



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 38

Friday, 1 April 2005

Published under authority by Government Advertising and Information

LEGISLATION

Proclamations



New South Wales

Proclamation

under the

Dams Safety Act 1978 No 96

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 27 (1) of the *Dams Safety Act 1978*, do, by this my Proclamation, amend Schedule 1 to that Act:

(a) by inserting in alphabetical order of names of dams the following matter:

A H Whaling Reserve Detention Basin	Quarry Creek, Baulkham Hills
Abbotsbury Park Pond 2	Unnamed creek, Cecil Hills
Ashton Tailings	Near Singleton
Bakers Road Detention Basin	Tributary of Coffs Creek, Coffs Harbour
Cowal Lake Protection Bund	Near Lake Cowal
Cowal Tailings Storage Facility	Near Lake Cowal
Glennies Creek Colliery Pit Water	Tributary of Glennies Creek, Oak Park
Hunter Valley Operations Nth Pit Tailings	Near Singleton
Mt Annan Wetland No 1	Narellan Creek, Camden
Mt Owen Stage 5 Tailings	Near Singleton
Mt Thorley 24 Ministrip	Near Singleton
Tritton Tailings	Near Nyngan
Warkworth North Pit Tailings	Near Singleton

Proclamation

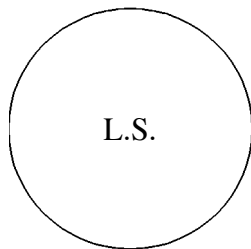
Explanatory note

(b) by omitting the following matter:

Donaldson Coal Dirty Water	Tributary of Weakley's Flat Creek, Beresfield
Dunn Swamp	Cudgegong River near Kandos
Potts Hill Reservoir No 1	Off-stream storage near Lidcombe
Stratford Coal	Stratford Coal Project near Gloucester

Signed and sealed at Sydney, this 2nd day of March 2005.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Natural Resources

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to amend Schedule 1 to the *Dams Safety Act 1978* (Prescribed dams):

- (a) to add the names of dams to the list of prescribed dams under the Act so as to enable the Dams Safety Committee to exercise certain powers in relation to those dams (including issuing notices requiring work to be done in relation to the safety of those dams), and
- (b) to omit the names of other dams from the list.

This proclamation is made under section 27 (1) of the Act.



New South Wales

Proclamation

under the

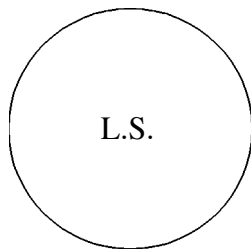
Licensing and Registration (Uniform Procedures) Amendment
(Photo ID) Act 2004 No 105

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 *Licensing and Registration (Uniform Procedures) Amendment (Photo ID) Act 2004* do, by this my Proclamation, appoint 4 April 2005 as the day on which that Act (except so much of Schedule 1 [5] as would insert section 80C (3) into the *Licensing and Registration (Uniform Procedures) Act 2002*) commences.

Signed and sealed at Sydney, this 30th day of March 2005.

By Her Excellency's Command,



BOB CARR, M.P.,
Premier

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

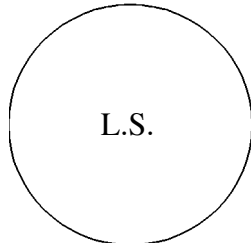
NSW Self Insurance Corporation Act 2004 No 106

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 *NSW Self Insurance Corporation Act 2004*, do, by this my Proclamation, appoint 1 April 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 23rd day of March 2005.

By Her Excellency's Command,



ANDREW REFSHAUGE, M.P.,
Treasurer

GOD SAVE THE QUEEN!

Regulations



New South Wales

Casino Control Amendment (Smoking) Regulation 2005

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

GRANT McBRIDE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Casino Control Regulation 2001* to permit a licensee or his or her employee to turn out, or cause to be turned out, of licensed premises that are part of the casino or casino environs, any person who smokes, within the meaning of the *Smoke-free Environment Act 2000*, while on any part of the licensed premises that is a smoke-free area within the meaning of that Act. The amendment, which is made to clause 103 of Schedule 6 to the *Casino Control Regulation 2001*, brings that clause into line with section 103 of the *Liquor Act 1982* which was amended by the *Smoke-free Environment Amendment Act 2004*.

This Regulation is made under the *Casino Control Act 1992*, including sections 89 and 170 (the general regulation-making power).

Clause 1 Casino Control Amendment (Smoking) Regulation 2005

Casino Control Amendment (Smoking) Regulation 2005

under the

Casino Control Act 1992

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Smoking) Regulation 2005*.

2 Amendment of Casino Control Regulation 2001

The *Casino Control Regulation 2001* is amended by inserting after clause 103 (1) (d) of Schedule 6:

- (d1) who smokes, within the meaning of the *Smoke-free Environment Act 2000*, while on any part of the licensed premises that is a smoke-free area within the meaning of that Act, or



New South Wales

Charitable Fundraising Amendment (Exempt Organisations) Regulation 2005

under the

Charitable Fundraising Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Charitable Fundraising Act 1991*.

GRANT McBRIDE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to exempt Church Missionary Society—New South Wales Incorporated, Cornerstone Community Incorporated and In Network Australia Inc from the provisions of the *Charitable Fundraising Act 1991* (apart from section 48, which deals with remuneration of board members of charitable organisations).

This Regulation is made under the *Charitable Fundraising Act 1991*, including sections 7 (1) (b) and 55 (the general regulation-making power).

Clause 1 Charitable Fundraising Amendment (Exempt Organisations) Regulation
2005

Charitable Fundraising Amendment (Exempt Organisations) Regulation 2005

under the

Charitable Fundraising Act 1991

1 Name of Regulation

This Regulation is the *Charitable Fundraising Amendment (Exempt Organisations) Regulation 2005*.

2 Amendment of Charitable Fundraising Regulation 2003

The *Charitable Fundraising Regulation 2003* is amended as set out in Schedule 1.

Charitable Fundraising Amendment (Exempt Organisations) Regulation
2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 7 Religious organisations exempt from Act

Insert after clause 7 (c):

- (c1) Church Missionary Society—New South Wales
Incorporated
- (c2) Cornerstone Community Incorporated

[2] Clause 7 (f1)

Insert after clause 7 (f):

- (f1) In Network Australia Inc



New South Wales

Food Amendment (Analysts) Regulation 2005

under the

Food Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 2003*.

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

Explanatory note

The object of this Regulation is to prescribe a fee to accompany an application for approval to carry out analyses for the purposes of the *Food Act 2003*.

This Regulation is made under the *Food Act 2003*, including sections 81 (3) (b) and 139 (the general regulation-making power).

Clause 1 Food Amendment (Analysts) Regulation 2005

Food Amendment (Analysts) Regulation 2005

under the

Food Act 2003

1 Name of Regulation

This Regulation is the *Food Amendment (Analysts) Regulation 2005*.

2 Amendment of Food Regulation 2004

The *Food Regulation 2004* is amended as set out in Schedule 1.

Food Amendment (Analysts) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 8A

Insert after clause 8:

8A Fee for application for approval as analyst

For the purposes of section 81 (3) (b) of the Act, the prescribed fee to accompany an application for an approval under Division 4 of Part 6 of the Act is \$50.



New South Wales

Food (Plant Products Food Safety Scheme) Regulation 2005

under the

Food Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 2003*.

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

Explanatory note

The object of this Regulation is to prescribe a food safety scheme for certain plant products. This Regulation includes provisions relating to the following:

- (a) requirements that a person obtain a licence to carry on a business involving the handling of certain plant products, being fresh cut fruit, fresh cut vegetable, vegetables in oil, unpasteurised juice or seed sprouts,
- (b) licences, including applications for licences, conditions of licences and suspension and cancellation of licences,
- (c) the preparation and certification of food safety programs for plant products businesses,
- (d) the sampling and analysis of plant products,
- (e) inspections and audits of plant products businesses by officers of the NSW Food Authority,
- (f) the establishment of a New South Wales Plant Products Industry Committee for the purposes of carrying out industry consultation required by the *Food Act 2003*,
- (g) the setting of fees by the NSW Food Authority for the purposes of this Regulation,
- (h) the issue of penalty notices for certain offences.

This Regulation is made under the *Food Act 2003*, including sections 102, 120 and 139 (the general regulation-making power).

This Regulation refers to the *Food Standards Code* of the Commonwealth and to the *Plant Products Manual* published by the NSW Food Authority.

Food (Plant Products Food Safety Scheme) Regulation 2005

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	4
2 Commencement	4
3 Plant Products Food Safety Scheme	4
4 Definitions	4
5 Application of Regulation to fresh cut fruit and vegetable, seed sprouts and juices	5
6 Meaning of "plant products business"	5
Part 2 Handling of plant products	
7 Plant products business to be licensed to carry out activities	7
Part 3 Licensing of plant products businesses	
8 Application for licence	8
9 Issue of licences	8
10 Duration of licence	9
11 Additional conditions of licence	9
12 Variation of terms and conditions of licence	9
13 Suspension or cancellation of licence	10
14 Licence not transferable	11
15 Renewal of licence	11
16 Display of licence	12
17 Review of decisions	12
Part 4 Food safety programs	
18 Content of food safety program	13
19 Certification of food safety program	13
Part 5 Sampling and analyses	
20 Plant products business to undertake analyses of plant products	14
21 Reports of analyses	14
22 Charges for analyses	15
Part 6 Inspections and audits	
23 Inspections and audits in relation to plant products businesses	16
24 Fees and charges for inspections and audits	16

Food (Plant Products Food Safety Scheme) Regulation 2005

Contents

	Page	
Part 7	Industry consultation	
25	New South Wales Plant Products Industry Committee	17
Part 8	Miscellaneous	
26	Approved fees	18
27	Offences	18
28	Penalty notice offences and penalties	18
29	Savings and transitional provisions	18
Schedule 1	Penalty notices	19
Schedule 2	Savings and transitional provisions	20

Clause 1	Food (Plant Products Food Safety Scheme) Regulation 2005
Part 1	Preliminary

Food (Plant Products Food Safety Scheme) Regulation 2005

under the

Food Act 2003

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Food (Plant Products Food Safety Scheme) Regulation 2005*.

2 Commencement

This Regulation commences on 1 April 2005.

3 Plant Products Food Safety Scheme

The provisions of this Regulation are prescribed as a food safety scheme for the purposes of section 102 of the Act.

4 Definitions

(1) In this Regulation:

approved fee, in relation to a particular provision of this Regulation, means the fee approved by the Food Authority under clause 26 for the purposes of that provision.

food safety program for a plant products business means a food safety program certified by the Food Authority under Part 4 for the plant products business.

fresh cut fruit means any fruit that has been processed in some way such as by trimming, cutting, slicing, peeling or pulling apart, but is still raw.

fresh cut vegetable means any vegetable that has been processed in some way such as by trimming, cutting, slicing, peeling or pulling apart, but is still raw.

licence means a licence in force under this Regulation.

pasteurisation means, in relation to food of any kind:

- (a) heating the food to a temperature of no less than 72 degrees Celsius and retaining the food at that temperature for no less than 15 seconds, or

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 5

Preliminary

Part 1

- (b) treating the food using a technology or method that produces an equivalent lethal effect on microorganisms present in the food as that provided by the method referred to in paragraph (a).

plant product means fresh cut fruit, fresh cut vegetable, vegetables in oil, unpasteurised juice or seed sprouts.

plant products business is defined in clause 6.

Plant Products Manual means the document of that name published by the Food Authority, as in force from time to time.

seed sprouts means sprouted seeds or beans.

the Act means the *Food Act 2003*.

unpasteurised juice means fruit or vegetable juice, or a mixture of such juice, that has not been subject to pasteurisation.

vegetables in oil means fruits, vegetables or herbs, or a combination of any of those, immersed in oil, whether in whole or in part.

- (2) Notes included in this Regulation do not form part of this Regulation.

5 Application of Regulation to fresh cut fruit and vegetable, seed sprouts and juices

- (1) This Regulation does not apply to the carrying on of a plant products business to the extent to which the business involves the handling of a plant product (other than vegetables in oil) that the person carrying on the business reasonably believes:
- (a) will be further processed in a way that will convert it from being a plant product and reduce the risk of microbiological contamination in it before it is supplied to a consumer, or
 - (b) will be in packaging, when supplied to a consumer, that indicates that the plant product is not ready to consume until it is further processed in a way that will reduce the risk of microbiological contamination in it.
- (2) For the purposes of subclause (1), the risk of microbiological contamination is taken to be reduced:
- (a) in fresh cut fruit, fresh cut vegetable and seed sprouts by cooking or by a process equivalent in its effectiveness, or
 - (b) in unpasteurised juice by pasteurisation or by a process equivalent in its effectiveness.

6 Meaning of “plant products business”

In this Regulation, *plant products business* means a business involving the handling of plant products, but only if any of the following activities are carried out in the course of that business:

Clause 6 Food (Plant Products Food Safety Scheme) Regulation 2005
Part 1 Preliminary

- (a) the extraction of juice from vegetables or fruits without pasteurising the juice,
- (b) the processing of seed sprouts, fruits or vegetables to produce plant products, including (but not limited to) cutting, peeling, preserving and cooking,
- (c) the storage of plant products,
- (d) the distribution of plant products,
- (e) the transportation of plant products,
- (f) the packaging of plant products.

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 7

Handling of plant products

Part 2

Part 2 Handling of plant products

7 Plant products business to be licensed to carry out activities

- (1) A person must not carry on a plant products business unless the person holds a licence for the plant products business.
- (2) Subclause (1) does not apply to a plant products business if the Food Authority has issued an exemption in writing from the operation of that subclause in relation to that business and the exemption has not been revoked by the Food Authority.
- (3) The Food Authority may issue an exemption under subclause (2) only if it is of the opinion that the plant products business concerned is of a class identified in the Plant Products Manual as not requiring licensing.

Clause 8	Food (Plant Products Food Safety Scheme) Regulation 2005
Part 3	Licensing of plant products businesses

Part 3 Licensing of plant products businesses

8 Application for licence

- (1) A person may apply to the Food Authority for a licence to carry on a plant products business.
- (2) An application for a licence must:
 - (a) be made in a form approved by the Food Authority, and
 - (b) be accompanied by the approved fee for the application and the approved fee for the licence, and
 - (c) comply with any other requirements of this Regulation relating to applications for licences, and
 - (d) be accompanied by such information as the Food Authority requires to determine the application.
- (3) The Food Authority may require further information to be provided by the applicant if the Food Authority considers that the information is necessary to determine the application.

9 Issue of licences

- (1) The Food Authority may, after considering an application for a licence:
 - (a) grant the application, with or without conditions, or
 - (b) refuse the application.
- (2) Without limiting the grounds on which the Food Authority may refuse a licence, the Food Authority must not grant a licence unless satisfied that the applicant for the licence has prepared a proposed food safety program for the plant products business concerned that complies with clause 18.
- (3) The requirement for the preparation of a proposed food safety program referred to in subclause (2) does not apply to a plant products business identified as exempt from that requirement in the Plant Products Manual.
- (4) If the Food Authority grants an application for a licence, it must issue the licence to the applicant in a form that sets out the following:
 - (a) the activities authorised by the licence,
 - (b) the premises or vehicles on or in which such activities may be conducted,
 - (c) the conditions to which the licence is subject.

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 10

Licensing of plant products businesses

Part 3

-
- (5) If the Food Authority refuses an application for a licence, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.
 - (6) If the Food Authority refuses an application for a licence, it is to refund the approved fee for the licence that has been submitted by the applicant.

10 Duration of licence

- (1) A licence has effect for a period of one year after the date on which the licence was issued or last renewed, except during any period of suspension or unless sooner cancelled.
- (2) Despite subclause (1), if an application for renewal of a licence is made in accordance with this Regulation but the application is not finally determined before the expiry of the licence, the licence continues in force if not suspended or sooner cancelled until the application is finally determined.

11 Additional conditions of licence

In addition to any conditions of a licence imposed by the Food Authority under clause 9, it is a condition of a licence that the holder of the licence ensure that the provisions of the Act, this Regulation and the Food Standards Code are complied with in relation to the carrying on of any activity authorised by the licence and any premises or vehicle to which the licence relates.

12 Variation of terms and conditions of licence

- (1) The Food Authority may vary any term of a licence or any condition imposed by the Food Authority on a licence.
- (2) The Food Authority may vary a term or condition of a licence only after having given the holder of the licence written notice of its intention to vary the term or condition setting out its reasons.
- (3) The notice must include a statement that the holder of the licence concerned may make submissions to the Food Authority in relation to the proposed variation within 14 days after the date of the notice.
- (4) Subclauses (2) and (3) do not apply to the variation of a term or condition of a licence at the request of the holder of the licence.
- (5) A variation of a term or condition of a licence:
 - (a) must be made by notice in writing, and
 - (b) must be served on the holder of the licence, and

Clause 13	Food (Plant Products Food Safety Scheme) Regulation 2005
Part 3	Licensing of plant products businesses

- (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
- (6) The Food Authority may charge the holder of a licence who applies for a variation of the terms or conditions of the licence:
 - (a) an approved fee for the application, and
 - (b) if the Food Authority considers that any inspection or audit is required to enable it to determine the application properly, a charge for the inspection or audit in accordance with clause 24.
- (7) If the Food Authority varies a term or condition of a licence, it is to issue the holder of the licence with a replacement licence that takes account of the variation.

Note. A holder of a licence will need to apply to the Food Authority for a variation under this clause of a term or condition of the licence if, for example, the holder proposes to change the activities authorised by the licence or the premises or vehicles on or in which such activities are conducted.

13 Suspension or cancellation of licence

- (1) The Food Authority may suspend or cancel a licence:
 - (a) if the Food Authority is satisfied that the suspension or cancellation is necessary to avert a potential threat to food safety, or
 - (b) if the Food Authority is satisfied that there has been a contravention of any provision of the Act or this Regulation, or
 - (c) if the Food Authority is satisfied that a condition to which the licence is subject has been contravened, or
 - (d) if the Food Authority is of the opinion that the food safety program for the plant products business is inadequate or is not being properly implemented, or
 - (e) if any amount due to the Food Authority under the Act by the holder of the licence is unpaid, or
 - (f) if the Food Authority is of the opinion that the holder of the licence, or a person involved in the carrying on of the plant products business authorised by the licence, does not have the necessary capacity, experience or qualifications to ensure the safety of food for human consumption, or
 - (g) at the request of the holder of the licence.
- (2) The Food Authority may suspend or cancel a licence only after having given the holder of the licence written notice of its intention to suspend or cancel the licence setting out its reasons.

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 14

Licensing of plant products businesses

Part 3

-
- (3) The notice must include a statement that the holder of the licence concerned may make submissions to the Food Authority in relation to the proposed suspension or cancellation within 14 days after the date of the notice.
 - (4) Subclauses (2) and (3) do not apply to the suspension or cancellation of a licence at the request of the holder of the licence.
 - (5) The suspension or cancellation of a licence:
 - (a) must be made by notice in writing, and
 - (b) must be served on the holder of the licence, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
 - (6) If a licence authorises the carrying on of more than one activity, the Food Authority may suspend the licence to the extent to which it authorises a particular activity or activities to be carried on.
 - (7) If a licence authorises the carrying on of an activity at 2 or more premises or in or on 2 or more vehicles, the Food Authority may suspend the licence to the extent to which it authorises activities to be carried on at particular premises or in or on a particular vehicle.

14 Licence not transferable

A licence is not transferable.

15 Renewal of licence

- (1) The holder of a licence may, not later than 10 days before the expiration of the term of the licence, apply to the Food Authority for renewal of the licence.
- (2) The application is to be accompanied by the approved fee for the licence.
- (3) The Food Authority may, after considering an application for renewal of a licence:
 - (a) grant the application with or without conditions, or
 - (b) refuse the application.
- (4) If the Food Authority grants an application for renewal of a licence, the licence is renewed by the issue of a further licence in a form that sets out the conditions to which the licence is subject.
- (5) If the Food Authority refuses an application for renewal of a licence, the Food Authority must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

Clause 16 Food (Plant Products Food Safety Scheme) Regulation 2005

Part 3 Licensing of plant products businesses

- (6) A written notice of intention to refuse to renew a licence or to impose a condition on a renewed licence must inform the applicant of the applicant's rights of review.
- (7) If the Food Authority refuses an application for renewal of a licence, the Food Authority is to refund the approved fee for the licence that has been submitted by the applicant.

16 Display of licence

- (1) The holder of a licence must ensure that a copy of the licence is displayed on every premises to which the licence relates.
Maximum penalty: 25 penalty units.
- (2) The holder of a licence must ensure that a copy of the licence is carried on every vehicle to which the licence relates.
Maximum penalty: 25 penalty units.

17 Review of decisions

A person may apply to the Administrative Decisions Tribunal for a review of the following decisions:

- (a) a decision to refuse to issue a licence to the person or to renew the person's licence,
- (b) a decision to issue a licence to the person subject to conditions imposed by the Food Authority,
- (c) a decision to vary the conditions of the person's licence or to impose a condition on the person's licence,
- (d) a decision to suspend or cancel the person's licence.

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 18

Food safety programs

Part 4

Part 4 Food safety programs

18 Content of food safety program

A food safety program must:

- (a) comply with the principles and guidelines set out in the document entitled *Hazard Analysis and Critical Control Point (HACCP) System and Guidelines For Its Application* published by the Codex Alimentarius Commission, and
- (b) adequately address measures to be taken to eliminate, or reduce to an acceptable level, food safety hazards reasonably expected to be present in the plant product or products concerned or the handling of the product or products, and
- (c) meet any other requirements notified in writing by the Food Authority to the applicant for a licence or the holder of the licence for the plant products business concerned.

19 Certification of food safety program

- (1) The Food Authority must certify a food safety program for a plant products business to which a licence relates if the Food Authority is satisfied that the food safety program complies with clause 18.
- (2) For the purposes of determining whether a proposed food safety program for a plant products business should be certified, the Food Authority may arrange for an authorised officer to conduct an audit of the food safety program.

Clause 20 Food (Plant Products Food Safety Scheme) Regulation 2005

Part 5 Sampling and analyses

Part 5 Sampling and analyses

20 Plant products business to undertake analyses of plant products

- (1) The holder of a licence must, at the holder's own expense, ensure that samples of plant products handled in the course of the plant products business authorised by the licence are analysed:
 - (a) except as provided by paragraph (b), in accordance with the requirements of the Plant Products Manual, or
 - (b) in accordance with the terms of a notice served on the holder of the licence under subclause (2).

Maximum penalty: 25 penalty units.

- (2) The Food Authority may, by notice in writing served on the holder of a licence, specify the frequency at which analyses are to be carried out for the purposes of this clause and the manner in which they are to be carried out.

21 Reports of analyses

- (1) The holder of a licence must ensure that every analysis carried out for the purposes of clause 20 is carried out in a laboratory approved by the National Association of Testing Authorities, Australia, or by the Food Authority, for the particular type of analysis to be undertaken.

Maximum penalty: 25 penalty units.

- (2) The person in charge of a laboratory in which an analysis for the purposes of clause 20 is carried out must, within 24 hours after the analysis is completed, submit a written report to the Food Authority of the results of the analysis if any pathogen or substance specified in the Plant Products Manual is detected, unless the analysis is the subject of an exemption under subclause (7).

Maximum penalty: 25 penalty units.

- (3) The holder of a licence must, in accordance with subclause (4), notify the Food Authority of the results of any analysis carried out by or on behalf of the holder of the licence (other than an analysis the subject of an exemption under subclause (7)) if:

- (a) any pathogen specified in the Plant Products Manual is detected, or
- (b) the results indicate that any plant product analysed contained a substance at a level in excess of that allowed for that substance by the Food Standards Code or the Plant Products Manual.

Maximum penalty: 25 penalty units.

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 22

Sampling and analyses

Part 5

-
- (4) A notification under subclause (3) must:
 - (a) be made orally as soon as possible after the holder becomes aware of the results of the analysis, and
 - (b) be made in writing within 7 days after the holder becomes aware of the results of the analysis.
 - (5) A person is not excused from a requirement to notify the Food Authority under subclause (3) on the ground that the information provided in the notification might incriminate the person or make the person liable to a penalty.
 - (6) However, any information furnished in such a notification is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against subclause (3).
 - (7) The Food Authority may exempt analyses carried out for the purposes of clause 20 from the operation of subclause (2) or (3) in a particular case or class of cases.
 - (8) An exemption must be in writing and notified to each laboratory or holder of a licence that is affected or, if the exemption affects or may affect a number of laboratories or holders of licences, may instead be published in the Gazette.

22 Charges for analyses

- (1) The charge payable for the carrying out by the Food Authority of any analysis for the purposes of the Act or this Regulation is the amount determined by the Food Authority to be the reasonable costs incurred by the Food Authority in carrying out the analysis or having the analysis carried out on its behalf.
- (2) The charges payable under this clause are payable to the Food Authority.
- (3) The Food Authority may reduce or waive payment of a charge in a particular case or class of cases.

Clause 23 Food (Plant Products Food Safety Scheme) Regulation 2005

Part 6 Inspections and audits

Part 6 Inspections and audits

23 Inspections and audits in relation to plant products businesses

- (1) The Food Authority may arrange for an authorised officer to carry out any or all of the following types of inspection or audit before or after granting a licence in respect of a plant products business:
 - (a) an inspection of the premises and equipment involved in the plant products business, and the activities carried on in the course of the plant products business,
 - (b) an audit of the food safety program, or proposed food safety program, for the plant products business.
- (2) This clause is not intended to limit any powers of an authorised officer to carry out an inspection under Part 4 or 5 of the Act.

24 Fees and charges for inspections and audits

- (1) The fees and charges payable for the carrying out by the Food Authority of any inspection for the purposes of the Act or this Regulation or any audit of a food safety program or proposed food safety program are those determined by the Food Authority to be the reasonable costs incurred by the Food Authority in carrying out the inspection or audit and may include an amount determined by the Food Authority in relation to travelling time and expenses.
- (2) The fees and charges payable under this clause are payable to the Food Authority.
- (3) The Food Authority may reduce or waive payment of a fee or charge in a particular case or class of cases.

Food (Plant Products Food Safety Scheme) Regulation 2005

Clause 25

Industry consultation

Part 7

Part 7 Industry consultation

25 New South Wales Plant Products Industry Committee

- (1) The Food Authority is to establish a body to be known as the New South Wales Plant Products Industry Committee (*the Industry Committee*) for the purposes of the consultation referred to in section 105 of the Act in relation to this Regulation.
- (2) The Industry Committee is to be comprised principally of persons nominated by the plant products industry, and endorsed by the Food Authority, to represent the major sectors of the industry.
- (3) The Industry Committee may also comprise such officers of the Food Authority and the Department of Health, and representatives of other bodies or industry organisations and of consumers, as the Food Authority allows.
- (4) The Industry Committee may establish subcommittees to assist it in the exercise of its functions.
- (5) The Food Authority is to appoint a Chairperson and Secretary of the Industry Committee.
- (6) The procedure for the calling and holding of meetings of the Industry Committee is to be as determined by the Food Authority in consultation with the plant products industry.

Clause 26	Food (Plant Products Food Safety Scheme) Regulation 2005
Part 8	Miscellaneous

Part 8 Miscellaneous

26 Approved fees

The Food Authority may determine the amount of any approved fee for the purposes of this Regulation.

27 Offences

- (1) A breach of a provision of this Regulation does not constitute an offence against this Regulation unless a penalty is provided in the provision.
- (2) Subclause (1) does not affect the operation of section 104 of the Act in relation to the provisions of this Regulation.

Note. Section 104 of the Act:

- (a) makes it an offence for a person to handle or sell food in a manner that contravenes a provision of a food safety scheme, and
- (b) makes it an offence for a person to carry on any food business or activity for which a licence is required by the regulations if the person does not hold such a licence, and
- (c) makes it an offence for the holder of a licence to contravene or fail to comply with a condition of the licence, and
- (d) makes it an offence for the proprietor of a food business not to ensure that certain requirements imposed by a food safety scheme in relation to food safety programs for the business are complied with.

28 Penalty notice offences and penalties

For the purposes of section 120 of the Act:

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

29 Savings and transitional provisions

Schedule 2 has effect.

Food (Plant Products Food Safety Scheme) Regulation 2005

Penalty notices

Schedule 1

Schedule 1 Penalty notices

(Clause 28)

Column 1	Column 2
Provision	\$
Clause 20 (1) of this Regulation	220
Clause 21 (1) of this Regulation	220
Clause 21 (2) of this Regulation	220
Clause 21 (3) of this Regulation	220
Clause 2 (2) of Schedule 2 to this Regulation	220

Food (Plant Products Food Safety Scheme) Regulation 2005

Schedule 2 Savings and transitional provisions

Schedule 2 Savings and transitional provisions

(Clause 29)

1 Licensing of existing plant products businesses

If a person who is carrying on a plant products business at the commencement of this Regulation makes an application to the Food Authority:

- (a) in accordance with this Regulation, and
- (b) within 2 months after its commencement,

for a licence to carry on the business, the person is taken to be the holder of a licence authorising the carrying on of the business until the Food Authority determines the application.

2 Development of food safety programs for existing plant products businesses

- (1) Despite clause 9 (2), the Food Authority may grant a licence to an applicant who is carrying on a plant products business at the commencement of this Regulation even though the applicant has not prepared a proposed food safety program.
- (2) A person who is carrying on a plant products business at the commencement of this Regulation and who continues to carry on the plant products business after that commencement must submit to the Food Authority a proposed food safety program for the plant products business, that complies with clause 18, within 6 months after that commencement or within such further period as is notified in writing to the person by the Food Authority.
Maximum penalty (subclause (2)): 25 penalty units.
- (3) Subclause (2) does not apply to a plant products business referred to in clause 9 (3).



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Points for Speeding Offences) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

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

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to increase the number of demerit points for certain speeding offences to 3 points (6 demerit points when incurred during a long weekend). The offences concerned are those that involve driving a vehicle at a speed of not more than 15 kilometres per hour above the applicable speed limit.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 14, 15 and 19 (the general regulation-making power).

Clause 1 Road Transport (Driver Licensing) Amendment (Demerit Points for
Speeding Offences) Regulation 2005

Road Transport (Driver Licensing) Amendment (Demerit Points for Speeding Offences) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Demerit Points for Speeding Offences) Regulation 2005*.

2 Commencement

This Regulation commences on 4 April 2005.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Demerit Points for Speeding Offences) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Demerit points offences and penalties

Omit “2” and “4” from Columns 2 and 3, respectively, in the matter relating to Rule 20 (where fifthly occurring) of the *Australian Road Rules* in Part 1 of the Schedule.

Insert instead “3” and “6”.

[2] Schedule 1, Part 2

Omit “2” and “4” from Columns 2 and 3, respectively, in the matter relating to Clause 38 (1), (5) or (6) or 39 (where fifthly occurring) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead “3” and “6”.

[3] Schedule 1, Part 2

Omit “1” and “2” from Columns 2 and 3, respectively, in respect of paragraph (d) of the matter relating to Clause 40 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead “3” and “6”.



New South Wales

Road Transport (General) (Penalty Notice Offences) Amendment (Reduction of Speeding Fines) Regulation 2005

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

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

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* to reduce the fine for certain speeding offences from \$130 to \$75. The offences concerned are those that involve:

- (a) a person driving a class A motor vehicle at a speed of not more than 15 kilometres per hour above the applicable speed limit, and
- (b) a holder of a learner, provisional P1 or P2 licence driving a motor vehicle at a speed of not more than 15 kilometres per hour above the applicable speed limit.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 (3) and 71 (the general regulation-making power).

Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment
 (Reduction of Speeding Fines) Regulation 2005

Road Transport (General) (Penalty Notice Offences) Amendment (Reduction of Speeding Fines) Regulation 2005

under the

Road Transport (General) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Reduction of Speeding Fines) Regulation 2005*.

2 Commencement

This Regulation commences on 4 April 2005.

3 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment
(Reduction of Speeding Fines) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 2 Penalty notice offences

Omit “130” from Column 3 in respect of paragraph (a) (i) of the matter relating to Rule 20 of the *Australian Road Rules*.

Insert instead “75”.

[2] Schedule 2

Omit “130” from Column 3 in respect of paragraph (a) of the matter relating to Clause 38 (4); Clause 38 (5); Clause 38 (6) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead “75”.

[3] Schedule 2

Omit “130” from Column 3 in respect of paragraph (a) (i) of the matter relating to Clause 40 (1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead “75”.

OFFICIAL NOTICES

Appointments

ANIMAL RESEARCH ACT 1985

Appointment of Members and Deputy Chairperson
Animal Research Review Panel

I, IAN MACDONALD, M.L.C., NSW Minister for Primary Industries, pursuant to section 6 of the Animal Research Act 1985, appoint the following persons to the Animal Research Review Panel for a term commencing on the date hereof and expiring on 30 September 2007:

Members:

Pursuant to section 6(2)(a) (nominated by NSW Vice-Chancellors' Committee):

Dr Philip TOWERS;
Mr Stephen ATKINSON;
Associate Professor Margaret ROSE.

Pursuant to section 6(2)(b) (nominated by Medicines Australia):

Dr Barry LOWE.

Pursuant to section 6(2)(c) (nominated by RSPCA NSW):

Mr Mark LAWRIE;
Mr David O'SHANNESY.

Pursuant to section 6(2)(d) (nominated by Animal Societies' Federation NSW):

Ms Siobhan O'SULLIVAN;
Ms Stephanie ABBOTT.

Pursuant to section 6(2)(e) (nominated by the Minister for Health):

Associate Professor Ron PIROLA.

Pursuant to section 6(2)(f) (nominated by the Minister for Education and Training):

Ms Julie BUCKLEY.

Pursuant to section 6(2)(g) (nominated by the Minister for Primary Industries):

Dr Regina FOGARTY.

Pursuant to section 6(2)(h) (nominated by the Minister for the Environment):

Dr Jack BAKER.

Chairperson:

Pursuant to Schedule 1, Clause 2(1):
Associate Professor Margaret ROSE.

Deputy Chairperson:

Pursuant to Schedule 1, Clause 2A:
Dr Regina FOGARTY.

Dated this 4th day of March 2005.

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

NATIONAL LIVESTOCK IDENTIFICATION SYSTEM ADVISORY COMMITTEE

Appointment of Members

I, IAN MACDONALD, M.L.C., NSW Minister for Primary Industries, hereby appoint the following persons as members of the National Livestock Identification System Advisory Committee for a term expiring on 30 June 2005.

Mr Edward Murray SPICER
Mr Scott George SHARMAN
Mr Andy Richard MADIGAN

Dated this 3rd day of March 2005.

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

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Liverpool Local Environmental Plan 1997 (Amendment No 84)

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*. (P96/00037/S69)

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

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 84)

Liverpool Local Environmental Plan 1997 (Amendment No 84)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 84)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 1 (c) Non-urban “C” under *Interim Development Order No 74—City of Liverpool* to partly 1 (d) Rural—Residential and partly 7 (c) Environment Protection—Conservation under *Liverpool Local Environmental Plan 1997*, and
- (b) to require Liverpool City Council to have regard to conserving vegetation and protecting native animals, preserving the scenic qualities of the locality and other environmental impacts when granting consent for any development of the land, and
- (c) to allow, with the consent of the Council, the subdivision of the land into a maximum of 16 allotments and to prohibit dual occupancy housing on the allotments so created.

3 Land to which plan applies

This plan applies to Lots 4–7, DP 239468, Pleasure Point Road, Pleasure Point, as shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 84)” deposited in the office of the Council of the City of Liverpool.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 84)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Definitions

Insert in appropriate order in the definition of *The Map* in clause 6 (1):

Liverpool Local Environmental Plan 1997 (Amendment No 84)

[2] Clause 38A

Insert after clause 38:

38A Development of certain land fronting Pleasure Point Road, Pleasure Point

- (1) This clause applies to Lots 4–7, DP 239468, Pleasure Point Road, Pleasure Point.
- (2) Despite clause 34, the land to which this clause applies may, with the consent of the Council, be subdivided, but only if:
 - (a) each of the lots referred to in subclause (1) is subdivided into not more than 4 lots, creating a maximum of 16 lots, and
 - (b) each lot so created has an area not less than 600 square metres.
- (3) Dual occupancy housing is prohibited on the lots created under subclause (2).

[3] Schedule 9 Environmentally significant land

Insert in the Schedule after the matter relating to Lots 1–3, DP 239468, Pleasure Point Road, Pleasure Point under the headings “**Property Description**” and “**Address**”, respectively:

Lots 4–7, DP 239468

Pleasure Point Road, Pleasure Point

Natural Resources

WATER ACT 1912

APPLICATIONS under part 2, within proclaimed (declared) local areas under section 5(4) of the Water Act 1912.

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

Homestead Creek and Gum Creek Valley

UNIVERSITY OF NEW SOUTH WALES for 1 pump and 2 earthen bywash dams, Lot 3775, DP 766188, Parish of Giles, County of Farnell, for the purpose of conservation and water supply for stock, domestic and experimental irrigation of 4 hectares (replacement application for licences 80SL039528 and 80SL030879) (new licence) (Reference: 80SL96118).

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

AN application for a licence under Part 5 of the Water Act 1912, as amended has been received from:

MILPARINKA RURAL LANDS PROTECTION BOARD and OTHERS for a alteration to an existing artesian bore, Lot 263, DP 764797, County of Yantara, for stock and domestic purposes (replacement licence 80BL240904) (Reference: 80BL240068).

GA2:494468.

Any inquires regarding the above should be directed to the undersigned (telephone: [02] 6872 2144).

Formal objections with grounds stating how your interests may be affected must be lodged by 27 May 2005, as prescribed by the Act.

ALLAN AMOS,
Natural Resource Project Officer
(Resource Access)

Department of Infrastructure, Planning and
Natural Resources,
PO Box 342, Bourke NSW 2840.

WATER ACT 1912

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

Angelo PERRI, Antonio PERRI and Emilia IERUFI for a bywash dam and a pump on an unnamed watercourse (1st order) on Lot 56//259135, Parish of Melville, County of Cumberland, for the conservation of water and water supply for stock and domestic purposes and the irrigation of 10.0 hectares and water supply for domestic purposes to the occupiers of Lot 55//259135, Parish of Melville, County of Cumberland (vegetables, improved pasture) (new licence) (existing farm dam in excess of the MHRDC) (not subject to the 1995 Hawkesbury/Nepean Embargo) (Reference:10SL56638) (GA2:493319).

Mohammed Bashir MEHIO and Elettra Victoria Maria MEHIO for a bywash dam and a pump on Lot 2//1069434 and a pump on Part Lot 1//1069434, Parish of Burragorang, County of Camden, for the conservation of water and irrigation of 6.0 hectares (orchard) (part replacement licence – part replaces 10SL56111) (existing farm dam in excess of the MHRDC – not located on a watercourse) (not subject to the 1995 Hawkesbury/Nepean Embargo) (Reference: 10SL56637) (GA2:462883).

Any inquiries regarding the above should be directed to the undersigned (telephone: (02) 9895 7194).

Written objections specifying grounds thereof must be lodged with the Department within twenty-eight (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.

Department of Land and Water Conservation

Land Conservation

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6841 5200 Fax: (02) 6841 5231

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
The person for the time being holding the office of President, Baradine Campdraft Association Incorporated (ex-officio member).	Baradine Showground and Racecourse Trust.	Reserve No.: 520059. Public Purpose: Racecourse and showground. Notified: 12 February 1937. File No.: DB80 R 135.

Term of Office

For a term commencing this day and expiring 9 December 2009.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
David Lawrence MacKANDER (new member), Kenneth John RUMBEL (new member), Yvette Marian BAILLIEU (new member), Susan Margaret DUGGAN (re-appointment), Murray Stuart HENDERSON (re-appointment), Christine Ann LANG (re-appointment), Ted MILLER (new member).	Coolah Showground and Recreation Reserve Trust.	Reserve No.: 72295. Public Purpose: Public recreation, racecourse and showground. Notified: 30 May 1947. File No.: DB81 R 123.

Term of Office

For a term commencing this day and expiring 31 March 2010.

FAR WEST REGIONAL OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Leases specified in the following Schedule have been granted.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1 April of each year.

The Conditions and Reservations annexed to the leases are those published in the *Government Gazette* of 18 February 2005, Folios 434 and 435.

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

CRAIG KNOWLES, M.P.,
 Minister for Infrastructure and Planning
 and Minister for Natural Resources

SCHEDULE

Administrative District – Walgett North; L.G.A. – Walgett; Parish – Wallangulla; County – Finch.

WLL No.	Name of Lessee	Lot	Deposited Plan	Folio Identifier	Area (m2)	Term of Lease	
						From	To
14465	James Victor ROWLING	96	1066289	96/1066289	2442	16.3.2005	15.3.2025

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

SCHEDULE 1

COLUMN 1

Balranald Preschool Reserve Trust.

COLUMN 2

Reserve No.: 89742.
 Public Purpose: Kindergarten.
 Notified: 27 February 1976.
 File No.: WL86 R 89/1.

SCHEDULE 2

COLUMN 1

Balranald Stormwater Retention Basin Reserve Trust.

COLUMN 2

Reserve No.: 230018.
 Public Purpose: Local government purposes.
 Notified: 6 March 1987.
 File No.: WL87 R 1/1.

SCHEDULE 3

COLUMN 1

Balranald Waste Disposal Depot Reserve Trust.

COLUMN 2

Reserve No.: 230035.
 Public Purpose: Rubbish depot.
 Notified: 11 December 1987.
 File No.: WL87 R 137/1.

SCHEDULE 4

COLUMN 1

Collarenebri Old Sewerage Reserve Trust.

COLUMN 2

Reserve No.: 85930.
 Public Purpose: Sewerage.
 Notified: 2 September 1966.
 File No.: WL87 R 35/1.

SCHEDULE 5

COLUMN 1

Euston Recreation Ground Reserve Trust.

COLUMN 2

Reserve No.: 81860.
 Public Purpose: Public recreation.
 Notified: 14 August 1959.
 Reserve No.: 77904.
 Public Purpose: Public recreation.
 Notified: 26 August 1955.
 File No.: WL88 R 2/2.

SCHEDULE 6

COLUMN 1

Kyalite Foreshore Public Recreation Reserve Trust.

COLUMN 2

Reserve No.: 230097.
 Public Purpose: Public recreation.
 Notified: 25 October 1996.
 File No.: WL96 R 70/1.

SCHEDULE 7

COLUMN 1

Lightning Ridge Parking Reserve Trust.

COLUMN 2

Reserve No.: 96985.
 Public Purpose: Parking.
 Notified: 30 September 1983.
 File No.: WL86 R 72/1.

SCHEDULE 8

COLUMN 1

Oxley Waste Disposal Depot Reserve Trust.

COLUMN 2

Reserve No.: 86725.
Public Purpose: Rubbish depot.
Notified: 17 May 1968.
File No.: WL86 R 319/1.

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedules 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 Schedules.

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

SCHEDULE 1

COLUMN 1

Balranald Water Supply Reserve Trust.

COLUMN 2

Reserve No.: 65102.
Public Purpose: Public recreation.
Notified: 22 February 1935.
File No.: WL86 R 96/1.

SCHEDULE 2

COLUMN 1

Euston Works Depot Reserve Trust.

COLUMN 2

Reserve No.: 93083.
Public Purpose: Local government purposes.
Notified: 18 July 1980.
File No.: WL87 R 131/1.

SCHEDULE 3

COLUMN 1

Euston Water Supply Reserve Trust.

COLUMN 2

Reserve No.: 89780.
Public Purpose: Water supply.
Notified: 23 April 1976.
File No.: WL87 R 5/1.

SCHEDULE 4

COLUMN 1

Berrett Park Reserve Trust.

COLUMN 2

Reserve No.: 89781.
Public Purpose: Water supply and public recreation.
Notified: 23 April 1976.
File No.: WL87 R 4/1.

SCHEDULE 5

COLUMN 1

Murrumbidgee River Foreshore Reserve Trust.

COLUMN 2

Reserve No.: 89164.
Public Purpose: Public recreation.
Notified: 22 March 1974.
File No.: WL86 R 83/1.

SCHEDULE 6

COLUMN 1

Chinese Cemetery Reserve Trust.

COLUMN 2

Reserve No.: 230034.
Public Purpose: Public recreation.
Notified: 20 November 1987.
File No.: WL97 R 50/1.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedules 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 Schedules.

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

SCHEDULE 1

COLUMN 1

Balranald Shire Council.

COLUMN 2

Balranald Water Supply Reserve Trust.

COLUMN 3

Reserve No.: 65102.
Public Purpose: Public recreation.
Notified: 22 February 1935.
File No.: WL86 R 96/1.

For a term commencing this day.

SCHEDULE 2

COLUMN 1

Balranald Shire Council.

COLUMN 2

Euston Works Depot Reserve Trust.

COLUMN 3

Reserve No.: 93083.
Public Purpose: Local government purposes.
Notified: 18 July 1980.
File No.: WL87 R 131/1.

For a term commencing this day.

SCHEDULE 3

COLUMN 1

Balranald Shire Council.

COLUMN 2

Euston Water Supply Reserve Trust.

COLUMN 3

Reserve No.: 89780.
Public Purpose: Water supply.
Notified: 23 April 1976.
File No.: WL87 R 5/1.

For a term commencing this day.

SCHEDULE 4

COLUMN 1

Balranald Shire Council.

COLUMN 2

Berrett Park Reserve Trust.

COLUMN 3

Reserve No.: 89781.
Public Purpose: Water supply and public recreation.
Notified: 23 April 1976.
File No.: WL87 R 4/1.

For a term commencing this day.

SCHEDULE 5

COLUMN 1

Balranald Shire Council.

COLUMN 2

Murrumbidgee River Foreshore Reserve Trust.

COLUMN 3

Reserve No.: 89164.
Public Purpose: Public recreation.
Notified: 22 March 1974.
File No.: WL86 R 83/1.

For a term commencing this day.

SCHEDULE 6

COLUMN 1

Balranald Shire Council.

COLUMN 2

Chinese Cemetery Reserve Trust.

COLUMN 3

Reserve No.: 230034.
Public Purpose: Public recreation.
Notified: 20 November 1987.
File No.: WL97 R 50/1.

For a term commencing this day.

ALTERATION OF PURPOSE OF A WESTERN LANDS LEASE

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

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

*Administrative District – Broken Hill;
City – Broken Hill; Parish – Nadbuck;
County – Yancowinna.*

The purpose of Western Lands Lease 12547, being the land contained within Folio Identifier 2844/764978 has been altered from “Erection of Dwelling, Stables and Accommodation Paddock” to “Business (Four Wheel Drive Dismantlers), Residence, Stables and Accommodation Paddock” effective from 21 March 2005.

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

The conditions previously annexed to Western Lands Lease 12547 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 12547

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Infrastructure, Planning and Natural Resources as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
(b) The lessee agrees to occupy use and keep the Premises at the risk of the lessee and hereby releases to the full extent permitted by law the Lessor from all claims and demands of every kind resulting from any accident damage or injury occurring therein and the lessee EXPRESSLY AGREES that the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or the personal property of the lessee.
(c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The lessee will (without in any way limiting the liability of the lessee under any other provision of this lease) forthwith take out and thereafter during the Term keep current a public risk insurance policy for \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the lessee) whereby the Minister shall during the continuance of this lease be indemnified against all actions suits claims demands proceedings losses damages compensations costs charges and expenses mentioned or referred to in this lease to which the Minister shall or may be liable.
- (5) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (6) The rent shall be due and payable annually in advance on 1 July in each year.
- (7) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
(b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (8) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (9) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (10) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (11) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (12) The land leased shall be used only for the purpose of Business (Four Wheel Drive Dismantlers) and Residence, Stables and Accommodation Paddock.

- (13) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (14) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (15) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (16) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (17) The lessee shall comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (18) The lessee shall effectively prevent any interference with the amenity of the locality by reason of the emission from the land leased of noise, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil or otherwise, and when directed by the Commissioner shall abate that interference forthwith.
- (19) The lessee shall, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect a dwelling on the land in accordance with plans and specifications approved by the Council of the local government area.
- (20) The lessee shall, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect business premises on the land in accordance with plans and specifications approved by the Council of the local government area.
- (21) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (22) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (23) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (24) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (25) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Infrastructure Planning and Natural Resources within 3 months of the date of gazettal of the granting.
- (26) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4828 6725 Fax: (02) 4828 6730****NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

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

Description

*Parish – Sutton Forest; County – Camden;
Land District – Moss Vale; Council – Wingecarribee.*

Lot 1, DP 1008476 (not being land under the Real Property Act).

File No.: GB03 H 365:KW.

SCHEDULE

Note: On closing, the land within Lot 1, DP 1008476 remains vested in Wingecarribee Shire Council as operational land for the purposes of the Local Government Act 1993.

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 2000 Fax: (02) 6640 2035****REVOCATION OF RESERVATION OF CROWN LAND**

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

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

SCHEDULE

COLUMN 1

Land District: Bellingen.
Local Government Area:
Coffs Harbour City Council.
Locality: Coffs Harbour.
Reserve No.: 63966.
Public Purpose: Public
recreation and resting place.
Notified: 2 June 1933.
Lot 7001, DP No. 752817#,
Parish Coff, County Fitzroy;
Lot 7002, DP No. 1055537,
Parish Coff, County Fitzroy;
Lot 1, DP No. 1067951,
Parish Coff, County Fitzroy.
File No.: GF03 H 252.

COLUMN 2

The part being Lot 1, DP No.
1067951, Parish Coff, County
Fitzroy, of an area of 1027
square metres.

Note: It is intended to grant a lease to Coffs Harbour Surf Life Saving Club Properties Limited over the subject revoked from the reserve.

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

HAY OFFICE**126 Lachlan Street (PO Box 182), Hay NSW 2711****Phone: (02) 6993 1306 Fax: (02) 6993 1135****ERRATUM**

IN the notice appearing in the *Government Gazette* of the 14 January 2005, Folio 122, under the heading of "ERRATUM" is rescinded and replaced by Notes (2) The road is closed subject to the easements for drainage 3 metres wide and variable width created by DP 1058084.

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

MAITLAND OFFICE
Newcastle Road (PO Box 6), East Maitland NSW 2323
Phone: (02) 4937 9300 Fax: (02) 4934 2252

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

A DRAFT land assessment has been prepared for Crown Land situated at Mooney Mooney, being the land described hereunder.

Inspection of this draft assessment can be made at the Maitland District Office of Crown Lands NSW, Department of Lands, Cnr Newcastle Road and Banks Street, East Maitland NSW 2323 and Gosford City Council, 49 Mann Street, Gosford NSW 2250, during normal business hours. The draft assessment may also be viewed online at: www.lands.nsw.gov.au/LandManagement/CrownLandAssessments.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of six (6) weeks from 1 April 2005 until 13 May 2005, and should be forwarded to the Land Assessment Officer, Crown Lands NSW at the above address. Please quote reference number MD05 H 97.

Reason for Assessment: Determination of future land allocation.

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

Description

*Parish – Cowan; County – Northumberland;
Land District – Gosford;
Local Government Area – Gosford.*

Crown Land and surrounding lands at the eastern end of Kowan Street, Mooney Mooney.

Contact: Kevin Thompson, Telephone: (02) 4937 9307.

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 thereunder, 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 for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Shaun Gerard McCARTHY (re-appointment), John William RODHAM (re-appointment), Francis Joseph KITCHER (re-appointment), Marion Margaret HICKEY (re-appointment).	District Park Tennis Courts Trust.	Dedication No.: 570095. Public Purpose: Tennis courts. Notified: 18 October 1935. File No.: MD79 R 97/3.

Term of Office

For a term commencing the date of this notice and expiring
31 March 2010.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Parish – Sutton; County – Gloucester;
Land District – Newcastle;
Local Government Area – Port Stephens Council.*

Road Closed: Lots 1, 2 and 3, DP 1077942 at Tanilba Bay.

File No.: MD04 H 67.

SCHEDULE

On closing, the land within Lots 1, 2 and 3, DP 1077942 remains vested in Port Stephens Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: A2004-0938.

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

**PLAN OF MANAGEMENT FOR CROWN
RESERVES AT GLEBE, UNDER PART 5,
DIVISION 6 OF THE CROWN LANDS ACT 1989
AND CROWN LANDS REGULATION 2000**

A DRAFT plan of management has been prepared for the Crown Reserves at Glebe, described hereunder, which are under the trust management of the City of Sydney Council.

Inspection of the draft plan can be made at Level 2, Town Hall House, 456 Kent Street, Sydney, the Glebe Neighbourhood Service Centre, 160 St Johns Road, Glebe and can be viewed on the Council's Website: <http://www.cityofsydney.nsw.gov.au>.

Representations are invited from the public on the draft plan. The Plan will be on exhibition from Friday, 1 April 2005, for a period of 28 days. Submissions will be received up to 29 April 2005 and should be sent to The Chief Executive Officer, The City of Sydney Council, Town Hall House, 456 Kent Street, Sydney NSW 2001.

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

Description of Reserves

*Land District – Metropolitan; L.G.A. – City of Sydney;
Parish – Petersham; County – Cumberland.*

Crown Reserve: The Dr H J Foley Rest Park (R88997), gazetted for public recreation on 31 August 1973, comprising Lot 665, DP 729285, being about 5112 square metres.

Location: Bounded by Pymont Bridge Road and Glebe Point Road, Glebe.

File No.: MN94 R 73.

*Land District – Metropolitan; L.G.A. – City of Sydney;
Parish – Petersham; County – Cumberland.*

Crown Reserve: Land dedicated D1000257, gazetted 5 April 1946, for baby clinic, comprising Lot 521, DP 752049, being about 898 square metres.

Location: Off Pymont Bridge Road, Glebe and adjoining The Dr H J Foley Rest Park (R88997).

File No.: MN94 R 73.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Windsor; L.G.A. – Hawkesbury.

Lot 3, P 1030490 at St Albans, Parish St Albans, County Northumberland.

File No.: MN01 H 137.

Note: On closing, title for the land in Lot 3 remains vested in Hawkesbury City Council as operational land.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****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 term of office specified thereunder, 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 for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
David Michael QUINCE (re-appointment), Daniel Thomas DONOGHUE (re-appointment), Walter Keith WHITING (re-appointment), Graeme Bruce HOCKINGS (re-appointment).	Tambar Springs Racecourse Trust.	Reserve No.: 56786. Public Purpose: Recreation ground and racecourse. Notified: 8 February 1924. Locality: Tambar Springs. File No.: TH79 R 38.

Term of Office

For a term commencing this day and expiring 31 March 2010.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Land District – Tamworth; L.G.A. – Tamworth Regional.

Road Closed: Lot 1, DP 1079649 at Oxley Vale, Parish Tamworth, County Inglis.

File No.: TH04 H 94.

SCHEDULE

On closing, the land within Lot 1, DP 1079649 will vest in the State of New South Wales as Crown Land.

ERRATUM

THE notice appearing in *Government Gazette* No. 30 on the 4th March 2005, Folio 658, is amended by the addition of text “As shown by hatching on the attached diagram” as an addendum to Column 2 of the Schedule, and by the insertion of the following diagram.



WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****ROADS ACT 1993****ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Killimicat; County – Buccleuch;
Land District – Tumut; Shire – Tumut.*

Crown public road 20.115 wide being Cockatoo Road, south west of Lots 1, 3, 4 and 5, DP 882349 and Lots 6 and 7, DP 1000726.

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: WA05 H 45.

CORRECTION OF DEFECTIVE INSTRUMENT

IN the *Government Gazette* dated 18 February 2005 (Folio 438), under the heading "ROADS ACT 1993 – ORDER - Transfer of Crown Road to a Council" relating to the transfer of roads in the Parish of Tumut, County of Wynyard, please amend the notification by deleting "Fitzroy Street separating Lot 3, DP 868871 from Lot 2, DP 868871" and inserting instead "Fitzroy Street, south east of Lot 3, DP 868871"; deleting "East Street, east of Lots 1, 2 and 3, section 56, DP 724101" and inserting instead "East Street, east of Lot 1, section 56, DP 759004; Lots 2 and 3, DP 724101" and deleting "Lot 20, DP 52495" and inserting instead "Lot 20, DP 852495".

File No.: WA96 H 165.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Warri; County – Bourke;
Land District – Temora; Shire – Coolamon.*

Crown public road of variable width being the Newell Highway east of Lot 4, DP 930458; west and north west of Lot 194, DP 750867; north and west of Lot 195, DP 750867; west of Lots 196, 197, 198, 1 and 2 in DP 750867; separating part Lot 272 from Lot 3, DP 750867; Crown public road 60 metres wide south east of Lot 237 and the easternmost 1440 metres south east of Lot 236, DP 750867.

SCHEDULE 2

Roads Authority: Coolamon Shire Council.

File No.: WA04 H 222.

CORRECTION OF DEFECTIVE INSTRUMENT

DELETE from the notice that appeared in the *Government Gazette* of 18 March 2005 (Folio 841), under the heading "Notification of closing of a road" the words "Lot 1, DP 1079467" and insert instead "Lot 5, DP 1079467".

File No.: WA03 H 71.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Descriptions

*Parish – South Junee; County – Clarendon;
Land District – Wagga Wagga; Shire – Junee.*

Road Closed: Lot 1, DP 1073618 at Junee.

File No.: WA01 H 229.

Note: On closing, the land within Lot 1, DP 1073618 will vest in the State of New South Wales as Crown Land.

*Parish – Gundibindyal; County – Bland;
Land District – Temora; Shire – Temora.*

Road Closed: Lot 1, DP 1078241 at Springdale.

File No.: WA99 H 122.

Note: On closing, the land within Lot 1, DP 1078241 remains vested in the State of New South Wales as Crown Land.

REVOCATION OF APPOINTMENT OF RESERVE TRUST

PURSUANT to section 92(3)(c) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedule hereunder, as trustee of the reserve(s), or part(s) of the reserve(s), specified opposite thereto in Column 2 of the Schedule, is revoked.

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

SCHEDULE
COLUMN 1

Wagga Wagga City Council
Crown Reserves Reserve Trust.

COLUMN 2

Reserve No.: 83926.
Public Purpose: Resting place.
Notified: 20 July 1962.
File No.: WA87 R 20.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

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

SCHEDULE
COLUMN 1

Junee Shire Council Crown
Reserves Reserve Trust.

COLUMN 2

Reserve No.: 83926.
Public Purpose: Resting place.
Notified: 20 July 1962.
File No.: WA87 R 20.

Department of Primary Industries

Agriculture

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) ACT 1998

Order Under Sections 6 and 8A
Regarding Ovine Johne's Disease

I, IAN MACDONALD, M.L.C., NSW Minister for Primary Industries, pursuant to sections 6 and 8A of the Agricultural Livestock (Disease Control Funding) Act 1998 ("the Act"), Order as follows:

1. Having consulted representatives of producers of livestock that are liable to be infected by the disease ovine Johne's disease (specifically ovine strains of *Mycobacterium paratuberculosis*) and being satisfied that:
 - (a) the disease is a significant risk to the livelihood of those livestock producers, and
 - (a1) the rationale for the disease control program is soundly based, the objectives of the program are reasonably achievable and the program is financially viable, and
 - (b) the disease control program is being provided or supported by the relevant sector of the agricultural industry, and
 - (c) the funding of the disease control program under this Act is appropriate in order to assist that sector of the agricultural industry to provide the program;

I hereby approve of funding under the Act of a disease control program with respect to ovine Johne's disease.

2. Being satisfied that the Rural Assistance Authority is qualified to administer the ovine Johne's disease industry fund, I hereby appoint the Rural Assistance Authority to be the fund administrator for the ovine Johne's disease industry fund that is to be established for the ovine Johne's disease control program. This appointment is made pursuant to section 8A of the Act.

Dated this 18th day of March 2005.

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

STOCK DISEASES ACT 1923

Notification No. 1792

Revocation of Blairgowrie Quarantine Area – Gooloogong

I, IAN MACDONALD, M.L.C., NSW Minister for Primary Industries, pursuant to sections 3(2)(a) and 10 of the Stock Diseases Act 1923, revoke Notification No. 1779 – BJD, published in *Government Gazette* No. 165 of 17 October 2003, at page 10057 and any Notification revived as a result of that revocation.

Dated this 18th day of March 2005.

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

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 37(3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Leases:

AL03/038 within the estuary of Manning River having an area of 0.5545 hectares to Brad CROFTS and Karen CROFTS of Walcha, NSW, for a term of 15 years expiring on 20 January 2020.

AL02/005 within the estuary of Hawkesbury River having an area of 0.8660 hectares to Wayne MOXHAM of Ourimbah, NSW, for a term of 15 years expiring on 12 January 2020.

NICK RAYNS,
Director,
Fisheries Management,
Agriculture and Fisheries Division,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 39(4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture Leases:

OL74/251 within the estuary of the Port Stephens, having an area of 1.0305 hectares to G BROWNE PTY LTD of Salt Ash, NSW, for a term of 15 years expiring on 7 November 2019.

OL75/057 within the estuary of Wallis Lake, having an area of 0.1613 hectares to MW & EA SCIACCA PTY LTD of Tuncurry NSW, for a term of 15 years expiring on 13 August 2020.

OL75/058 within the estuary of Wallis Lake, having an area of 0.7336 hectares to MW & EA SCIACCA PTY LTD of Tuncurry NSW, for a term of 15 years expiring on 13 September 2020.

OL59/357 within the estuary of the Manning River, having an area of 0.4159 hectares to Stanley Graham RUPRECHT of Mitchells Island, for a term of 15 years expiring on 31 December 2019.

OL74/091 within the estuary of the Manning River, having an area of 0.3317 hectares to John William STONE and Doris Merle STONE of Mitchells Island, for a term of 15 years expiring on 22 November 2019.

OL87/197 within the estuary of the Macleay River, having an area of 0.8750 hectares to Alan John ARTHUR and Suzanne ARTHUR of South West Rocks, for a term of 15 years expiring on 31 October 2019.

OL89/003 within the estuary of the Manning River, having an area of 2.1387 hectares to CLIFT OYSTERS PTY LTD of Tuncurry, for a term of 15 years expiring on 21 January 2020.

OL74/222 within the estuary of Wallis Lake, having an area of 0.4896 hectares to Ian BLOWS of Forster, for a term of 15 years expiring on 31 March 2020.

OL89/009 within the estuary of the Moruya River, having an area of 0.7126 hectares to Anthony Craig BRICE and Therese Ann YOUMAN of Turlinjah, for a term of 15 years expiring on 22 January 2020.

OL89/011 within the estuary of the Moruya River, having an area of 0.5153 hectares to Anthony Craig BRICE and Therese Ann YOUMAN of Turlinjah, for a term of 15 years expiring on 22 January 2020.

NICK RAYNS,
Director,
Fisheries Management,
Agriculture and Fisheries Division,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Notice of Receipt of Application for Aquaculture Lease Notification under s.163 (7) of the Fisheries Management Act 1994, and cl.33 of the Fisheries Management (Aquaculture) Regulation 2002

NSW Department of Primary Industries (DPI) incorporating NSW Fisheries advises that an application has been received from Mr James CROUCHER, for a new aquaculture (oyster) lease over submerged State land for the purposes of cultivating Sydney rock oysters. Location is Wagonga Inlet in the vicinity of Grey Point (adjacent to Scenic Drive) for an area of approximately 0.4 hectares adjacent to and including the northern section of existing lease OL75/119. The lease will be known as AL04/030 if granted.

DPI is calling for written submissions from any person supporting or objecting to this oyster lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purposes of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL04/030, to be signed and dated with a return address. If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process.

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

Director, Fisheries Management, Agriculture & Fisheries Division, Aquaculture Administration Section, Port Stephens Fisheries Centre, Private Bag 1, Nelson Bay NSW 2315.

NICK RAYNS,
Director,
Fisheries Management,
Agriculture and Fisheries Division,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 11 and Section 8 Notification – Fishing Closure

Khappinghat Creek – County of Gloucester

I, RICHARD SHELDRAKE, prohibit the taking of fish by the methods of fishing specified in Column 1 of the Schedule to this notification, from the waters shown in Column 2 of that Schedule.

This prohibition is effective for a period of five (5) years from the date of publication of this notification, unless sooner varied or revoked by notification of the Deputy Director-General, Agriculture and Fisheries.

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

R. F. SHELDRAKE,
Deputy Director-General,
Agriculture and Fisheries,
Department of Primary Industries

SCHEDULE

Khappinghat Creek

<i>Column 1</i> Methods	<i>Column 2</i> Waters
Nets of every description except the hand hauled prawn net, the push or scissors net and the dip or scoop net, as prescribed by clauses 49, 50 and 51 of the Regulation, when used for the capture of prawns only and the hoop or lift net and the landing net as prescribed by clauses 48 and 53 of the Regulation.	The whole of the waters of Khappinghat Creek, together with all its tributaries downstream from its source to its confluence with the Pacific Ocean.
Conditions: 1. Licensed commercial fishers are not permitted to operate any net as prescribed by Regulation to take fish for sale. 2. A hand hauled prawn net may not be operated in conjunction with any other net as prescribed by Regulation.	

FISHERIES MANAGEMENT ACT 1994

Section 11 and Section 8 Notification – Fishing Closure

Macleay River and its Tributaries, including the Belmore River, South West Rocks Creek and Trial Bay Front Beach
Counties of Clark, Dudley, Macquarie, Sandon, Vernon.

I, RICHARD SHELDRAKE, revoke the closure notification as published in the *New South Wales Government Gazette* No. 7, dated 21 January 2000.

I do now, by this notification, prohibit the taking of fish by the methods of fishing described in Column 1 of Schedules 1 to 8 of this notification, from the waters specified in Column 2 of those Schedules and subject to any conditions listed.

This notification is effective for a period of five (5) years from the date of publication of this notification, unless sooner varied or revoked by notification of the Deputy Director-General of Agriculture and Fisheries.

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

R. F. SHELDRAKE,
Deputy Director-General,
Agriculture and Fisheries,
Department of Primary Industries

SCHEDULE 1

Macleay River – Weekend Closure – Nets

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of nets of every description, except the dip or scoop net , hand hauled prawn net , hoop net , push or scissors net and landing net , as prescribed by Regulation.	The whole of the waters of the Macleay River and its tributaries, from its source to its confluence with the Pacific Ocean.
Conditions: From 6:00 p.m. Friday to 6:00 p.m. Sunday each week and from 6:00 a.m. to 6:00 p.m. on Monday where Monday is a Public Holiday,.	

SCHEDULE 2

Macleay River – Netting Closures

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of nets of every description, except the landing net , as prescribed by Regulation.	The whole of the waters of the Macleay River and its creeks, tributaries, billabongs and lagoons, from the Kempsey Railway Bridge upstream to its source.
By means of meshing nets, except by the method known as “ splashing ”, (ie. shooting the net, splashing the water in the vicinity, and retrieving the net as a continuous operation).	The waters of the Macleay River and its tributaries, creeks, bays and inlets, lying on the northern side of a line drawn from the northern bank of Spencer’s Creek to Kemp’s Corner and from a line drawn east/west crossing the southern end of Whiskey Island.

SCHEDULE 3

Belmore River

(deleted)

SCHEDULE 4

Macleay River – Set Mesh Net Closure

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of meshing nets , except when such nets are used by the method of ' splashing ' (that is, shooting the net, splashing the water in the vicinity and retrieving the net as a continuous operation), as prescribed by Regulation.	The whole of the waters of the Macleay River and its tributaries upstream of Smithtown bridge to the Kempsey Railroad bridge.
Conditions: From 1 May to 31 August each year.	

SCHEDULE 5

Macleay River – Set Mesh Net Closure

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of meshing nets , except when such nets are set for a period of less than 2 hours, as prescribed by Regulation.	The whole of the waters of the Macleay River and its tributaries downstream of Smithtown bridge to the Jerseyville bridge.
Conditions: From 1 May to 31 August each year.	

SCHEDULE 6

Clybucca, Christmas and Kinchela Creeks – Set Mesh Net Closure

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of meshing nets , except when such nets are used by the method of ' splashing ' (that is, shooting the net, splashing the water in the vicinity and retrieving the net as a continuous operation), as prescribed by Regulation.	Those waters of Clybucca, Christmas and Kinchela Creeks and their tributaries being upstream of the flood mitigation gates located on each of the aforementioned creeks.
Conditions: 15 May to 31 August each year.	

SCHEDULE 7

South West Rocks Creek – Nets

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of nets of every description, except the dip or scoop net and the landing net , as prescribed by Regulation.	The whole of the waters of South West Rocks Creek, its creeks and lagoons, upstream from a line drawn from the eastern extremity of the southern breakwater to the eastern extremity of the northern breakwater, at the entrance to the Creek.

SCHEDULE 8

Front Beach, Trial Bay – Nets

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of nets of every description, except the dip or scoop net and the landing net , as prescribed by Regulation.	The whole of the waters of Front Beach, Trial Bay, extending from the western most extremity of the beach generally easterly for 800 metres but not including the waters of Saltwater Creek.
Conditions: 20 December to 31 January each year.	

Mineral Resources

COAL MINES REGULATION ACT 1982

COAL MINES (UNDERGROUND) REGULATION 1999

Diesel Fuel

BY this notice the following requirements are specified for diesel fuel for use in underground mines for the purpose of Clause 69 of the Coal Mines (Underground) Regulation 1999:

1. All diesel fuel must comply with the following:

- (a) the density of the fuel must not exceed 0.85 kg per litre at 15°C when tested in accordance with the American Society for Testing Materials' test ASTM D129-IP61 or the American Society for Testing Materials' test ASTM D4052, except the density limit shall be as specified for the following fuels:
 - (i) Shell Aquadiesel – Density of fuel must not exceed 0.885 kg per litre at 15°C
 - (ii) Shell Low Emission Distillate (LED) - Density of fuel must not exceed 0.86 kg per litre at 15°C
 - (iii) Caltex Ultra Low Sulphur Power Diesel (ULSPD) - Density of fuel must not exceed 0.86 kg per litre at 15°C
 - (iv) BP Ultra Low Sulphur Diesel (G50) - Density of fuel must not exceed 0.86 kg per litre at 15°C

(b) the flash point must not be less than 61.5°C when tested in accordance with Australian Standard AS 2106 or Australian Standard AS 3570. In the event of a dispute the determination of the flash point by AS 2106 will prevail;

(c) the sulphur content must not exceed 0.05% by mass when tested in accordance with the American Society for Testing Materials' test ASTM D129-IP61 or the American Society for Testing Materials' test ASTM D2622 - IP336.

3. Only diesel fuel additives that have been registered by the Environmental Protection Agency of the United States of America, may be used.
4. Flammable liquids must not be added to diesel fuel.
5. The mine mechanical engineer must ensure that sufficient testing of diesel fuel is conducted so as to ensure compliance with this notice. Records of the test program and results must be retained at the mine for a minimum of 2 years.

This Notice supersedes the Notice concerning diesel fuel which appeared in *Government Gazette* No. 112 of 2 July on page 5663.

File No.: C92/0155.

Dated: 16 March 2005.

ROBERT REGAN,
Chief Inspector of Coal Mines

Roads and Traffic Authority

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PAUL FORWARD,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 03/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 10 March 2010, unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes outside the Sydney Region.

Type	Road No.	Road Name	Start Point	Finish Point	Conditions
25	104	Richardson Road, Raymond Terrace to Salt Ash	Pacific Highway, Raymond Terrace	Nelson Bay Road, Salt Ash	

ROADS ACT 1993

Notice Under the Roads Transport (Mass, Loading and Access) Regulation 1996

KEMPSEY SHIRE COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 1996, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Doubles may be used.

ALAN BURGESS,
General Manager,
Kempsey Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Kempsey Shire Council (B-Double) Repeal Notice No. 1/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Amendment

The Kempsey Shire Council B-Double Notice No. 2/2003 is amended by omitting the following from that Notice:

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25m	0	Great North Road	Pacific Highway (SH10)	Collombatti Road	Excluding 8.00am to 9.30am and 2.30pm to 4.00pm on school days

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

KEMPSEY SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ALAN BURGESS,
General Manager,
Kempsey Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Kempsey Shire Council B-Doubles Notice No. 2/2005.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 1 July 2010, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Kempsey Shire Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25m	7740	Stuarts Point Road (RR7740)	Pacific Highway (SH10)	Ocean Street	Access only from 01 September to 31 December, between 9am and 3pm, and excluding school holidays
25m	000	Ocean Street, Stuarts Point	Stuarts Point Road (RR7740)	Marine Parade	Access only from 01 September to 31 December, between 9am and 3pm, and excluding school holidays
25m	000	Marine Parade, Stuarts Point	Ocean Street	Fishermans Reach Road	Access only from 01 September to 31 December, between 9am and 3pm, and excluding school holidays
25m	000	Fishermans Reach Road, Stuarts Point	Marine Parade	Serrata Lane	Access only from 01 September to 31 December, between 9am and 3pm, and excluding school holidays
25m	000	Serrata Lane, Stuarts Point	Fishermans Reach Road	End	Access only from 01 September to 31 December, between 9am and 3pm, and excluding school holidays

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

KEMPSEY SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ALAN BURGESS,
General Manager,
Kempsey Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Kempsey Shire Council B-Doubles Notice No. 3/2005.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 1 July 2010, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Kempsey Shire Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25m	000	Collombatti Road	Pacific Highway (SH10)	Great North Road	

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Brighton-Le-Sands in the Rockdale City Council area

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

K J Durie
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

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

Lot 1 Deposited Plan 333073;

Lot 1 Deposited Plan 326187;

Lot 1 Deposited Plan 326182;

Lot 1 Deposited Plan 324362;

Lot 1 Deposited Plan 324804;

Lot 1 Deposited Plan 328333;

Lot 1, 2 and 3 Deposited Plan 328087;

Lot 1 Deposited Plan 384281;

Lot 1 Deposited Plan 334873; and

Lot 1 Deposited Plan 327070.

(RTA Papers: 386.1947)

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT

ORDER

I, IAN KINGSLEY, Commissioner for Vocational Training, in pursuance of section 5 of the Apprenticeship and Traineeship Act 2001, make the Order set forth hereunder.

IAN KINGSLEY,
Commissioner for Vocational Training

Commencement

1. This Order takes effect from the date of publication in the *NSW Government Gazette*.

Amendment

2. The Apprenticeship and Traineeship Orders are amended by:
 - (a) omitting from Schedule 2 the following recognised vocation:
Drafting Trade (Structural).
 - (b) inserting in Schedule 2 in appropriate alphabetical order the following vocation which is designated as a recognised traineeship vocation for the purpose of the Apprenticeship and Traineeship Act 2001:
Drafting Trade (Structural Design).

APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised trade vocation of Drafting Trade (Structural Design).

Citation

The order is cited as the Drafting Trade (Structural Design) Order.

Order

A summary of the Order is given below.

- (a) Term of Training
 - (i) Full-time
Training shall be given for a nominal term of four years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated
- (b) Competency Outcomes
Apprentices will be trained in and achieve competence in the relevant units of competency specified in TAFE NSW Course 6442.
- (c) Courses of Study to be undertaken
Apprentices will undertake the following courses of study:
Certificate IV in Structural Design 91154NSW (TAFE NSW Course 6442).

Availability for inspection

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

ART GALLERY OF NEW SOUTH WALES ACT 1980

De-accessioning of Item from the Collection of the Art Gallery of New South Wales

HER Excellency the Governor, with the advice of the Executive Council has approved, pursuant to section 10 of the Art Gallery of New South Wales Act 1980, the de-accessioning of the photograph *Homemade hand knit 1958 1999* by Tracey Moffatt

BOB CARR, M.P.,
Premier and Minister for the Arts

CO-OPERATIVE HOUSING AND STARR-BOWKETT SOCIETIES ACT 1998

Notice Under Section 601AC of the Corporations Law as Applied by Section 177 of the Co-operative Housing and Starr-bowkett Societies Act 1998

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when three months have passed since the publication of this notice.

Name of Co-operatives:

Newtown and Enmore Starr-bowkett Building
Co-operative Society No. 21 Limited.

Dated this 23rd day of March 2005.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

ELECTRICITY SUPPLY ACT 1995

ELECTRICITY SUPPLY (GENERAL) REGULATION 2001

ORDER

I, FRANK ERNEST SARTOR, Minister for Energy and Utilities, make the following Order pursuant to Clause 88(1) of the Electricity Supply (General) Regulation 2001:

1. The scheme entitled "SCHEME FOR ACCREDITATION OF SERVICE PROVIDERS TO UNDERTAKE CONTESTABLE WORKS" is declared to be recognised as an accreditation scheme with effect from 11 March 2005 until 11 March 2007, and
2. The Director General, Department of Energy, Utilities and Sustainability, is declared to be recognised as an accrediting agency in relation to that scheme, with effect from 11 March 2005 until 11 March 2007.

Copies of the Accreditation Scheme may be obtained from the office of Department of Energy, Utilities and Sustainability, Level 17, 227 Elizabeth Street, Sydney NSW 2001, or viewed at the Department's website www.deus.nsw.gov.au.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

FAIR TRADING ACT 1987

Prohibition Order – Section 31(1)

I, JOHN HATZISTERGOS, Minister for Fair Trading, pursuant to section 31(1)(c) of the Fair Trading Act 1987:

1. unconditionally prohibit the supply of goods of a kind specified in Schedule 1; and
2. make this Order noting that a like prohibition or restriction is in force under a law elsewhere in Australia because the goods are dangerous, particulars of which are specified in Schedule 2.

Dated this 16th day of March 2005.

J. HATZISTERGOS, M.L.C.,
Minister for Fair Trading

SCHEDULE 1

Any mini-cup jelly confectionery product containing the ingredient “konjac” (also known as glucomannan, conjac, konnyaku, konjonac, taro powder and yam flour), having a height or width of less than or equal to 45 millimetres.

SCHEDULE 2

Permanent Ban on Goods by Ross Cameron, Parliamentary Secretary to the Treasurer, pursuant to section 65C(7) of the Trade Practices Act 1974, dated 13 April 2004 (Consumer Protection Notice No. 2 of 2004).

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of a Geographical Name

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name “Currawarna Public School”, which was assigned with the designation of School, Folio 1601, on the 28 August 1970.

WARWICK WATKINS,
Chairperson

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

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of a Geographical Name

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name “Collombatti Rail Public School”, which was assigned with the designation of School, Folio 325, on the 17 September 1971.

WARWICK WATKINS,
Chairperson

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

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of a Geographical Name

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name “Wirrimah Public School”, which was assigned with the designation of School, Folio 205, on the 19 June 1970.

WARWICK WATKINS,
Chairperson

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

HERITAGE ACT 1977

Direction Pursuant to Section 34(1)(a) to List an Item on the State Heritage Register

Women’s College within the University of Sydney
SHR No. 1726

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule “A” on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule “B”. The listing is subject to the Heritage Council approved exemptions described in Schedule “C”.

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

Dated: Sydney, 22nd day of March 2005.

SCHEDULE “A”

The item known as Women’s College within the University of Sydney, 15 Carillon Avenue, Newtown, situated on the land described in Schedule “B”.

SCHEDULE “B”

All those pieces or parcels of land known as Lot 577, DP 752049 in Parish of Petersham, County of Cumberland, shown edged on the plan catalogued HC 1989 in the office of the Heritage Council of New South Wales.

SCHEDULE “C”

Site Specific Exemptions

1. All works within the original Sulman & Power wing including the Common Room and the Principal’s flat, also within the Louisa Macdonald Dining Hall wing, that are in accordance with an endorsed Conservation Management Policy or Conservation Management Strategy.
2. All works within the interiors of the Williams Wing, the Langley Wing, the Reid Wing, the Maples, the Resource Centre and the Menzies Common Room where this will not have a material effect on the significance of the place.

3. All works within the landscape areas that are in accordance with an endorsed Landscape Management Policy or Landscape Management Strategy.
4. All works in landscape areas where this will not have a material effect on the significance of the place until a Landscape Management Policy or Landscape Management Strategy can be endorsed.
5. All works to moveable items and contents that are in accordance with an endorsed Collections Management Policy.
6. All works to moveable items and contents where this will not have an effect on the material significance of the place until a Conservation Management Strategy can be endorsed.

HERITAGE ACT 1977

Direction Pursuant to Section 34(1)(a) to List an Item on the State Heritage Register

Kenmore Hospital Precinct, Taralga Road, Goulburn
Shr No. 1728

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

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

Dated: Sydney, 22nd Day of March 2005.

SCHEDULE "A"

The item known as Kenmore Hospital Precinct, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 5, DP 1003261 in Parish of Narangarril, County of Argyle, shown on the plan catalogued HC 1973 in the office of the Heritage Council of New South Wales.

LANDCOM CORPORATION ACT 2001

Order Under Section 17 of and Schedule 1 to the
Landcom Corporation Act 2001

I, Minister for Infrastructure and Planning, and Minister for Natural Resources, pursuant to section 17 of, and Schedule 2 to, the Landcom Corporation Act 2001, order that the land described in the Schedule annexed to this Order, being land vested in the Land Commission of New South Wales on 31 December 2001, is hereby transferred to Landcom. This Order is to take effect on and from the date hereof.

Dated this 16th day of March 2005.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

SCHEDULE

L.G.A./Locality: Baulkham Hills Shire Council/
Kellyville.

Lot No.: 4.

Plan Type: Deposited Plan.

Plan No.: 108345.

Street Name: Windsor Road.

Title Area: 6210 square metres.

NATIONAL PARKS AND WILDLIFE ACT 1974

Benambra National Park and Tabletop Nature Reserve
Plan of Management

Lake Macquarie State Conservation Area and
Pulbah Island and Moon Island Nature Reserves
Plan of Management

Watsons Creek Nature Reserve
Plan of Management

A plan of management for Benambra National Park and Tabletop Nature Reserve was adopted by the Minister for the Environment on 29 October 2004.

A plan of management for Lake Macquarie State Conservation Area and Pulbah Island and Moon Island Nature Reserves was adopted by the Minister on 21 January 2005.

A plan of management for Watsons Creek Nature Reserve was adopted by the Minister on 1 February 2005.

Copies of the Benambra plan may be obtained from the NPWS office at 7A Adelong Road, Tumut NSW 2720 (telephone: 6947 7000). Copies of the Lake Macquarie plan may be obtained from the NPWS office at Elizabeth Bay Drive, Munmorah NSW 2390 (telephone: 4358 0400). Copies of the Watsons Creek plan may be obtained from the NPWS office at 87 Faulkner Street, Armidale NSW 2350 (telephone: 6776 0000). The cost of the plans is \$8.50 each.

The plans are also available on the NPWS web site: www.nationalparks.nsw.gov.au.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of Nature Reserve

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Garby Nature Reserve under the provisions of section 30A(1) and section 30A(2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 17th day of November 2004.

J. J. SPIGELMAN,
Lieutenant Governor,
by Deputation from
Her Excellency the Governor

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Grafton; L.G.A. – Coffs Harbour.

County Fitzroy, Parish Woolgoolga, at Arrawarra, about 117 hectares, being Lot 172, DP 812721, those parts of Lots 41 and 43, DP 816998, generally west of Arrawarra Road, that part of Lot 4, DP 865501 generally west of Arrawarra Road and Crown public road within Lot 41, DP 816998.

NPWS/F/3894.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of State Conservation Area

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Livingstone State Conservation Area, under the provisions of sections 30A(1) and 30A(2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 29th day of September 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SCHEDULE

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

County Mitchell, Parish Burrandana, about 484 hectares, being the whole of the area dedicated as Livingstone Reserve by the National Park Estate (Southern Region Reservations) Act 2000 No. 103 and described in Clause 3 of Part 1 of Schedule 4 and Clause 12 of Part 2 of Schedule 4 to that Act. NPWS 03/13305.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of State Conservation Area

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Macquarie Pass State Conservation Area, under the provisions of sections 30A(1) and 30A(2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 29th day of September 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SCHEDULE

*Land District – Kiama;
L.G.A. – Shellharbour and Wingecarribee.*

County Camden, Parishes Jamberoo and Kangaloon, about 166 hectares, being the whole of the area dedicated as Tongarra Reserve by the National Park Estate (Southern Region Reservations) Act 2000 No. 103 and described in Clause 17 of Part 2 of Schedule 4 to that Act. NPWS 03/13308.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of State Conservation Area

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Morton State Conservation Area, under the provisions of sections 30A(1) and 30A(2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 29th day of September 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Nowra; L.G.A. – Shoalhaven.

County St. Vincent, Parish Buangla, about 1050 hectares, being the whole of the area dedicated as Bundandah Reserve by the National Park Estate (Southern Region Reservations) Act 2000 No. 103 and described in Clause 2 of Part 1 of Schedule 4 to that Act. NPWS 03/13304.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of State Conservation Area

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Tumblong State Conservation Area, under the provisions of sections 30A(1) and 30A(2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 29th day of September 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Gundagai; L.G.A. – Tumut.

County Wynyard, Parish Euadera, about 746 hectares, being the whole of the area dedicated as Tumblong Reserve by the National Park Estate (Southern Region Reservations) Act 2000 No. 103 and described in Clause 5 of Part 1 of Schedule 4 to that Act. NPWS 03/13307.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 171(1)

Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Dr Wafa SAMEN of 33 Cavel Avenue, Rhodes, prohibiting her until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This Order is to take effect on and from Friday, 25 March 2005.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, Monday, 21 March 2005.

PUBLIC WORKS ACT 1912**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Clarence Valley and Coffs Harbour Regional Water Supply

Compulsory Acquisition

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work.

On publication of this notice in the *Government Gazette* the interest in land is vested in the Minister for Energy and Utilities as Constructing Authority under section 4 of the Public Works Act 1912.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1058858 (SB55452) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE' within Lot 8 in Deposited Plan 1007418, Lot 1 in Deposited Plan 1017014 and Lot 212 in Deposited Plan 844797.

Deposited Plan 1058855 (SB55453) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE' within Lot 25 in Deposited Plan 752818, Lot 10 in Deposited Plan 733368 and Lot 83 in Deposited Plan 747280.

DoC Reference: 251.

PUBLIC WORKS ACT 1912**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Compulsory Acquisition

Clarence Valley and Coffs Harbour Regional Water Supply

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work.

On publication of this notice in the *Government Gazette* the interest in land is vested in the Minister for Energy and Utilities as Constructing Authority under section 4 of the Public Works Act 1912.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Interest in Land

Easement rights as described under the heading Water Pipeline in the terms set out hereunder over the site shown in:

Deposited Plan 1050981 (SB55399) as: (A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH within Lot 153 in Deposited Plan 752810.

Easement for Water Pipeline

FULL AND FREE right for the Minister and his successors and assigns (being a public or local authority) and every person authorised by any of them from time to time and at all times to pass and convey water in any quantities through the servient tenement TOGETHER WITH the right to use for the purpose of the easement any line of pipes (including works ancillary thereto) already laid within the servient tenement for the purposes of the passage and conveyance of such water or any pipe or pipes in replacement, substitution or duplication therefor and where no such line of pipes exists to lay place and maintain a line of pipes of sufficient internal diameter beneath the surface of the servient tenement and to lay place and maintain upon the surface of the servient tenement any works ancillary to the said line of pipes AND TOGETHER WITH the right for the Minister and his successors and assigns (being a public or local authority) and every person authorised by any of them with any tools, implements, or machinery, necessary for the purposes, to enter upon the servient tenement ensuring that gates or fences opened to facilitate such entry are immediately closed behind each and every entry and to remain there for any reasonable time for the purposes of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipeline or any part thereof (including works ancillary thereto) AND for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary PROVIDED THAT the

Minister his successors and assigns (being a public or local authority) and every person authorised by any of them will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

DoC Reference: 249.

PUBLIC WORKS ACT 1912
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Compulsory Acquisition

Clarence Valley and Coffs Harbour Regional Water Supply

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work.

On publication of this notice in the *Government Gazette* the interest in land is vested in the Minister for Energy and Utilities as Constructing Authority under section 4 of the Public Works Act 1912.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1052956 (SB55422) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 1454 in Deposited Plan 716571.

Deposited Plan 1052961 (SB55423) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 55 in Deposited Plan 752829.

Deposited Plan 1052963 (SB55425) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 12 in Deposited Plan 825518.

DoC Reference: 240.

PUBLIC WORKS ACT 1912
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Clarence Valley and Coffs Harbour Regional Water Supply

Compulsory Acquisition

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor-In-Council, declares that the interests in land described in the Schedule hereto ("the interests in land"), are acquired by compulsory process under s.19(1) of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work within the meaning of the Public Works Act 1912.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

LOCAL GOVERNMENT ACT 1993

Clarence Valley and Coffs Harbour Regional Water Supply

Vesting of Interests in Land in Clarence Valley Council

THE Minister for Energy and Utilities, declares that the interests in land, which were acquired pursuant to the above notice for the purpose of the Clarence Valley and Coffs Harbour Regional Water Supply Scheme, are vested in the Clarence Valley Council pursuant to s59(1)(a) of the Local Government Act 1993.

On publication of this notice in the *Government Gazette* the interests in land are vested in the Minister for Energy and Utilities pursuant to the Public Works Act 1912, who has declared them to be then vested in the Clarence Valley Council pursuant to the Local Government Act 1993.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Notices pursuant to s19(1) of the Public Works Act
and s59(1)(a) of the Local Government Act 1993
in relation to the Clarence Valley and
Coffs Harbour Regional Water Supply

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1052956 (SB55422) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 1 in Deposited Plan 611273.

DoC Reference: 241.

PUBLIC WORKS ACT 1912
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Compulsory Acquisition

Clarence Valley and Coffs Harbour Regional Water Supply

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work.

On publication of this notice in the *Government Gazette* the interest in land is vested in the Minister for Energy and Utilities as Constructing Authority under section 4 of the Public Works Act 1912.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1065876 (SB55458) as: (A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND

VARIABLE WIDTH within Lot 411 in Deposited Plan 621365, Lot 1 in Deposited Plan 733400, Lot 4 in Deposited Plan 746338, Lot 4 in Deposited Plan 706077 and Lot 93 in Deposited Plan 752843.

DoC Reference: 210.

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Namoi/Gwydir Team Incorporating:

Gwydir Shire Council;

Moree Plains Shire Council;

Narrabri Shire Council.

The Local Bush Fire Danger period has been extended for the period 1 April 2005 until 30 April 2005. During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director,
Operations and Regional Management
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Armidale/Dumaresq FCC Incorporating:

Armidale Dumaresq Council;

Guyra Shire Council;

Uralla Shire Council;

Walcha Council.

The Local Bush Fire Danger period has been extended for the period 1 April 2005 until 30 April 2005. During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director,
Operations and Regional Management
(delegate)



NEW SOUTH WALES
CASINO CONTROL AUTHORITY

CASINO CONTROL ACT 1992

Order

Pursuant to section 66(1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, approve the following amendments to the rules for the playing of the games of "Baccarat", "Roulette" and "Sic Bo" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

(1) **Amendments to the rules for the playing of "Baccarat"**

- (a) Within Baccarat sub-rule 1.1, the following new definition of "no bet coup" is approved:

"no bet coup" means a coup which is dealt in accordance with these rules, except that no wagers are placed;

- (b) The following new Baccarat sub-rule 7.4 is approved:

7.4 Notwithstanding rules 12.1.1 and 12.3, a Casino Duty Manager may permit a no bet coup to be dealt at a specific table at the request of a player(s), providing:

7.4.1 all other players at the table agree to a no bet coup being dealt; and

7.4.2 the number of no bet coups is limited to three per session of play commencing with the first coup after the shuffle and cut of the cards and ending when the cards are shuffled or replaced.

- (c) Baccarat rule 12 is repealed and in substitution therefor, the following new rule 12 is approved:

12 Irregularities

12.1 If during the initial deal a dealer or designated player misdeals cards to a hand or more than two cards are dealt to a hand, the following shall apply:

12.1.1 a reconstruction of the cards shall be attempted in order to comply with the dealing procedures of rule 7.3. After a reconstruction has occurred, each player shall have the option of removing his or her wager prior to the coup resuming provided that once a wager has been removed it cannot be replaced or remaining wagers either added to or reduced. If all wagers are removed, then a no bet coup shall be conducted. If reconstruction is not possible, the casino supervisor shall authorise that the coup be declared void and all monies returned for that coup; and

12.1.2 where a card shoe is in use and the coup has been voided the casino supervisor may, with the agreement of all players, remove the remaining cards from the card shoe and shuffle or replace the cards.

- 12.2 A third card dealt to the Player's Hand when no third card is authorised by these rules shall become the third card of the Banker's Hand if the Banker's Hand is obliged to draw in accordance with these rules. If the Banker's Hand is required to stand, the card dealt in error shall become the first card of the next coup.
- 12.3 If a card that would have been the first card of a coup has been disclosed or is found face upwards in the card shoe or shuffling device, the card shall become the first card of a no bet coup.
- 12.4 When a no bet coup arises, the cards shall be dealt in accordance with Method A, and no wagers shall be permitted.
- 12.5 Should a coup contain an error caused by the incorrect dealing of a card(s), and the error is detected and notified to the dealer before the commencement of the next coup, every effort must be made to reconstruct that coup in accordance with these rules.
- 12.5.1 When a coup cannot be reconstructed, the casino supervisor shall authorise that the coup be declared void and all monies returned for that coup. Play shall then continue with the remaining cards in the card shoe or shuffling device.
- 12.5.2 Where a card shoe is in use and the coup has been voided the casino supervisor may, with the agreement of all players, remove the remaining cards from the card shoe and shuffle or replace the cards.
- 12.6 If a card is found face upwards in the card shoe or shuffling device after the first card of a coup has been dealt, the card shall be played as if were found face downwards.
- 12.6.1 Where a shuffling device is used and there is reason to suspect that further cards may be incorrectly faced in the shuffling device, a casino supervisor may, after the coup has been completed, direct that all remaining cards be removed from the shuffling device and checked.
- 12.7 If there are found to be insufficient cards in the card shoe to complete a hand that coup shall be void.
- 12.8 In the event that the cards are not cut in accordance with rules 4.3 and 4.4, the dealer shall complete the coup. The cards shall then be shuffled and cut in accordance with these rules. The results of previous coups shall stand.
- 12.9 Should the dealer forget to burn the first and/or any additional cards from the card shoe or shuffling device in accordance with rule 4.7, then play shall continue with those cards remaining in play.
- 12.10 In the event that the cards are not shuffled following the exposure of the cutting card, subject to rule 12.7, the dealer shall complete the coup. The cards shall then be shuffled and cut in accordance with these rules. The results of previous coups shall stand.
- 12.11 In the event that the game in play is Even Money Baccarat and the dealer settles wagers in accordance with rule 11.1 or where the game in play is Baccarat and the dealer settles the wagers in accordance with rule 11.2, the following shall apply:
- 12.11.1 the result of all previous coups shall stand; and
- 12.11.2 the game will then continue in accordance with the approved rules for the game in play.

- 12.12 In the event that a card(s) is found to be missing from a card shoe or shuffling device; or a card(s) is found that does not form part of the 52 cards that make up a deck in accordance with rule 3.1, the following shall apply:
- 12.12.1 the result of any coups previously completed shall stand; and
 - 12.12.2 the coup where the missing card(s) is discovered or the foreign card(s) is found shall be declared void and all monies returned for that coup; and
 - 12.12.3 the remainder of the cards in the card shoe or shuffling device shall then be removed and the decks checked for any further missing or foreign cards.
- (d) Baccarat sub-rule **14.10** is repealed and in substitution therefor, the following new sub-rule 14.10 is approved:
- 14.10 Notwithstanding rule 7.4, a player who abstains from placing any wagers for three consecutive coups, while all other seats or positions at the table are in use, may be required to vacate his/her seat or position.

(2) **Amendments to the rules for the playing of “Roulette”**

- (a) Roulette sub-rule **5.4** is repealed and in substitution therefor, the following new sub-rule 5.4 is approved:
- 5.4 Upon the ball coming to rest in a compartment of the wheel, the dealer shall announce the winning number and shall place the dolly on the corresponding number on the layout.
- (b) The following new Roulette sub-rule **7.2.10** is approved:
- 7.2.10 A casino supervisor may modify the application of rule 7.2.9 if it is apparent, in the circumstances, that a strict application of the rule would be unfair to the player.
- (c) Roulette sub-rule **7.4.4** is repealed and in substitution therefor, the following new sub-rule 7.4.4 is approved:
- 7.4.4 When, after the ball is spun, it comes to rest, the dealer shall:
- 7.4.4.1 announce the winning number; and
 - 7.4.4.2 enter that outcome into the SGC; or
 - 7.4.4.3 where a winning number sensor is being used, confirm the number with the SGC by accepting the number displayed on the SGC.
- (d) Roulette sub-rule **8.9** is repealed and in substitution therefor, the following new sub-rule 8.9 is approved:
- 8.9 After a “no spin” the dealer shall re-spin in accordance with rule 5.
- (e) Roulette sub-rules **8.12** to **8.17** are repealed and in substitution therefor, the following new sub-rules 8.12 to 8.16 are approved:

- 8.12 Where the game in play is Rapid Roulette, if an ATS and/or the SGC experiences a malfunction the dealer or casino supervisor must seek to confirm what wagers were placed through the analysis of available records in the ATS and/or SGC and cause the results to be re-calculated and/or make appropriate adjustments to the patron(s) ATS credit meter based on the actual outcome.
- 8.13 For the purposes of rule 8.12, a Rapid Roulette SGC or ATS shall be taken to have malfunctioned where:
- 8.13.1 multiple credits are displayed on the credit meter of the ATS and/or SGC that are not in keeping with the settlement odds contained in rule 6 and the amount wagered; or
- 8.13.2 the normal playing sequence of the ATS and/or SGC is interrupted or the normal display is faulty; or
- 8.13.3 for any other reason the casino operator is of the opinion that the ATS and/or SGC is not functioning correctly.
- 8.14 If the dealer or casino supervisor is unable, for the purpose of rule 8.12, to confirm the relevant wagers placed through the analysis of available records in the ATS or SGC, the casino supervisor shall declare void the relevant wagers.
- 8.15 Where the game in play is Rapid Roulette, the casino operator may withhold payment of any amount to be credited to a player's ATS chip account, or demand the return of any amount credited to a player's ATS chip account, until such time as the casino operator has completed an investigation and made a determination. An inspector is to be notified as soon as practicable of such an event.
- 8.16 Where the game in play is Rapid Roulette, players are required to notify the casino operator in the event of any malfunction of an ATS at which they are playing. Failure to do so, and the retention of any benefit, chip account credit or free play as a result of an ATS malfunction or dealer error, may be considered to be a contravention of these rules.

(f) Roulette sub-rule **9.3.4** is repealed.

(3) Amendments to the rules for the playing of "Sic Bo"

(a) The following new Sic Bo sub-rule **7.2.10** is approved:

7.2.10 A casino supervisor may modify the application of rule 7.2.9 if it is apparent, in the circumstances, that a strict application of the rule would be unfair to the player.

(b) Sic Bo sub-rules **8.10** to **8.15** are repealed and in substitution therefor, the following new sub-rules 8.10 to 8.14 are approved:

8.10 Where the game in play is Rapid Sic Bo, if an ATS and/or the SGC experiences a malfunction the dealer or casino supervisor must seek to confirm what wagers were placed through the analysis of available records in the ATS and/or SGC and cause the results to be re-calculated and/or make appropriate adjustments to the patron(s) ATS credit meter based on the actual outcome.

8.11 For the purposes of rule 8.10, a Rapid Sic Bo SGC or ATS shall be taken to have malfunctioned where:

8.11.1 multiple credits are displayed on the credit meter of the ATS and/or SGC

- that are not in keeping with the settlement odds contained in rule 6 and the amount wagered; or
- 8.11.2 the normal playing sequence of the ATS and/or SGC is interrupted or the normal display is faulty; or
- 8.11.3 for any other reason the casino operator is of the opinion that the ATS and/or SGC is not functioning correctly.
- 8.12 If the dealer or casino supervisor is unable, for the purpose of rule 8.10, to confirm the relevant wagers placed through the analysis of available records in the ATS or SGC, the casino supervisor shall declare void the relevant wagers.
- 8.13 Where the game in play is Rapid Sic Bo, the casino operator may withhold payment of any amount to be credited to a player's ATS chip account, or demand the return of any amount credited to a player's ATS chip account, until such time as the casino operator has completed an investigation and made a determination. An Inspector is to be notified as soon as practicable of such an event.
- 8.14 Where the game in play is Rapid Sic Bo, players are required to notify the casino operator in the event of any malfunction of an ATS at which they are playing. Failure to do so, and the retention of any benefit, chip account credit or free play as a result of an ATS malfunction or dealer error, may be considered to be a contravention of these rules.
- (c) Sic Bo sub-rule **9.3.4** is repealed.

This Order shall take effect on and from 6am, Tuesday 12 April 2005.

Signed at Sydney, this 30th day of March 2005.

Brian Farrell
Chief Executive,
for and on behalf of the
Casino Control Authority.

Guidelines for the Burning of Bio-material

Record Keeping and Reporting Requirements for Electricity Generating Facilities

January 2005



**Department of
Environment and
Conservation (NSW)**

From 24 September 2003 the Department of Environment and Conservation (DEC) incorporates the Environment Protection Authority (EPA), which is established in the *Protection of the Environment Administration Act 1991* as the Authority responsible for administering the *Protection of the Environment Operations Act 1997* (POEO Act). Statutory functions and powers in the POEO Act continue to be exercised in the name of the EPA.

The EPA is pleased to allow this material to be reproduced in whole or in part, provided the meaning is unchanged and its source, publisher and authorship are acknowledged.

Published by:

Environment Protection Authority
59–61 Goulburn Street
PO Box A290
Sydney South 1232
Ph: (02) 9995 5000 (switchboard)
Ph: 131 555 (information & publications requests)
Fax: (02) 9995 5999
TTY: (02) 9211 4723
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

DEC 2005/10
ISBN 1 74137 109 0

First published June 2003
Second edition January 2005

Printed on recycled paper

CONTENTS

INTRODUCTION

RECORD-KEEPING, REPORTING AND INDEPENDENT AUDIT REQUIREMENTS

Who is affected by these requirements?

Interpretation of these Guidelines

RECORD-KEEPING

What records must be kept?

When do I have to start keeping records?

How long must these records be kept?

Who may inspect these records?

How must these records be kept?

Descriptions of bio-material for reporting purposes

REPORTING TO THE EPA

When must this information be submitted?

What information does the EPA require for this report?

REQUIREMENTS FOR INDEPENDENT AUDITORS

Qualifications

Independence of auditor

Requirements for independent certification of the Report

APPENDIX

ANNUAL BIO-MATERIAL REPORT

PART A: GENERAL INFORMATION

PART B: REPORTING REQUIREMENTS

PART C: SIGNATURE

PART D: INDEPENDENT AUDIT CERTIFICATION STATEMENT – BURNING OF BIO-MATERIAL

INTRODUCTION

The Environment Protection Authority (EPA) is a statutory body with specific powers under environment protection legislation. In September 2003, the EPA became part of the Department of Environment and Conservation (DEC).

The Premier announced the NSW Government's policy on the 'Use of Forest Bio-material for Electricity Generation' in August 2002. The policy aims to ensure that native forest bio-material is not burned for electricity generation.

This objective is to be achieved through three means:

- prohibiting the development of stand-alone native forest bio-material power plants
- prohibiting the harvest of native forests solely to supply bio-material for power generation
- restricting the co-firing of native forest bio-material in power plants to certain sources such as plantation or sawmill waste.

The policy also undertakes to establish an independent certification process to ensure that power plants comply.

To implement this policy the Protection of the Environment Operations (General) Amendment (Burning of Bio-material) Regulation 2003 was gazetted on 10 January 2003.

The Regulation has three components. These are:

- prohibit the burning of native forest bio-material for electricity generation
- require record-keeping from electricity generators that burn any kind of bio-material
- require reporting from electricity generators that burn forest bio-material
- require generators to have their reports independently certified.

Clause 57Q of the Regulation states: 'the EPA may, by order published in the Gazette, establish guidelines as to the keeping of records, and the preparation and auditing of reports'.

These Guidelines are made under the Regulation.

The EPA will be the Appropriate Regulatory Authority for the Regulation and will be responsible for ensuring that the electricity generating works comply with the Regulation. This will be achieved through:

- reports received from electricity generating works indicating the amounts of bio-material used in a given year
- independent auditing and certification of these documents
- extending the EPA's existing compliance audit framework to include this Regulation.

RECORD-KEEPING, REPORTING AND INDEPENDENT AUDIT REQUIREMENTS

The Protection of the Environment Operations (General) Amendment (Burning of Bio-material) Regulation 2003 (the Regulation) requires the occupier of any premises on which bio-material is burnt in an electricity-generating works to keep certain records and, if this bio-material includes forest bio-material, to submit reports certified by an independent auditor. The EPA's requirements for record-keeping, reporting and auditing are set out in these Guidelines.

Who is affected by these requirements?

The occupier of the premises is subject to the record-keeping requirements under the Regulation if:

- there is an electricity generating works (as defined in the Regulation) on the premises, and
- bio-material of any kind is burnt in the electricity generating works.

The occupier of the premises is subject to the reporting and independent audit requirements under the Regulation if:

- there is an electricity generating works (as defined in the Regulation) on the premises, and
- forest bio-material (as defined in the Regulation) is burnt in the electricity generating works.

These terms are defined in the Regulation as follows:

Electricity generating works: means a work (including associated facilities) that supplies, or is capable of supplying, more than 200 kilowatts of electricity. The electricity generating works may be the principal activity on the premises or may be incidental to other activities. The electricity generating work may generate electricity for sale to the grid or for use on site.

Forest bio-material: means the bio-material comprised in trees.

Native forest bio-material: means the bio-material comprised in Australian native trees, other than:

- (a) bio-material obtained from:
 - (i) an authorised plantation within the meaning of the [Plantations and Reafforestation Act 1999](#), or
 - (ii) an existing plantation within the meaning of section 9 of the [Plantations and Reafforestation Act 1999](#), or
 - (iii) land on which exempt farm forestry (within the meaning of the [Plantations and Reafforestation Act 1999](#)) is being carried out, or
 - (iv) land on which ancillary plantation operations (within the meaning of section 9 of the [Plantations and Reafforestation Act 1999](#)) are being carried out, or
- (b) sawdust or other sawmill waste, or
- (c) waste arising from wood processing or the manufacture of wooden products, other than waste arising from activities (such as woodchipping or the manufacture of railway sleepers) carried out at the location from which the Australian native trees are harvested.

Interpretation of these Guidelines

There is a range of non-native sources of forest bio-material, including plantation bio-material, sawdust and sawmill waste, and waste arising from wood processing. There are also non-forest sources of bio-material, for example bagasse, exotic woody weeds and non-woody energy crops.

In these Guidelines, a reference to 'bio-material' includes forest bio-material, native forest bio-material and all other sources of bio-material listed in the paragraph above.

'Burning' includes the use of pyrolysis and gasification, which involve the heating of bio-material to produce combustible products, where such products are subsequently burnt for electricity generation.

RECORD-KEEPING

Under clause 57N(1) of the Regulation the ‘occupier of any premises who causes or allows bio-material of any kind to be burned in any electricity generating works in or on those premises during a reporting period must keep records’. The requirements and definition of a reporting period are contained under the heading ‘When must this information be submitted?’ later in these Guidelines.

What records must be kept?

The records need to show the amount of bio-material used as a fuel to produce electricity by the premises over the reporting period. The following information must be recorded and kept:

- documentation for the supply of bio-material, including:
 - the name of the supplier from whom the bio-material was purchased/obtained
 - the date of supply of the bio-material
 - the type of bio-material
 - the location where the bio-material was harvested or sourced from
 - the amount of bio-material in tonnes dry weight.
- the amount of electricity (in kilowatt hours) produced from the bio-material supplied during the reporting period
- the total amount of electricity (in kilowatt hours) produced by the electricity generating works during the reporting period.

When do I have to start keeping records?

Records must be kept from 1 July 2003 if the requirements apply to your premises.

How long must these records be kept?

Records must be kept for at least 4 years after the end of the reporting period to which they relate.

Who may inspect these records?

An independent auditor may inspect these records, in the course of auditing your Annual Bio-material Report to the EPA. These Guidelines set out procedures for independent auditor certification under the heading ‘Requirements for Independent Auditors’.

You are required to make these records available to any authorised EPA officer on request.

How must these records be kept?

Records must be kept in the following manner:

A running summary ledger. This must contain the following information:

- at the beginning of the reporting period, the opening balance of all materials on the premises that are to be used for the generation of electricity
- the date on which all materials used for the generation of electricity enter or leave the premises, together with their source, record type and amount (tonnes dry weight)
- at the end of the reporting period, the closing balance of all materials on the premises that are to be used for the generation of electricity.

If the material is bio-material, the ledger must indicate which of the following categories the bio-material belongs to:

- bagasse
- exotic woody weeds
- non-woody energy crops
- other bio-material
- plantation bio-material

- sawdust and sawmill waste
- waste arising from wood processing
- woody planted energy crops.

Full supporting records. These records must be kept in English and in a manner that allows the summary information for a reporting period to be verified by an authorised EPA officer or an independent auditor.

Descriptions of bio-material for reporting purposes

For the purpose of reporting use of bio-material to the EPA, the following definitions are to be used:

Bagasse: defined as ‘the residue after juice is extracted from sugar cane in the sugar cane milling process or from grapes after the juice has been extracted’.

Exotic woody weed: defined as ‘a plant having stout stems consisting of lignin or woody material that occurs opportunistically on land that has been disturbed by human activity or on cultivated land, where it competes for nutrients, water, sunlight or other resources with cultivated plants. Under different circumstances the plant may itself be cultivated (e.g. it may grow from seed or propagate vegetatively from the residue of a previous crop).’

Non-woody energy crops: defined having regard to Regulation 9 ‘Special Requirements – energy crops’ of the Renewable Energy (Electricity) Regulations 2001 of the Commonwealth as –

‘an energy crop that does not have a woody trunk or stems, including an agricultural or horticultural crop and its biomass by-products, grown as an energy source for the primary purpose of energy production’.

Other: defined as any bio-material (other than the bio-materials listed in this section) that has been used for the purpose of electricity generation.

Plantation bio-material: defined in clause 57L of the Protection of the Environment Operations (General) Regulation 1998 as:

‘biomaterial obtained from:

- an authorised plantation within the meaning of the *Plantations and Reafforestations Act 1999*; or
- an existing plantation within the meaning of section 9 of the *Plantations and Reafforestations Act 1999*; or
- land on which exempt farm forestry (within the meaning of the *Plantations and Reafforestations Act 1999*) is being carried out; or
- land on which ancillary plantation operations (within the meaning of section 9 of the *Plantations and Reafforestations Act 1999*) are being carried out’.

Sawdust and sawmill waste: defined as the dust or residues produced in the process of sawing wood into planks, boards or other timber products.

Waste arising from wood processing: defined in clause 57L of the Protection of the Environment Operations (General) Regulation 1998 as:

‘waste arising from wood processing or the manufacture of wooden products, other than waste arising from activities (such as woodchipping or the manufacture of railway sleepers) carried out at the location from which the Australian native trees are harvested’.

It is intended that this would include:

- Primary wood waste from urban sources, that is, wood waste from landfill, and transfer stations (for example, from urban and roadside tree lopping and removals from urban areas).
- secondary wood waste, that is, products in the later stages of the wood product cycle. This could include second-hand or recycled timber or timber products or waste products (for example, from the construction of buildings), including timber off-cuts and timber from demolished buildings.

Woody planted energy crops: defined having regard to Regulation 9 ‘Special Requirements – energy crops’ of the Renewable Energy (Electricity) Regulations 2001 of the Commonwealth as:

‘an energy crop being either a tree or a shrub, including an agricultural or horticultural crop and its biomass by-products, grown as an energy source for the primary purpose of energy production’.

REPORTING TO THE EPA

Clause 57N(2) of the Regulation states that 60 days after the end of each reporting period a report must be prepared in relation to the amount of electricity generated by the electricity generating work and the amount of forest bio-material used as fuel in the electricity generating work. Under the Regulation it is not necessary for electricity generating works to provide a report if they did not use any forest bio-material as fuel in the premises during the reporting period.

When must this information be submitted?

The Annual Bio-material Report must be completed and submitted to the EPA for any yearly period in which forest bio-material is used by the facility to generate electricity for any length of time within that reporting period. The following reporting periods apply:

For licensed premises or scheduled activities: For premises that hold an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*, the Annual Bio-material Report must be completed and submitted to the EPA within 60 days after the end of the licensee's licence fee period (or anniversary date). That is, the Report is due to be received by the EPA at the same time as the licensee's Annual Return and payment of administrative fees. This report will be necessary only if forest bio-material has been used at the premises during the licence fee period.

Example:

Your premises have a licence anniversary date of 1 September 2003. If your premises have burned any forest bio-material, as specified in the Regulation, between 1 September 2003 and 31 August 2004, you will be required to provide the EPA with an Annual Bio-material Report by 31 October 2004.

For non-licensed premises or non-scheduled activities: For non-licensed premises the first reporting period will be from 1 July 2003 to 30 June 2004. This means that if the premises use any forest bio-material between these dates a Report must be completed and submitted to the EPA by 29 August 2004. The reporting period applies if forest bio-material is used on the premises at any time during the reporting period.

Example:

Your premises first use forest bio-material on 1 March 2004. The Report will still need to contain all requested information for the period 1 July 2003 until 30 June 2004.

What information does the EPA require for this report?

An Annual Bio-material Report must be submitted to the EPA in the form set out in the Appendix. An electronic version of this form can be found at www.environment.nsw.gov.au/legal/notices.htm. This Report is to provide the EPA with a summary of the bio-material used by the facility over the reporting period. Although the EPA requires only a summary of the information, complete records must be kept and made available on the request of an authorised EPA officer. In addition, the completed records must be made available to the independent auditor to certify the information provided in Part B of the Report.

Parts A, B and C must be completed by the occupier of the electricity generating work¹. Part D must be completed by an independent auditor who is responsible for verifying Part B of the Report.

Part A requires general information such as:

- the common name of the premises
- the address of the premises (including Lot and DP number)
- the Environment Protection Licence Number (if the facility is licensed by the EPA)

¹ 'Electricity generating works' is defined earlier in these Guidelines under the heading 'Who is affected by these requirements?'

- name of the occupier of the premises. (This will be the name of the company or the individual who occupies the premises.)

Part B requires:

- the total amount of electricity (in kilowatt hours) generated at the electricity generating works during the reporting period
- the total amount of electricity (in kilowatt hours) generated at the electricity generating works that was produced by burning bio-material during the reporting period
- the total amount (in tonnes dry weight) of bio-material used during the reporting period.

Part C is the signature component of the Report, in which the occupier of the premises where an electricity generating works is located provides an undertaking that the information contained in the report as a whole is true and accurate. In particular, the following two statements are declared:

- the occupier of the premises occupied the premises during the reporting period in which the bio-material was burnt; and
- no native forest bio-material was burnt during the reporting period.

Acceptable signatories for the report are as follows:

- If the occupier of the premises is an individual, then the individual must sign.
- If the occupier of the premises is more than one individual, then all individuals who occupy the premises must sign.
- If the occupier of the premises is a co-operative, then either:
 - by fixing the common seal of the co-operative, or
 - by two people, one of whom is the director of the co-operative and one of whom is a director or an officer of the co-operative.
- If the occupier of the premises is a company then either:
 - by fixing the common seal in accordance with the *Corporations Act 2001*, or
 - by two directors, or
 - by a director and a company secretary, or
 - if the proprietary company has a sole director who is also the sole company secretary, by that director, or
 - otherwise in accordance with the *Corporations Act 2001*, or
 - by a person approved by the EPA, in writing, to sign on the company's behalf.
- If the occupier of the premises is a public authority (other than a local council), then the Chief Executive Officer of the public authority must sign, or an employee delegated to sign on the public authority's behalf in accordance with its legislation.
- If the occupier of the premises is a local council, then the council must sign in accordance with s. 377 of the *Local Government Act 1993* or by affixing the seal of the council in a manner authorised by that Act.

Definitions

Individual(s): The individual should be operating on his / her / their own. If they are operating as part of an organisation, that organisation would be the appropriate legal entity.

Co-operative: Most co-operatives will be registered under the Co-operatives Act 1992 (but some older co-operatives may not be). A co-operative may also be referred to as a 'society', 'association' or 'federation'.

Company: A company is a corporation established under the Corporations Act 2001.

Public Authority: A public authority is defined under the *Protection of the Environment Operations Act 1997*. Public authority means a public or local authority constituted by or under an Act, and includes:

- a) A government department, or
- b) A statutory body representing the Crown, a State owned corporation or a local council, or
- c) A member of staff or other person who exercises functions on behalf of a public authority.

Part D must be completed by an independent auditor who has viewed the records of the facility and certifies as to the accuracy of the information provided in Parts A, B and C. The independent auditor must follow the requirements set out in the section of these Guidelines entitled ‘Requirements for independent auditors’.

REQUIREMENTS FOR INDEPENDENT AUDITORS

Qualifications

The independent auditor must be:

- a registered auditor under Part 9.2 of the *Corporations Act 2001*, and/or
- an Environmental Auditor as accredited by the Quality Society of Australasia.

Independence of auditor

The auditor chosen by the facility must not have an interest, pecuniary or otherwise, in the business of the facility, being an interest that could conflict with the proper performance of the auditor's functions as an auditor of the records of that facility.

Requirements for independent certification of the Report

1. The auditor, as part of the audit, must assess the Annual Bio-material Report for accuracy and check whether compliance has been correctly reported. If this is the case, the Auditor should certify the Annual Bio-material Report.
2. If the auditor is of the opinion that the occupier has not complied with Chapter 3B of the Protection of the Environment Operations (General) Regulation 1998 and these Guidelines and/or does not give a true and accurate representation, then the auditor's report must state the reasons for this belief.
3. The auditor should follow such procedures so as to provide assurance that the Annual Bio-material Report is free of material misstatement. The auditor should provide a brief description of the procedures followed in the course of this audit in an attachment to the Annual Bio-material Report.
4. The scope of the audit must be sufficiently comprehensive to enable an auditor to form an opinion as to whether the occupier of the premises has:
 - complied with the requirements of Chapter 3B of the Protection of the Environment Operations (General) Regulation 1998, and
 - provided a true and accurate representation of:
 - the total amount (in kilowatt hours) of electricity generated by the electricity generating works during the reporting period
 - the amount (in kilowatt hours) of electricity generated by burning bio-material over the reporting period
 - the total amount (in tonnes dry weight) of bio-material used during the reporting period.
5. It is an offence to supply any information in this audit report that is false or misleading in a material respect, or to make a statement that is false or misleading in a material respect. There is a maximum penalty of 200 penalty units² for a corporation and 100 penalty units² for an individual.

² 'Penalty unit' is defined in section 17 of the *Crimes (Sentencing Procedure) Act 1999*.

APPENDIX

ANNUAL BIO-MATERIAL REPORT

Please note that this form may be amended without notice. Visit the DEC website at www.environment.nsw.gov.au/legal/notices.htm for the most recent version.

PART A: GENERAL INFORMATION

Premises to which report applies: _____

Common name of premises (if different from above): _____

Environment Protection Licence No. (if applicable): _____

Address of premises (including Lot and DP number): _____

Name of occupier of premises: _____

Reporting period: / / to / /
DD MM YY DD MM YY

The Annual Bio-material Report ('the Report') must be completed after the end of the reporting period and lodged with the EPA within 60 days of the end of the reporting period. Penalties will apply if the Report is not received within this time. The maximum penalties are:

- 200 penalty units¹ in the case of a corporation
- 100 penalty units¹ in the case of an individual

How to complete your Annual Bio-material Report

You will need to:

- complete Parts A, B and C of this form
- have an independent auditor certify the information contained in the Report and complete Part D of this form.

¹ 'Penalty unit' is defined in section 17 of the *Crimes (Sentencing Procedure) Act 1999*.

PART B: REPORTING REQUIREMENTS**For the reporting period in Part A:**

1. Provide the amount of electricity generated (in kilowatt hours) at the electricity generating works during the reporting period:

Total amount of electricity generated: _____

2. Provide the amount of electricity generated (in kilowatt hours) at the electricity generating works by burning bio-material of any kind during the reporting period:

Total amount of electricity generated from bio-material of any kind: _____

3. Provide the total amount (in tonnes dry weight) of bio-material of any kind used during the reporting period:

Total amount of bio-material of any kind used: _____

PART C: SIGNATURE

The Annual Bio-material Report may be signed only by an authorised representative of the company/premises who has legal authority to sign it.

The various ways in which, and people by whom, an Annual Bio-material Report may be signed are set out in the categories below. Please **tick the box** next to the category that describes how this Report will be signed. If you are uncertain about who is entitled to sign, or which category to tick, please phone the DEC Service Centre on 133 372.

If the occupier of the premises is:	The Annual Bio-material Report must be signed and certified in one of these ways:
An individual	<input type="checkbox"/> by the individual
More than one individual	<input type="checkbox"/> by all individuals who occupy the premises
A co-operative	<input type="checkbox"/> by fixing the common seal of the co-operative; or <input type="checkbox"/> by two people, one of whom is the director of the co-operative and one of whom is a director or officer of the co-operative.
A company	<input type="checkbox"/> by fixing the common seal in accordance with the Corporations Act, or <input type="checkbox"/> by two directors; or <input type="checkbox"/> by a director and a company secretary; or <input type="checkbox"/> if it is a proprietary company that has a sole director who is also the sole company secretary, then by that director; or <input type="checkbox"/> otherwise in accordance with the Corporations Act
A public authority (other than a council)	<input type="checkbox"/> by the Chief Executive Officer of the public authority or an employee delegated to sign on the public authority's behalf in accordance with its legislation.
A local council	<input type="checkbox"/> by the council in accordance with s. 377 of the Local Government Act; or <input type="checkbox"/> by affixing the seal of the council in a manner authorised under this Act.

It is an offence to supply any information in this form that is false or misleading in a material respect, or to certify a statement that is false or misleading in a material respect. There is a maximum penalty of 200 penalty units for a corporation or 100 penalty units for an individual².

I/We _____ (state name/s), being the occupier of the above premises, declare that:

- the occupier of the premises occupied the premises during the reporting period in which the bio-material was burnt, and
- no native forest bio-material within the meaning of Clause 57L of the Protection of the Environment Operations (General) Regulation 1998 was burnt during the reporting period.

I/We declare that the information contained in Parts A and B of this Annual Bio-material Report is not false or misleading in a material respect.

SIGNATURE: _____

SIGNATURE _____

NAME: _____
(please print)

NAME _____
(please print)

POSITION: _____

POSITION: _____

DATE: _____

DATE: _____

SEAL:
(if signing under seal)

(Please ensure that the appropriate box above has been ticked)

² 'Penalty unit' is defined in section 17 of the *Crimes (Sentencing Procedure) Act 1999*.

PART D: INDEPENDENT AUDIT CERTIFICATION STATEMENT – BURNING OF BIO-MATERIAL

Details of auditor:

Member of (tick as appropriate):

- Quality Society of Australasia (QSA)
 Certified Practising Accountants (CPA)
 Institute of Chartered Accountants (ICA)
 Accreditation by Australian Securities and Investment Commission (ASIC)

Membership/Accreditation number: _____

Name: _____ Company: _____

Address: _____

_____ Postcode: _____

Phone: _____ Fax: _____

Details of facility:

Occupier of the premises: _____

Premises: _____

Environment Protection Licence No. (if licensed): _____

I have audited Parts A, B and C of the attached Annual Bio-material Report (the report) for the above specified facility for the period [.....]. The signatory in Part C of the report is responsible for the report. I have conducted an independent audit of the report in order to express an opinion on it to the New South Wales Environment Protection Authority (EPA) for the purposes of fulfilling the requirements of Clause 57N of the Protection of the Environment Operations (General) Regulation 1998.

The report has been prepared pursuant to Clause 57N of the Protection of the Environment Operations (General) Regulation 1998 for the purpose of reporting:

- the total amount of electricity generated;
- the total amount of electricity generated from bio-material; and
- the total amount (in tonnes dry weight) of bio-material used by the electricity generating works during the reporting period.

I disclaim any assumption of responsibility for any reliance on the report to any party other than the EPA or for any purpose other than that for which it was prepared.

My audit has been conducted in accordance with the Australian Auditing Standards, I undertook the procedures described in the attachment³ to form an opinion whether in all material respects, the report is presented fairly in accordance with Clause 57N of the Protection of the Environment Operations (General) Regulation 1998.

The following opinion has been formed on the above basis.

³ Please attach a brief description of the procedures followed in the course of the Audit to enable you to reach this opinion.

Audit Opinion

In my opinion, the Annual Bio-material Report of _____ (occupier of premises) does present/does not present⁴ (delete as appropriate) a true and fair representation of:

- compliance with Chapter 3B of the Protection of the Environment Operations (General) Regulation 1998, and
- compliance with the requirements of the EPA's *Guidelines for the Burning of Bio-material*.

Signed: _____ Date: _____

Print name: _____

Please send completed form to:

Licence Administration and Revenue
Department of Environment and Conservation (NSW)
PO Box A290, Sydney South NSW 1232

⁴ If the Annual Bio-material Report does not, in your opinion, form a true and fair representation of these matters, please provide reasons in a separate attached statement.

TENDERS**Department of Commerce****SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE**

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

HASTINGS COUNCIL

Local Government 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 mines and minerals in the lands are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of waste management. Dated at Port Macquarie this 24th day of March 2005. B. SMITH, General Manager, Hastings Council, Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lot 1, DP 729726 and Lot 7, DP 775532. [1146]

LITHGOW CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that in accordance with section 162(1) and (2) of the Roads Act 1993, Council has named the named the following roads as described below:

Location	Names
Deposited Plan 1067654, off Bonny Hills Drive, Hartley.	Apple Tree Lane.
Lane at the rear of the houses on the eastern side of Waratah Street, Lithgow.	Wray Lane.
Lot 11, DP 55600, off Rydal Road, Elisabeth Street and Henrietta Street, Wallerawang.	Bulkeley Lane, Allison Close, Henning Crescent, Fitzgerald Street.

I. STEWART, General Manager, Lithgow City Council, PO Box 19, Lithgow NSW 2790. [1142]

MUSWELLBROOK SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Naming of Public Roads

NOTICE is hereby given that Muswellbrook Shire Council at its meeting held on 22nd December 2004, resolved to name the road described hereunder as "Lou Fisher Place," in pursuance of section 162 of the Roads Act 1993.

Description of Road	New Place
Unnamed Road: The Place in the Calgaroo Subdivision, running off the southern end of Calgaroo Avenue, Muswellbrook, of the former Lot 29, DP 1062553, Parish of Broughan, County of Durham, Shire of Muswellbrook.	Lou Fisher Place.

MIKE COLREAVY, General Manager, Muswellbrook Shire Council, PO Box 122, Muswellbrook NSW 2333. [1144]

SUTHERLAND SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 1994

Renaming of Unnamed Road at Gymea

NOTICE is hereby given that Sutherland Shire Council, has pursuant to Division 2 of the Roads (General) Regulation, notified the proponents by way of advertisement and written correspondence, for a period not less than one (1) month, of the intention to rename the following road: The unnamed lane that runs off Koorabel Avenue, Gymea to Turners Lane, Gymea. Having given due consideration to all submissions, Council has resolved to proceed with the road naming effective from Friday, 1st April 2005. J. W. RAYNER, General Manager, Sutherland Shire Council, PO Box 17, Sutherland NSW 1499. [1143]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Notice of Road Renaming

NOTICE is hereby given that Wollongong City Council has renamed a portion of Berkeley Road, Unanderra, as "Charcoal Close" as shown shaded dark grey on the accompanying plan. R. OXLEY, General Manager, Wollongong City Council, Locked Bag 8821, South Coast Mail Centre NSW 2521.



[1152]

**WEDDIN SHIRE COUNCIL
ERRATUM**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Crown Land

ERRATUM to Notice of Compulsory Acquisition of Crown Land shown in *Government Gazette* Folio 5193 of 5 July 2002. The land being acquired for the purpose of use by the Rural Fire Service at Bumbaldry for a Bushfire Shed was erroneously described as Lot 219 in DP 839291. The correct description is Lot 219 in DP 1053186. Dated at Grenfell this 23rd day of March 2005. T. V. LOBB, General Manager, Weddin Shire Council, PO Box 125, Grenfell NSW 2810.

[1141]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PHILIP JOHN SMITH (also known as John Smith and also known as Philip Smith), late of North Sydney, in the State of New South Wales, retired, who died on 22nd October 2004, must send particulars of his/her claim to the executors, Philip Henry Dressler and John Howard Hastings, c.o. John H. Hastings, Solicitor, Level 19, 207 Kent Street, Sydney NSW 2000, 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 16th February 2005. JOHN H. HASTINGS, Solicitor, Level 19, 207 Kent Street, Sydney NSW 2000 (DX10313, SSE), tel.: (02) 9251 2138.

[1140]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GORDON JOSEPH HADDON, late of Berala Nursing Home, Berala, in the State of New South Wales, who died on 11th September 2004, must send particulars of his/her claim to the executrix, Jeanette Lorraine Glass, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executrix has notice. Probate was granted in New South Wales on 28 February 2005. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby NSW 2077. Reference: DJT:JAC:86689.

[1145]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of FRANCESCO DI STEFANO, late of Earlwood, in the State of New South Wales, who died on 26th October 2004, must send particulars of his/her claim to the executor, c.o. Mercuri & Co., Solicitors, PO Box 198, Five Dock NSW 2046, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 1st March 2005. MERCURI & CO., Solicitors, Suite 1, 191 First Avenue (PO Box 198), Five Dock NSW 2046 (DX 21014, Drummoyne), tel.: (02) 9712 5700.

[1147]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LUIGI MINCHELLA, late of Five Dock, in the State of New South Wales, who died on 6th December 2004, must send particulars of his/her claim to the executor, c.o. Mercuri & Co., Solicitors, PO Box 198, Five Dock NSW 2046, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 7th March 2005. MERCURI & CO., Solicitors, Suite 1, 191 First Avenue (PO Box 198), Five Dock NSW 2046 (DX 21014, Drummoyne), tel.: (02) 9712 5700.

[1148]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BRUCE CLUNN, late of 20 Schwebel Lane, Glenorie, in the State of New South Wales, who died on 20th September 2003, must send particulars of his/her claim to the executors, Thelma Mary Clunn, Christine Elizabeth Spies, Alexander John Clunn and Bradley Benjamin Clunn, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 23rd March 2005. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby NSW 2077. Reference: DJT:JAC:85737.

[1150]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARIA SALVESTRO, late of The Scalabrini Village, Oakes Road, Griffith, in the State of New South Wales, widow, who died on 12th December 2004, must send particulars of his claim to the executrix, Eda Lorna De Martin, c.o. Messrs Olliffe & McRae, Solicitors, PO Box 874, Griffith NSW 2680, 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 8th March 2005. MESSRS OLLIFFE & MCRAE, Solicitors, PO Box 874, Griffith NSW 2680, tel.: (02) 6962 1744. Reference: JFM:CP/P319.

[1151]

COMPANY NOTICES

NOTICE of final general meeting.—BID CORPORATION PTY LIMITED, ACN 071 856 132.—Notice is hereby given that in terms of the Corporations Law a final general meeting of the company will be held at the office of the liquidator, Suite 3/11 West Street, North Sydney NSW 2060, at 10:00 a.m., on 28th April 2005, for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the property of the company disposed of. Dated this 22nd day of March 2005. E. M. COWLEY, Liquidator, c.o. E. M. Cowley & Co., Chartered Accountant, 3/11 West Street, North Sydney NSW 2060, tel.: (02) 9955 6488.

[1139]

Authorised to be printed

ISSN 0155-6320

ROBERT J. GALLAGHER, Government Printer.