of the *Commission for Children and Young People Act 1998* in relation to the procedures and standards for employment screening.

122 Unauthorised disclosure or dishonest collection of information

- (1) A person who discloses any information obtained by the person in connection with a probity check under this Part is guilty of an offence unless the disclosure:
 - (a) is made in good faith for the purposes of employment screening or the exercise of a function under this Part, or
 - (b) is made with the consent of the person from whom the information was obtained, or

Clause 122 Children's Services Regulation 2004

Part 8 Probity checks

(c) is ordered by a court, or any other body or person exercising judicial functions, for the purposes of the hearing or determination by the court, body or person of any matter, or

(d) is made with other lawful excuse.

Maximum penalty: 10 penalty units.

(2) A person who dishonestly obtains confidential information relating to a probity check under this Part is guilty of an offence.

Maximum penalty: 10 penalty units.

Children's Services Regulation 2004

Clause 123

Miscellaneous

Part 9

Part 9 Miscellaneous

123 Review by Administrative Decisions Tribunal

Pursuant to section 245 (g) of the Act, the following classes of decisions are prescribed:

- (a) a decision to refuse to grant a licence,
- (b) a decision to impose a condition on a licence (other than a condition imposed by this Regulation), or to refuse to impose a condition on a licence,
- (c) a decision to vary or revoke a condition of a licence,
- (d) a decision to vary, suspend or revoke a licence,
- (e) a decision of the Director-General to refuse to grant consent to the making of an application for a licence,
- (f) a decision of the Minister to refuse to grant consent to the replacement of an authorised supervisor,
- (g) a decision of the Director-General to require the licensee of a children's service to employ additional staff,
- (h) a decision of the Director-General to direct the licensee of a family day care children's service to remove the name of a family day care carer from the register for the service.

124 Original documents may be used instead of certified copies

A requirement of this Regulation for production of a duly certified copy of a document may be satisfied by production of the original document if the owner of the original document so elects.

125 Savings and transitional provisions

Schedule 2 has effect.

Children's Services Regulation 2004

Schedule 1 Records to be kept for each child

Schedule 1 Records to be kept for each child

(Clause 92)

1 Records of personal information

The following written records are to be kept in relation to the child's personal information:

- (a) the child's full name and any other names by which the child is known, and any former names of the child,
- (b) the child's date of birth and place of birth (if possible, verified by the authorised supervisor, within 6 weeks after the child is enrolled at the service, by inspection of a duly certified copy of the child's birth certificate, Australian citizenship certificate or passport or other documentation approved by the Director-General),
- (c) the child's sex,
- (d) the child's residential address,
- (e) a description of the child's family circumstances, in particular any court orders of which the staff or carers of the service are aware that affect the residence of the child or contact with the child by the parents (if possible, court orders are to be verified by the authorised supervisor or licensee by inspection of a duly certified copy of the court order at the time of enrolment of the child at the service or after the making of any subsequent court order),
- (f) the full name of each parent of the child, and any other name by which each parent is known,
- (g) the residential address, place of employment, all contact telephone numbers (whether for the residence, place of employment or for a mobile telephone) and any other contact details for each parent of the child,
- (h) any special requirements concerning the child notified by a parent of the child (such as requirements relating to the child's culture or religion or to the child's needs in relation to any disability that the child has),
- (i) the ethnic and cultural identity of the child and the primary language spoken by the child, or if the child has not learned to speak, the primary language or languages of the child's parents,

Children's Services Regulation 2004

Records to be kept for each child

Schedule 1

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- (j) information (if any) provided by a parent of the child concerning the child's religion and cultural background and any practice that the parent considers should, to the greatest extent possible, be observed at the service in respect of the child because of that religion or background,
 - (k) the full name, address, all telephone numbers (whether for the residence, place of employment or for a mobile telephone) and any other contact details for each person authorised by a parent of the child to collect the child from the premises of the service,
 - (l) the full name, address, all telephone numbers (whether for the residence, place of employment or for a mobile telephone) and any other contact details for each person who may be contacted in an emergency if a parent of the child is not available.

2 Records concerning health matters

The following written records are to be kept in relation to the child's health:

- (a) the name, address and telephone number of the child's doctor (if any),
- (b) any written authorisation by a parent of the child for the administration of any medication by a member of staff of the service or by a carer, and any medical practitioner's instructions relating to its administration,
- (c) if any medication is administered to the child by a member of staff of the service or by a carer:
 - (i) the name of the medication, and
 - (ii) the date, time and dosage administered, and
 - (iii) the names and signatures of the persons who checked the dosage and administered the medication,
- (d) any written particulars provided by a parent of the child advising the licensee that the child suffers from allergies, epilepsy, asthma or any other specified medical condition and of the treatment to be given if the child appears to be severely physically affected by the condition while being provided with the service,
- (e) any written authorisation by a parent of the child for emergency medical, hospital, dental and ambulance service,

Children's Services Regulation 2004

Schedule 1 Records to be kept for each child

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- (f) the medicare number by which the child is covered, and (if known) the name of any health fund that has issued a policy by which the child is covered,
 - (g) the nature and circumstances (including the date and time) of any injury to the child or illness of the child while being provided with the service,
 - (h) particulars of treatment given to the child if the child is injured or becomes ill while being provided with the service,
 - (i) if the child dies while being provided with the service, the details surrounding the child's death.

3 Records of attendance and excursions

The following written records are to be kept of the child's attendance and excursions:

- (a) the day to day attendance of the child at the premises of the service, including arrival and departure times,
- (b) as far as is practicable, the signature of the person who brings the child to the service each time the child arrives at the service, and the signature of the person who collects the child each time the child departs from the service,
- (c) any authorisation by a parent for a child to be taken on an excursion or escorted to or from a specified place.

4 Records of complaints

The following written records are to be kept in relation to complaints relating to the child:

- (a) details of any complaint by a parent or person responsible for a child provided with the service concerning the care provided to the child or the operations of the service,
- (b) details of any action taken in response to the complaint.

Children's Services Regulation 2004

Savings and transitional provisions

Schedule 2

Schedule 2 Savings and transitional provisions

(Clause 125)

1 Definitions

In this Schedule:

1987 Act means the *Children (Care and Protection) Act 1987*.

1998 Act means the *Children and Young Persons (Care and Protection) Act 1998*.

CBM Regulation means the *Centre Based and Mobile Child Care Services Regulation (No 2) 1996*.

existing licence means a licence for a child care service granted under Schedule 1 to the 1987 Act, being a licence in force immediately before the transition day, and includes a licence granted under that Schedule as referred to in clause 7.

FDH Regulation means the *Family Day Care and Home Based Child Care Services Regulation 1996*.

transition day means the day on which Division 1 of Part 3 of the 1987 Act is repealed.

transition period means the period commencing on the transition day and ending on 31 December 2005.

2 Licences granted under the 1987 Act

- (1) A person who is the holder of an existing licence for a class of child care service is taken to be the holder of a licence under the 1998 Act for the corresponding class of children's service.
- (2) After the transition day, the licence:
 - (a) is taken to have been granted subject to the same conditions as those to which it was subject immediately before the repeal of Division 1 of Part 3 of the 1987 Act, and
 - (b) remains in force for the remainder of the period for which it was granted or until the end of the transition period, whichever first occurs, and
 - (c) is not subject to the applicable conditions set out in Parts 3, 4, 5, 6 and 7 of this Regulation for a licence for the corresponding class of children's service.

Children's Services Regulation 2004

Schedule 2 Savings and transitional provisions

-
- (3) The provisions of the CBM Regulation or FDH Regulation, as applicable, continue to apply in relation to the licence for:
- (a) the transition period, or
 - (b) for the remainder of the period for which it was granted,
- whichever is the lesser period, as if the Regulation concerned had not been repealed, subject to any necessary modifications.
- (4) Subclause (2) does not prevent a condition being imposed on the licence by the Minister under section 209 of the 1998 Act.
- (5) After the expiry of the transition period:
- (a) the licence (if still in force) is subject to this Regulation and the provisions of the CBM Regulation or FDH Regulation cease to apply to the licence, and
 - (b) the licence is subject to the conditions set out in Parts 3, 4, 5, 6 and 7 of this Regulation that apply to a licence for that class of children's service.

3 Licences under 1987 Act that expire during transition period

- (1) This clause applies if an existing licence expires during the transition period and the person who was the holder of the licence immediately before that expiry applies for another licence for the same class of children's service before that expiry.
- (2) The application is taken to be accompanied by all the information, documents and particulars required by clauses 16 and 17 of this Regulation if:
 - (a) in the case of a centre-based children's service—the application is accompanied by the information, documents and particulars that it would be required to be accompanied by clause 9 (2) of the CBM Regulation if it were an application for a licence for a centre based child care service under the 1987 Act and if that Schedule and the relevant Regulation were still in force, and
 - (b) in the case of a mobile children's service—the application is accompanied by a statement as to whether any of the premises at which the service is proposed to be provided do not comply with the applicable requirements of Schedule 1 to the CBM Regulation.

Children's Services Regulation 2004

Savings and transitional provisions

Schedule 2

-
- (3) The undertakings required by this Regulation to accompany an application for a licence are taken to be undertakings to comply with the relevant requirements from the time that they commence to apply in relation to the licence under this clause.
- (4) If a licence is granted for an application referred to in subclause (1), for the remainder of the transition period the licence:
- (a) is taken to have been granted subject to the same conditions as those to which the existing licence was subject immediately before it expired, and subject to any conditions imposed by the Minister on the licence under section 209 of the Act, and
 - (b) is not subject to the applicable conditions set out in Parts 3, 4, 5, 6 and 7 of this Regulation for the licence for that class of children's service.
- (5) The provisions of the CBM Regulation or FDH Regulation, as applicable, continue to apply in relation to a licence granted under the 1998 Act as referred to in subclause (4) for the remainder of the transition period as if the Regulation concerned had not been repealed, subject to any necessary modifications.
- (6) After the expiry of the transition period:
- (a) a licence granted under the 1998 Act as referred to in subclause (4) is subject to this Regulation and the provisions of the CBM Regulation or FDH Regulation cease to apply in relation to the licence, and
 - (b) the licence is subject to the applicable conditions set out in Parts 3, 4, 5, 6 and 7 of this Regulation that apply to that class of licence.
- (7) Nothing in this clause prevents:
- (a) the Director-General from requiring an applicant for a licence for a children's service under the 1998 Act to furnish further particulars under section 206 of the 1998 Act, or
 - (b) a condition being imposed under section 209 of the 1998 Act on a licence granted by the Minister under that Act.

4 Space requirements

- (1) The following provisions have effect despite clauses 2 and 3:
- (a) an existing licence (including any further licence for the same service) is not subject to the space requirements set out in clause 30 of this Regulation, either during or after the transition period,

Children's Services Regulation 2004

Schedule 2 Savings and transitional provisions

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- (b) during the transition period, an existing licence (including any further licence for the same service) is subject to the same space requirements as those to which it was subject immediately before the transition day,
 - (c) after the transition period, an existing licence (including any further licence for the same service) is subject to such space requirements as are set out in the licence.
- (2) In the case of a licence for a centre based children's service, the space requirements referred to in subclause (1) (c) must include the requirement that, on and from 1 January 2008, the premises of the service must have a room or area that is used only for sleeping for children under 2 years of age.

5 Application of Part 3 facilities and equipment requirements to existing school-based services

Part 3 of this Regulation (clauses 34, 40 and 45 excepted) does not apply to or in respect of a children's service that is located, and has at all times since the commencement of Chapter 12 of the Act been located, on the premises of a school within the meaning of the *Education Act 1990*.

6 Venue management plans

- (1) Before the expiry of the transition period:
- (a) the holder of an existing licence for a mobile children's service that will not expire until the end of the transition period, or
 - (b) the licensee of a licence for a mobile children's service granted under the 1998 Act during the transition period,
- is to prepare and submit to the Director-General a statement and, if necessary, a plan describing how the licensee intends to ensure the safety and well-being of children at the premises of the service.
- (2) The provisions of clause 17 (2)–(4) of this Regulation apply to a plan referred to in subclause (1) in the same way as they apply to a plan required to accompany an application for a licence for a mobile children's service.

Children's Services Regulation 2004

Savings and transitional provisions

Schedule 2

7 Pending applications

- (1) Schedule 1 to the 1987 Act continues to apply (despite the repeal of section 32 of that Act) to and in respect of an application for a grant of a licence for a child care service or for restoration of such a licence that was pending immediately before the transition day.
- (2) A licence granted or restored under Schedule 1 to the 1987 Act pursuant to subclause (1) is taken to have been granted or restored immediately before the transition day.

8 Pending appeals

- (1) Any application for review by the Administrative Decisions Tribunal under section 112 of the 1987 Act pending immediately before the transition day is to continue and be determined as if Division 1 of Part 3 of the 1987 Act had not been repealed.
- (2) For the purposes of the operation of this Schedule, the determination of the application for review is to have effect as if the application was made immediately before transition day.

9 Authorised supervisors

- (1) A person who was the authorised supervisor for an existing licence under Division 1 of Part 3 of the 1987 Act immediately before the transition day is taken to be the authorised supervisor for the licence under the 1998 Act.
- (2) A person who was authorised to act as an authorised supervisor under clause 10 of Schedule 1 to the 1987 Act immediately before the transition day is taken to be a temporary supervisor for the licence under the 1998 Act for the remainder of the period specified in the authorisation.

10 Carers

A person who was a carer under a licence for a family day care service under the 1987 Act immediately before the transition day is taken to be a family day care carer under the transferred licence.

11 Guidelines for approved first aid qualifications

Guidelines for first aid qualifications issued by the Department for the purposes of the definition of *approved first aid qualification* in the CBM Regulation are taken to be guidelines issued for the purposes of the definition of *approved first aid qualification* in this Regulation, until the Department issues guidelines to replace those guidelines.

Children's Services Regulation 2004

Schedule 2 Savings and transitional provisions

12 Guidelines for basic training course in food safety and nutrition

- (1) Guidelines for basic training courses in food safety and nutrition issued by the Director-General for the purposes of clause 23 of the CBM Regulation are taken to be guidelines issued for the purposes of clause 54 (Cooking staff) of this Regulation until the Director-General issues guidelines to replace those guidelines.
- (2) The provisions of clause 54 of this Regulation with respect to certificates do not apply until 1 January 2006.

13 Continuity of things done before commencement

Anything done or omitted to be done under or for the purposes of a provision of Division 1 of Part 3 of the 1987 Act, the CBM Regulation or the FDH Regulation is, to the extent that the thing done or omitted has effect immediately before the repeal of the provision, taken to have been done or omitted under or for the purposes of the corresponding provision of the 1998 Act or this Regulation.

Children's Services Regulation 2004

Dictionary

Schedule 2

Dictionary

(Clause 4)

adult means a person who is of or above the age of 18 years.

approved means approved by the Director-General.

approved first aid qualification means:

- (a) a successfully completed first aid course that is approved by the WorkCover Authority for the purposes of the *Occupational Health and Safety Regulation 2001* and that specifically relates to first aid and emergency care of children and meets the guidelines issued for the purposes of this definition by the Department, or
- (b) another successfully completed first aid course approved by the Director-General for the purposes of this definition.

authorised supervisor has the same meaning as in section 199 of the Act.

Note. Section 199 of the Act defines **authorised supervisor**, in relation to a children's service, as the person specified as the authorised supervisor in the licence for the service.

Building Code of Australia has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

centre based children's service has the same meaning as in section 199 of the Act.

Note. **Centre based children's service** is defined in section 199 of the Act as a children's service that is provided at a fixed premises (other than the home of the licensee of the service).

child protection legislation means the *Child Protection (Prohibited Employment) Act 1998*, the *Children and Young Persons (Care and Protection) Act 1998*, the *Commission for Children and Young People Act 1998* and Part 3A of the *Ombudsman Act 1974*.

children's service means a centre based children's service, a mobile children's service, a family day care children's service or a home based children's service.

children's service record means a record required to be kept under clause 92.

client of the Department means a person to whom services are provided or assistance is given by any person or body under any Act administered by the Minister for Community Services.

Children's Services Regulation 2004

Schedule 2 Dictionary

contractor, in relation to a children's service, means a person engaged by the licensee of the children's service to perform a service on the premises of the children's service, but does not include:

- (a) a person engaged by a contract of employment, or
- (b) a person engaged to deliver any item to the service.

de facto partner, in relation to a person, means any other person with whom the person is in a de facto relationship within the meaning of the *Property (Relationships) Act 1984*.

developmental record of a child means an ongoing record of all aspects of the individual development of the child.

diploma means a diploma in early childhood studies awarded by a university, a TAFE establishment or a registered training organisation.

duly certified means certified in accordance with guidelines approved by the Director-General.

excursion means an activity carried out for a recreational or educational purpose:

- (a) in the case of a centre based or mobile children's service, under the supervision of one or more members of staff of the service at a place other than the premises of the service, and
- (b) in the case of a family day care children's service, under the supervision of one or more carers at a place other than the home of a carer of the service, and
- (c) in the case of a home based children's service, under the supervision of the home based licensee at a place other than the home of the home based licensee.

exercise a function includes perform a duty.

family day care carer means:

- (a) a natural person who is directly involved, at his or her home, in educating, supervising or caring for children for a family day care children's service (a **primary carer**), or
- (b) a natural person who is directly involved, at a primary carer's home, in educating, supervising or caring for children for a family day care children's service so as to relieve the primary carer (a **relief carer**),

being in either case a natural person whose name is on the family day care register for the service.

Children's Services Regulation 2004

Dictionary

Schedule 2

family day care children's service has the same meaning as in section 199 of the Act.

Note. *Family day care children's service* is defined in section 199 of the Act as a children's service that organises or arranges for the care to be provided at the home of a carer other than the licensee of a home based children's service.

family day care register means a register for a family day care children's service referred to in clause 100.

function includes a power, authority or duty.

group of children, in relation to a centre based or mobile children's service, means one or more children supervised by one or more members of the primary contact staff of the service in:

- (a) an individual room or well-defined space within a room, or
- (b) a part of a room that is recognisably a space for a group,
- (c) a well-defined outdoor area that is recognisably a space for a group.

health fund means a registered organisation within the meaning of the *National Health Act 1953* of the Commonwealth.

home based children's service has the same meaning as in section 199 of the Act.

Note. *Home based children's service* is defined in section 199 of the Act as a children's service in which the care (not being care organised or arranged by a family day care children's service) is provided at the home of the carer, not being the home of any of the children receiving the care (other than a child related to the carer).

home based licensee means the licensee of a home based children's service.

home of a family day care carer means the premises where a carer of a family day care children's service resides for most of the time.

home of a home based licensee means the premises where the licensee of a home based children's service resides for most of the time.

independent referee, in relation to an applicant for a licence or a proposed authorised supervisor, means:

- (a) in the case of an applicant for a licence who is a natural person, a natural person who is not a relative of the applicant or of a spouse or de facto partner of the applicant, or

Children's Services Regulation 2004

Schedule 2 Dictionary

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- (b) in the case of an applicant for a licence who is a public authority, a natural person who:
- (i) is not a relative of the chief executive officer (however described) of the public authority or of a spouse or de facto partner of the chief executive officer, and
 - (ii) if the public authority is a local authority, is not a relative of the manager of community services (however described) of the local authority or of a spouse or de facto partner of the manager of community services, or
- (c) in the case of an applicant for a licence who is neither a natural person nor a public authority, a natural person who:
- (i) is not involved in the control and management of the applicant, and
 - (ii) if the applicant is a corporation and a majority shareholder of the applicant is another corporation, is not involved in the control and management of the majority shareholder corporation, or
- (d) in the case of a proposed authorised supervisor, a natural person who is not a relative of the proposed authorised supervisor or of a spouse or de facto partner of the proposed authorised supervisor.

licence has the same meaning as in section 199 of the Act.

Note. Licence is defined in section 199 of the Act as a licence that has been granted under the Act and is in force.

licensee has the same meaning as in section 199 of the Act.

Note. Licensee is defined in section 199 of the Act in relation to a children's service as the person specified as the licensee in the licence for the service.

local authority means a council or a county council within the meaning of the *Local Government Act 1993*.

major road means:

- (a) a two-way road with a dividing line or median strip that indicates the parts of the road to be used by vehicles travelling in opposite directions, or
- (b) a one-way road with more than one marked lane.

majority shareholder has the same meaning as in section 199 of the Act.

Note. Majority shareholder is defined in section 199 of the Act in relation to a corporation as a person holding 50% or more of the shares of the corporation.

Children's Services Regulation 2004

Dictionary

Schedule 2

medicare number has the same meaning as in section 84 of the *National Health Act 1953* of the Commonwealth.

mobile children's service has the same meaning as in section 199 of the Act.

Note. ***Mobile children's service*** is defined in section 199 of the Act as a children's service that visits specific premises, areas or places at specific times for the purpose of providing the care.

mobile children's service register is a register for a mobile children's service required to be kept as a condition of a licence for a mobile children's service.

non-routine excursion, in relation to a children's service, means an excursion that is not a routine excursion.

Note. An example of a non-routine excursion is a visit to a zoo or museum.

notifiable offence—see clause 5.

parent of a child has the same meaning as in the Act.

Note. ***Parent*** is defined in the Act as a person having parental responsibility for the child or young person. ***Parental responsibility*** is defined as meaning all the duties, powers, responsibilities and authority which, by law, parents have in relation to their children.

Part 3 facilities and equipment requirements means the requirements arising under Part 3.

Part 4 staffing requirements means the requirements arising under Part 4.

Part 6 operational requirements means the requirements arising under Part 6.

Part 7 administrative requirements means the requirements arising under Part 7.

premises includes a structure, building, vehicle, vessel or place (including a public or other place), whether built on or not, and any part of such a structure, building, vehicle, vessel or place.

premises of a centre based children's service means the premises at which a centre based children's service is provided as specified in the licence for the service, and includes any part of those premises.

premises of a children's service means:

- (a) in relation to a centre based children's service, the premises of the service, and
- (b) in relation to a mobile children's service, the premises of the service, and

Children's Services Regulation 2004

Schedule 2 Dictionary

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- (c) in relation to a family day care children's service, the home of a family day care carer of the service, and
 - (d) in relation to a home based children's service, the home of the licensee of the service.

premises of a mobile children's service means any premises at which a mobile children's service is provided from time to time as specified in the licence for the service, and includes any part of those premises.

pre-school child means a child who is under 6 years of age and who does not ordinarily attend school.

primary contact staff, in relation to a centre based or mobile children's service, means:

- (a) any member of the staff of the service who is directly involved in educating or caring for children at the service, or
- (b) the licensee of the service at any time while the licensee is directly involved in educating or caring for children at the service, or
- (c) a trainee who is at the service as a formal part of studies at an educational institution,

but does not include:

- (d) a person who is engaged solely in administrative, clerical or domestic duties at the service, or
- (e) a person who is at the service for the purpose of work experience, or
- (f) a volunteer who is assisting in the provision of the service.

public authority means:

- (a) a public authority constituted by or under an Act, or
- (b) a local authority, or
- (c) a Government Department or government agency, or
- (d) a statutory body representing the Crown, or
- (e) a university or TAFE establishment.

registered training organisation means an education or training provider registered under the *Vocational Education and Training Accreditation Act 1990* or under a law of the Commonwealth or of another State or Territory that corresponds to that Act.

Children's Services Regulation 2004

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Schedule 2

relative of a person means:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, or
- (b) a spouse or de facto partner of the person or of a person referred to in paragraph (a).

required abilities to care for children—see clause 6.

routine excursion, in relation to a children's service, means an excursion that is undertaken at least once a month to a particular place in the locality of the place where the service is provided.

Note. An example of a routine excursion is a daily walk to a nearby park or to a nearby library to borrow books.

school age child means a child who is of or above the age of 4 years and 6 months.

school child means a child who has started attending school.

staff of a children's service means those persons employed for remuneration by the licensee of the service who are engaged in the provision of the service.

TAFE establishment has the same meaning as in the *Technical and Further Education Commission Act 1990*.

temporary supervisor—see clause 103.

the Act means the *Children and Young Persons (Care and Protection) Act 1998*.

trainee means a person who is enrolled at a registered training organisation in a duly accredited child care course under the *Vocational Education and Training Accreditation Act 1990*.

venue management plan—see clause 17.

volunteer, in relation to a service, means a person who assists in the provision of the service but is not employed or engaged for remuneration in relation to that assistance.

Orders



Anglican Church of Australia (St John the Baptist Anglican Grammar School Mudgee Council) Order 2004

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

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 4 (3) of the *Anglican Church of Australia (Bodies Corporate) Act 1938*, make the following Order.

Dated, this 12th day of May 2004.

By Her Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938* provides that persons who, for the time being, are the members of an unincorporated body that is constituted by an ordinance of the Synod of a diocese for the purpose of managing, governing or controlling an institution or organisation of the Anglican Church of Australia, or of dealing with any church trust property, may be the subject of a declaration by an ordinance of that Synod that it is expedient to constitute them as a body corporate. Once the ordinance making the declaration is passed, the Governor may, by order published in the Gazette, declare the members of the unincorporated body to be a body corporate.

The object of this Order is to declare that the members of St John the Baptist Anglican Grammar School Mudgee Council are a body corporate known as "St John the Baptist Anglican Grammar School Mudgee Council". The relevant ordinances are the *St John the Baptist Anglican Grammar School Mudgee Ordinance 2004* and the *St John the Baptist Anglican Grammar School Mudgee Incorporation Ordinance 2004*.

Clause 1 Anglican Church of Australia (St John the Baptist Anglican Grammar School Mudgee Council) Order 2004

Anglican Church of Australia (St John the Baptist Anglican Grammar School Mudgee Council) Order 2004

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

1 Name of Order

This Order is the *Anglican Church of Australia (St John the Baptist Anglican Grammar School Mudgee Council) Order 2004*.

2 St John the Baptist Anglican Grammar School Mudgee Council

It is declared that the persons who for the time being are the members of the body known as St John the Baptist Anglican Grammar School Mudgee Council constituted under the *St John the Baptist Anglican Grammar School Mudgee Ordinance 2004* are a body corporate under the name "St John the Baptist Anglican Grammar School Mudgee Council".



Anglican Church of Australia (The New England Girls' School) Order 2004

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

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 4 (3) of the *Anglican Church of Australia (Bodies Corporate) Act 1938*, make the following Order.

Dated, this 12th day of May 2004.

By Her Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938* provides that persons who, for the time being, are the members of an unincorporated body that is constituted by an ordinance of the Synod of a diocese for the purpose of managing, governing or controlling an institution or organisation of the Anglican Church of Australia, or of dealing with any church trust property, may be the subject of a declaration by an ordinance of that Synod that it is expedient to constitute them as a body corporate. Once the ordinance making the declaration is passed, the Governor may, by order published in the Gazette, declare the members of the unincorporated body to be a body corporate.

The object of this Order is to declare that the members of the Council of The New England Girls' School are a body corporate known as "The New England Girls' School". The relevant ordinances are *The New England Girl's School Ordinance 1998–2000* and *The New England Girls' School Incorporation Ordinance 1978*.

Clause 1 Anglican Church of Australia (The New England Girls' School) Order 2004

Anglican Church of Australia (The New England Girls' School) Order 2004

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

1 Name of Order

This Order is the *Anglican Church of Australia (The New England Girls' School) Order 2004*.

2 The New England Girls' School

It is declared that the persons who for the time being are the members of the body known as the Council of The New England Girls' School constituted under *The New England Girl's School Ordinance 1998–2000* are a body corporate under the name "The New England Girls' School".

Rules



District Court Amendment (Property Relationships) Rule 2004

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 7 April 2004.

A Grew

Secretary of the Rule Committee

Explanatory note

The *De Facto Relationships Act 1984* was renamed as the *Property (Relationships) Act 1984* by the *Property (Relationships) Legislation Amendment Act 1999*.

The object of this Rule is to amend the *District Court Rules 1973* to update references to the *De Facto Relationships Act 1984*.

Clause 1 District Court Amendment (Property Relationships) Rule 2004

District Court Amendment (Property Relationships) Rule 2004

under the

District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Property Relationships) Rule 2004*.

2 Amendment of District Court Rules 1973

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

District Court Amendment (Property Relationships) Rule 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 51D, heading

Omit “**De Facto Relationships Act 1984**”.

Insert instead “**Property (Relationships) Act 1984**”.

[2] Part 51D, rule 1

Omit the rule. Insert instead:

1 Property (Relationships) Act 1984

The following rules of the *Supreme Court Rules 1970* apply to proceedings before the District Court under the *Property (Relationships) Act 1984* in the same way as they apply to proceedings before the Supreme Court:

- (a) Part 52, rule 24A (De Facto Relationships Act 1984),
- (b) Part 52, rule 24B (Orders for non-application of rules 24 and 24A),
- (c) Part 52A, rule 34 (Property (Relationships) Act 1984),
- (d) Part 52A, rule 35 (Orders for non-application of rules 33 and 34),
- (e) Part 77, Division 19 (Property (Relationships) Act 1984), rules 74–76A.

OFFICIAL NOTICES

Appointments

COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 1998

Chief Executive Service

Appointment Under Section 5(1)

HER Excellency the Governor with the advice of the Executive Council, pursuant to the provisions of the *Commission for Children and Young People Act* has appointed the officer listed below to the chief executive service position as specified:

Commission for Children and Young People

Gillian CALVERT, Commissioner [31 May 2004]

The Hon C. M. TEBBUTT, M.L.C.,
Minister for Community Services, Minister
for Ageing, Minister for Disability Services,
and Minister for Youth

FAIR TRADING ACT 1987

Motor Trade Advisory Council

Appointment of Member

PURSUANT to section 25E of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person as a member of the Motor Trade Advisory Council:

- Cecil BODNAR

This appointment expires 31 January 2005.

Dated this 29 day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Motor Trade Advisory Council

Appointment Of Member

PURSUANT to section 25E of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person as a member of the Motor Trade Advisory Council:

- Ian David BROWN

This appointment expires 31 January 2005.

Dated this 29 day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Motor Trade Advisory Council

Appointment of Member

PURSUANT to section 25E of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person

as a member of the Motor Trade Advisory Council:

- Gordon BUNYAN

This appointment expires 31 January 2005.

Dated this 29 day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Motor Trade Advisory Council

Appointment of Member

PURSUANT to section 25E of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person as a member of the Motor Trade Advisory Council:

- John Steven KERLATEC

This appointment expires 31 January 2005.

Dated this 29 day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Motor Trade Advisory Council

Appointment of Member

PURSUANT to section 25E of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person as a member of the Motor Trade Advisory Council:

- Trevor Maxwell LAWLER

This appointment expires 31 January 2005.

Dated this 29 day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint John HENRY as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Susan ADAMS as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Brian MALONE as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Margaret ARMSTRONG as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Deborah SHARP as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

MOTOR VEHICLE REPAIRS ACT 1980

Council of the Motor Vehicle Repair Industry Authority

Appointment of Chairperson and Members

PURSUANT to section 9 of the Motor Vehicle Repairs Act 1980 and Schedule 1 thereto, I hereby appoint the following persons as members of the Council of the Motor Vehicle Repair Industry Authority:

- Francis BURGESS, AM (Chairperson);
- Maria ALESSI;
- James McCALL;
- Ronald BOWDEN;
- Trevor LAWLER;
- Garry HINGLE;
- Cecil BODNAR;
- Ian WILLIAMS;
- Ian BROWN;
- Det Supt John KERLATEC;
- David ALLEN;
- Margaret THOMPSON; and
- Robert McDONALD.

These appointments expire on 31 January 2005.

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Sharon EHRET as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

FAIR TRADING ACT 1987

Products Safety Committee

Appointment of Member

PURSUANT to section 24 of the Fair Trading Act 1987, I appoint Tonia GODHARD as a member of the Products Safety Committee. This appointment expires on 1 July 2007.

Dated this twenty one day of April 2004.

REBA MEAGHER, M.P.,
Minister

PURSUANT to section 9 (3) (a) of the Act, I also hereby appoint Francis BURGESS, AM as Chairperson of the Council of the Authority expiring 31 January 2005.

Dated this 29 day of April 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

**SYDNEY BETHEL UNION EXTENSION
ACT 1908**

Notice of Appointment of New Trustee

I, PROFESSOR MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 9 of the Sydney Bethel Union Extension Act 1908, do by this Notice appoint David L. P. FIELD, FAICD as a trustee of The Sydney Bethel Union to fill the vacancy created by the death of Peter Corsar ANDERSON.

Signed at Sydney this 3rd day of May 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command,

ROBERT JOHN DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

TOURISM NEW SOUTH WALES ACT 1984

Appointment Of Part-time Members

Tourism New South Wales

IT is hereby notified that in pursuance of Section 4(3), 4(4) and 4(5) of the Tourism New South Wales Act 1984 (as amended) John Thorpe and Nicholas Papallo be appointed part-time members of the Board of Tourism New South Wales from the date of appointment for the term of office specified:

To appoint John THORPE as a part-time member of the Board of Tourism New South Wales for a period of three years expiring on 30 April 2007.

To appoint Nicholas PAPALLO as a part-time member of the Board of Tourism New South Wales for a period of three years expiring on 30 April 2007.

SANDRA NORI, MP
Minister for Tourism and Sport and Recreation
Minister for Women

NSW Fisheries

**FISHERIES MANAGEMENT
(CONTINUATION OF ACTIVITIES IN
LOWLAND DARLING RIVER CATCHMENT)
INTERIM ORDER 2004 No. 2**

**under the
FISHERIES MANAGEMENT ACT 1994**

I, the Minister for Primary Resources, in pursuance of section 221IG of the Fisheries Management Act 1994, make the following interim Order.

IAN MacDONALD,
Minister for Primary Resources

Dated, this 12th day of May 2004.

Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the Fisheries Management Act 1994 (the Act).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim order.

The object of this interim Order is to remake the Fisheries Management (Continuation of Activities in the Lowland Darling River Catchment) Interim Order 2004 (which took effect on 4 January 2004 for a period of 6 months) to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Fisheries Management Act 1994.

The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available for inspection at all NSW Fisheries Offices and on the Internet at www.fisheries.nsw.gov.au/fsc/recomend.htm.

This interim Order is made under section 221IG of the Fisheries Management Act 1994.

**FISHERIES MANAGEMENT
(CONTINUATION OF ACTIVITIES IN
LOWLAND DARLING RIVER CATCHMENT)
INTERIM ORDER 2004 No. 2**

**under the
FISHERIES MANAGEMENT ACT 1994**

1. Name of interim Order

This interim Order is the Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004 Number 2.

2. Commencement and duration

This interim Order:

- (a) takes effect on 4 July 2004, and
- (b) ceases to have effect 6 months after that day.

3. Continuation of existing activities

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
 - (a) *Paratya australiensis* (freshwater shrimp),
 - (b) *Macrobrachium australiense* (freshwater prawn),
 - (c) *Caridina mccullochi* (freshwater shrimp),
 - (d) *Cherax destructor* (yabby),
 - (e) *Tandanus tandanus* (freshwater catfish),
 - (f) *Gadopsis marmoratus* (river blackfish),
 - (g) *Maccullochella peelii peelii* (Murray cod),
 - (h) *Macquaria ambigua* (golden perch),
 - (i) *Bidyanus bidyanus* (silver perch),
 - (j) *Nematalosa erebi* (bony bream),
 - (k) *Lelopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
 - (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
 - (b) possess or sell yabby taken from the Lowland Darling River Catchment, or
 - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:

applicable fishing regulatory controls means requirements imposed by or under the Fisheries Management Act 1994 that apply to or in respect of the activities concerned.

inland restricted fishery has the same meaning as in the Fisheries Management (General) Regulation 2002.

Lowland Darling River Catchment means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).

F92/1142

SCHEDULE 2

FISHERIES MANAGEMENT ACT 1994*Netting closure*

Section 11 Notification – Fishing Closure

General Trout Closure

I, PAUL O'CONNOR, amend the fishing closure notification "General Trout Closure" published in *Government Gazette* No. 154 of 26 September 2003 by replacing the words: "Five (5) hoop or lift nets, per person, as per clause 47(1)(a) and (c) of the Regulation, if the net complies with the description specified in the Table of clause 47 of the Regulation." With the words "Five (5) hoop or lift nets, per person, as per clause 48(1) (a) and (c) of the Fisheries Management (General) Regulation 2002, if the net complies with the description specified in the Table of clause 48 of the Fisheries Management (General) Regulation 2002." From the Permitted Method section of Schedule G.

The amendment is effective from the date of publication.

PAUL O'CONNOR,
Acting Director-General, NSW Fisheries

Column 1
Methods

By means of nets of every description, except the landing net, as prescribed by Regulation.

Column 2
Waters

Ocean waters adjacent to the entrance to Brunswick River, enclosed within the following boundaries: A. a line drawn east for a distance of 400 metres from a point on the beach 1000 metres north of the northern breakwater; B. a line drawn east for a distance of 400 metres from a point on the beach 1000 metres south of the southern breakwater; C. a line joining the eastern limits of 'lines A and B'.

Condition: This schedule prohibits nets of every description in the waters outlined, except the landing net, as an addition to schedule 1 of this notification.

Note: This closure applies to both recreational and commercial fishers. The purpose of the closure is to prevent conflict between commercial and recreational fishers.

F99/96

F03/3277

FISHERIES MANAGEMENT ACT 1994**FISHERIES MANAGEMENT ACT 1994**

Section 8 Notification – Fishing Closure

Section 8 Notification – Fishing Closure

Brunswick River and tributaries

'First Point of Sale' Prawn Counts and Closure to Commercial Prawning Nets

I, STEVE DUNN, prohibit the taking of fish by the methods of fishing specified in Column 1 of Schedules 1 and 2 of this notification, from waters shown opposite in Column 2, respectively, of those Schedules.

All waters other than the Clarence River, Hunter River, Hawkesbury River and Port Jackson

Fishing is further subject to the conditions as specified with respect to, any Schedule of this notification.

I, STEVE DUNN, prohibit commercial fishers taking prawns by all methods from all waters, other than the Clarence River, Hunter River, Hawkesbury River and Port Jackson, or possessing prawns, if the number of prawns is greater than:

This prohibition is effective for a period of up to five years from the date of publication, unless sooner varied or revoked by notification of Director-General of NSW Fisheries.

1. a count of 125 prawns per ½ kilogram in the case of a catch consisting of king prawns, or
2. a count of 180 prawns per ½ kilogram in the case of a catch consisting of any other species of prawn, or
3. in the case of a catch consisting of both king prawns and other species of prawn, the king prawn count of 125 prawns per ½ kilogram applies to the catch if the catch consist of greater than 10% king prawns by number of individuals.

Note: The word 'Regulation', where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

STEVE DUNN,
Director-General, NSW Fisheries

SCHEDULE 1

*Netting closure*Column 1
Methods

By means of nets of every description, except the **hand hauled prawn net, dip or scoop net**, push or scissors net, hoop or lift net and the landing net, as prescribed by Regulation.

Column 2
Waters

The whole of the waters of the Brunswick River and its tributaries, creeks, inlets and bays, upstream to its source from its confluence with the South Pacific Ocean.

For the purpose of this notification a District Fisheries Officer may temporarily close any waters, other than the Clarence River, Hunter River, Hawkesbury River and Port Jackson, to the taking of prawns by means of all commercial prawning nets, if the number of prawns taken by any commercial fisher before grading, in accordance with clause 58A of the Fisheries Management (General) Regulation 2002, is greater than the specified counts, subject to the conditions in this notification.

This prohibition will be effective from the date of publication for a period of five (5) years unless sooner varied or revoked by the Director-General, NSW Fisheries.

STEVE DUNN,
Director-General, NSW Fisheries

Conditions:

1. The counts apply to prawns whether green or cooked.
2. A closure made through a determination by the District Fisheries Officer takes effect when a notice is placed or caused to be placed in prominent locations on or adjacent to the waters to which the fishing closure applies. The notice must clearly specify the date and location of the sample or inspection, the methods and/or waters that are closed and the period during which the closure applies.
3. Any closures made under this notice will apply for a period of 7 days from the day the notice is issued, unless the District Fisheries Officer, on the basis of the counts outlined in this notice, determines that the closure will be lifted early or extended for a further period.
4. A District Fisheries Officer may collect samples of prawns from waters closed under this notification using any method, to determine the size of prawns and to determine whether the period of the closure should vary from the standard 7 day period.
5. For the purpose of taking samples as provided for in condition 4 above, the District Fisheries Officer may authorise a commercial fisher to take samples within the waters closed under this notification on the District Fisheries Officer's behalf.

Additional notes (not forming part of the closure notification)

1. For the purpose of determining a closed area as provided for in this notification, a District Fisheries Officer may at any time take a sample of prawns to determine the size of prawns taken from those waters.
2. For the purpose of determining a closed area as provided for in this notification, a District Fisheries Officer may at any time inspect a person or vessel's (graded or ungraded) catch to determine the level of incidental catch taken from those waters.
3. This closure applies to commercial fishers. The purpose of the closure is to implement management response 4.2(b) of the estuary general fishery management strategy.

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 88)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00183/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 88)

Ballina Local Environmental Plan 1987 (Amendment No 88)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 88)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies to the Zone No 3 Business Zone under *Ballina Local Environmental Plan 1987*.

3 Land to which plan applies

This plan applies to Lot 2, DP 632357, being land adjacent to Kerr Street and Bangalow Road, Ballina, as shown coloured light blue and lettered "3" on the map marked "Ballina Local Environmental Plan 1987 (Amendment No 88)" deposited in the office of Ballina Shire Council.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Ballina Local Environmental Plan 1987 (Amendment No 88)



New South Wales

Camden Local Environmental Plan No 121—Spring Farm

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P99/00072/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Camden Local Environmental Plan No 121—Spring Farm

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Camden Local Environmental Plan No 121—Spring Farm

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Clause 1 Camden Local Environmental Plan No 121—Spring Farm

Part 1 Preliminary

Camden Local Environmental Plan No 121—Spring Farm

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of plan

This plan is *Camden Local Environmental Plan No 121—Spring Farm*.

2 Land to which plan applies

This plan applies to land in the local government area of Camden shown edged heavy black on the Zoning Map.

3 Statement of desired future character for Spring Farm

- (1) Development of Spring Farm will comprise a series of urban villages. The form and character of these villages will be shaped by bush corridors linking William Howe Reserve and Gundungurra Reserve with the Nepean River. The villages will be located within an ecologically sustainable, mixed use environment that meets the needs of its residents and the broader community in terms of housing choice and access to shopping, community services, recreation and public transport.
- (2) Spring Farm's setting within the broader rural environment will be recognised through the conservation of bushland corridors, riparian areas and the continued use of land on the floodplain for agriculture. The bush corridors will be located generally along creeklines and play a role in drainage management and water quality control as well as facilitate the conservation of endangered ecological communities which include Elderslie Banksia Scrub Forest and Cumberland Plain Woodland. Street trees will complement the bushland corridors to enhance the view corridors to and from identified cultural landscapes and Camden Park Estate.

Camden Local Environmental Plan No 121—Spring Farm

Clause 3

Preliminary

Part 1

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- (3) The urban villages will be serviced by local and regional public transport services that provide a viable alternative to private vehicles.
 - (4) Access to the land at a regional level is to be provided by a reservation for the link road from the Camden By-pass to the M5 Motorway and Menangle Road and bus routes to the district centre at Narellan and through Mount Annan to the regional centre at Campbelltown. At the local level, access will be provided with an urban form that is highly permeable for pedestrians and cyclists, and minimises conflicts with vehicles. Housing location, form and density will be at a scale to encourage an effective public transport network. Schools, shops and open space will provide a focal point for community activity.
 - (5) A range of housing forms comprising a mix of single dwellings on individual lots, attached housing and multi-unit housing will be provided to meet the needs of all sectors of the community, including those who work from home. The dwellings will be designed to take advantage of, but minimise impact on, bush corridors, the large dam and vistas over the river corridor, ensuring a safe and pleasant environment for all residents.
 - (6) Springs, Richardson and Macarthur Roads continue to provide evidence of the historic development of the area. Whilst land in the vicinity of these roads will undergo development and change, the alignment of the roads shall be maintained.
 - (7) Development of the villages will commence before the completion of the sand mining associated with the recovery of the Elderslie sand deposits. As the sand mining is completed and areas are rehabilitated, development will move towards the reconstructed Springs Road and the Nepean River.
 - (8) The housing precincts/urban villages will be protected from the activities of the Jacks Gully waste disposal facility, heavy vehicle access to the Glenlee industrial area and remaining sand mining areas by appropriate buffers and setbacks and restricted access provisions to the major roads. Buffer areas will also protect the housing areas from the electrical substation facilities and transmission lines will be relocated where possible to minimise impact on future urban development.

Clause 4 Camden Local Environmental Plan No 121—Spring Farm

Part 1 Preliminary

4 Aims and objectives

- (1) The aims of this plan are:
 - (a) to rezone the land to which the plan applies to allow for urban development, the conservation of ecological and riparian corridors and to maintain existing agriculture, and
 - (b) to describe the desired future character of the locality and set out the zones and development controls necessary to ensure that the development of the land achieves that desired future character and complements and supports the suburban and historic rural character of the Camden area, and
 - (c) to require that, prior to the subdivision of land into lots of less than 40 hectares for residential uses, that satisfactory arrangements have been made for the provision of regional transport infrastructure, and
 - (d) to ensure that the housing, accessibility and social needs of the growing Camden community are provided for, and
 - (e) to achieve ecological corridors which will link William Howe Reserve and Gundungarra Reserve with the riverine environment of the Nepean River and protect endangered ecological communities, and
 - (f) to protect the local environment, particularly in relation to air and water quality in the southwestern Sydney region, by promoting the implementation of ecologically sustainable development practices, and
 - (g) to introduce a range of heritage conservation provisions for the land and to provide for protection of heritage items, potential heritage items, archaeological sites and significant views, and
 - (h) to ensure that residential amenity of a high quality is maintained, given the proximity of industrial, mining and waste disposal activities, and
 - (i) to ensure the urban development and the protection of residential amenity does not jeopardise the recovery of regionally valuable sand deposits, as identified in *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)*.

Camden Local Environmental Plan No 121—Spring Farm

Clause 4

Preliminary

Part 1

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- (2) The objectives of this plan are:
- (a) to facilitate achievement of the desired future character of the locality by providing for development which:
 - (i) recognises and promotes the distinctive character, ecological value, heritage significance, visual and landscape values and amenity of the locality, and
 - (ii) preserves, where possible, the natural features of the area, such as pockets of remnant bushland, creek corridors, public reserves and exposed ridges and fosters provision of vegetated corridors for biodiversity and migration purposes, and
 - (iii) encourages innovative and efficient forms of housing and patterns of residential subdivision, with densities that support and facilitate a viable public transport service, and
 - (iv) is designed, sited and is of a scale and form that retains view corridors between historic sites, the Camden By-pass and from public places, and
 - (v) addresses the community's regional transport needs by requiring that satisfactory arrangements for regional transport infrastructure are in place before land may be subdivided into lots of less than 40 hectares for residential uses, and
 - (vi) encourages high quality design that will provide a pleasant living environment, and
 - (vii) permits a range of activities suitable for Spring Farm, and
 - (viii) allows residents to carry out a reasonable range of activities from their homes, without affecting the living environment of neighbours, and
 - (b) to address the community's housing needs by:
 - (i) providing a range of lot sizes and housing forms, and
 - (ii) providing housing forms which cater for various groups within the community, including socially and physically disadvantaged people, smaller households of unrelated persons, and older persons, and
 - (iii) increasing the density of residential development near commercial and community facilities, where satisfactory transport services are available or, over time, will be provided, and

Clause 4 Camden Local Environmental Plan No 121—Spring Farm
Part 1 Preliminary

- (iv) ensuring satisfactory acoustic amenity and relief from odour sources, and
- (c) to protect the local ecology, and promote biodiversity, by:
 - (i) identifying those areas containing existing endangered ecological communities and providing measures for their protection and preservation through corridor linkages with other vegetated areas, and
 - (ii) incorporating existing creeklines and adjoining riparian areas and, where possible, existing vegetated areas, into corridors to provide improvement of water quality and maintenance of flows, vegetation linkages and open space opportunities, which also serve to define village elements, and
 - (iii) identifying building controls and vegetation preservation measures which will reduce the potential for future salinity affects, and
- (d) to promote ecologically sustainable development practices by:
 - (i) ensuring housing areas that are within reasonable walking and cycling proximity to commercial areas, community services and public transport routes, and
 - (ii) implementing ecologically sustainable stormwater management practices which use natural environmental elements and promote water sensitive urban design practices, and
 - (iii) requiring a subdivision pattern which allows for connectivity with adjoining suburban areas, particularly for pedestrians, cyclists and buses, and
 - (iv) encouraging use of passive solar design principles in the design of buildings to conserve energy usage, and
- (e) to conserve the environmental heritage of Spring Farm by:
 - (i) protecting identified heritage items, potential heritage items and archaeological sites and their settings, and
 - (ii) conserving curtilage, settings and view corridors associated with heritage items, potential heritage items and archaeological sites located on land near to, or in the vicinity of, Spring Farm, and
 - (iii) ensuring that new development is planned to minimise adverse impacts on heritage items, potential heritage items and archaeological sites, and

Camden Local Environmental Plan No 121—Spring Farm

Clause 5

Preliminary

Part 1

-
- (iv) ensuring that known and potential archaeological sites and places of Aboriginal heritage significance are conserved, and
 - (f) to minimise hazards from bush fires to life and property in close proximity to bushland, and to have regard to the consequences of bush fires for bushland management and biodiversity conservation in Spring Farm, and
 - (g) to protect residential amenity from the activities carried out at the Jacks Gully waste disposal facility, the industrial activities in the Glenlee area and the remaining sand mining sites, by the staged release of residential areas and the timely provision of new access roads, and
 - (h) to reduce the risk of harm to human health and the biophysical environment, by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose.

5 Relationship to other environmental planning instruments

Camden Local Environmental Plan No 48 is amended by inserting “or *Camden Local Environmental Plan No 121—Spring Farm*” after “*Harrington Park*” in clause 3 (2).

6 Suspension of covenants

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

Clause 7	Camden Local Environmental Plan No 121—Spring Farm
Part 1	Preliminary

7 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for:

- (a) the definitions of *child care centre*, *home industry*, *home occupation*, *map* and *residential flat building* in clause 4 (1), and
- (b) clauses 7, 8, 15 and 35 (c).

8 Definitions

- (1) In this plan:

advertisement has the same meaning as in the Act.

advertising sign means an advertisement that is painted directly onto an existing part of a building (such as a fascia, wall or shop window) and requires no other supporting structure for its display.

advertising structure has the same meaning as in the Act.

appointed day means the day this plan took effect.

archaeological site means a site described in Schedule 1. These sites and the items located there are more fully described in the Spring Farm Heritage Study and, in particular, in the *Aboriginal Archaeological Assessment, Spring Farm Release Area* undertaken by Dallas and Irish (2001) included in that study.

ARI means Average Recurrence Interval as defined in the *Floodplain Management Manual: the management of flood liable land* (NSW Government, January 2001).

caravan park means land used for the accommodation of caravans or other moveable dwellings.

child care centre means fixed premises at which a child care service (but not a residential child care service) is provided by a person for the purpose of educating, minding or caring for 4 or more children (disregarding any children who are related to the person providing the service) who are under 6 years of age and who do not ordinarily attend school.

community centre means a building or place used to provide facilities for the physical, social, cultural, spiritual and intellectual development or welfare of the local community, and may include professional consulting rooms.

Camden Local Environmental Plan No 121—Spring Farm

Clause 8

Preliminary

Part 1

conference facilities means a building or place used for conferences or for discussion or study groups, and includes associated facilities for refreshments, meals, overnight accommodation and recreation.

conservation management plan means a document prepared in accordance with the requirements of the Heritage Office that establishes the heritage significance of a heritage item or place and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

convenience shop means a building or place that provides a retail service to cater for the day-to-day minor shopping needs of local residents, which may include an extended hours service.

demolish a heritage item, relic, or archaeological site, means wholly or partly destroy, dismantle or deface the heritage item, relic or archaeological site.

exhibition home means a dwelling used for display purposes.

exhibition village means a group of exhibition homes, and may include a sales office used temporarily for the sale, and financing of the selling, of land and new dwellings.

hand made goods means goods that are not mass produced but are constructed and assembled by hand.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item, potential heritage item, or archaeological site, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, relic, work or place described in Schedule 2.

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

home business means an industry or occupation carried on in a dwelling, or in a building the use of which is ancillary to a dwelling, where the dwelling and the land on which the dwelling is located are primarily used for residential purposes and where the industry or occupation:

- (a) is carried on by the permanent residents of the dwelling and not more than one non-resident, if any, and
- (b) does not take up floor space of more than 50 square metres in the whole dwelling or ancillary building, and

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 Part 1 Preliminary

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- (c) does not interfere with the amenity of the locality 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
 - (d) does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter, goods or products, and
 - (e) does not give rise to traffic levels out of keeping with those of the surrounding locality, and
 - (f) does not include acts of prostitution between persons of different sexes or of the same sex, such as:
 - (i) sexual intercourse, as defined in section 61H of the *Crimes Act 1900*, for payment, and
 - (ii) masturbation of one person by another, for payment.

multi-unit housing means residential development (not being two-dwelling development) resulting in two or more dwellings on one lot, whether the dwellings are attached or detached, and includes townhouses and the like.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site known to the Council to have potential archaeological significance even if it is not so identified or shown on a map.

potential heritage item means a building, relic, work or place described in Schedule 3 and shown on the Potential Heritage Items Map.

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recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities capable of promoting the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
 - (i) the Council, or
 - (ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

relic means any deposit, object or material evidence (which may consist of human remains) relating to:

- (a) the use or settlement of the area of Camden, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the area of Camden whether before or after its occupation by persons of European extraction.

significant view means a view associated with heritage items or potential heritage items described in Schedule 4 and shown on the Significant Views Map.

Spring Farm means the land shown edged heavy black on the Zoning Map.

storey means the space within a building situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include:

- (a) a basement level if the ceiling or roof of the basement does not extend more than 1 metre above the finished or natural ground level, or
- (b) a sub-floor area, or
- (c) a roof void if the slope of the roof does not exceed 45°.

subsurface mining means mining of an area carried out totally underground by means of access remote from the area.

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

the Council means Camden Council.

Clause 8	Camden Local Environmental Plan No 121—Spring Farm
Part 1	Preliminary

the Potential Heritage Items Map means the map marked “Camden Local Environmental Plan No 121—Potential Heritage Items”.

the Riparian Area and Bush Corridor Land Uses Map means the map marked “Camden Local Environmental Plan No 121—Riparian Area and Bush Corridor Land Uses”.

the Significant Corner Sites Map means the map marked “Camden Local Environmental Plan No 121—Significant Corner Sites”.

the Significant Views Map means the map marked “Camden Local Environmental Plan No 121—Significant Views”.

the Spring Farm Heritage Study means the publication titled *Spring Farm Urban Release Area—Heritage Assessment*, Godden, Mackay, Logan (June 2002) a copy of which is available for inspection at the office of the Council.

the Zoning Map means the map marked “Camden Local Environmental Plan No 121—Zoning”.

tree means any tree, sapling or shrub which:

- (a) is 3 metres or more in height, or
- (b) has a girth of 300 millimetres or more at a height of 1 metre above natural ground surface, or
- (c) has a branch span of 3 metres or more.

two-dwelling development means residential development resulting in two dwellings (but no more) on one lot where:

- (a) the development involves an addition or alteration to an existing dwelling-house, the erection of a single building containing two dwellings on a vacant lot or the conversion into a dwelling of a building situated on the same lot as a dwelling-house, and
- (b) both dwellings are attached and under the one roof in one building which has the appearance of a single dwelling-house, except where:
 - (i) one of the dwellings was a dwelling-house situated on the lot as at the appointed day and the other dwelling results from the conversion of a second building that (as at the appointed day) was situated on the lot and used for a purpose ancillary to the use of that dwelling-house, and
 - (ii) the conversion will not result in any extension to the second building, and

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Part 1

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- (c) the total amount of the site area occupied by buildings does not exceed two thirds of the site area, and
 - (d) the lot has an area of not less than 400 square metres and the Council is satisfied that it will not be further subdivided (whether or not under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989*), and
 - (e) in the case of the erection of a single building containing two dwellings, the building is of no more than single storey construction, but may be of two storey construction if:
 - (i) adjacent land is occupied by two storey dwellings or is vacant (but is not public land), and
 - (ii) the consent authority is satisfied that the proposed building will suit the streetscape and have no adverse effect in terms of character, design, scale, bulk, privacy and overshadowing, and
 - (f) the floor space of one of the dwellings does not exceed 60 square metres.

village centre means a group of buildings situated on land and which comprises shops, offices and medical or other professional consulting rooms.

- (2) In this plan:
 - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
 - (b) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (c) a reference to land within a zone specified in clause 11 is a reference to land shown on the Zoning Map in the manner indicated in clause 10 as the means of identifying land of the zone so specified, and
 - (d) a reference to *Camden Development Control Plan No 112* is a reference to that development control plan as approved by the Council on 22 May 2000.

9 Consent authority

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

Clause 10	Camden Local Environmental Plan No 121—Spring Farm
Part 2	General control of development

Part 2 General control of development

10 Zones used in this plan

Land to which this plan applies is within a zone specified below if it is shown on the Zoning Map in the distinctive manner specified below for the zone:

Zone No 1 (a) (Rural “A” (40ha) Zone)—edged heavy black and lettered “1 (a)”.

Zone No 2 (d) (Residential Zone)—edged heavy black and lettered “2 (d)”.

Zone No 5 (a) (Special Uses “A” Zone)—edged heavy black and lettered “5 (a)”.

Zone No 5 (b) (Special Uses—Local Road and Future Arterial Road Zone)—edged heavy black and lettered “5 (b)”.

Zone No 5 (c) (Special Uses—Future Arterial Road Widening Zone)—edged heavy black and lettered “5 (c)”.

Zone No 7 (a) (Environmentally Sensitive Land Zone)—edged heavy black and lettered “7 (a)”.

11 Zone objectives and development control table

- (1) The objectives of the zones are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within the zone specified in clause 10:
 - (a) the development that may be carried out without development consent, and
 - (b) the development that may be carried out only with development consent, and
 - (c) the development that is prohibited,
 is specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is of the opinion that the carrying out of the development is consistent with:

Camden Local Environmental Plan No 121—Spring Farm

Clause 11

General control of development

Part 2

- (a) the desired future character for Spring Farm set out in clause 3, and
- (b) the objectives of this plan and of the zone in which the development is proposed to be carried out.

Table

Zone No 1 (a) (Rural “A” (40ha) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to provide suitable land for agricultural use, and
- (b) to promote the conservation of economic units of productive agricultural land, particularly those areas designated as having prime crop and pasture potential, by regulating subdivision to prevent the fragmentation of actual or potentially productive rural holdings, and
- (c) to enable compatible forms of development, including recreation and tourist orientated uses, to be carried out, if they are in keeping with the rural character of the locality and carried out in an environmentally sensitive manner, and
- (d) to permit the development of extractive industries to occur in an environmentally acceptable manner, and
- (e) to ensure that development does not detract from the existing rural character of the area or create unreasonable or uneconomic demands for provision or extension of public amenities and services.

2 Without development consent

Exempt development as listed in *Camden Development Control Plan No 112*.

Development for the purpose of:

agriculture (not including intensive horticulture or use of livestock keeping establishments); forestry.

3 Only with development consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

brothels; bulk stores; car repair stations; cluster housing; commercial premises (other than home businesses); heliports; industries (other than extractive industries, home businesses and rural industries); junk yards; liquid fuel depots; motor showrooms; multi-unit housing; residential flat buildings; roadside stalls; shops; warehouses.

Clause 11	Camden Local Environmental Plan No 121—Spring Farm
Part 2	General control of development

Zone No 2 (d) (Residential Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to permit a range of compatible activities which will support residential development, and
- (b) to provide for a range of housing types, which take into account accessibility, open space and scenic considerations, and
- (c) to provide for a subdivision pattern which allows for connectivity with the adjoining existing suburban areas and permeability within the urban village, particularly for pedestrians and cyclists, and
- (d) to provide for a village centre which is a focal point for transport and community activities and allows an appropriate range of retail, commercial, residential, community and recreational activities, and
- (e) to protect the ecological integrity of bush corridors by sensitive development at the interface with land in the Zone No 7 (a) and to integrate existing vegetated areas into planning for open space and active recreation areas, and
- (f) to ensure that development retains the heritage significance of heritage items, potential heritage items and archaeological sites and their settings and conserves significant views, and
- (g) to protect residential amenity in relation to noise from the Camden By-pass and the proposed Spring Farm arterial road, and
- (h) to provide for a variety of recreation forms within open space areas, and
- (i) to require urban drainage to provide a variety of sustainable water quality and quantity controls, and
- (j) to allow for educational, recreational, community and religious activities which support the wellbeing of the community.

2 Without development consent

Exempt development as listed in *Camden Development Control Plan No 112*.

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

airline terminals; amusement centres; bulk stores; bus depots; car repair stations; caravan parks; commercial premises (other than as home businesses or as part of a village centre); generating works; helipads; heliports; hospitals; hotels; industries (other than home businesses); junk yards; liquid fuel depots; mining (other than subsurface mining); motor showrooms; professional consulting rooms (other than as part of

Camden Local Environmental Plan No 121—Spring Farm

Clause 11

General control of development

Part 2

a village centre or as a home business); road transport terminals; roadside stalls; sawmills; shops (other than as part of a village centre); stock and sale yards; warehouses; all other land uses (other than landscaping) on sites having direct vehicular access to the Camden Bypass.

Zone No 5 (a) (Special Uses “A” Zone)

1 Objectives of zone

The objective of this zone is to make land available for particular specialised uses identified for the land on the Zoning Map and for ordinarily incidental or ancillary uses.

2 Without development consent

Nil.

3 Only with development consent

The particular use indicated by black lettering on the Zoning Map or any use ordinarily incidental or ancillary to that purpose; subsurface mining; utility installations.

4 Prohibited

Any development not included in item 3.

Zone No 5 (b) (Special Uses—Local Road and Future Arterial Road Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land required for local road use, and
- (b) to control vehicular access to and from roads in the zone so as not to inhibit the free flow of traffic.

2 Without development consent

Nil.

3 Only with development consent

Development for the purpose of:
bush fire hazard reduction; roads; subsurface mining.

4 Prohibited

Any development not included in item 3.

Clause 11	Camden Local Environmental Plan No 121—Spring Farm
Part 2	General control of development

Zone No 5 (c) (Special Uses—Future Arterial Road Widening Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify and protect land held in reserve for future arterial road use, and
- (b) to allow for the development of such land prior to its acquisition for road purposes.

2 Without development consent

Development for the purpose of:
drainage; roads; subsurface mining; utility installations.

3 Only with development consent

Development for the purpose of:
bush fire hazard reduction.

4 Prohibited

Any development not included in item 2 or 3.

Zone No 7 (a) (Environmentally Sensitive Land Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to ensure protection and management of environmentally sensitive land for the principal purpose of biodiversity conservation where this land has been identified for this purpose on the Riparian Area and Bush Corridor Land Uses Map, and
- (b) to conserve, restore and enhance native flora and fauna habitat and the ecological viability of land identified for biodiversity protection purposes, and
- (c) to provide a buffer around areas identified for biodiversity protection purposes, and
- (d) to provide for development in locations identified on the Riparian Area and Bush Corridor Land Uses Map that will not destroy, damage or compromise:
 - (i) the extent, quality or integrity of the ecological attributes of the land or watercourses, or
 - (ii) the potential for restoration and enhancement of native fauna and flora habitat on the land identified for biodiversity protection, or
- (e) to provide links with other natural areas, as part of an open space and bush corridor network.

2 Without development consent

Nil.

Camden Local Environmental Plan No 121—Spring Farm

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General control of development

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3 Only with development consent

Development for the purpose of:

bush fire hazard reduction; drainage works and associated infrastructure; environmental protection works; recreation areas; removal and destruction of noxious weeds; roads; subsurface mining; utility installations.

Subdivision.

4 Prohibited

Any development not included in item 3.

Clause 12	Camden Local Environmental Plan No 121—Spring Farm
Part 3	Special provisions

Part 3 Special provisions

Division 1 Pre-conditions to carrying out development

12 Development control plan required

Development consent must not be granted for any development of land to which this plan applies unless the consent authority has taken into consideration a development control plan approved by the Council that contains the following:

- (a) proposals for stormwater and water quality management controls, incorporating:
 - (i) recommended restrictions for residential development on land at or below the 100 year ARI that take into account the necessity for the safe passage of flows in excess of the 100 year ARI, and
 - (ii) proposals for evacuation routes in extreme events,
- (b) a strategy for development of the land to which this plan applies that is consistent with the New South Wales Government's objective of achieving a minimum target density of 15 dwellings per hectare after excluding land within Zones Nos 1 (a), 5 (a), 5 (b), 5 (c) and 7 (a),
- (c) proposals for protection of the ecological integrity of bush corridors requiring appropriate sensitive development at the interface with land within Zone No 7 (a) and the integration of existing vegetated areas into open space and active recreation areas,
- (d) proposals that will allow land for pedestrian and cycle routes between areas of activity,
- (e) subdivision, building and landscaping proposals,
- (f) recommendations for the protection and conservation of potential heritage items and archaeological sites and their settings,
- (g) proposals for the preservation of significant views and view corridors between, to and from identified heritage items, potential heritage items and landscape elements,
- (h) recommendations for the materials to be used in the exterior of buildings, trees to be retained, plantings to be carried out, fencing and the position of building envelopes and access roads,

Camden Local Environmental Plan No 121—Spring Farm

Clause 13

Special provisions

Part 3

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- (i) proposals for design controls which detail how development can achieve sustainable water quality and quantity measures and conserve energy usage by using passive solar design principles in the design of buildings,
 - (j) an overall landscaping strategy for the protection and enhancement of the creek corridors and remnant vegetation, including detailed planting measures for both the public domain and private land, to achieve the ecological and cultural landscape outcomes set out in the aims and objectives of this plan,
 - (k) a detailed investigation of contamination, taking into account the Council's adopted *Policy for Management of Contaminated Land*.

13 Staging of development

Consent must not be granted for development involved in creating residential areas on land to which this plan applies unless the consent authority has taken into consideration:

- (a) the extent to which ecological restoration works in accordance with the *Spring Farm Conservation Strategy Documents* (Anne Clements and Associates Pty Ltd September 2003), a copy of which is available for inspection at the office of the Council, have been completed, and
- (b) whether the proposed development can be adequately serviced with water, sewerage, drainage and electricity infrastructure and has access to the local road and future arterial road and the Camden By-pass, and
- (c) whether the proposed development will sterilise significant extractive materials, and
- (d) the extent to which the proposed development will be located so that it will not be adversely affected by industry, mining, extractive industries and waste disposal activities, including heavy vehicle access to and from those activities.

14 Restriction on certain subdivisions

- (1) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.

Clause 15	Camden Local Environmental Plan No 121—Spring Farm
Part 3	Special provisions

- (2) This clause applies to land within Zone 2 (d).
- (3) Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure in relation to the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 40 hectares does not include a reference to any such lot:
 - (a) identified in the certificate as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

Division 2 Protection of the environment

15 Development affected by floodwaters etc

Consent must not be granted to the carrying out of development on any land to which this plan applies if the consent authority is satisfied that the proposed development is likely:

- (a) to be adversely affected by floodwaters or overland drainage flows, or
- (b) to adversely affect the flood peak at any point upstream or downstream of the site of the development, or
- (c) to adversely affect, to a substantial degree, the flow of floodwater on adjoining land, or
- (d) to cause avoidable erosion, siltation or unnecessary destruction of creek bank vegetation in the area, or
- (e) to have an adverse effect on the water table to that land or any adjoining land, or
- (f) to adversely affect creek bank stability, or
- (g) to be isolated by floodwaters.

Camden Local Environmental Plan No 121—Spring Farm

Clause 16

Special provisions

Part 3

16 Development within mine subsidence district

- (1) This clause applies to land within an area that has been proclaimed as a mine subsidence district under section 15 of the *Mine Subsidence Compensation Act 1961*.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies without the concurrence of the Mine Subsidence Board.
- (3) In deciding whether concurrence should be granted as referred to in subsection (2), the Mine Subsidence Board must take into consideration:
 - (a) the potential use of the land for mining purposes, and
 - (b) whether coal resources will be sterilised by the proposed development, and
 - (c) whether conditions to prevent the surface effects of mine subsidence should be imposed on the granting of consent to the carrying out of the development, and
 - (d) whether granting concurrence to the carrying out of the development is likely to encourage development applications that, if granted, would be likely to sterilise coal resources.

17 Noise reduction

- (1) Consent must not be granted to the subdivision for residential purposes of any land within Zone No 5 (b) or adjoining the Camden By-pass unless the consent authority is satisfied that a program, detailing appropriate noise attenuation measures to reduce traffic noise to potentially affected properties, has been prepared and can be implemented.
- (2) The program detailing appropriate noise attenuation measures must be prepared by a person who, in the opinion of the consent authority, is a qualified noise consultant and who has formulated the program based on current acoustic assessment.
- (3) The environmental criteria for road traffic noise and noise attenuation measures will be assessed in accordance with the requirements of the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999).
- (4) Noise attenuation measures must not block identified view corridors.

Clause 18 Camden Local Environmental Plan No 121—Spring Farm
Part 3 Special provisions

18 Bush fire protection

- (1) Before granting consent to any development on land within Zone No 2 (d) that is adjacent to land within Zone No 1 (a) or 7 (a), 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 bush fire control and fuel management adopted by the consent authority, 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 site of the development, and
 - (c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services personnel to effectively control major bush fires, and
 - (d) the measures to be adopted to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas 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 taking into account matters as required by subclause (1), the consent authority must have regard to the provisions of the publication *Planning for Bushfire Protection* (December 2001) produced by the Department and the NSW Rural Fire Service.

19 Protection of trees

- (1) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any living tree, or cause such a tree to be ringbarked, cut down, removed or wilfully destroyed, without development consent.
- (2) Subclause (1) extends to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by the Council or under its care, control and management.
- (3) If the consent authority receives a development application for a consent required by this clause, it must, within 14 days of receiving the application, give notice of it to the persons who appear to it to

Camden Local Environmental Plan No 121—Spring Farm

Clause 19

Special provisions

Part 3

own or occupy the land adjoining the land to which the application relates if, in its opinion, the enjoyment of the adjoining land would be detrimentally affected by the action proposed in the application.

- (4) The consent authority must specify in a notice under subclause (3) a period within which written submissions may be made to the consent authority concerning the application and must not determine the application until that period has expired and it has considered any submission received within that period.
- (5) This clause does not apply to or in respect of the following:
- (a) a tree declared to be a noxious plant or noxious weed by or under any Act,
 - (b) action required by Part 11 of the *Electricity Supply (General) Regulation 2001*, or required or authorised by or under any other Act,
 - (c) a tree that harbours fruit fly,
 - (d) a tree that is dead,
 - (e) the following trees:
 - (i) Privet (*Ligustrum* sp),
 - (ii) African Olive (*Olea africana*),
 - (iii) Honey Locust (*Gleditsia triacanthos*),
 - (iv) Lantana (*Lantana camara*),
 - (v) Coccus Palm (*Syagrs rhomanzofianum*),
 - (f) a tree located on land that is subject to a development consent for the erection of a building or the carrying out of a work that authorises the removal of that tree,
 - (g) the destruction or removal of a tree within 0.5 metre of the boundary between land owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the *Surveying Act 2002*,
 - (h) bush fire hazard reduction works carried out in accordance with the provisions of a bush fire code approved under section 100M of the *Rural Fires Act 1997* and a bush fire management plan.

Clause 19 Camden Local Environmental Plan No 121—Spring Farm

Part 3 Special provisions

- (6) The consent authority must not grant a consent required by this clause, unless it has taken into consideration such of the following matters as are of relevance to the application:
- (a) the aesthetic, botanical, environmental, historic and heritage importance of the tree,
 - (b) whether the tree presents or is likely to present a health or safety hazard to persons,
 - (c) whether the tree has damaged (or would be likely to damage) property,
 - (d) the extent to which the tree diminishes sunlight to habitable rooms in buildings and outdoor areas,
 - (e) whether the tree obstructs or would be likely to obstruct accessways, footpaths, roads, utility services, drainage lines, watercourses or the like or would otherwise cause a nuisance to, or endanger the movement of, persons or their vehicles,
 - (f) the impact of the action or work on the appearance, health and stability of the tree and the general amenity of the surrounding area,
 - (g) in the case of an application for consent to remove a tree:
 - (i) whether the pruning of the tree would be a more practical and desirable alternative, or
 - (ii) whether a replacement tree or trees should be planted,
 - (h) guidelines, plans and policies adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of trees, including those identified in:
 - (i) the document a copy of which is available from the office of the Council called *Camden Significant Tree and Vegetated Landscape Study*, or
 - (ii) plans of management or vegetation plans approved by the Council, or
 - (iii) tree management policies approved by the Council, or
 - (iv) the *Spring Farm Conservation Strategy Documents* (Anne Clements and Associates Pty Ltd September 2003).

Camden Local Environmental Plan No 121—Spring Farm

Clause 20

Special provisions

Part 3

20 Certain activities affecting trees excepted

Anything affecting a tree that must be done to carry out an activity in accordance with an approval granted under Part 1 of Chapter 7 of the *Local Government Act 1993* may be done without development consent, if the tree and the thing that must be done were specified in the application for the approval.

21 Odour buffer

Consent must not be granted for development for the purpose of dwellings on land to the east of the odour buffer, shown as a broken black line on the Zoning Map, unless the consent authority is satisfied that adequate works have been or will be undertaken to manage odour and any other environmental impacts associated with the Jacks Gully waste disposal facility.

Division 3 Requirements for particular development

22 Height of buildings

- (1) Subject to subclauses (2) and (3), a building erected on land to which this plan applies must not exceed two storeys in height.
- (2) Consent may be granted to a building containing three storeys, if the third storey is:
 - (a) located wholly within the roof space, and
 - (b) the building is designed and located to minimise bulk, particularly when viewed from the downslope sides of the land, and
 - (c) the building will not block views.
- (3) Consent may be granted to a building that includes a three storey element comprising no more than one room and associated stairs or other access if the site has been nominated as a significant corner site on the Significant Corner Sites Map.

23 Village centre

Consent must not be granted to development for the purpose of a village centre if, as a result of the proposed development, the combined floor area of all shops, offices and medical or other professional consulting rooms in the village centre would exceed 2,500 square metres.

Clause 24	Camden Local Environmental Plan No 121—Spring Farm
Part 3	Special provisions

24 Exhibition homes and villages

Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of an exhibition home or an exhibition village on land within Zone No 2 (d).

25 Home businesses

Development for the purpose of home businesses on land within Zone No 2 (d) is advertised development, for the purposes of the Act.

Division 4 Acquisition of land**26 Land in Zone No 5 (b)**

- (1) The owner of land within Zone No 5 (b) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of such a notice, the Council must acquire the land if:
 - (a) the land is included in a program for the acquisition of land approved by the Council and current at the time of receipt of the notice, or
 - (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.
- (3) Until land referred to in subclause (1) is acquired by the Council, a person may, with development consent, carry out any development on that land.
- (4) In granting consent referred to in subclause (3), the consent authority may impose conditions requiring:
 - (a) the removal of any building or work for which it grants consent, or
 - (b) the reinstatement of the land or removal of any waste materials or refuse,with or without the payment of compensation by the Council.
- (5) Before granting a consent referred to in subclause (3), the consent authority must take into consideration:
 - (a) the effect of the proposed development on the cost of acquisition, and
 - (b) the imminence of acquisition.

Camden Local Environmental Plan No 121—Spring Farm

Clause 27

Special provisions

Part 3

-
- (6) Land acquired under this clause may be developed with development consent for any purpose, until such time as it is required for the purpose for which it was acquired.

27 Land in Zone No 5 (c)

- (1) The owner of any vacant land within Zone No 5 (c) may, by notice in writing, require:
- (a) RTA—in the case of land that is included in the 5-year works program of the RTA current at the time of receipt of the notice, and
 - (b) the Corporation—in any other case,
- to acquire the land.
- (2) The owner of any land within Zone No 5 (c) that is not vacant may, by notice in writing, require the RTA to acquire the land if:
- (a) the land is included in the 5-year works program of the RTA current at the time of receipt of the notice, or
 - (b) the RTA has decided not to give concurrence under subclause (4) to an application for consent to the carrying out of development on the land, or
 - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.
- (3) On receipt of a notice under this clause, the RTA or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (4) A person may, with development consent granted:
- (a) in the case of vacant land, with the concurrence of the RTA and the Corporation, or
 - (b) in the case of land that is not vacant, with the concurrence of the RTA,
- carry out development on land within Zone No 5 (c):
- (c) if the development may be carried out on land in an adjoining zone, or
 - (d) if the development is, in the opinion of the consent authority, compatible with development which may be carried out on land in an adjoining zone.

Clause 28	Camden Local Environmental Plan No 121—Spring Farm
Part 3	Special provisions

-
- (5) In deciding whether to grant concurrence to proposed development under this clause, the RTA and the Corporation must take the following matters into consideration:
- (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.
- (6) Land acquired under this clause may, with development consent, be developed for any purpose, until such time as it is required for the purpose for which it was acquired.
- (7) In this clause:

the Corporation means the Corporation constituted by section 8 (1) of the Act.

the RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

vacant land means land on which, immediately before the day on which a notice under the subclause (1) is given, there were no buildings other than fences, or the following buildings, namely greenhouses, conservatories, garages, summerhouses, private boathouses, fuel sheds, tool sheds, cycle sheds, aviaries, milking bails, hay sheds, stables, fowlhouses, pig styes, barns or the like.

28 Land in Zone No 7 (a)

- (1) The owner of any land within Zone No 7 (a) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of such a notice, the Council must acquire the land if:
 - (a) the land is included in a program for the acquisition of land by the Council current at the time of receipt of the notice, or
 - (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.
- (3) Until land referred to in subclause (1) is acquired by the Council, a person may, with development consent, carry out development on that land, but only if:
 - (a) the existing indigenous vegetation is substantially retained, and

Camden Local Environmental Plan No 121—Spring Farm

Clause 29

Special provisions

Part 3

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- (b) endangered species, populations and ecological communities and their habitats are not adversely affected.
 - (4) Before granting a consent referred to in subclause (3), the consent authority must take into consideration:
 - (a) the effect of the proposed development on the cost of acquisition, and
 - (b) the imminence of acquisition.
 - (5) In granting consent referred to in subclause (3), the consent authority may impose any conditions requiring:
 - (a) the removal of the building or work for which it has granted consent, or
 - (b) the reinstatement of the land or removal of any waste material or refuse,

with or without the payment of compensation by the Council.
 - (6) Land acquired under this clause may be developed with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

Division 5 Miscellaneous

29 Subdivision of land—Zone No 1 (a)

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent must not be granted to the subdivision of land to which this clause applies unless each separate allotment created by the subdivision will have an area of not less than 40 hectares.

30 Restricted vehicular access

- (1) Consent must not be granted to any development, except development for the purpose of a road, if the proposed development involves direct vehicular access to the Camden By-pass or the Arterial Road, which are identified on the Zoning Map as land within Zone No 5 (b) or 5 (c).
- (2) Consent must not be granted to any development for the purpose of new roads having direct vehicular access to the Camden By-pass or the Arterial Road referred to in subclause (1), without the concurrence of the Roads and Traffic Authority.

Clause 31 Camden Local Environmental Plan No 121—Spring Farm

Part 3 Special provisions

- (3) In deciding whether to grant concurrence, the Roads and Traffic Authority must take into consideration whether the safety and efficiency of the roads referred to in subclause (1) will be adversely affected by:
- (a) the location of the proposed direct vehicular access to the new road, and
 - (b) the design of the new road.

31 Community use of school facilities and sites

- (1) Where land to which this plan applies is used for the purpose of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community land use, whether or not any such use is a commercial use of the land.
- (2) Development consent is not required if the other land use could be carried out on that land under another provision of this plan, or under any other environmental planning instrument, without development consent.

32 Council not required to obtain consent

Nothing in this plan prevents the Council from, or requires the Council to obtain development consent for, the carrying out of development by the Council on land within Zone No 2 (d) for the purpose of roads, stormwater drainage, recreation areas (excluding buildings), landscaping, gardening, bush fire hazard reduction, utility installations or flood mitigation works.

33 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) Land described in Part 1 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 the case requires, as operational land.

Camden Local Environmental Plan No 121—Spring Farm

Clause 34

Special provisions

Part 3

-
- (3) Land described in Columns 1 and 2 of Part 2 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:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 5, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) In this clause, in relation to land described in Part 2 of Schedule 5, ***the relevant amending plan*** means the local environmental plan that inserted the land description in that Part.
- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 5, the Governor approved of subclause (3) applying to the land.

34 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Camden Development Control Plan No 112*, as adopted by the Council on 22 May 2000, is ***exempt development***, despite any other provision of this plan.
- (2) Development listed as complying development in *Camden Development Control Plan No 112*, as adopted by the Council on 22 May 2000, is ***complying development*** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Camden Development Control Plan No 112*, as adopted by the Council on 22 May 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Camden Development Control Plan No 112*, adopted by the Council, as in force when the certificate is issued.

Clause 35 Camden Local Environmental Plan No 121—Spring Farm

Part 4 Heritage

Part 4 Heritage

35 Protection of heritage items and relics

- (1) The following development may be carried out only with development consent:
 - (a) demolishing or moving a heritage item or a relic,
 - (b) altering a heritage item or relic by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
 - (c) altering a heritage item or relic by making structural changes to its interior,
 - (d) disturbing or excavating an archaeological site or potential heritage item site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (e) moving the whole or a part of a heritage item, potential heritage item or relic,
 - (f) erecting a building on, or subdividing, land on which a heritage item or relic is located or land that is a potential heritage item site.

- (2) **What exceptions are there?**

Development consent is not required by this clause if:

- (a) in the opinion of the Council:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or potential heritage item concerned, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or potential heritage item, and
- (b) the proponent has notified the Council in writing of the proposed development and the Council has advised the proponent in writing before any work is carried out that it is satisfied that the proposed development is excepted by this subclause and that development consent is not otherwise required by this plan.

Camden Local Environmental Plan No 121—Spring Farm

Clause 36

Heritage

Part 4

(3) **What must be included in assessing a development application?**

Before granting a consent required by this clause for development relating to a heritage item, the consent authority must consider a report that addresses whether the heritage item has heritage significance and if so, the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.

(4) The report must include a heritage impact statement that addresses at least the following issues (but need not be limited to those issues, if the heritage significance concerned involves other issues):

- (a) the heritage significance of the item as part of the environmental heritage of Camden,
- (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features,
- (c) the measures proposed to conserve the heritage significance of the item and its setting,
- (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development,
- (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

(5) The consent authority may decline to grant consent unless it has considered a conservation management plan to assist its assessment of the impact of proposed development on the heritage significance of the item and any measures required to conserve the heritage significance of the item and its setting.

36 Assessment and protection of potential heritage items

(1) Before granting consent for development on a potential heritage item site the consent authority must consider a report that addresses:

- (a) the heritage significance of the potential heritage item, and
- (b) the extent to which the carrying out of development affects the heritage significance of the potential heritage item.

(2) If the consent authority is satisfied that the potential heritage item does not have heritage significance, the consent authority (if it is not the Council) must inform the Council of that fact.

Clause 37	Camden Local Environmental Plan No 121—Spring Farm
Part 4	Heritage

37 Advertising of certain heritage development applications

The following development is advertised development for the purposes of the Act:

- (a) demolishing, defacing or damaging a heritage item, and
- (b) use of a building or land referred to in clause 38 for a purpose which, but for that clause, would be prohibited by this plan.

38 Conservation incentives

- (1) Consent may be granted to the use, for any purpose, of a building that is a heritage item or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:
 - (a) the proposed use would not adversely affect the heritage significance of the heritage item, and
 - (b) the conservation of the heritage item depends on the granting of the consent.
- (2) When determining an application for consent to erect a building on land on which a heritage item is located, the consent authority may, for the purpose of determining the floor space ratio and number of parking spaces to be provided on-site, exclude the floor space of the heritage item, but only if the consent authority is satisfied that the conservation of the heritage item depends on the exclusion.

39 Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that will be carried out on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic of Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of the Department of Environment and Conservation of its

Camden Local Environmental Plan No 121—Spring Farm

Clause 40

Heritage

Part 4

intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

40 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
 - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development for the purposes of the Act.

41 Development in the vicinity of a heritage item or potential heritage item

- (1) Before granting consent to development in the vicinity of a heritage item or potential heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the item and its setting.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item or potential heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or

Clause 42 Camden Local Environmental Plan No 121—Spring Farm

Part 4 Heritage

- (c) that will otherwise have any adverse impact on the heritage significance of or physical damage to a heritage item or potential heritage item.
- (3) The consent authority may decline to grant consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or potential heritage item.
- (4) The heritage impact statement should include, among other matters to be addressed, details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item or potential heritage item.

42 Protection of significant views and view corridors

Before granting consent to development that, in the opinion of the consent authority, is likely to have an impact on significant views associated with heritage items or potential heritage items, the consent authority must consider a statement addressing the visual impact of the proposed development, including associated landscaping, on the preservation of significant views.

Camden Local Environmental Plan No 121—Spring Farm

Archaeological sites

Schedule 1

Schedule 1 Archaeological sites

(Clause 8 (1))

- 1 Spring Creek immediately west of its crossing by Richardson Road. This includes a scarred tree (SF-ST-1), an open camp site (Elderslie #2) and a newly-located isolated stone artefact (ISF5).
- 2 Nepean River on the crest on the southern side of Jacks Gully, overlooking the river. Sites include an open camp site (Elderslie #1) and two areas of further stone artefact distributions (SF-OS-1 and SF-OS-2) found in close proximity.
- 3 Jacks Gully on a crest on the northern side of the waste disposal facility. An open camp site (NPWS #52-2-1888).
- 4 Site of Potential Archaeological Deposit (PAD) identified in Figure 6.2 “Archaeological Management Units” in the Spring Farm Heritage Study.
- 5 The gully south of Gundungurra Reserve, several stone artefacts (ISF1-ISF4) found.

Camden Local Environmental Plan No 121—Spring Farm

Schedule 2 Heritage items

Schedule 2 Heritage items

(Clause 8 (1))

No	Property	Item
1	196 Macarthur Road	Residence and curtilage

Camden Local Environmental Plan No 121—Spring Farm

Potential heritage items

Schedule 3

Schedule 3 Potential heritage items

(Clause 8 (1))

No	Location	Items
1	149 and 155 Macarthur Road	Residences
2	170 Macarthur Road	Residence, garden and curtilage
3	172 Macarthur Road	Outbuildings and curtilage associated with 170 Macarthur Road
4	176 Macarthur Road	Residence, associated structures and curtilage
5	214 Macarthur Road	Residence
6	240 Macarthur Road	Residence and line of Poplars, two associated mature stone pines (<i>Pinus pinea</i>)
7	2 Ettlesdale Road	Residence
8	10 Springs Road	Residence
9	71 Springs Road	Residence and curtilage
10	186 Richardson Road	Residence and curtilage
11	254 Richardson Road	Residence
12	239 Richardson Road	Collection of sheds and fencing
13	247 Richardson Road	Residence and associated structures
14	Vicinity of Macarthur Road	Site identified as the Macarthur Road cultural landscape on the Potential Heritage Items Map
15	Vicinity of Ettlesdale Road	Site identified as the Ettlesdale Road special character area on the Potential Heritage Items Map

Camden Local Environmental Plan No 121—Spring Farm

Schedule 3 Potential heritage items

No	Location	Items
16	Vicinity of Nepean River and Camden By-pass	Vineyard and turf farming areas identified as potential heritage items in the Spring Farm Heritage Study

Camden Local Environmental Plan No 121—Spring Farm

Significant views

Schedule 4

Schedule 4 Significant views

(Clause 8 (1))

Views from Belgenny Farm to Spring Farm, between St Johns, Camden and Camden Park, Camden Park and Mount Annan and from Macarthur Road to Galvin Cottage its immediate garden setting, alluvial flats and eastern ridgeline.

Views from within Spring Farm to Blue Mountains and Razorback Range, from William Howe Reserve, across Jacks Gully and Spring Farm and from Camden By-pass across the alluvial flats.

Camden Local Environmental Plan No 121—Spring Farm

Schedule 5 Classification and reclassification of public land as operational land

Schedule 5 Classification and reclassification of public land as operational land

(Clause 33)

Part 1 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Spring Farm		
Richardson Road	So much of Lots 1 and 4, DP 1007608, as is shown zoned 5 (b) (Special Uses—Local Road Future Arterial Road) and 5 (c) (Special Uses—Future Arterial Road Widening)	Nil



New South Wales

Manly Local Environmental Plan 1988 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/01235/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Manly Local Environmental Plan 1988 (Amendment No 52)

Manly Local Environmental Plan 1988 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Manly Local Environmental Plan 1988 (Amendment No 52)*.

2 Aim of plan

The aim of this plan is to provide that the display of advertisements on panels forming an integral part of a bus shelter is exempt development, except in the case of a bus shelter in a conservation area or a heritage streetscape.

3 Land to which plan applies

This plan applies to all the land to which *Manly Local Environmental Plan 1988* applies.

4 Amendment of Manly Local Environmental Plan 1988

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

Manly Local Environmental Plan 1988 (Amendment No 52)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 8 Exempt development

Insert “(except in the case of advertisements displayed on bus shelters)” before “is for an activity permissible in the zone” in paragraph g under the heading “General Standards for all types of development”.

[2] Schedule 8, Additional standards for specific types of development

Insert “(and, except in the case of bus shelters in conservation areas or heritage streetscapes, advertisements displayed on panels forming an integral part of a bus shelter, being panels designed, or used, for the display of advertisements)” after “Bus Shelters” in Column 2 of Item 26.



Woollahra Local Environmental Plan 1995 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/01672/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 45)

Woollahra Local Environmental Plan 1995 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 45)*.

2 Aims of plan

This plan aims to introduce into *Woollahra Local Environmental Plan 1995* planning objectives that address the issue of accessibility for all the community, including older people and people with a disability.

3 Land to which plan applies

This plan applies to all land within the local government area of Woollahra under the provisions of *Woollahra Local Environmental Plan 1995*.

4 Amendment of Woollahra Local Environmental Plan 1995

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

Woollahra Local Environmental Plan 1995 (Amendment No 45)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 The aims and objectives of this plan

Omit “distribution, and” from clause 2 (2) (a) (iii).

Insert instead “distribution.”.

[2] Clause 2 (2) (a) (v)

Insert at the end of clause 2 (2) (a) (iv):

, and

- (v) to encourage and promote sustainable development by extending the use of existing and new residential buildings through the provision of fully accessible and adaptable housing requirements and by increasing the number of fully accessible and adaptable houses in the area of Woollahra,

[3] Clause 2 (2) (b) (iii)

Omit “generation, and”. Insert instead “generation.”.

[4] Clause 2 (2) (b) (v)

Insert at the end of clause 2 (2) (b) (iv):

, and

- (v) to ensure that consideration is given to providing adequate levels of access when alterations and additions to existing buildings and new developments for commercial or retail uses are proposed,

[5] Clause 2 (2) (d) (viii)

Omit “development, and”. Insert instead “development.”.

Woollahra Local Environmental Plan 1995 (Amendment No 45)

Schedule 1 Amendments

[6] Clause 2 (2) (d) (x)

Insert at the end of clause 2 (2) (d) (ix):

, and

- (x) to encourage the provision of adequate access for older people and people with a disability to safe and convenient car parking, footpaths and access to public transport facilities,

[7] Clause 2 (2) (k) (ii)

Omit “environment, and”. Insert instead “environment,”.

[8] Clause 2 (2) (k) (iv)

Insert after clause 2 (2) (k) (iii):

- (iv) to ensure that consideration is given to providing adequate levels of access, useability and enjoyment of public facilities and places to all people in the community, including older people and people with a disability,

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991****NOTICE OF COMPULSORY ACQUISITION OF LAND IN THE
LOCAL GOVERNMENT AREA OF BLACKTOWN**

The Minister administering the Environmental Planning and Assessment Act 1979 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.

Dated this 28th day of April 2004

Diane Beamer MP
Minister assisting the Minister for Infrastructure
and Planning (Planning Administration)

SCHEDULE

All that piece or parcel of land situated at Eastern Creek in the Local Government Area of Blacktown, Parish of Prospect, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1062965 said to be in the possession of Roads and Traffic Authority.

All that piece or parcel of land situated at Eastern Creek in the Local Government Area of Blacktown, Parish of Prospect, County of Cumberland and State of New South Wales, being Lot 2 in Deposited Plan 1062965 said to be in the possession of Roads and Traffic Authority and Blacktown City Council.

Natural Resources

WATER ACT (1912)

Order Under Section 113A

Embargo on any Further Applications for Sub-Surface Water Licences

NSW Southern Highlands

THE Water Administration Ministerial Corporation, pursuant to section 113A of the Water Act (1912), being satisfied that the water source in the attached SCHEDULE is unlikely to be able to supply water sufficient to meet the requirements of those already entitled by law to take water from the water source (and such other requirements for water from the sources as have been determined by the Ministerial Corporation), now declares that on and from the date of publication of this Order in the *Government Gazette* and a newspaper circulating locally, no further applications for a licence under Part 5 of the Water Act (1912) may be made, except as specified below, until this Order is revoked by a subsequent Notice similarly published.

This Order relates to all applications for groundwater licences, issued under Part 5 of the Water Act (1912), other than applications for licences for:

1. Private domestic purposes (up to 1ML/yr)
2. Stock purposes (up to 2ML/yr); excludes intensive farming eg. feedlots / piggeries.
3. Farming purposes (up to 4ML/yr); typically includes hygiene purposes such as wash-down of stalls and dairies, also preparation of sprays, and the like.
4. Water supply for research, teaching or Aboriginal cultural purposes (max 10ML/yr).
5. Town or village water supply purposes.
6. Bores on any property where there is an existing licence to which a groundwater allocation applies (defined in S105 of the Act) and no increase in allocation is sought.
7. Conversion to a Production Bore licence where a test bore licence already exists (this exemption provision expires on 31 December 2004).
8. Bores for testing or monitoring purposes where there will be no extraction of groundwater apart from that required for periodic water quality sampling.
9. Bores for which an approved transfer (trade) of entitlement has been arranged.
10. Bores installed prior to gazettal of this Notice.

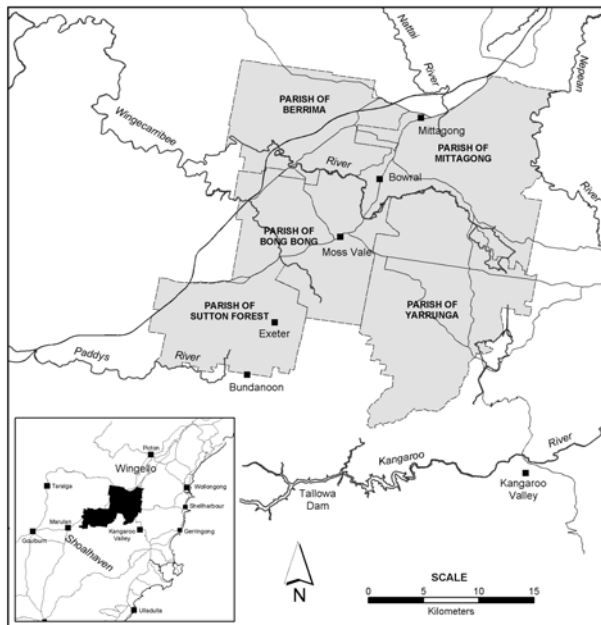
Signed for the Water Administration Ministerial Corporation

PETER SUTHERLAND,
Deputy Director-General
Department of Infrastructure, Planning and
Natural Resources

Date: 13 May 2004

SCHEDULE

All the groundwater zones in the shaded area as shown on the diagram hereunder:



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.

An application for a licence, under Section 10 of Part 2 of the Water Act has been received as follows;

Murray River Valley

Stuart James and Kaye Elizabeth LUCAS for a pump on the Murray River, on Public Road Adjacent to Lot 53/881472, Parish of Thurgona, County of Goulburn for Domestic purposes. (GA2:469511) (Ref:50SL75626).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6041 6777).

Written objections to the application specifying the grounds thereof, may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected, and must be lodged with the Department's office at Albury by no later than the 18th June 2004.

C. PURTLE,
Natural Resource Officer
Murray-Murrumbidgee Region
Tel.: (02) 6041-6777

Department of Infrastructure, Planning and
Natural Resources.
PO Box 829, ALBURY NSW 2640.

WATER ACT 1912

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

Applications for licenses under section 10 of Part 2 of the Water Act 1912, have been received as follows;

Murray River Valley

Robert Neil SMITH and Pauline Ruth SMITH for 1 pump on Gol Gol Creek North, Crown Reserve Fronting Portion 175, Parish of Gol Gol, County of Wentworth, for a water supply for domestic purposes and irrigation of 164 hectares (replacement licence – due to permanent transfer of water entitlement – no additional pumping works – no increase in commitment to Murray River storages) (Ref: 60SL085483).

Graeme John BEEVERS for 5 pumps on the Murray River, Lot 9/756971, Parish of Paringi, County of Wentworth, for a water supply for domestic purposes and irrigation of 93.50 hectares (replacement licence – due to permanent transfer of water entitlement – no additional pumping works – no increase in commitment to Murray River storages) (Ref: 60SL085485) (GA2: 512609).

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 with 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 - Murrumbidgee Region

Department of Infrastructure, Planning and
Natural Resources
PO Box 363 (32 Enterprise Way), BURONGA NSW 2739
Ph: (03) 5021 9400

WATER ACT 1912

AN APPLICATION for a Licence under Section 10 of the Water Act 1912, as amended, has been received from:-

Kevin Douglas GRAY for a pump on Richmond River Lots 1, 2, 3 and 262 DP 755627 Parish South Casino County Richmond for irrigation of 20 hectares (104 megalitres) (replacement application – split of existing license and amalgamation with existing license, additional pump sites – no increase in authorised area or allocation) (Our Ref: – GRA6006399 – GA2: 476081).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager
North Coast Region
GRAFTON

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

Shawn Noel FILO and Leanne Vanessa CRUSE for a pump on Hudson Creek on part Lot 1 DP792773, Parish of Barham, County of Wakool, for domestic use (new licence) (GA2: 484703) (Ref: 50SL75625).

Any enquiries regarding the above should be directed to the undersigned (Tel.: [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,
Senior Natural Resource Officer
Murray Region

Department of Infrastructure, Planning and
Natural Resources
P.O. Box 205, DENILIQUIN NSW 2710

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:

Donald Keith MILLER for a pump on the Hawkesbury River on 5/258596, Parish of Wilberforce, County of Cook for the irrigation of 14.0 hectares (turf)(New Licence)(Existing Works)(Lodged under the 1998 NSW Water Amnesty)(Not subject to the 1995 Hawkesbury/Nepean Embargo)(Ref: 10SL56372)(GA2:462904)

Stephen and Annette Mary Bernadette VELLA for a pump on the Hawkesbury River on Pt556/704504 and an existing dam and pump (not on a watercourse) on 733/864751, Parish of Wilberforce, County of Cook for the conservation of water and irrigation of 8.0 hectares (turf)(Part Replacement Licence-no increase in area-replacing 10SA2513)(no increase in annual water entitlement)(Existing Works)(Ref: 10SL56197)(GA2:462904)

Ian Newman SLADE for 3 existing dams and 2 pumps on an Unnamed Watercourse on 79/665343, Parish of Narara, County of Northumberland for the conservation of water and irrigation of 35.0 hectares (avocados)(kiwi-fruit)(improved pasture)(Replacement Licence –Increase in area)(Lodged under the 1998 NSW Water Amnesty)(No increase in water entitlement)(Existing Works)(Ref:10SL56467)(GA2: 462905)

Michael & Louise FRANCES for a diversion pipe on an Unnamed Watercourse, Pt2/263460, Parish of Mogila, County of Auckland for water supply for stock & domestic purposes (Not subject to the 2003 Bega River Embargo)(New Licence)(Ref:10SL56493) (GA2:493382).

Any inquiries regarding the above should be directed to the undersigned (Phone: 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,
Natural Resource Project Officer
Sydney/South Coast Region

Department of Infrastructure, Planning and
Natural Resources
PO Box 3720, PARRAMATTA NSW 2124

WATER ACT 1912

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

An application for a Licence within proclaimed local areas as generally described hereunder has been received as follows:

Namoi River Valley

Brian William FENN and Jack FENN for a pump on the Manilla River on Lot 1, Section 28, DP758059, Parish of Barraba, County of Darling for irrigation of 2 hectares. Permanent transfer – new licence. Existing entitlement. L.O. Papers 90SL100762. GA2472275.

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

GEOFF CAMERON,
Manager Resource Access

Department of Infrastructure, Planning and
Natural Resources
PO Box 550, TAMWORTH NSW 2340

WATER ACT 1912

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

An application for a Licence within proclaimed local areas as generally described hereunder has been received as follows:

Namoi River Valley

Peter William REDFERN for a pump on the Namoi River on Lot 150, DP753958, Parish of Tulladunna, County of Jamison for irrigation of 73 hectares. Permanent transfer – replacement licence. Existing entitlement. L.O. Papers 90SL100762. GA2472274.

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

GEOFF CAMERON,
Manager Resource Access

Department of Infrastructure, Planning and
Natural Resources
PO Box 550, TAMWORTH NSW 2340

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street, Armidale, NSW 2350

Phone: (02) 6772 5488 Fax (02) 6771 5348

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Harold Lloyd HOBDAV (new member) Janice Margaret BALDWIN (new member)	Gilgai Public Hall And Recreation Reserves Trust	Reserve No. 89717 Public Purpose: Public Recreation, Public Hall Notified: 30 January 1976
		Reserve No. 77683 Public Purpose: Public Recreation Notified: 10 June 1955
		Reserve No. 37860 Public Purpose: Public Recreation Notified: 25 June 1904 File Reference: AE80R84/4

For a term commencing the date of this notice and expiring 31 December 2004.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Angela Ruth CURNOW (new member) Jon DAVIES (new member)	Torrington War Memorial & Recreation Reserve Trust	Reserve No. 52937 Public Purpose: Public Recreation Notified: 16 August 1918 File Reference: AE83R40/3

For a term commencing the date of this notice and expiring 31 December 2005.

DUBBO OFFICE
142 Brisbane Street (PO Box 865), Dubbo, NSW 2830
Phone: (02) 6841 5200 Fax: (02) 6841 5231

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

Description

Land District and Local Government Area of Dubbo

Lot 1, DP 1067663, Parish of Terramungamine, County of Lincoln (not being land under the Real Property Act). File No: DB02H425.

Note: On closing, the title for Lot 1 shall remain vested in The State of New South Wales as Crown Land.

**APPOINTMENT OF CORPORATION TO
 MANAGE RESERVE TRUST**

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Lake Windamere Undercanvas Camping Association Incorporated	Windamere Dam National Fitness Centre (R120048) Reserve Trust	Reserve No. 120048 Public Purpose: National Fitness and Physical Education Notified: 11 December 1987 File Reference: DB85R5

For a term commencing on this day.

Note: This appointment replaces NSW Department of Sport and Recreation as Trust Manager.

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

**ALTERATION OF CONDITIONS OF A
WESTERN LANDS LEASE**

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

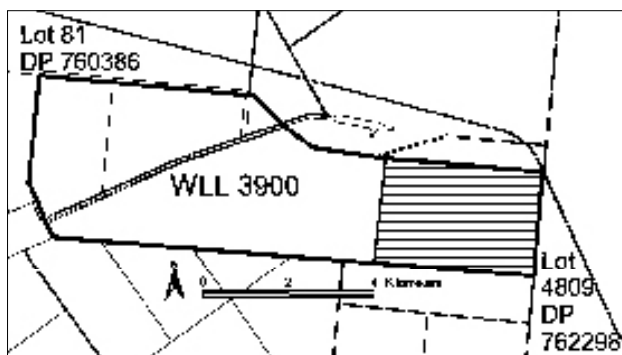
CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning
Minister for Natural Resources

*Administrative District and Shire – Balranald
Parish – Lette & Mylatchie; County – Taila*

The conditions of Western Lands Lease 3900 being the land contained within Folio Identifiers 3/756092, 4/756092, 10/756104, 14/756092, 6089/768948, 6090/768948, 6093/768948 have been altered by the inclusion of the special conditions following effective from 13 May 2004. The conservation area indicated in the special conditions comprises 914 hectares.

**SPECIAL CONDITIONS ATTACHED TO WESTERN
LANDS LEASES 3900**

1. The lessee shall erect and maintain a domestic stockproof standard fence surrounding the areas shown hatched on the diagrams hereunder and ensure the areas remain ungrazed by both domestic stock and feral animals.
2. The lessee shall not clear any vegetation or remove any timber within the areas shown hatched on the diagrams hereunder unless written approval has been granted by either the Commissioner or the Minister.
3. The lessee shall manage the areas shown hatched on the diagrams hereunder in accordance with best management practices specified in the document known as "Southern Mallee Regional Guidelines for the Development of Land Use Agreements".
4. Special Condition 1 above shall be revoked, upon application by the lessee, in the event of the revocation of Cultivation Consent for any reason other than a breach of Consent condition(s).



**ALTERATION OF CONDITIONS OF A
WESTERN LANDS LEASE**

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

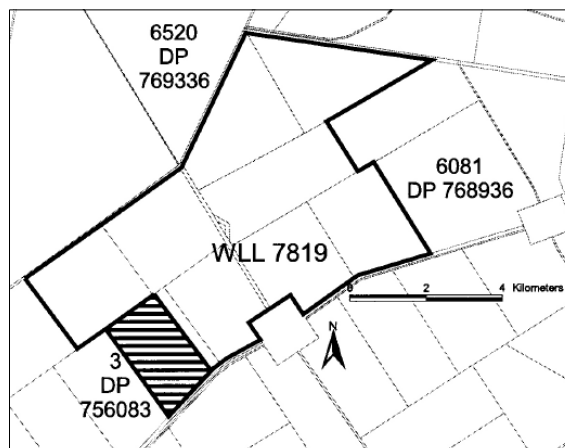
CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning
Minister for Natural Resources

*Administrative District and Shire – Balranald
Parish – Caringy & Park; County – Taila*

The conditions of Western Lands Lease 7819 being the land contained within Folio Identifiers 1/756083, 2/756083, 4/756108, 5/756108, 6/756108, 8/756108, 9/756108, 10/756083, 9/756083, & 2/44261 have been altered by the inclusion of the special conditions following effective from 13 May 2004. The conservation area indicated in the special conditions comprises 424 hectares.

**SPECIAL CONDITIONS ATTACHED TO WESTERN
LANDS LEASES 7819**

1. The lessee shall erect and maintain a domestic stockproof standard fence surrounding the areas shown hatched on the diagrams hereunder and ensure the areas remain ungrazed by both domestic stock and feral animals.
2. The lessee shall not clear any vegetation or remove any timber within the areas shown hatched on the diagrams hereunder unless written approval has been granted by either the Commissioner or the Minister.
3. The lessee shall manage the areas shown hatched on the diagrams hereunder in accordance with best management practices specified in the document known as "Southern Mallee Regional Guidelines for the Development of Land Use Agreements".
4. Special Condition 1 above shall be revoked, upon application by the lessee, in the event of the revocation of Cultivation Consent for any reason other than a breach of Consent condition(s).



WATER MANAGEMENT ACT 2000

Private Irrigation Districts

Notification of a Petition

IT is hereby notified that a petition has been received from 61 residents of Tibooburra to form a Private Irrigation District, to be known as the Tibooburra Private Water Supply District, under the provisions of Part 2 of Chapter 4 of the Water Management Act 2000. Details of the works proposed and the lands to be benefited by the district may be obtained from the Far West Regional Office of the Department of Infrastructure Planning and Natural Resources at Dubbo.

Persons who wish to lodge a supplementary petition to be included in the district or who wish to lodge an objection to the granting of the petition may do so within 28 days from the date of this publication, at Department of Infrastructure Planning and Natural Resources Far West Regional Office, PO Box 1840, Dubbo NSW 2830 or facsimile (02) 6883 3099.

CRAIG KNOWLES, M.P.,
Minister for Natural Resources.

File No.: WL97A76

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Phillip Joss HUTCHINSON (re-appointment)	Garule Wali Education Reserve Trust	Reserve No. 230032 Public Purpose: Education Purposes Notified: 28 August 1987 File Reference: WL90R30

For a term commencing this day and expiring 15 April 2009.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Lee-Anne HUGHSTON (new member) Raymond Bruce HUGHSTON (new member) Michael William COLLINS (new member)	Lila Leigo Centre Reserve Trust	Reserve No. 1004889 Public Purpose: Accommodation, Community Purposes Notified: 15 August 2003 File Reference: WL03R19

For a term commencing this day and expiring 20 May 2009.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

**APPOINTMENT OF CORPORATION TO
 MANAGE RESERVE TRUST**

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Byron Shire Council	Byron Shire Reserve Trust	Reserve No. 80349 Public Purpose: Public Recreation Notified: 31 January 1958 File Reference: GF04R18

For a term commencing the date of this notice

ESTABLISHMENT OF RESERVE TRUST

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Byron Shire Reserve Trust	Reserve No. 80349 Public Purpose: Public Recreation Notified: 31 January 1958 File Reference: GF04R18

ROADS ACT 1993 - ORDER

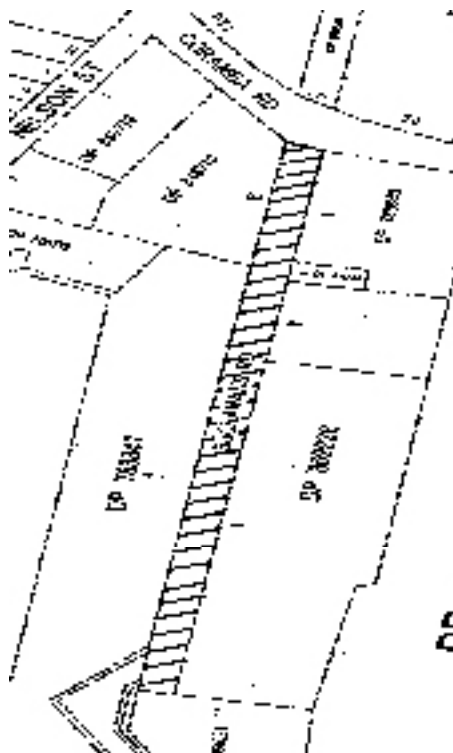
TRANSFER OF A CROWN ROAD TO A COUNCIL

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in schedule 1, ceases to be Crown road.

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands)

SCHEDULE

Crown Public Road 20.115 wide as shown on diagram below, being Buchanans Road, Parish Coff, County Fitzroy, at Coffs Harbour.



SCHEDULE 2

Roads Authority: Coffs Harbour City Council. File No. GF04H26. Council reference: 240.5394 RM:RD.

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

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Karen Gladys HEMBROW	Morgo Street Reserve Trust	Reserve No. 82452 Public Purpose: Public Recreation Notified: 1 April 1960 File Reference: GF81R381

For a term commencing 26 May 2004 and expiring 25 November 2004.

ROADS ACT 1993 - ORDER

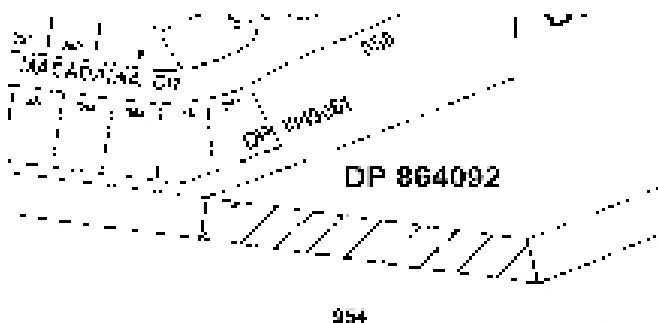
Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in schedule 1, ceases to be Crown road.

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands).

SCHEDULE 1

Crown Road 20.115 wide as shown hatched on diagram below, Parish Cudgen, County Rous, at Pottsville.



SCHEDULE 2

Roads Authority: Tweed Shire Council. File No. GF04h100. Council's reference: Koala Beach Pottsville.

GOULBURN OFFICE
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

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 public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land comprising the former public road, vests in the body specified hereunder.

TONY KELLY, M.P.,
Minister Assisting the Minister for Natural
Resources (Lands)

Description

*Parish – Yass; County – King;
Land District – Yass; L.G.A. – Yass Shire Council*

Lot 1, DP 1048117 (not being land under the Real Property Act). File Reference: GB 00 H 373.TC

Note: On closing, the title for the land in Lot 1 remains vested in Yass Shire Council as operational land.

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

NOTIFICATION OF CLOSING OF ROAD

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

SCHEDULE

Land District – Kiama; L.G.A. – Wollongong

Lot 336 DP881103 at Port Kembla, Parish Wollongong and County Camden. File No.: NA99H43.

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

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****DRAFT ASSESSMENT OF LAND AT EDITH UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATIONS, 2000**

A DRAFT Land Assessment has been prepared for Crown land situated at Edith, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr Kite and Anson Streets Orange 2800 (P.O. Box 2146), and Oberon Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 14th April 2004, and should be addressed to Louise Harcombe, Orange at the above address.

TONY KELLY, M.L.C.,
Minister assisting the Minister for Natural
Resources (Lands)

Description

*Parish – Duckmaloi; County – Westmoreland
Land District – Lithgow; Shire – Oberon*

Approximately 1.66 hectare of Crown land within Reserve for Access, notified 6th April 1981. The parcel is a 20 meter wide strip of Crown land fronting the Duckmaloi River, approximately 1.2 kilometers south of Edith. Reference: OE88H56.

DRAFT ASSESSMENT OF LAND AT GOOLOOGONG UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATIONS, 2000

A DRAFT Land Assessment has been prepared for Crown land situated at Gooloogong, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr Kite and Anson Streets Orange 2800 (P.O. Box 2146), Cabonne Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 19th March 2004, and should be addressed to Louise Harcombe, Orange at the above address.

TONY KELLY, M.L.C.,
Minister assisting the Minister
for Natural Resources (Lands)

Description

*Parish – Nanami; County – Ashburnham
Land District – Molong; Shire – Cabonne*

9.417 hectares of reserved Crown land fronting the Lachlan River at Gooloogong. The parcel consists of Lot 142 DP 750175, being expired Special Lease 76466 for Dairying. The land contains minor native pasture and arable footslope terrain. A private Treaty Sale Application has initiated this assessment. Reference: OE83H674

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
Minister assisting the Minister for Natural
Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Graham William COWLED (new member) Graham James McDONALD (re-appointment) Ian Clayton MANWARING (re-appointment) Alexander Ivor SANDERSON (re-appointment) Robin James SANDERSON (re-appointment)	Triangle Public Hall And Recreation Reserve Trust	Reserve No. 65729 Public Purpose: Public Hall Public Recreation Notified: 10 January 1936 File Reference: OE80R332/3

For a term commencing 09 July 2004 and expiring 08 July 2009.

APPOINTMENT OF TRUST BOARD MEMBERS

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

TONY KELLY, M.L.C.,
Minister assisting the Minister
for Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Keith WOODHOUSE (new member)	Baldry Community Centre Reserve Trust	Reserve No. 97409 Public Purpose: Community Purposes Notified: 31 August 1984 File Reference: OE85R4/2
Barry WOODHOUSE (re-appointment)		
Bruce Lawrence HODGES (re-appointment)		
Peter John Raymond HUGHES (re-appointment)		
William James GIBSON (re-appointment)		

For a term commencing this day and expiring 20 May 2009.

NOTIFICATION OF CLOSING OF A ROAD

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

Description:

Land District Bathurst; Shire of Evans

Road closed: Lot 1 DP1066351, Parish Peel, County Roxburgh. File Reference: OE02H331.

Note: On closing title to the land comprised in Lot 1 remains vested in the Crown.

NOTIFICATION OF CLOSING OF A ROAD

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural Resources
(Lands)

Description:

Land District and LGA: Lithgow

Road closed: Lot 1 DP1065996, Parish Cullen Bullen,
County Roxburgh. File Reference: OE03H264.

Note: On closing title to the land comprised in Lot 1 remains
vested in the Crown.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935), Parramatta, NSW 2124
Phone: (02) 9895 7657 Fax: (02) 9895 6227

**ASSIGNMENT OF NAME TO A RESERVE
TRUST**

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

TONY KELLY, MLC.,
 Minister Assisting the Minister for Natural
 Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Cromwell Park (D500390) Reserve Trust	Dedication No. 500390 at Malabar dedicated for the purpose of Public Recreation on 21 December 1910. File No.: MN03R29

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

NOTIFICATION OF CLOSING OF ROADS

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

TONY KELLY, M.L.C.,
 Minister Assisting the Minister for
 Natural Resources (Lands).

Description

Land District – Tamworth
Local Government Area – Tamworth Regional

Road Closed: Lot 64 in Deposited Plan 1065125 at South Tamworth, Parish Calala, County Parry. File No.: TH03H162

Note: On closing, the land within Lot 64 in Deposited Plan 1065125, remains vested in Tamworth Regional Council as "Operational land".

WAGGA WAGGA REGIONAL OFFICE
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650
Phone: (02) 6937 2709 Fax: (02) 6921 1851

**REVOCATION OF RESERVATION OF
CROWN LAND**

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

SCHEDULE

COLUMN 1

Land District: Wagga Wagga
Local Government Area:
Coolamon Shire Council
Locality: Ganmain
Reserve No. 86410
Public Purpose: Public Recreation
Notified: 8 September 1967
File Reference: WA99R4

COLUMN 2

The whole being
Lot Sec D.P. No
22 35 758428
5 48793
4 48793
Parish: Derry
County: Bourke
of an area of 1.657 ha.

Notes: It is intended following revocation of this reservation to add the land comprised therein to the adjoining Reserve 84635 for Public Recreation.

SCHEDULE

COLUMN 1

Land District: Wagga Wagga
Local Government Area:
Coolamon Shire Council
Locality: Ganmain
Reserve No. 72606
Public Purpose: War Memorial
Notified: 30 January 1948
File Reference: WA99R4

COLUMN 2

The whole being
Lot Sec D.P. No.
20 35 758428
Parish: Derry
County: Bourke
of an area of 1518m2

Notes: It is intended upon revocation, to add the land to the adjoining Reserve 84635 for Public Recreation.

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.

TONY KELLY, M.L.C.,
Minister Assisting the Minister for Natural
Resources (Lands)

SCHEDULE

COLUMN 1

Land District: Wagga Wagga
Local Government Area: Coolamon Shire Council
Locality: Ganmain
Lot Sec. D.P.No. Parish County
22 35 758428 Derry Bourke
5 48793 Derry Bourke
4 48793 Derry Bourke
20 35 758428 Derry Bourke
Area: 2.584ha
File Reference: WA99R4

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

COLUMN 2

Reserve No. 84635
Public Purpose: Public Recreation
Notified: 15 November 1963
Lot Sec. D.P.No. Parish County
701 21 758428# Derry Bourke
7006 750834# Derry Bourke
7007 750834# Derry Bourke
New Area: 8.351ha

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(04-526)

No. 2350, ROACH MINING AND EXPLORATION PTY LTD (ACN 003 505 977), area of 9 units, for Group 1, dated 6 May, 2004. (Orange Mining Division).

(04-528)

No. 2351, BEYOND RESOURCES PTY LIMITED (ACN 102 773 811), area of 100 units, for Group 6, dated 7 May, 2004. (Broken Hill Mining Division).

(04-529)

No. 2352, BARRY THOMAS TILLEY, area of 7 units, for Group 1 and Group 2, dated 10 May, 2004. (Broken Hill Mining Division).

(04-530)

No. 2353, ROBERT SCOTT TAPP and CHERYL LEE TAPP, area of 1 unit, for Group 2, dated 7 May, 2004. (Armidale Mining Division).

(04-531)

No. 2354, CLANCY EXPLORATION PTY LTD (ACN 105 578 756), area of 50 units, for Group 1, dated 12 May, 2004. (Wagga Wagga Mining Division).

(04-532)

No. 2355, CLANCY EXPLORATION PTY LTD (ACN 105 578 756), area of 53 units, for Group 1, dated 12 May, 2004. (Sydney Mining Division).

(04-533)

No. 2356, CLANCY EXPLORATION PTY LTD (ACN 105 578 756), area of 11 units, for Group 1, dated 12 May, 2004. (Orange Mining Division).

(04-534)

No. 2357, CLANCY EXPLORATION PTY LTD (ACN 105 578 756), area of 29 units, for Group 1, dated 12 May, 2004. (Orange Mining Division).

(04-535)

No. 2358, CLANCY EXPLORATION PTY LTD (ACN 105 578 756), area of 18 units, for Group 1, dated 12 May, 2004. (Orange Mining Division).

MINING LEASE APPLICATION

(04-527)

No. 242, MADSEN OPALS PTY LTD (ACN 002 394 005), area of about 126.9 hectares, to mine for gold, dated 7 May, 2004. (Orange Mining Division).

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T03-0967)

No. 2225, now Exploration Licence No. 6237, NORVALE PTY LTD (ACN 009 333 742) and PATHFINDER EXPLORATION PTY LTD (ACN 009 214 859), County of Raleigh, Map Sheet (9436), area of 28 units, for Group 1, dated 6 May, 2004, for a term until 5 May, 2006.

(T03-0985)

No. 2243, now Exploration Licence No. 6236, CHALLENGER GOLD LIMITED (ACN 090 166 528), County of Clarendon, Map Sheet (8428), area of 17 units, for Group 1, dated 7 May, 2004, for a term until 6 May, 2006.

PETROLEUM EXPLORATION LICENCE APPLICATION

(C03-0446)

No. 68, now Petroleum Exploration Licence No. 445, B.N.G. PTY. LTD. (ACN 081 690 691), area of 139 blocks, for petroleum, dated 19 April, 2004, for a term until 18 April, 2010. For exact location details refer to the Department's NSW State Map of Petroleum Titles.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following application has been refused:

EXPLORATION LICENCE APPLICATION

(T03-0845)

No. 2168, TELMINEX NL (ACN 003 309 911), County of Bourke, Map Sheet (8229). Refusal took effect on 29 April, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T04-0055)

No. 2317, TIOCLIFF PTY. LIMITED (ACN 003 571 248), County of Argyle and County of Murray, Map Sheet (8727, 8728). Withdrawal took effect on 10 May, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

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

(T82-1711)

Exploration Licence No. 2033, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 42 units. Application for renewal received 13 May, 2004.

(T82-1488)

Exploration Licence No. 3767, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 19 units. Application for renewal received 13 May, 2004.

(T97-1342)

Exploration Licence No. 5493, LFB RESOURCES NL (ACN 073 478 574), area of 18 units. Application for renewal received 13 May, 2004.

(T98-1222)

Exploration Licence No. 5583, TRIORIGIN AUSTRALIA NL (ACN 062 002 475), area of 57 units. Application for renewal received 3 May, 2004.

(T99-0215)

Exploration Licence No. 5740, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 101 units. Application for renewal received 28 April, 2004.

(T98-1144)

Exploration Licence No. 5741, ALKANE EXPLORATION LTD (ACN 000 689 216), area of 2 units. Application for renewal received 4 May, 2004.

(T03-1098)

Consolidated Mining Lease No. 4 (Act 1973), PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 278.4 hectares. Application for renewal received 12 May, 2004.

(T03-1100)

Consolidated Mining Lease No. 8 (Act 1973), PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 485.4 hectares. Application for renewal received 12 May, 2004.

(T04-0351)

Consolidated Mining Lease No. 10 (Act 1973), PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 705 hectares. Application for renewal received 12 May, 2004.

(T04-0286)

Mining Lease No. 1136 (Act 1973), GARY JOHN DEALY, JOHN CHESTERMAN DEALY and MARIA LUCY DEALY, area of 115.3 hectares. Application for renewal received 29 April, 2004.

(T03-0630)

Mining Lease No. 1224 (Act 1973), GOSFORD QUARRIES (PROPERTIES) PTY LIMITED (ACN 001 226 875), area of 13.31 hectares. Application for renewal received 13 May, 2004.

(T04-0349)

Mining Lease No. 1249 (Act 1973), PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 400.06 hectares. Application for renewal received 12 May, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T02-0240)

Mineral Lease No. 5838 (Act 1906), TIBOR SZERY, Parish of Yowaka, County of Auckland, Map Sheet (8824-2-S), area of 16.42 hectares, for a further term until 30 April, 2025. Renewal effective on and from 1 May, 2004.

(T02-0298)

Mining Purposes Lease No. 212 (Act 1973), KNUD CHRISTIAN NEXO, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 1.62 hectares, for a further term until 31 May, 2009. Renewal effective on and from 1 June, 2004.

(T02-0539)

Mining Purposes Lease No. 296 (Act 1973), ANTHONY GORDON SCHIESS and MARY CATHERINE SCHIESS, Parish of Mebea, County of Finch, Map Sheet (8439-2-S), area of 1.094 hectares, for a further term until 17 August, 2009. Renewal effective on and from 18 August, 2004.

(T02-0540)

Mining Purposes Lease No. 297 (Act 1973), ANTHONY GORDON SCHIESS and MARY CATHERINE SCHIESS, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 2.843 hectares, for a further term until 17 August, 2009. Renewal effective on and from 18 August, 2004.

(T02-0674)

Mining Purposes Lease No. 317 (Act 1973), PETER DAVID HALL, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 9370 square metres, for a further term until 25 October, 2009. Renewal effective on and from 26 October, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T02-0060)

Exploration Licence No. 6005, COSIER AIR SERVICES PTY LIMITED (ACN 006 750 554), County of Roxburgh, Map Sheet (8831), area of 6 units. Cancellation took effect on 30 April, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

TRANSFERS

(T03-1077)

Exploration Licence Nos. 2059, 2151, 4284, 4285, 5737, 5792, 5797, 5845, 5929 5974, 5979, 5987 and 6018 formerly held by AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932) have been transferred to TEMPLAR RESOURCES LIMITED (ACN 085 644 944). The transfers were registered on 6 May, 2004.

(T03-1077)

Exploration Licence No. 5922, formerly held BY DELTA GOLD EXPLORATION PTY LTD (ACN 002 504 501) has been transferred to TEMPLAR RESOURCES LIMITED (ACN 085 644 944). The transfer was registered on 6 May, 2004.

(T98-0137)

Mining Purposes Lease No. 322 (Act 1973), formerly held by GRAHAM LESLIE WHITLOW, IAN JOHN WOODCOCK, LEONARD KEITH HOB DEN and WILLIAM BEAD O'BRIEN has been transferred to GRAHAM LESLIE WHITLOW, BLACK LIGHTNING MINING AND TRADING PTY LTD (ACN 082 297 425), IAN JOHN WOODCOCK, MAX CASLICK and WILLIAM BEAD O'BRIEN. The transfer was registered on 22 April, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

1906), Private Lands (Mining Purposes) Lease No. 3053 (Act 1906), Private Lands (Mining Purposes) Lease No. 3087 (Act 1906) are taken to have been cancelled on 23 April, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

GRANT OF A CONSOLIDATED MINING LEASE

(T94-0201)

Consolidated Mining Lease No. 16 (Act 1992) was granted on 23 April, 2004 to BLUE CIRCLE SOUTHERN CEMENT LTD (ACN 008 528 523), Parish of Marulan, County of Argyle; and Parish of Bumballa, County of Camden, area of about 616.5 hectares, to mine for agricultural lime, clay/shale, iron minerals, limestone, marble and structural clay, for a term until 26 February, 2023.

In accordance with Section 98 (2) of the Mining Act 1992, Mining Lease No. 484 (Act 1973), Mining Lease No. 580 (Act 1973), Mining Lease No. 978 (Act 1973), Mineral Lease No. 3190 (Act 1906), Mineral Lease No. 3206 (Act 1906), Mineral Lease No. 3514 (Act 1906), Mineral Lease No. 3553 (Act 1906), Mineral Lease No. 3691 (Act 1906), Mineral Lease No. 4044 (Act 1906), Mineral Lease No. 4362 (Act 1906), Mineral Lease No. 4547 (Act 1906), Mineral Lease No. 4663 (Act 1906), Mineral Lease No. 4664 (Act 1906), Mineral Lease No. 5231 (Act 1906), Mineral Lease No. 6360 (Act 1906), Mining Purposes Lease No. 74 (Act 1973), Mining Purposes Lease No. 116 (Act 1973), Mining Purposes Lease No. 147 (Act 1973), Mining Purposes Lease No. 175 (Act 1973), Mining Purposes Lease No. 176 (Act 1973), Mining Purposes Lease No. 202 (Act 1973), Mining Purposes Lease No. 211 (Act 1973), Mining Purposes Lease No. 476 (Act 1906), Mining Purposes Lease No. 681 (Act 1906), Mining Purposes Lease No. 686 (Act 1906), Mining Purposes Lease No. 908 (Act 1906), Mining Purposes Lease No. 1169 (Act 1906), Mining Purposes Lease No. 1222 (Act 1906), Mining Purposes Lease No. 1286 (Act 1906), Mining Purposes Lease No. 1356 (Act 1906), Mining Purposes Lease No. 1416 (Act 1906), Private Lands (Mining Purposes) Lease No. 1811 (Act 1906), Private Lands (Mining Purposes) Lease No. 2114 (Act 1906), Private Lands (Mining Purposes) Lease No. 2168 (Act 1906), Private Lands (Mining Purposes) Lease No. 2183 (Act 1906), Private Lands (Mining Purposes) Lease No. 2713 (Act 1906), Private Lands (Mining Purposes) Lease No. 2864 (Act 1906), Private Lands (Mining Purposes) Lease No. 2865 (Act 1906), Private Lands (Mining Purposes) Lease No. 2907 (Act 1906), Private Lands (Mining Purposes) Lease No. 2965 (Act 1906), Private Lands (Mining Purposes) Lease No. 2971 (Act

MINING ACT 1992

Order under Section 175 specifying the Conditions that are to Apply to Mineral Claims within the Lightning Ridge Mineral Claims District.

I, KERRY HICKEY MLC, Minister for Mineral Resources, pursuant to Section 175 of the Mining Act 1992, make the following Order specifying the conditions applying to mineral claims granted over land within the Lightning Ridge Mineral Claims District.

1. The Shape and Size of Mineral Claims that may be Granted.

- (a) Subject to paragraphs (b), (c) and (f) the area of land granted under a mineral claim must be square in shape and no greater than 50 metres by 50 metres except where the external boundaries of the land available for grant make such a shape impractical in which case the maximum area must not exceed 2,500 square metres.
- (b) A mineral claim exceeding 2,500 square metres, but no greater than two hectares, may be granted to a person who was, at the time of lodgement of the application for the mineral claim, the holder of an opal prospecting licence over the land.
 - (i) Where a "3 months" OPL is held a "reward" mineral claim can be granted to the holder, up to 2 hectares size for a period 12 months, with a possible renewal period of 12 months only, once. Mining is permissible on these claims. After the first renewal period, normal 50 x 50m mineral claims must be obtained to continue mining.
 - (ii) Where a normal "28 day" OPL is held a mineral claim for prospecting, up to 2 hectare size, can be granted for 1 month only.
- (c) a mineral claim for mining purpose/s only, may be granted for "opal puddling" and/or for "dry rumbling" and/or "processing" and/or "the stockpiling or depositing of overburden, ore or tailings" but its area may not exceed two hectares.
- (d) mineral claims granted for mining purposes can only be used for the specified mining purposes.
- (e) the number of mineral claims granted for mining purposes that abut, are contiguous with or in close proximity to other mineral claims granted for mining purposes is limited to three (3) or such larger number that may be approved by the Minister.
- (f) A mineral claim exceeding 2,500 square metres, but no greater than two hectares, may be granted for prospecting purposes only in areas within the boundaries of Opal Prospecting Areas 1, 2 & 3, but not within opal prospecting blocks in the Narran-Warrambool mining reserve. Up to two per person can be held at any one time, these titles not affecting existing limits applying to other titles.

2. The Minerals in Respect of which Mineral Claims may be Granted.

Mineral claims may be granted for opal mineral.

3. The Maximum Number of Mineral Claims that may be held by any one Person.

Subject to Sections 175(6) and 202 of the Mining Act 1992 and any such other exceptional circumstances relating to previously devolved claims as the Minister in his discretion thinks fit, the maximum number of mineral claims that may be held by any one person or company will be two, with the following exceptions:

- (a) In the case of claims held under 1 (f) and;
 - (b) In the case of the Lightning Ridge Miners' Association Limited and the Glengarry, Grawin, Sheeppard Miners Association Inc in respect of mineral claims granted for a mining purpose(s) where the maximum number that may be held will be ten.
4. The Nature and Extent of Prospecting and Mining Operations that may be Carried Out in respect of Mineral Claims.
- (i) A mineral claim holder must not in a mineral claim area.
 - * conduct open cut operations,
 - * use a dry rumbler, a wet rumbler or other motorised revolving drum for the purpose of opal puddling,
 - * prospect or mine, or use for a mining purpose, power operated equipment or machinery, unless with the written approval of the Warden and subject to such conditions as may be required by the Warden including the lodgement of an additional security deposit.
- Power operated equipment or machinery includes a bulldozer, ripper (whether self propelled or towed), backhoe, dragline, cable scraper, face shovel, front end or overhead loader, skimmer, grab, bucketwheel excavator, trench cutter, grader, or suction pump, but does not include any;
- * hand held pneumatic or electric pick, hammer or road breaker;
 - * shaft sinking equipment or machinery or drilling or boring equipment or machinery when used to sink a vertical or near vertical shaft or exploratory shaft, drill hole or borehole;
 - * windlass winch or elevator for transporting mined or excavated material to the surface; or,
 - * equipment or machinery used to; load and transport previously mined or excavated material to a treatment plant; fill in, make safe or securely protect any shaft or excavation; or carry out any works directed to be done by an Inspector of Mines, Mines Safety Officer or Mining Registrar.
- (ii) An underground digger may be used if its use has been approved by an Inspector of Mines.
 - (iii) A mineral claim will not be granted over any land between 200 metres and 500 metres of the principal homestead of a property without the written consent of the owner. If an owner gives consent to any person or company then this prohibition will no longer apply to the particular homestead.
 - (iv) A mineral claim will not be granted over any land within a distance of 200 metres of any dam or stock tank (other than a dam or stock tank constructed or used for mining purposes) without the written consent of the owner. If an owner gives consent to any person or company then this prohibition will no longer apply to the particular dam or stock tank.

5. The Security Deposits to be Lodged in respect of the Granting of Mineral Claims.

Any security must be in such amount and form as the Mining Registrar may require.

The Mining Registrar on renewing and on transferring a mineral claim may require the applicant/transferee to give security for the fulfilment of the obligations arising in relation to the mineral claim in such amount and form as the Mining Registrar may require.

6. The Compensation payable in respect of the Carrying Out of Prospecting and Mining Operations.

Compensation shall be payable in respect of each mineral claim and other titles in accordance with the provisions of the Act and the Regulations and any policies and practices recommended by the Lightning Ridge Mining Board and endorsed by the Minister. All approved policies and practices are maintained by the Registrar in a document available for inspection at the Lightning Ridge office.

7. The Obligations of the Holders of Mineral Claims as to the Rehabilitation of Land on which Prospecting or Mining Operations have been Carried Out.

The Mining Registrar when granting, renewing or transferring a mineral claim may impose conditions for the rehabilitation, levelling, regrassing, reforestation or contouring of the land and the filling in, sealing or fencing off of excavations, shafts and tunnels.

8. Miscellaneous.

- (i) A mineral claim shall not be granted or renewed unless the applicant satisfies the Mining Registrar, in accordance with policy, that the applicant has sufficient experience or has completed a course of instruction in mining that is approved by the Chief Inspector of Mines.

- (ii) The Mining Registrar when granting, renewing or transferring a mineral claim may impose such conditions as may be necessary for administrative purposes, or for the protection of private and public interests, or for the conservation and protection of the flora, fauna, fish, fisheries and scenic attractions and features of Aboriginal, architectural, archaeological, historical or geological interest.

(iii) The holder of a mineral claim must: -

- (a) within 14 days of the date of the grant of a mineral claim fix to each picket or post defining the area of the mineral claim a tag on which is legibly stamped the number of the mineral claim.
- (b) comply with the requirements of any applicable "Opal Field Management Plan."
- (c) comply with the relevant provisions of the publication of the Department of Mineral Resources titled "A Code of Conduct for Landholders and Opal Miners and Prospectors in the Narran-Warrambool Reserve Lightning Ridge".

Dated this 22nd day of April 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Kings Park
in the Blacktown City Council area

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

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

SCHEDULE

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

Lot 33 Deposited Plan 1061455, being part of the land in Certificate of Title 319/250071;

Lot 34 Deposited Plan 1061455, being part of the land in Certificate of Title 3/581291; and

Lot 35 Deposited Plan 1061455, being part of the land in Certificate of Title 101/252146;

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

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

(RTA Papers FPP 4M1786; RO 40.12569)

ROADS ACT 1993

Order - Section 46 and 47

Redeclaration of roads in the Newcastle area
in relation to the West Charlestown Bypass and Stewart
Avenue Rail Crossing.

I, the Minister for Roads, pursuant to Section 46 and 47 of the Roads Act, by this Order:

Vary the route of State Highway No 23 and Main Roads Nos 316 and 674 by revoking the previously published declarations of these roads and declaring as State Highway No 23 and Main Roads Nos 316 and 674 the roads described in the schedule below.

CARL SCULLY MP
MINISTER FOR ROADS

SCHEDULE

NAME AND NUMBER

DESCRIPTION

State Highway No 23	From the Pacific Highway at Windale via West Charlestown Bypass, Charlestown Road, Lookout Road and Croudace Road to Newcastle Road at Lambton, then from Newcastle Road at Jesmond to Sandgate Road at Shortland then via Sandgate Road to the Newcastle - Maitland Road (Pacific Highway) at Sandgate.
Main Road No 316	From Hunter Street at Newcastle West via Stewart Avenue, Hannell Street and Industrial Drive to the Newcastle - Maitland Road at Mayfield West.
Main Road No 674	From the Pacific Highway at Charlestown via Charlestown Road, Hillsborough Road and Medcalf Street to The Esplanade at Warners Bay then via The Esplanade to Five Islands Road at Speers Point. With a branch from Medcalf Street at Warners Bay via The Esplanade to King Street at Warners Bay.

(RTA Papers: RNIM 901533 SB)

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 55A

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

Cancellation is effective as at the date of gazettal.

Friends of Bathurst Incorporated
 Logos Institute Sydney Incorporated
 Australian and Japan Pressed Flower Artist
 Association Incorporated
 Warradale Frail Aged And Disability Service
 Incorporated
 Wings Youth Support Australia Incorporated
 Action For World Development (NSW) Inc
 Crago Mill Regional Arts Centre Incorporated
 Brotherhood Lakonon Kremastis – Mystras
 Incorporated
 Parents Reaching Youth Through Drug Education
 (PRYDE in Australia) Inc
 Riverina Highlands Regional Vegetation Committee
 Incorporated

CHRISTINE GOWLAND,
 Delegate of the Commissioner
 Registry of Co-operatives and Associations

Office of Fair Trading
 Department of Commerce
 17 May 2004

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to section 56

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 56 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

The Tunkuwallin Tennis & Sports Club Incorporated

CHRISTINE GOWLAND,
 Delegate of the Commissioner
 Registry of Co-operatives and Associations

Office of Fair Trading
 Department of Commerce
 17 May 2004

CHARITABLE TRUSTS ACT 1993

Notice Under Section 15 – Proposed Cy-Pres Scheme
 Relating to the Estate of the Late
 Barbara May Gloria Pilkington

THE deceased, Barbara May Gloria Pilkington, died on 27 October 1987. In her will Ms Pilkington bequeathed the residue of her estate to be held on a discretionary trust for the benefit of her husband, Astley Pilkington, for life and “FROM AND AFTER the death of the survivor of myself

and my said husband to hold any unexpended balance thereof UPON TRUST for SAINT ANNE’S NURSING HOME, 296 Molesworth Street, Lismore for the purchase of equipment or the carrying out of building extensions as the Directors of the Nursing Home shall see fit AND I REQUEST that a commemorative plaque be erected by and at the cost of the said Home in the hall of the existing building or at the entrance of any extensions to the Home to perpetuate the memory of both my husband Astley Reginald Tom Pilkington and myself”.

The testatrix’s husband died on 30 March 1988. A final distribution of funds was made to St Anne’s Nursing Home, a Uniting Church in Australia Property Trust (NSW) residential aged care centre, on 7 March 1990, but an additional asset has recently come into the estate. This is the basis of an application for a cy-pres scheme as St Anne’s Nursing Home has now closed and the residents have been transferred to the Uniting Church Caroon Development at Goonellabah.

The Solicitor General, under delegation from the Attorney General in and for the State of New South Wales, has formed the view that the gift to St Anne’s Nursing Home in the testatrix’s will is a gift for charitable purposes, and has approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12(1)(a) of the Charitable Trusts Act 1993. The scheme is to apply the funds distributable from the new asset, cy-pres, in favour of the Uniting Church in Australia Property Trust (NSW) to purchase equipment or to carry out building extensions at the Caroon Kalina Nursing Home and the Caroon Marima Nursing Home, both situated on the same site at Goonellabah.

Take note that within one month after the publication of this notice any person may make representations or suggestions, in writing, to the Attorney General in respect of the proposed scheme. Initial inquiries as to the proposed scheme may be directed to (02) 9228 7883.

LAURIE GLANFIELD,
 Director General,
 Attorney General’s Department

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
 ARMY ALPINE LODGE CO-OP. LTD

Dated this thirteenth day of May 2004.

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

**NOTICE UNDER SECTION 601AC 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

AUSTRALIAN EAST COAST DEERFARMERS' CO-OPERATIVE LTD

Dated this thirteenth day of May 2004

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

**ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

Office of the Commissioners of Inquiry for Environment
and Planning

Notice of Commission of Inquiry

Into the Proposed Extension of Mining Operations at
Mount Owen Mine

Singleton Local Government Area

PURSUANT to section 119 of the Environmental Planning and Assessment Act 1979 the Honourable Craig Knowles, M.P., Minister for Infrastructure and Planning and Minister for Natural Resources directed that a Commission of Inquiry be held into the environmental aspects of the proposal by Hunter Valley Coal Corporation to extend mining operations (including associated infrastructure) at Mt Owen Mine off Hebden Road, approximately 25km northwest of Singleton in the Singleton Local Government Area (DA-14-1-2004). The Commission is to have particular emphasis on the following potential impacts of the proposal:

- Air quality, in particular dust impacts;
- Noise and blasting;
- Surface and groundwater; and
- Social and economic, including the acquisition of land either directly or potentially affected by the proposal.

The Minister has appointed Commissioner Kevin Cleland, Deputy Chairperson to constitute the Commission of Inquiry. The Commissioners of Inquiry are independent of Government and its departments/agencies and Council.

The Minister will determine the matter after considering the findings and recommendations of the Commission of Inquiry. Each party appearing before the Inquiry will be advised of the Commission's findings and recommendations.

HEARING SESSIONS: Public hearing sessions will commence at the Singleton Council Chambers, Administration Building, Civic Avenue, Singleton at 2:00 p.m., Monday 28 June 2004.

The Commission will be conducted in two sessions and will be open to the public. The first session is for parties to present relevant information relating to the proposal contained in their primary submissions. The second session (date to be advised at first session) is for the purpose of

enabling parties to present a submission in reply summing up their primary submission and/or responding to submissions made by other parties at the first session.

LODGING SUBMISSIONS AND REGISTERING FOR APPEARANCE: Persons seeking to make a submission to the Commission of Inquiry are required to register by sending **FOUR COPIES** of their primary submission in writing, together with any supporting submissions to the Office of the Commissioners of Inquiry (GPO Box 3415, Sydney 2001) by 2:00 p.m., Tuesday 15 June 2004.

All submissions to the Commission are public documents and will be placed on public exhibition unless confidentiality is requested and upheld by the Commission.

Please indicate in your submission if you wish to appear before the Commission of Inquiry and the estimated time you require to present your submission.

INSPECTING DOCUMENTS: Any person may inspect the Development Application, Environmental Impact Statement and other relevant documents from 2:00 p.m., Tuesday 18 May 2004 and submissions to the Commission from 2:00 p.m., Friday 18 June 2004 at the following locations:

- Office of the Commissioners of Inquiry, Level 13, 301 George Street, Sydney;
- Singleton Council, Administration Building, Civic Avenue, Singleton; and
- Singleton Library, 202-206 John Street, Singleton.

QUESTIONS AND RESPONSES: Procedures and timing for lodging written questions and receiving responses will be determined during the first session of the Commission.

Further information on the preparation of submissions and conduct of the Commission of Inquiry is available on the Internet at <http://www.coi.nsw.gov.au> or from Mrs Paula Poon on (02) 9299 2904.

PAUL FREEMAN,
Registrar

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

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

- | | | |
|---------|------------|-------------------------------------|
| Parkes | 10:00 a.m. | 27 April 2004 (2 weeks) |
| | | In lieu of 27 April 2004 (3 weeks) |
| Grafton | 10.00 a.m. | 23 August 2004 (3 weeks) |
| | | In lieu of 23 August 2004 (2 weeks) |

Dated this 11th day of May 2004.

J. C. McGUIRE,
Acting Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales
 Direction

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

Port Macquarie 10.00 a.m. 16 August 2004 (2 weeks)
 In lieu of 16 August 2004
 (3 weeks)

Dated this 11th day of May 2004

J. C. MCGUIRE,
 Acting Chief Judge

- otherwise comply with the specifications set out in Part 3 of Schedule 1.

Dated this 14th day of May 2004.

DAVID BRIAN O’CONNOR,
 Commissioner for Fair Trading,
 Department of Commerce

Interpretation

In this Order:

“Advertisement” means an advertisement complying with the requirements of this Order.

SCHEDULE 1

PART 1:



FAIR TRADING ACT 1987

Recall Order
 Section 35 (1)

I, David Brian O’Connor, Commissioner for Fair Trading, Department of Commerce, pursuant to s.35 (1) of the Fair Trading Act 1987 (“the Act”), require Gag Magic Showbags South Pty Ltd, ACN 082 663 125, (“the Supplier”) of 322 Darebin Road, Fairfield, Victoria 3078, to:

- (1) recall defective goods known as “Saxophone Xylophone”, Item No. FD-025, (“the Goods”) by:
 - (a) taking the action specified in paragraph (2) of this Order; and
 - (b) notifying the Parliamentary Secretary to the Commonwealth Treasurer of that action within two days of publishing the Advertisement; and
 - (c) notifying me in writing of the number of units of the Goods:
 - (i) sold in New South Wales; and
 - (ii) returned in the four weeks’ period after the Advertisement’s publication, within seven days after the expiry of that period;
- (2) (a) disclose to the public:
 - (i) the dangerous characteristic of the Goods; and
 - (ii) the circumstances in which use of the Goods is dangerous; and
 - (iii) procedures for disposing of the Goods; and
- (b) notify the public that the Supplier undertakes to do whichever of the following the Supplier thinks is appropriate:
 - (i) replace the Goods; or
 - (ii) refund to a person to whom the Goods were supplied (whether by the Supplier or by another person) the price of the goods,
 by publishing an Advertisement, within two days of the date of publication of this Order in the Gazette, in the newspapers specified in Schedule 2, which must:
 - be enclosed by a hatched border with a triangle in the upper left hand corner as illustrated in Part 1 of Schedule 1; and
 - contain the text set out in Part 2 of Schedule 1; and

PART 2:

“Saxophone Xylophone”

The Commissioner for Fair Trading in New South Wales has ordered Gag Magic Showbags South Pty Ltd to recall the “Saxophone Xylophone” which is a choking hazard for some children because it has three removable legs or pegs that are capable of being swallowed by a child.

The product was included in the “Bag of Music” showbag sold at the 2004 Sydney Royal Easter Show and can be identified by the Item No. FD-025.

Gag Magic Showbags South Pty Ltd undertakes, as it thinks appropriate, to:

- replace the product; or
- refund to a person to whom the product was supplied (whether by it or another person) the price of the product.

If you have the product, you should call Gag Magic Showbags South Pty Ltd toll free on [insert number] from [insert times] to arrange for the return of the product (at no

cost to you) and a replacement of the product or refund of its price.

Gag Magic Showbags South Pty Ltd, ACN 082 663 125, 322 Darebin Road, Fairfield, Victoria, 3078. Telephone: [insert number] Facsimile: [insert number] E-mail: [insert number].

PART 3:

The Advertisement must:

- be of two columns width and at least 10 x 12 centimetres in size;
- contain a clear photograph or sketch of the Goods;
- include the words “Mandatory product safety recall” prominently at the top of the advertisement as shown in Part 1 of this Schedule;
- include the words “See www.recalls.gov.au for Australian Product Recall Information” at the base of the Advertisement;
- include the Gag Magic Showbags South Pty Ltd logo, if any, in the top right hand corner; and
- be placed prominently on one of the first five pages of the newspapers specified in Schedule 2.

SCHEDULE 2

- The Sydney Morning Herald
- The Daily Telegraph
- Illawarra Mercury
- The Newcastle Herald
- The Canberra Times

LOCAL GOVERNMENT ACT 1993

Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1, Chapter 9 and section 736 of the Local Government Act 1993, do, by this Proclamation, declare that the Proclamation published in the Special Supplement of the *Government Gazette* No. 46 of 25 February 2004, amalgamating the former Areas of Copmanhurst, Grafton City, Maclean and Pristine Waters so as to constitute a new Area of Clarence Valley, is amended by inserting a new clause 14A after clause 14 in Schedule G in said Proclamation as follows:

14A Appointment of Senior Staff

A senior staff member of a former Council or former County Council can be confirmed in a senior staff position in the new Council, that has an equivalent level of responsibility and remuneration, when the organisation structure is determined by the new Council, or otherwise recruitment processes commenced.

Signed and sealed at Sydney, this 19th day of May 2004.

By Her Excellency's Command

TONY KELLY, M.L.C.,
Minister for Local Government

GOD SAVE THE QUEEN!

**MOTOR ACCIDENTS COMPENSATION
ACT 1999**

MOTOR ACCIDENTS ACT 1988

Treatment, Rehabilitation and Attendant Care Guidelines
for Currently Licensed CTP Insurers

Introduction

The Motor Accidents Compensation Act 1999 (MACA) and the Motor Accidents Act 1988 place responsibilities concerning treatment, rehabilitation and attendant care on the Motor Accidents Authority of NSW (MAA), the CTP insurers and claimants.

An important object of the MACA (section 5 (1a)) is to encourage early and appropriate treatment and rehabilitation to achieve optimum recovery from injuries sustained in motor accidents and to provide appropriately for the future needs of those with ongoing disabilities. Rehabilitation includes medical, social, educational and vocational measures to restore or attempt to restore an injured person to the maximum level of function of which the person is capable.

The main goal of the Treatment, Rehabilitation and Attendant Care (TRAC) Guidelines is to promote best practice and facilitate consistency in the rehabilitation of motor accident injuries within and between CTP insurers. The Guidelines ensure CTP insurers address the needs of claimants by facilitating their access to appropriate treatment, rehabilitation and attendant care throughout the life of a claim. The Guidelines provide standards and criteria against which insurers can measure their performance to demonstrate they are meeting their responsibilities.

Best practice involves continuous improvement. Continuous improvement is a cycle of change that builds upon previous achievements. Introducing beneficial changes to systems and supporting improved practices requires an organisational commitment to continuous improvement. Demonstrable evidence of improvement is a necessary component of the TRAC audit program.

This is the fourth revision of the Guidelines since inception in 1998. This revision will be used for the 2005 onsite audits. Explanatory and training materials have also been prepared to assist with implementing the TRAC Guidelines and preparation for audit.

This revision incorporates the increased expectation for insurers to more fully inform claimants of their reasons for not approving plans and requests which includes informing claimants of how to seek review of decisions.

These Guidelines apply from the date they are gazetted to claims injuries arising from accidents under both the Motor Accidents Act 1988 and the Motor Accidents Compensation Act 1999.

These Guidelines are issued pursuant to Section 44 of the Motor Accidents Compensation Act 1999 and apply by Chapter 3 of that Act in respect of an injury caused by a motor accident. Further, these guidelines, so far as rehabilitation is concerned, apply in relation to insurers' obligations under Section 84 of the Motor Accidents Compensation Act 1999. Sections 44 and 84 of the Motor Accidents Compensation Act 1999 apply in relation to treatment of injuries whether the injuries were sustained in accidents occurring before 5 October 1999, or on or after 5 October 1999.

General principles

The implementation of the Treatment, Rehabilitation and Attendant Care Guidelines for insurers requires demonstrated consideration and acceptance of the following general principles:

- 1 Addressing the rehabilitation needs of claimants by facilitating their access to rehabilitation and attendant care is an integral part of the Motor Accidents Scheme.
- 2 Effective treatment, rehabilitation and attendant care are a collaborative arrangement requiring communication and cooperation between the claimant, the provider and the insurer.
- 3 The aim of rehabilitation is to maximise early recovery from injuries and promote independence and function.
- 4 It is vital that treatment and rehabilitation are commenced as early as possible and are regularly monitored until conclusion. While not all CTP claimants will need rehabilitation services, it should be facilitated when required for all age groups, including children and older people.
- 5 The review of rehabilitation is planned in accordance with anticipated management milestones of individual CTP claimants. For example, moving to high school or leaving school.
- 6 Wherever possible, claimants should exercise choice about the selection of their treatment, rehabilitation and/or attendant care provider. However, the insurer is only obliged to pay for treatment, rehabilitation and attendant care costs that are reasonable and necessary, properly verified and relate to injuries resulting from the motor vehicle accident.
- 7 The selection of a service provider should be determined by the claimant's needs, not the relationship between the insurer and the service provider. Any commercial relationship between the insurer and the service provider is not a factor to be considered when selecting a service provider.
- 8 Claimants should be encouraged to be involved in the development and ongoing review and modification of their rehabilitation plans.
- 9 The insurer is not responsible for developing treatment, rehabilitation or attendant care plans. This is the responsibility of relevant service providers.
- 10 There should be consistency in the decision making process about treatment, rehabilitation and attendant care issues between claims and rehabilitation staff.
- 11 Successful implementation of the Guidelines relies on management support and teamwork between rehabilitation and claims staff employed by CTP insurers, and general acceptance of the notion of continuous improvement.
- 12 All rehabilitation and claims staff actively seek to minimise the risk of disputes associated with managing the rehabilitation needs of claimants. They should be proactive in seeking resolution of disputes by facilitating referral to insurer's internal complaints and disputes resolution processes, and when necessary, the appropriate external disputes resolution services.

Explanatory notes

Attendant care

Attendant care (or care and support services) assists people with disabilities to perform tasks they would normally be doing for themselves. Attendant care services aim to provide assistance to people with everyday tasks and include, for example, personal assistance, nursing, home maintenance and domestic services. They enable individuals to live independently and to exercise basic rights about choice of lifestyle.

Attendant care plan

An attendant care (or care and support services) plan should normally outline the claimant's present condition, functional capacity, role of attendant carer (or support worker), goals and specified activities of the program and hours of care required. Attendant care plans are developed collaboratively between the attendant care agency, the provider involved, the claimant and their family, as well as the insurer.

For simple domestic assistance, the attendant care plan may take the form of a brief proposal. As a minimum this type of plan should include timeframes, costs and type of services.

Claims officer

The role of a claims officer employed by a CTP insurer, as related to these Guidelines, may include:

- responding to requests and paying accounts in a timely fashion
- ensuring the appropriate involvement of the rehabilitation adviser in facilitating assessment of the rehabilitation and attendant care needs of claimants
- where appropriate, establishing whether the proposed interventions and programs are 'reasonable and necessary' in consultation with the rehabilitation adviser.

The statements in these Guidelines are not designed to limit the scope of the role of claims officers.

Days

Refers to working days.

Insurer

These Guidelines apply to all insurers who insure the person against the person's liability for damages in respect of a claim, whether or not under a third party policy (section 42 of the Motor Accidents Compensation Act 1999). The insurer refers to all insurers who are licensed by the MAA and provide Compulsory Third Party (CTP) insurance in NSW, including insurers acting as agent for the Nominal Defendant.

Rehabilitation

The Guidelines reflect the definition of rehabilitation used in both the Motor Accidents Act 1988 (Section 35) and Motor Accidents Compensation Act 1999 (Section 3).

rehabilitation of an injured person, means the process of restoring or attempting to restore the person, through the combined and coordinated use of medical, social, educational and vocational measures, to the maximum level of functioning of which the person is capable or

which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.

The Guidelines support the philosophy that rehabilitation is the process of restoring an injured person as close as possible to their pre-injury level of functioning and to a quality of life comparable with their pre-injury level. Where function cannot be restored, the aim of rehabilitation becomes the acquisition of new functional or vocational skills.

Rehabilitation adviser

The role of the insurer's rehabilitation adviser may include:

- facilitating the assessment of the treatment, rehabilitation and attendant care needs of claimants;
- facilitating access of claimants to services if considered necessary;
- establishing whether the proposed interventions and programs are reasonable and necessary;
- providing a point of contact for the claimant, treating practitioners and rehabilitation providers;
- undertaking a coordinating role between all involved stakeholders;
- advising claims officers and managers on rehabilitation issues; and
- assisting the insurer to develop a consistent approach to decision making regarding 'reasonable and necessary'.

Insurers either employ permanent or contract health professional staff in the role of rehabilitation advisers. Rehabilitation advisers do not provide direct services to claimants.

The statements in these Guidelines are not designed to limit the scope of the role of the rehabilitation adviser. The insurers use the term 'rehabilitation adviser' variously. The roles and titles may vary from insurer to insurer.

Rehabilitation plan

A rehabilitation plan is a formal document which identifies the assessed needs of the claimant, the goals or outcomes to be achieved, the proposed interventions or strategies to achieve these goals, time frames for achievement, periodic evaluation and reporting, and associated costings.

Rehabilitation provider

A rehabilitation provider delivers direct services to the claimant. A rehabilitation provider may be a multidisciplinary organisation or an individual health practitioner in either the public or the private sectors.

Service provider

A service provider delivers direct services to the claimant. A service provider may be a multidisciplinary organisation or an individual. The services provided may include treatment, rehabilitation or attendant care.

Treatment

An insurer has a responsibility to deal with requests for treatment. These requests should be dealt with in a timely fashion with reference to 'reasonable and necessary'. CTP insurers are responsible for having a system in place for responding to such requests.

Format of the Guidelines

Phases

The MAA TRAC Guidelines for insurers divide the management of motor accident injuries into four phases. Claimants may move in and out of the different phases during their recovery and resettlement. The elements of treatment, rehabilitation and attendant care are addressed in each phase.

Each phase has an underpinning **principle**, followed by a **standard**. Objective **criteria** under each principle assist in the application of the **standard and in the measurement of achievement**.

Phase 1	Phase 2	Phase 3	Phase 4
Early identification of treatment, rehabilitation and attendant care needs.	Assignment of insurer's claims and rehabilitation staff.	Coordination of assessment and planning of treatment, rehabilitation and attendant care needs.	Monitoring and evaluation of treatment, rehabilitation and attendant care programs.

Principle

Each phase has a principle that outlines the basic tenet from which the standards and criteria derive. The principles are not measurable but act to encapsulate the beliefs of the particular phase.

Standard

Under each principle is a standard that is the overall standard for the phase. The criteria derive from the standard.

Criteria

The criteria are statements that act to clarify the standard and provide practical advice on implementation. In the process of self-assessment and external audit of these Guidelines, the criteria provide the basis for assessing levels of achievement or compliance.

Phase 1 – Identification of treatment, rehabilitation and attendant care needs

Principle

Early identification of the need for services optimises clinical outcomes for claimants and provides the best opportunity for cost effective treatment, rehabilitation and attendant care.

Standard

The insurer has an effective system for the early identification of the needs of claimants and for the accurate coding of their injuries.

Criteria

Policies and practices ensure:

- 1.12 Claimants who may need treatment, rehabilitation or attendant care are identified by a consistently applied screening system encompassing:
 - accurate identification of extent and type of injury
 - use of internally agreed indicators to identify claimants likely need for rehabilitation
 - documentation of likely need
 - involvement of health care professionals in the process of screening and determination of treatment, rehabilitation and attendant care needs.

- 1.2 Screening is completed within 10 days of receipt of the claim.
- 1.3 Information is sent to those claimants who have been identified as requiring rehabilitation services on the role of insurer's rehabilitation advisers; how to contact them; and the claimant's rights and responsibilities (MAA brochure 'Rehabilitation and the Motor Accidents Scheme' or insurer's own brochure with relevant information). The information is sent within 10 days of the identification.
- 1.4 Written communication with claimants is:
 - personalised/tailored to the claimant's circumstances
 - written in plain English understandable to the claimant
 - written for a specific purpose.
- 1.5 There is a claim file management system which ensures that insurers have a current, complete, accurate, retrievable and secure treatment, rehabilitation and attendant care file relating to each claimant.
- 1.6 Any contact, including verbal, about treatment, rehabilitation or attendant care between claimant, claimant's solicitor or service providers is documented and dated in the claim file. A copy of any written correspondence must be kept on the claim file.
- 1.7 All claims are coded according to the Abbreviated Injury Scale (AIS) Revision adopted by the MAA using the 'Guidelines and Handbook for Injury Coders' published by the MAA.
- 1.8 All Accident Notification Forms (ANFs) are coded with an injury code within one month of lodgement. The ANF is coded:
 - with a MAA Provisional Injury Code, using the 'ANF Coding Guidelines for Provisional Injury Codes' published by the MAA or
 - other method approved by the MAA (e.g. electronic mapping of AIS injury code).
- 1.9 All AIS Injury Coders are appropriately trained by MAA approved trainers.
- 1.10 For all claims (including claims converted from ANFs):
 - the injury codes are reviewed by an injury coder throughout the life of the claim, with a maximum interval of six months between reviews. The date of each review should be recorded in the claim file
 - the regular review process may cease if the injury coder is satisfied all injuries have been coded and that it is unlikely that any further medical information which would alter the injury coding will be received. If this occurs it should be clearly stated in the claim file, 'signed off' by the coder and dated
 - all claims must have been signed off by an injury coder before finalisation. The date of the sign off should be noted in the claim file.

Phase 2 – Assignment of the insurer's claims and rehabilitation staff

Principle

The assignment of claims and rehabilitation staff by the insurer promotes the provision and coordination of treatment, rehabilitation and attendant care services. Claimants requiring services need to know who to contact at the insurer and how to contact them.

Standard

The insurer assigns rehabilitation staff to claimants who may require rehabilitation and/or attendant care in order to oversee their assessment, rehabilitation and resettlement and to facilitate effective communication between all parties.

Criteria

Policies and practices ensure:

- 2.1 A system is in place to:
 - identify claimants who should be assigned a rehabilitation adviser and
 - assign the adviser within 10 days of the identification.
 - 2.2 The insurer continues to meet its treatment, rehabilitation and attendant care responsibilities during periods of staff absence.
 - 2.3 All rehabilitation advisers have health professional qualifications, background and rehabilitation experience relevant to the role.
 - 2.4 Potential conflicts of interest are identified and addressed.
- NB: Possible situations include:
- A rehabilitation adviser who also works elsewhere as a rehabilitation provider. The rehabilitation adviser should undertake not to refer any claimants to their own service.
 - A rehabilitation adviser who is employed by a service provider. If a claimant is referred by the insurer to the service provider then the claimant should be informed:
 - o of the relationship between the insurer and the service provider
 - o that the insurer or their medical practitioner can refer the claimant to another service provider
 - o how to arrange a referral to another service provider.
 - An insurer which has an interest in a service provider. If a claimant is referred by the insurer to the service provider, then the claimant should be informed:
 - o of the relationship between the insurer / rehabilitation adviser and the service provider
 - o that the insurer or their medical practitioner can refer the claimant to another service provider.
 - o how to arrange a referral to another service provider.
- 2.5 Relevant ongoing professional development, support, and performance review are provided for employed Rehabilitation Advisers, and a system of performance review is in place for contracted rehabilitation advisers.

2.6 Relevant ongoing training is provided for claims officers regarding the application of these treatment, rehabilitation and attendant care guidelines.

Phase 3 – Coordination of assessment and planning of treatment, rehabilitation and attendant care needs

Principle

Effective assessment and planning is essential and aims to ensure all parties involved are aware of the overall plan, their role, and the roles and responsibilities of others involved in the process.

Standard

The insurer refers claimants to appropriate providers, when necessary, for assessment of their rehabilitation and attendant care needs and responds to requests for treatment, rehabilitation and attendant care in a timely fashion.

Criteria

Policies and practices ensure:

- 3.1 Claimants who have been identified as requiring treatment, rehabilitation or attendant care assessments or services must be referred to an appropriate provider within 10 working days of the identification.
- 3.2 A system is in place for responding to plans and requests for the treatment, rehabilitation and attendant care needs of claimants. Plans and requests are reviewed by rehabilitation advisers and/or designated claims officers to ensure all the needs resulting from the motor vehicle accident have been addressed.
 - To facilitate the claimant's rehabilitation, the insurer should request rehabilitation plans that identify goals, time frames and progress evaluation.
 - In the case of serious injuries, the insurer should normally request attendant care plans that specify goals, time frames, specific activities, hours of care, frequency and cost of services. However, for simple domestic assistance, the attendant care plan may take the form of a simple proposal for services to be provided to the claimant.
 - Early discussion with providers about any concerns relating to requests or plans are encouraged.
- 3.3 Decisions on whether the request or proposed plan is reasonable and necessary are informed by:
 - assessments and information from treating and independent practitioners, and
 - any other relevant and objective information.
- 3.4 Consistency in the determination of what constitutes 'reasonable and necessary' services by:
 - having a system for making reasonable and necessary determinations
 - training staff in the process
 - monitoring and review to demonstrate consistency in decision-making.
- 3.5 When there is a need to coordinate services or when there are differences of opinion about claimants' programs, the insurer considers the use of case conferences involving rehabilitation advisers and/or providers, treating practitioners, attendant care agencies and claimants.
- 3.6 Service providers are advised of approved plans or requests for treatment, rehabilitation and attendant care:
 - in writing (a return fax of the request or form indicating the insurer's decision is sufficient)
 - stating the costs the insurer has agreed to meet
 - as soon as the decision is made, but within 10 days of receipt of the plan or request by the insurer.
- 3.7 When the insurer declines or partially declines to pay for the claimant's treatment, rehabilitation or attendant care it will:
 - within 10 days of receipt of a plan or request provide feedback to the claimant and service provider, and
 - within 20 days of receipt of a plan or request
 - o advise the claimant, claimant's solicitor and service provider in writing clearly outlining the reasons why the insurer considers the plan or request not to be reasonable and necessary, not properly verified or not related to the accident (this may include copies of medical reports on which the decision is based), and
 - o provide to the claimant with the written response a copy of the insurer's internal complaint and dispute resolution procedure and the MAA brochure "Resolving Medical Disputes".

This requirement does not apply if the insurer has already provided the above information after previously declining to pay for the same plan or request.

NB. The following dispute resolution processes apply:

For accidents occurring before 5 October 1999, the options for resolving the dispute are to refer the matter to:

 - the insurer's internal dispute resolution and complaints procedures, and
 - the Motor Accidents Authority – Compliance Branch.

For accidents occurring on or after 5 October 1999, the options for resolving the dispute are to refer the matter to:

 - the insurer's internal dispute resolution and complaints procedures, and
 - the Motor Accidents Assessment Service of the MAA.
- 3.8 When the insurer decides to terminate previously approved treatment, rehabilitation or attendant care (for reasons other than settlement) they must advise the service provider and claimant in writing at least 5 days before the effective date of the decision for treatment and rehabilitation and at least 10 days before the effective date of the decision for attendant care programs and also:
 - negotiate termination with the provider where sudden cessation of treatment or rehabilitation places the claimant at significant risk (e.g. during a course of psychological treatment, removal of equipment or a specific service) and
 - within 10 days of the decision by the insurer advise claimant, claimant's solicitor and service providers in writing (this may include copies of medical reports on which the decision is based) clearly outlining why the insurer terminated payment and

- with the written response provide the claimant and service provider with a copy of the insurer's internal complaint and dispute resolution procedure and the MAA brochure "Resolving medical disputes".

3.9 Home modification requests are acknowledged in writing within 10 days. The insurer must advise the claimant and service provider in writing indicating in principle approval or rejection within three months.

When the request is denied the insurer will:

- advise the claimant, claimant's solicitor and service provider in writing clearly outlining the reasons why the insurer considers the request not to be reasonable and necessary, not properly verified or not related to the accident (this may include copies of medical reports on which the decision is based), and
- provide to the claimant with the written response a copy of the insurer's internal complaint and dispute resolution procedure and the MAA brochure "Resolving Medical Disputes".

Phase 4 – Monitoring and evaluation of treatment, rehabilitation and attendant care programs

Principle

Ongoing monitoring and evaluation ensures that treatment, rehabilitation and attendant care programs continue to address the needs of claimants to maximise their independence.

Standard

The insurer has an effective system for monitoring the progress of claimants and for reviewing their continuing treatment, rehabilitation, attendant care and achievement of agreed outcomes.

Criteria

Policies and practices ensure:

- 4.1 The insurer has a system in place for ongoing monitoring of claimant files and reassessment of claimant needs.
- The claimant's progress is documented and regularly monitored by the rehabilitation adviser and/or the designated claims officer
 - The insurer should establish a system governing the regular submission of reports by providers, the level of detail required and evidence of the claimant's progress according to their individual plans and agreed outcomes.

N.B. Time frames for submission of progress reports may vary according to the nature of service and the nature and complexity of the claim.

- 4.2 The insurer has an appropriate system in place to review all claims involving a spinal cord injury or brain injury at least every six months and to review claimant files and reassess claimant needs where:
- review of a case after 6-12 months is indicated, or
 - there may be a change in circumstances. For example, when there is a transition between education facilities (i.e., between primary and high school), or from education to employment.
- 4.3 The reopening of cases should be in accordance with established criteria so that there is the opportunity to review and/or reopen any case after completion of rehabilitation programs and prior to settlement where there has been a change in circumstances.

NATIONAL PARKS AND WILDLIFE ACT 1974

Kosciuszko National Park
Draft Plan of Management

A draft plan of management for the above park has been prepared and is available free of charge by contacting NPWS, Kosciuszko Plan of Management Office, on 1800 200 208, or logging on to the NPWS website at www.nationalparks.nsw.gov.au.

The draft plan is also available for inspection at the following locations:

- NPWS Head Office Library, Level 7, 43 Bridge Street, Hurstville, SYDNEY
- NPWS offices and/or visitor centres:
 - 7 Adelong Road, TUMUT
 - 6 Rutledge Street, Queanbeyan
 - Kosciuszko Road, Jindabyne
 - Scott Street, Khancoban
 - 119 Maybe Street, Bombala

Written submissions on the draft plan must be received at the National Parks and Wildlife Service, Kosciuszko Plan of Management, PO Box 733, Queanbeyan NSW 2620 by Friday 20 August 2004.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on this draft plan of management may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

National Parks and Wildlife Service is part of the Department of Environment and Conservation.

NEW ZEALAND TRANS-TASMAN MUTUAL RECOGNITION ACT 1997

Endorsement of Proposed Regulations

AS the designated person for the State of New South Wales, and in recognition with section 75 of the New Zealand Trans-Tasman Mutual Recognition Act 1997 ("the New Zealand Act"), I endorse the terms of the proposed regulations set out below for the purpose of section 87 (2) of the New Zealand Act.

Dated: 10 May 2004

BOB CARR,
Premier

TRANS-TASMAN MUTUAL RECOGNITION
(REVIVAL OF TEMPORARY EXEMPTION FOR
WATER HEATERS) REGULATIONS 2004

, Governor-General

ORDER IN COUNCIL

At Wellington this day of 2004.

Present:

IN COUNCIL

Pursuant to section 87 (1) (a) of the Trans-Tasman Mutual Recognition Act 1997, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and in accordance with the recommendation of the Minister of Commerce (being satisfied as to the matters required by section 87 (2) of that Act) makes the following regulations.

REGULATIONS

1 Title

These regulations are the Trans-Tasman Mutual Recognition (Revival of Temporary Exemption for Water Heaters) Regulations 2004.

2 Commencement

These regulations come into force on gazettal.

3 Interpretation

In these regulations, unless the context otherwise requires,

Efficiency Regulations means the Energy Efficiency (Energy Using Products) Regulations 2002

Water heaters means goods in the product classes "Low-pressure copper thermal storage electric water heaters" or "Storage water heaters (electrically heated)" in Schedule 1 of the Efficiency Regulations; but does not include cylinders designed specifically for use with a solar collector or mains pressure cylinders with 3 or more heating elements.

4 Temporary exemptions

- (1) Regulations 4 and 5 of the Efficiency Regulations are exempted from the Act to the extent that they apply to water heaters.
- (2) The period of exemption is the period from the making of these regulations to the close of 31 January 2005.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on gazettal, exempt, until the close of 31 January 2005, regulations 4 and 5 of the Energy Efficiency (Energy Using Products) Regulations 2002 from the Trans-Tasman Mutual Recognition Act 1997 to the extent that those regulations apply to certain water heaters.

Under the Act, a product that is produced in, or imported into, Australia and that can be sold in Australia may also be sold in New Zealand, even though it may not comply with a more stringent New Zealand standard or other requirement for that product. From 1 February 2003 (when the relevant New Zealand standards came into force), Australia's minimum energy performance standards for electric storage water heaters have been less stringent than the New Zealand standards set out in the Energy Efficiency (Energy Using Products) Regulations 2002. This potentially jeopardises the New Zealand Government's energy efficiency objectives, with potential adverse effects on the environment. Therefore, a temporary 12-month exemption in relation to water heaters was granted under the Trans-Tasman Mutual Recognition (Temporary Exemption) Regulation 2003, with the result that all water heaters sold in New Zealand must meet the New Zealand standards set out in the Energy Efficiency (Energy Using Products) Regulations 2002.

The effect of these regulations is that for a period from the making of these regulations until the close of 31 January 2005, the exemption is revived so that the water heaters to which these regulations apply, whether capable of being sold in Australia or not, must comply with regulations 4 and 5 of the Energy Efficiency (Energy Using Products) Regulations 2002.

PESTICIDES ACT 1999

Notice under Section 48 (4)

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

ALAN RITCHIE,
Manager Dangerous Goods,
Environment Protection Authority
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr JOHN KIWA LAMB 3 ORMSTON RD STAWELL VIC 3380	18 May 2004

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

Notice of Compulsory Acquisition of Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the 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 Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988 being for the Parramatta Transport Interchange.

The Minister responsible for the Transport Infrastructure Development Corporation is satisfied that the Transport Infrastructure Development Corporation requires immediate vacant possession of the land described in the Schedule.

Dated this 18th day of February 2004

JOHN BARRACLOUGH,
Chief Executive

SCHEDULE

All that piece or parcel of land situate at Parramatta in the Local Government Area of Parramatta, Parish of St John, County of Cumberland and State of New South Wales, being that part of the land comprised in Argyle Street and Wentworth Street and Folio Identifier 2/857877 shown as Lot 100 in plan registered number PRL-SK3050A in the office of the Transport Infrastructure Development Corporation having an area of 5848 square metres or thereabouts and said to be in the possession of Parramatta City Council.

TIDC Reference:

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

Notice of Compulsory Acquisition of an Interest in
Land for the Purposes of the Transport Infrastructure
Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the interest defined in Schedule 1 of this notice as amended in Schedule 2 of this notice in the land described in Schedule 3 of this notice is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988, being for the Parramatta Transport Interchange.

The Minister responsible for the Transport Infrastructure Development Corporation is satisfied that the Transport Infrastructure Development Corporation requires immediate vacant possession of the land described in the Schedules.

Dated this 18th day of February 2004

JOHN BARRACLOUGH,
Chief Executive

SCHEDULE 1
(Interest)

A lease on the terms set out in Memorandum 8708752 for a term specified in Memorandum 8708752 and commencing on the date on which the notice of acquisition is published in the New South Wales Government Gazette. The Lease shall, in respect of the parcels of land described in Schedule 2, be between the registered proprietors of the parcels of land described in Schedule 3 (as lessors) and the Transport Infrastructure Development Corporation (as lessee).

SCHEDULE 2

For the purposes of this notice Memorandum 8708752 is amended as follows:

- 1.1 Definitions –
 - the definition of “Authority” means the Transport Infrastructure Development Corporation, as constituted from time to time, and includes its successors and assigns and any administrator thereof or other person appointed by or on behalf of the New South Wales Government or any Minister thereof any body in which the Authority is merged or which as at the relevant time substantially fulfils the functions of the Authority.
 - the definition of “Terminating Date” means the date being the earlier of:
 - (a) 22 months from the Commencing Date; and
 - (b) the date determined by clause 9.2

SCHEDULE 3
(Land)

All that piece or parcel of land situate at Parramatta in the Local Government Area of Parramatta Parish of St John County of Cumberland and State of New South Wales being that part of Darcy Street shown hatched red on plan

registered number PRL-SK3055 in the office of the Transport Infrastructure Development Corporation said to be in the possession of Parramatta City Council.

TIDC Reference:

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

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

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

The Minister responsible for Rail Corporation New South Wales is satisfied that Rail Corporation New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 27th day of April 2004.

VINCE GRAHAM,
Chief Executive Officer

SCHEDULE

All that piece or parcel of land situate at St Peters in the Local Government Area of Marrickville Parish of Petersham County of Cumberland and State of New South Wales being Lot 1 in Deposited Plan 1063121 having an area of 256 square metres or thereabouts and said to be in the possession of the Permanent Trustee Company Limited and the Estate of the Late Alfred Talbot as Tenants in Common.

Exclusive of (A) Pipeline Easement 1 Wide (D.P.499028).

SRA reference: 005288

**TRANSPORT ADMINISTRATION ACT 1988
No. 109**

THE Minister for Transport Services has approved the closure of the following railway level crossing under section 99B of the Transport Administration Act 1988 No. 109:

- Mount Murray, Mount Murray Road on the Unanderra to Moss Vale rail corridor at rail kilometres 118.788
- Faulconbridge, Private Level Crossings on the Main Western rail corridor at rail kilometres 84.611 and 84.993
- Marulan, Private Level Crossings on the Main Southern rail corridor at rail kilometres 193.986 and 195.234
- Near Bengalla Colliery, Private Level Crossing on the Muswellbrook to Gulgong Branch rail corridor at rail kilometres 296.543

All rights, easements and privileges in relation to these rail level crossings are now extinguished.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

CABONNE COUNCIL

Renaming of Public Roads – Barretts Road, Kildara Road and Puzzle Flat Lane

NOTICE is hereby given that Cabonne Council, in pursuance of section 162 of the Roads Act 1993 has renamed the roads described hereunder.

<i>Description of Road</i>	<i>New Name</i>
Barrett's Road (Garra).	Barretts Road.
Wongalee Road.	Kildara Road.
north off Mt Pleasant Road.	Puzzle Flat Lane.

Authorised by resolution of Council on 19th April, 2004.
G. L. P. FLEMING, General Manager, Cabonne Council,
PO Box 17, Molong, NSW 2866. [0332]

HASTINGS COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Hastings Council declares, with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Port Macquarie this 17th day of May 2004. BERNARD SMITH, General Manager, Hastings Council.

SCHEDULE

Lots 101 and 102, DP 1057790. [0333]

HASTINGS COUNCIL

Roads Act 1993

Dedication of Land as Public Road

NOTICE is given that pursuant to section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated as public road. BERNARD SMITH, General Manager, Hastings Council.

SCHEDULE

Lots 101 and 102, DP 1057790, Parish of Jasper, County of Macquarie, being land at Mount Seaview. [0334]

HORNSBY SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Hornsby Shire Council declares, with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits

of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Hornsby this 13th day of May 2004. R. J. BALL, General Manager, Hornsby Shire Council, c.o. Michell Sillar Attorneys, PO Box 6584, Baulkham Hills Business Centre, NSW 2153.

SCHEDULE

Lots 9 and 10, DP 1047718. [0328]

KYOGLE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Kyogle Council declares, with the approval of His Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of roads. Dated at Kyogle, 19th September, 2001. K. DAVIES, General Manager, Kyogle Council, c.o. John F. Gibson, Solicitor, 82 Summerland Way, Kyogle, NSW 2474.

SCHEDULE

Lot 117 and Lot 118, DP 873899. [0329]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 162.1

Proposed Renaming of Roads – Heritage Drive and Vantage Circuit

NOTICE is hereby given by Council, in pursuance of section 162.1 of the Roads Act 1993, as amended, proposes to rename the roads shown hereunder.

<i>Location</i>	<i>Name</i>
Unnamed road fronting the southern boundary of Lot 59, DP 755262, starting at the intersection of Dunbar Road and heading in a westerly direction for approximately 300 metres.	Heritage Drive.
Unnamed road at the south-western corner of Lot 59, DP 755262, starting at the intersection of proposed road Heritage Drive and heading in a northerly direction for approximately 100 metres.	Vantage Circuit.

A period of one (1) month from the date of publication of this notice is allowed, during which time any person may lodge with Council, written objection to the proposed naming. Any objections should set out fully the reasons for such objections. For further information contact Margaret Cumpson on tel. (02) 4921 0323. KEN HOLT, General

Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre, NSW 2310. [0330]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 162.1

Proposed Naming of Roads in Subdivisions – Natasha Place, Vantage Circuit, Tianie Street, Lakeaire Circuit, Extension of Dunbar Road and Extension of Kinross Avenue

NOTICE is hereby given by Council, in pursuance of section 162.1 of the Roads Act 1993, as amended, proposes to name the roads shown hereunder.

<i>Location</i>	<i>Name</i>
Lot 12, DP 343815, Freemans Drive, Morisset.	Natasha Place.
Lots 59 and 114, DP 755262, Dunbar Road, Cameron Park.	Vantage Circuit. Tianie Street. Lakeaire Circuit. Extension of Dunbar Road. Extension of Kinross Avenue.

A period of one (1) month from the date of publication of this notice is allowed, during which time any person may lodge with Council, written objection to the proposed naming. Any objections should set out fully the reasons for such objections. For further information contact Stephen Pichaloff on tel. (02) 4921 0534. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre, NSW 2310. [0331]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Lake Macquarie City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Speers Point this 4th day of May 2004. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre, NSW 2310.

SCHEDULE

Lot 36 in Deposited Plan 1017406. Lots 50 and 53 in Deposited Plan 1017175. Lot 2 in Deposited Plan 1017178. [0335]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Lake Macquarie City Council, in pursuance of section 10 of the Roads Act 1993,

dedicates the land held by it and described in the Schedule below as public road. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre, NSW 2310.

SCHEDULE

Lot 36 in Deposited Plan 1017406. Lots 50 and 53 in Deposited Plan 1017175. Lot 2 in Deposited Plan 1017178. [0336]

LOCKHART SHIRE COUNCIL

Roads Act 1993, Section 162

Erratum

THE notice appearing in *Government Gazette* No. 83, dated 14th May, 2004, Folio 2898 is hereby amended by deleting the words "Gilmores Lane" from the column headed New Name and inserting the words "Gilmours Lane" in lieu thereof. G. R. JONES, General Manager, Lockhart Shire Council, 69 Green Street, Lockhart, NSW 2656. [0337]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Tweed Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of road works. Dated at Murwillumbah this 16th day of February 2004 by John Griffin, General Manager.

SCHEDULE

Lot 1, DP 1060215. [0338]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition

THE Tweed Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of a new bridge and road works. Dated at Murwillumbah this 16th day of February, 2004 by John Griffin, General Manager.

SCHEDULE

Lots 1, 2 and 3, DP 1060253. [0338]

HAWKESBURY CITY COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Unpaid Rates and Charges

NOTICE is hereby given to the person(s) and companies named hereunder that the Council of the City of Hawkesbury has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person(s) or companies named, appear to the Council to be the registered owner(s) or to have interest in the land on which the amount of rates and charges stated in each case as at 28th February 2004 is due:

<i>Registered Owner(s) or Person(s) or Company appearing to have interest in the land</i>	<i>Description of the subject land</i>	<i>Amount of Rates and Charges (including extra charges) overdue for more than five (5) years (\$) (c)</i>	<i>Amount of all other rates and charges (including extra charges) payable and unpaid (\$) (d)</i>	<i>Total Due (\$) (e)</i>
<i>(a)</i>	<i>(b)</i>			
Miguel Alejandro GONZALEZ and Oscar Francisco GONZALEZ	Lot 9, DP 247973, 9 Pinedale Place, Kurrajong Heights, NSW 2758, Parish of Kurrajong, County of Cook.	\$615.50	\$3,738.09	\$4,353.59
Anna DUNDLER	Lot 16, DP 238403, 278 Terrace Road, North Richmond, NSW 2754, Parish of Currency, County of Cook.	\$799.17	\$10,508.60	\$11,307.77
Christopher John CURRAN and Pamela Gay BLISS	Lot 2, DP 827699, 129 Porpoise Crescent, Bligh Park, NSW 2756, Parish of St Matthew, County of Cumberland.	\$2,914.89	\$5,821.81	\$8,736.70
Lewis STUART	Lots 1 and 2, DP 129614, Singleton Road, Upper Colo, Parish of Colo, County of Hunter.	\$428.28	\$1,790.57	\$2,218.85
Leon Marcel HYDEGGER	Lot 10, DP 136867, 2813 Bells Line of Road, Bilpin, NSW 2758, Parish of Bilpin, County of Cook.	\$1,666.72	\$7,355.59	\$9,022.31
George Albert CLEEVE	Lot 1, DP 668098, Kaldow Lane, Grose Vale, NSW 2753, Parish of Kurrajong, County of Cook.	\$1,604.59	\$3,169.02	\$4,773.61
MARSHFIELD INVESTMENTS PTY LIMITED	Lot 30, DP 132737, Singleton Road, East Kurrajong, NSW 2758, Parish of Meehan, County of Cook.	\$53.73	\$1,375.08	\$1,428.81

In default of payment to the Council of the City of Hawkesbury of the amount stated in Column (e) above and any other rates and charges (including extra charges) becoming due and payable before the time fixed for the sale, the said land will be offered for sale by public auction, to be conducted by Bennett Property at the Windsor Function Centre, Dight Street, Windsor NSW 2756, on Thursday, 26th August, 2004 at 7.00 p.m. G. J. FAULKNER, General Manager, Hawkesbury City Council. [0340]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BRIAN EARNSHAW late of Castle Hill in the State of New South Wales, who died on 15th March, 2004 must send particulars of his claim to the executrix, Amanda Newth, c.o. Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 5th May, 2004. BARTON & CO., Solicitors, Polaris, 128/121-133 Pacific Highway, Hornsby, NSW 2077, tel.: (02) 9476 1744. [0341]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BRIAN MARTIN WYLLIE late of Avalon in the State of New South Wales, teacher, who died on 9th March, 2004 must send particulars of his claim to the executrix, Sharon Lee Dawes (in the Will called Sharon Lee Wyllie), c.o. John G. Burton & Associates, Solicitors, 16 Adelaide Street, East Gosford within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 6th May, 2004. JOHN G. BURTON & ASSOCIATES, Solicitors, 16 Adelaide Street, East Gosford, NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899. [0342]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MINNA DOROTHY SENIOR late of Wingham in the State of New South Wales, who died on 15th December, 2003 must send particulars of his claim to the executors, Janet Alison Dash and Robert Gleadhill Senior, c.o. McKerns, Solicitors, 43 Isabella Street, Wingham 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 7th May, 2004. MCKERNS, Solicitors, 43 Isabella Street, Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922. [0343]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOCELYN MELVA STEVENSON late of Drummoyne in the State of New South Wales, who died on 4th January, 2004 must send particulars of his claim to the executor, c.o. 9/3 Harbourview Crescent, Abbotsford 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 29th April, 2004. [0344]

COMPANY NOTICES

NOTICE of final extraordinary general meeting.—VOKALA PTY LIMITED (in voluntary liquidation), ACN 002 076 271.—Notice is hereby given that the final extraordinary general meeting of the abovenamed company will be duly convened and held at the offices of Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale on 14th June, 2004. The final accounts for the winding up of the company will be presented. Dated this 11th day of May 2004. KEVIN JOHN PIKE, Liquidator, c.o. Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale, NSW 2350, tel.: (02) 6774 8400. [0345]

NOTICE of special resolution.—FRONTAGE PTY LIMITED, ACN 001 085 650.—At a general meeting of members of Frontage Pty Limited, duly convened and held at Level 8, 10 Spring Street, Sydney on 18th May, 2004 the special resolution set out below was duly passed. Special Resolution: "That the company be wound up voluntarily and that David Bouchier Dickson of Level 8, 10 Spring Street, Sydney be appointed liquidator for the purposes of such winding up." Dated this 18th day of May 2004. DAVID B. DICKSON, Liquidator, c.o. David B. Dickson & Co., Chartered Accountants, Level 8, 10 Spring Street, Sydney, NSW 2000, tel.: (02) 9221 7566. [0346]

TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

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

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