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NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 28 October 2008

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

Act No. 70 2008 – An Act to amend the State Arms, Symbols and Emblems Act 2004 to recognise the black opal as a State emblem. [State Arms, Symbols and Emblems Amendment (Black Opal) Bill].

Act No. 71 2008 – An Act to amend the Child Protection (Offenders Registration) Act 2000 with respect to the collection, use and disclosure of information concerning registrable persons under that Act. [Child Protection (Offenders Registration) Amendment Bill].

Act No. 72 2008 – An Act to amend the Dividing Fences Act 1991 and the Crown Lands Act 1989 to make further provision with respect to dividing fences and to amend the Access to Neighbouring Land Act 2000 to make further provision with respect to costs of an application for an access order. [Dividing Fences and Other Legislation Amendment Bill].

Act No. 73 2008 – An Act to amend the Water Management Act 2000 in relation to compliance and enforcement, access licences, publication of notices and orders and other miscellaneous matters; and for other purposes. [Water Management Amendment Bill].

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

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 28 October 2008

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

Act No. 74, 2008 - An Act to amend the Crimes Act 1900 with respect to offences of a sexual nature committed against persons who have a cognitive impairment; and to amend the Criminal Procedure Act 1986 in relation to the giving of evidence by cognitively impaired persons. [Crimes Amendment (Cognitive Impairment—Sexual Offences) Act 2008].

Act No. 75, 2008 - An Act to amend the Succession Act 2006 to ensure that adequate provision is made for members of the family of a deceased person, and certain other persons, from the estate of the deceased person; to repeal the Family Provision Act 1982; and for other purposes. [Succession Amendment (Family Provision) Act 2008].

Act No. 76, 2008 - An Act to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 in relation to the advertising of unclassified films and unclassified computer games. [Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008].

Act No. 77, 2008 - An Act to amend the Administrative Decisions Tribunal Act 1997 and certain other legislation in connection with the constitution, functions and procedure of the Administrative Decisions Tribunal; and for other purpose. [Administrative Decisions Tribunal Amendment Act 2008]

LYNN LOVELOCK,
Clerk of the Parliaments

Proclamations



New South Wales

Commencement Proclamation

under the

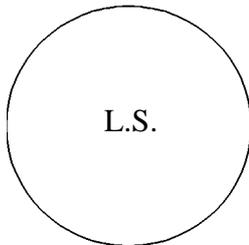
Children (Criminal Proceedings) Amendment Act 2008 No 54

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Children (Criminal Proceedings) Amendment Act 2008*, do, by this my Proclamation, appoint 3 November 2008 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 29th day of October 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provisions of the *Children (Criminal Proceedings) Amendment Act 2008* other than section 6 (which commenced on the date of assent to the Act). Section 6 repealed an Act that is now redundant.



New South Wales

Commencement Proclamation

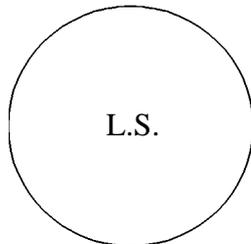
under the

Courts and Other Legislation Amendment Act 2007 No 73

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Courts and Other Legislation Amendment Act 2007*, do, by this my Proclamation, appoint 3 November 2008 as the day on which Schedule 4 [9] to that Act commences. Signed and sealed at Sydney, this 29th day of October 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence an amendment to the *Young Offenders Act 1997* that lowers from 16 years to 14 years the age at which a child may choose an adult to be present when the child makes an admission of an offence for the purposes of that Act.



New South Wales

Commencement Proclamation

under the

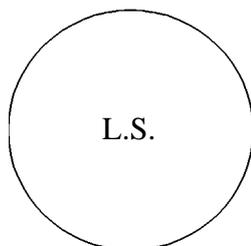
Hemp Industry Act 2008 No 58

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Hemp Industry Act 2008*, do, by this my Proclamation, appoint 31 October 2008 as the day on which the uncommenced provisions of that Act commence.

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

By His Excellency's Command,



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

GOD SAVE THE QUEEN!

Regulations



New South Wales

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

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

LINDA BURNEY, M.P.,
Minister for Community Services

Explanatory note

The object of this Regulation is to amend the *Children and Young Persons (Savings and Transitional) Regulation 2000* (**the transitional Regulation**) to clarify the application of provisions of the *Children and Young Persons (Care and Protection) Regulation 2000* (**the principal Regulation**) to designated agencies with interim accreditation under the transitional Regulation.

This Regulation also makes amendments:

- (a) consequential on amendments made to the principal Regulation, and
- (b) to make further provision for the imposition of conditions on, and the transfer of, the accreditation of a designated agency with interim accreditation, and
- (c) to make further provision for the progressive transition of a designated agency with interim accreditation to accreditation under the principal Regulation.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 137, 139 and 264 (the general regulation-making power) and clause 1 (1) of Schedule 3.

Clause 1 Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2008*.

2 Commencement

This Regulation commences on 5 January 2009.

3 Amendment of Children and Young Persons (Savings and Transitional) Regulation 2000

The *Children and Young Persons (Savings and Transitional) Regulation 2000* is amended as set out in Schedule 1.

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

accreditation criteria has the same meaning as it has in the principal Regulation.

the principal Regulation means the *Children and Young Persons (Care and Protection) Regulation 2000*.

transitional designated agency means a designated agency accredited by force of clause 22A.

[2] Clause 22A Interim accreditation as transitional designated agency

Omit clause 22A (2) and (3). Insert instead:

- (2) For the purposes of the new Act, a body or organisation to which this clause applies is taken to be accredited as a designated agency under the new Act, this Regulation and the principal Regulation during the transition period of the body or organisation, but only in respect of the kind of out-of-home care it was providing immediately before 15 July 2003.
- (3) The transition period of a body or organisation to which this clause applies is the period that began on 15 July 2003 and that ends:
 - (a) if the body or organisation has made an application for accreditation—when the decision on the application takes effect, or
 - (b) if the body or organisation has made an application for accreditation and the application is withdrawn—when the application is withdrawn, or
 - (c) if the body or organisation's accreditation is cancelled—when the cancellation takes effect, or
 - (d) on 14 July 2013,whichever occurs first.

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Schedule 1 Amendments

[3] Clauses 22B, 22C and 22CA–22CD

Omit clauses 22B and 22C. Insert instead:

22B Requirements for progressive achievement by transitional designated agencies

- (1) The object of this clause is to enable a transitional designated agency, by 14 July 2013, to progressively satisfy the accreditation criteria that apply to the agency and be accredited under clause 36A of the principal Regulation.
- (2) The transitional designated agency must meet the minimum standards or other criteria determined by the Minister, from time to time, on the recommendation of the Children's Guardian, for the transitional designated agency by the dates determined by the Children's Guardian.
- (3) The Children's Guardian is to keep the dates determined by it under review and may change any date from time to time by notice to the designated agency concerned. The Children's Guardian cannot determine an earlier date without the consent of the designated agency concerned.
- (4) The Children's Guardian may require the transitional designated agency to furnish to the Children's Guardian such further information as the Children's Guardian may reasonably require in order to assess whether the transitional designated agency has complied with subclause (2).
- (5) If a transitional designated agency, not being a department of the Public Service, fails to comply with subclause (2), the Children's Guardian may require the transitional designated agency, by notice in writing, to show cause within such reasonable period as is specified in the notice (being at least 28 days from the date on which the notice was given), why the transitional designated agency's application for accreditation should not be refused.
- (6) If the transitional designated agency fails to show cause under subclause (5), to the satisfaction of the Children's Guardian, the Children's Guardian may refuse the application.
Note. Under section 245 (1) (b) of the Act, a decision of the relevant decision-maker is reviewable by the Administrative Decisions Tribunal.
- (7) If the transitional designated agency is a department of the Public Service and fails to comply with subclause (2), the Children's Guardian must report the failure to the Minister.

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Amendments

Schedule 1

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- (8) The principal Regulation does not apply to a transitional designated agency accredited under clause 22A, except as provided by this Division.
 - (9) This clause ceases to have effect on 14 July 2013.

22C Application of principal Regulation to applications by transitional designated agency for accreditation

- (1) This clause applies to a transitional designated agency that made, before 14 July 2005, an application under this Regulation to the Children's Guardian for accreditation as a designated agency and the application has not been determined or withdrawn.
- (2) Any such application by a transitional designated agency is to be dealt with in accordance with the principal Regulation, except as provided by this clause.
- (3) A transitional designated agency may withdraw its application for accreditation at any time.
- (4) A body or agency that applied to the Children's Guardian for voluntary accreditation between 1 July 2002 and 14 July 2003 by completing an "Application for Accreditation" form issued by the Children's Guardian is taken to have applied for accreditation as a designated agency.
- (5) An application by an agency referred to in subclause (1) or (3) is taken to be an application for accreditation under the principal Regulation, made in accordance with that Regulation, and clause 35 of that Regulation does not apply to any such application.
- (6) An application for accreditation by a transitional designated agency may not be:
 - (a) taken over under clause 35A of the principal Regulation, or
 - (b) deferred under clause 35B of that Regulation.
- (7) If the Children's Guardian is satisfied that a transitional designated agency's application for accreditation should not have been refused, the Children's Guardian may reinstate the application and the application is taken to have continued in existence as if it had not been refused and the agency is taken to have continued to be a transitional designated agency.
- (8) Clause 36C (Children's Guardian may set aside decision not to accredit) of the principal Regulation does not apply to an application by a transitional designated agency for accreditation.

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Schedule 1 Amendments

22CA Application of principal Regulation to transfer of accreditations of transitional designated agencies

- (1) An accreditation of a transitional designated agency under clause 22A may be transferred in accordance with the provisions of the principal Regulation.
- (2) If the accreditation of a transitional designated agency is transferred in accordance with clause 37B of the principal Regulation:
 - (a) the transferee is taken to be a transitional designated agency, and
 - (b) the transition period that applied to the transferor applies to the transferee.

22CB Conditions on accreditation of transitional designated agencies

- (1) The Children's Guardian may impose conditions on an accreditation of a transitional designated agency under clause 22A in accordance with the principal Regulation, except as provided by this clause.
- (2) A condition may be imposed under clause 39 (2) of the principal Regulation on the accreditation of a transitional designated agency only if:
 - (a) the Children's Guardian has, on reasonable grounds, a concern that an act or omission of the transitional designated agency (including, but not limited to, an act or omission of its principal officer) may adversely affect the safety, welfare or well-being of a child or young person or class of children or young persons, and
 - (b) the Children's Guardian has, given a notice in accordance with subclause (3) to the transitional designated agency, and
 - (c) the transitional designated agency has not addressed the concern specified in that notice within the period specified under subclause (3) (c), and
 - (d) having considered any notification given by the transitional designated agency as referred to in subclause (3) (d), the Children's Guardian is of the opinion that imposition of a condition is appropriate.
- (3) The notice is to be in writing and must contain the following matters:
 - (a) particulars of the concern that the Children's Guardian has,

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Amendments

Schedule 1

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- (b) a request that the transitional designated agency address the concern by the date specified in the notice (being at least 28 days from the date on which the notice was given),
 - (c) notice that a specified condition may be imposed on the transitional designated agency's accreditation if the agency does not address the concern before the date specified in the notice,
 - (d) notice that the transitional designated agency may, no later than 28 days from the date on which the notice was given, notify the Children's Guardian in writing that:
 - (i) the agency believes that there is no reasonable grounds for the Children's Guardian's concern, or
 - (ii) that the period specified under paragraph (b) does not give the agency a reasonable time to address the concern, or
 - (iii) that the condition proposed pursuant to the notice is unreasonable and set out the grounds for this belief.
 - (4) Any condition imposed under clause 39 (2) of the principal Regulation on the accreditation of a transitional designated agency must be in substantially the same terms as the condition proposed under subclause (3) (c).
 - (5) A condition may not be imposed under clause 39 (3) of the principal Regulation on the accreditation of a transitional designated agency.

22CD Action against accreditation of transitional designated agency

- (1) The Children's Guardian may take action under clause 40 of the principal Regulation in relation to an accreditation of a transitional designated agency under clause 22A, except as provided by this clause.
- (2) The Children's Guardian may not suspend or cancel the accreditation of a transitional designated agency on the grounds set out in clause 40 (2) (f) or (g) of the principal Regulation.
- (3) If the accreditation of a transitional designated agency is suspended, the transition period for the agency is not extended by the suspension.
- (4) The accreditation of a transitional designated agency may not be shortened under clause 40 of the principal Regulation.

[4] Part 3A, Division 2

Omit the Division.

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

Schedule 1 Amendments

[5] **Part 5**

Insert after clause 25:

**Part 5 Provisions consequent on making of
Children and Young Persons (Care and
Protection) Amendment (Out-of-Home
Care) Regulation 2008**

26 Interpretation

- (1) In this Part:
the amending Regulation means the *Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2008*.
- (2) Words and expressions that occur in this Part have the same meanings as they have in the principal Regulation.

**27 Review of decisions of Children's Guardian by Administrative
Decisions Tribunal**

Clause 6B (a) (i) of the principal Regulation, as inserted by the amending Regulation, applies to a condition imposed before the commencement of that provision.

28 Applications for accreditation

Clauses 35A, 35B, 36, 36A and 36B of the principal Regulation, as inserted or substituted by the amending Regulation, apply to applications for accreditation made, but not determined, before the commencement of those clauses.

30 Accreditation criteria

Accreditation criteria approved before the substitution of clause 36 by the amending Regulation that were approved in accordance with clause 36 as in force at the time of the relevant approval are taken to have been approved in accordance with that clause as substituted by the amending Regulation.

31 Granting provisional accreditation

Provisional accreditation may be granted in respect of an application for accreditation whether or not the application was made before the commencement of clause 36A of the principal Regulation, as inserted by the amending Regulation.

Children and Young Persons (Savings and Transitional) Amendment
(Out-of-Home Care) Regulation 2008

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32 Setting aside decision not to accredit

- (1) Clause 36C of the principal Regulation, as inserted by the amending Regulation, applies to an application for accreditation determined before the commencement of that clause.
- (2) A notice under clause 36C (1) of the principal Regulation that sets aside a decision not to accredit may provide that the decision to accredit is taken to have had effect on and from the date the decision being set aside took effect, or such later date as may be specified in the notice, even if that date is before the commencement of that clause.

33 Transfer of accreditation

Subdivision 2 of Division 4 of Part 6 of the principal Regulation, as inserted by the amending Regulation, applies to a designated agency accredited before the commencement of that Subdivision.

34 Accreditation—shortening, suspension and cancellation

For the avoidance of doubt, clause 40 of the principal Regulation, as substituted by the amending Regulation, does not apply to any proceedings under that clause if the relevant act or omission referred to in clause 40 (2) occurred before the substitution.

35 Conditions of accreditation

The amendments made to Schedule 4 of the principal Regulation by the amending Regulation apply to an accreditation in force immediately before the commencement of the amendments.



New South Wales

Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

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

LINDA BURNEY, M.P.,
Minister for Community Services

Explanatory note

The object of this Regulation is to amend the *Children and Young Persons (Care and Protection) Regulation 2000* to make further provision for the functions of the Children's Guardian, in particular in respect of the regulation of out-of-home care, under the *Children and Young Persons (Care and Protection) Act 1998*.

The amendments make further provision in relation to the following:

- (a) the review of decisions of the Children's Guardian by the Administrative Decisions Tribunal,
- (b) when acts of the Children's Guardian take effect,
- (c) the collection of information by the Children's Guardian,
- (d) the assessment and authorisation of authorised carers (including authorised carers for children or young persons with special out-of-home care needs and to provide respite relief for other authorised carers),
- (e) the taking over by an organisation of the application of another organisation for accreditation as a designated agency,
- (f) the process of accreditation,
- (g) approval of accreditation criteria,
- (h) the determination of an application for accreditation,
- (i) the transfer of accreditation,
- (j) the administration of an accreditation,

Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care)
Regulation 2008

Explanatory note

- (k) sanctions the Children's Guardian may take against a designated agency,
- (l) conditions of accreditation (including the imposition of a condition regarding the entry of premises of a designated agency).

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 137, 139 and 264 (the general regulation-making power).

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

Clause 1

Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2008*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on 5 January 2009.
- (2) Schedule 1 [17], to the extent it inserts clause 38C into the *Children and Young Persons (Care and Protection) Regulation 2000*, commences on 31 October 2008.

3 Amendment of Children and Young Persons (Care and Protection) Regulation 2000

The *Children and Young Persons (Care and Protection) Regulation 2000* is amended as set out in Schedule 1.

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

accreditation criteria means standards and other criteria approved under clause 36 (1).

departmental designated agency means a designated agency that is a department of the Public Service.

full accreditation—see clause 36A (3) (a).

private organisation means an organisation that is not a department of the Public Service.

provisional accreditation—see clause 36A (3) (b).

working day, in relation to the Children's Guardian, means a day on which the principal office of the Children's Guardian is open.

[2] Clause 3 (2)

Insert at the end of the clause:

(2) In this Regulation, a reference to:

- (a) an organisation includes a reference to a designated agency, and
- (b) an organisation that has applied for accreditation as a designated agency includes a designated agency that has applied for renewal of accreditation as a designated agency.

[3] Clause 6B Review of decisions of Children's Guardian by Administrative Decisions Tribunal

Omit clause 6B (a)–(c). Insert instead:

- (a) to impose or not to impose a condition on:
 - (i) the process of accreditation as a designated agency, or
 - (ii) the accreditation of a designated agency, or
- (b) to vary or revoke any such condition, or
- (c) to shorten the accreditation period, or suspend or cancel the accreditation, of a designated agency.

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

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[4] Clause 7D

Insert after clause 7C:

7D When acts of Children's Guardian take effect

- (1) This clause applies to anything the Children's Guardian is required or authorised to do under this Regulation or the *Children and Young Persons (Savings and Transitional) Regulation 2000* if done by way of a written instrument.
- (2) The instrument takes effect on the date of its execution unless it otherwise provides.

[5] Clause 11A

Insert after clause 11:

11A Provision and collection of information

- (1) A person is authorised to provide to the Children's Guardian, and the Children's Guardian is authorised to collect and use, any information relevant to the exercise of the functions of the Children's Guardian under this Regulation or the *Children and Young Persons (Savings and Transitional) Regulation 2000*, including, but not limited to, information relevant to the following:
 - (a) the assessment of an individual's suitability to be an authorised carer,
 - (b) the assessment of an organisation's suitability to be accredited as a designated agency.
- (2) A person is authorised to provide to a designated agency, and the agency is authorised to collect and use, any information relevant to the exercise of the agency's functions under those regulations, including information relevant to the assessment of an individual's suitability to be an authorised carer.
- (3) This clause does not operate to limit the information the Children's Guardian or a designated agency may collect or use to information provided by another person authorised to do so under this clause.
- (4) This clause is subject to any prohibition on the provision of information under any other law.

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

Schedule 1 Amendments

[6] Clauses 20–20B

Omit clause 20. Insert instead:

20 Authorisation by a designated agency as an authorised carer

- (1) A designated agency may authorise an individual belonging to any of the following classes of individuals as an authorised carer (other than an authorised carer referred to in clause 20A (2) or 20B (2)):
 - (a) an employee of the agency whose duties as an employee include:
 - (i) providing care for children or young persons, or
 - (ii) supervising the provision of care for children or young persons,
 - (b) an individual engaged by the agency under a contractual arrangement (other than as an employee) to provide services that include:
 - (i) providing care for children or young persons, or
 - (ii) supervising the provision of care for children or young persons,
 - (c) an employee of an individual referred to in paragraph (b) whose duties as an employee include providing care for children or young persons,
 - (d) an individual who cares for children or young persons in his or her private capacity.
- (2) A designated agency must not authorise an individual under subclause (1) unless the agency has determined that the individual is suitable to be an authorised carer.
- (3) A designated agency must not determine that an individual is suitable to be an authorised carer under subclause (2) unless:
 - (a) the individual has furnished to the agency such information as the agency may reasonably require in order to assess the individual's suitability to be an authorised carer, and
 - (b) the individual has successfully completed such course of training as the agency may reasonably require in order to ensure that the individual is capable of exercising the functions of an authorised carer, and
 - (c) the agency has carried out any background checking of the individual required for the purposes of Part 7 of the *Commission for Children and Young People Act 1998* and

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

Amendments

Schedule 1

has done anything else it is required to do under that Act in relation to the authorisation before employing (within the meaning of Part 7 of that Act) the individual to perform the duties of an authorised carer, and

- (d) having regard to the functions imposed on an authorised carer by or under the Act, any information possessed by the agency and all the circumstances of the case, the agency has estimated:
- (i) the risk, if any, to any child or young person in authorising the individual as an authorised carer, including any risk arising from the particular place at which the authorised carer will be providing out-of-home care, and
 - (ii) the risk, if any, that the individual may be unable to properly perform the functions of an authorised carer.

Note. Part 7 of the *Commission for Children and Young People Act 1998* provides that it is the duty of an employer to carry out background checking before employing a person in primary child-related employment. Primary child-related employment includes paid child-related employment and child-related employment involving the fostering of children.

Part 7 of that Act also prohibits an employer from employing a person in child-related employment without first requiring the person to disclose whether or not the person is a prohibited person. That Act also prohibits a prohibited person from applying for, undertaking or remaining in child-related employment. Section 33PA of that Act excludes the employment of certain relatives from that prohibition on employment.

- (4) For the purpose of determining whether an individual is suitable to be an authorised carer under subclause (2), the designated agency may make such inquiries as to the individual, and as to each individual who is aged 14 years or above in the household of the individual, as the agency considers appropriate, including:
- (a) subject to the *Criminal Records Act 1991*—a check for any criminal record of the individual (whether or not within New South Wales), and
 - (b) any other relevant probity check relating to the previous employment or other activities of the individual.
- (5) The principal officer of a designated agency is to carry out the functions of the agency under subclause (1), unless the Children's Guardian approves the carrying out of those functions by another individual.

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

Schedule 1 Amendments

- (6) Failure to comply with subclause (5) does not affect the validity of the authorisation of any authorised carer under this Regulation, whether the authorisation occurred before or after the commencement of this subclause.

20A Authorised carers authorised by the Department to enable special care

- (1) In this clause:
special care provider means an organisation that the Department has determined is suitable to provide special out-of-home care for children or young persons.
- (2) The Department, in its capacity as a designated agency, may authorise an individual belonging to any of the following classes of individuals as an authorised carer who can provide special out-of-home care:
- (a) an employee of a special care provider whose duties as an employee include:
- (i) providing care for children or young persons, or
 - (ii) supervising the provision of care for children or young persons,
- (b) an individual engaged by a special care provider under a contractual arrangement (other than as an employee) to provide services that include:
- (i) providing care for children or young persons, or
 - (ii) supervising the provision of care for children or young persons.
- (3) The Department must not authorise an individual under subclause (2) unless the relevant special care provider has:
- (a) informed the Department that the special care provider has carried out any background checking of the individual required for the purposes of Part 7 of the *Commission for Children and Young People Act 1998*, and
 - (b) done anything else it is required to do under that Act in relation to the authorisation, whether before or after the commencement of this clause.
- (4) The Department must not place a child or young person in the out-of-home care of an individual authorised under subclause (2) unless the Department has:

Children and Young Persons (Care and Protection) Amendment
(Out-of-Home Care) Regulation 2008

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- (a) determined that the child or young person has special needs for out-of-home care that can be best met by such a placement, and
 - (b) consulted the Children's Guardian about the placement.

20B Authorised carers authorised by designated agency to give respite to usual authorised carers

- (1) In this clause:
respite care provider means an organisation providing temporary respite relief for authorised carers.
- (2) A designated agency may authorise an individual belonging to any of the following classes of individuals as an authorised carer who can provide respite for other authorised carers:
 - (a) an employee of a respite care provider whose duties as an employee include:
 - (i) providing care for children or young persons, or
 - (ii) supervising the provision of care for children or young persons,
 - (b) an individual engaged by a respite care provider under a contractual arrangement (other than as an employee) to provide services that include:
 - (i) providing care for children or young persons, or
 - (ii) supervising the provision of care for children or young persons.
- (3) The designated agency must not authorise an individual under subclause (2) unless the relevant respite care provider has:
 - (a) informed the agency that the respite care provider has carried out any background checking of the individual required for the purposes of Part 7 of the *Commission for Children and Young People Act 1998*, and
 - (b) done anything else it is required to do under that Act in relation to the authorisation, whether before or after the commencement of this clause.
- (4) The principal officer of a designated agency is to carry out the functions of the agency under subclause (2), unless the Children's Guardian approves the carrying out of those functions by another individual.
- (5) Failure to comply with subclause (4) does not affect the validity of any authorisation of an authorised carer under this clause.

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- (6) A designated agency must not place a child or young person in the out-of-home care of an individual authorised under subclause (2) unless the agency has given the Children’s Guardian notice in writing of the name, and the street and postal address of the principal place of business, of the respite care provider.
- (7) A designated agency must notify the Children’s Guardian in writing if any child or young person is placed in the out-of-home care of any individual or individuals authorised by the agency under this clause for a period or periods amounting to more than 90 days in any 12 month period.

[7] Clause 22 Authorisations by designated agencies to be in writing

Omit clause 22 (1). Insert instead:

- (1) A designated agency that authorises a person as an authorised carer under clause 20, 20A or 20B must cause the person to be given a copy of the authorisation in writing.

[8] Clause 34 Code of Conduct for Residential Units—designated agencies

Insert “, or accreditation period shortened,” after “suspended” in the note to the clause.

[9] Part 6, Division 4

Insert after the heading to Division 4 of Part 6:

Subdivision 1 Accreditation

[10] Clause 35 Application for accreditation

Omit clause 35 (1). Insert instead:

- (1) An organisation or a department of the Public Service (an *applicant*) may apply in writing to the Children’s Guardian for:
 - (a) accreditation as a designated agency, or
 - (b) the renewal of accreditation as a designated agency.

[11] Clause 35 (2)

Omit paragraph (c). Insert instead:

- (c) if the applicant is a private organisation—to specify the name of the individual proposed to be the applicant’s principal officer on accreditation, and

[12] Clause 35 (3)

Omit “the Guardian”. Insert instead “the Children’s Guardian”.

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[13] Clause 35 (3A) and (4)

Omit the subclauses. Insert instead:

- (4) Any information that is required under subclause (3) must be furnished to the Children's Guardian on or before the reasonable date specified by the Children's Guardian by notice in writing.

[14] Clauses 35A and 35B

Insert after clause 35:

35A Taking over an application for accreditation

- (1) An application made by an organisation for accreditation as a designated agency may be taken over by another organisation only in accordance with this clause.
- (2) The Children's Guardian may authorise an organisation (*the successor*) to take over an application for accreditation as a designated agency made by another organisation (*the predecessor*), by notice in writing given to the successor.
- (3) The Children's Guardian must not authorise a successor to take over an application unless:
 - (a) the predecessor has requested that action, and
 - (b) the successor has given the Children's Guardian a written undertaking that it will operate in the manner proposed in the application or as otherwise agreed in writing by the successor and the Children's Guardian, and
 - (c) the successor has, by notice in writing given to the Children's Guardian, specified the name of the individual proposed to be the successor's principal officer on accreditation.

Note. In addition to the conditions set out in Schedule 4, the process of accreditation of an organisation that takes over an application under this clause may also be subject to conditions imposed under clause 39 (3).

- (4) A copy of the notice under subclause (2) must be given to the predecessor, if the predecessor continues to exist, and, on and from receipt of the notice, the predecessor is taken not to be an applicant for accreditation as a designated agency.
- (5) Unless prohibited by or under any Act, the Children's Guardian may disclose to the successor any information in his or her possession regarding the predecessor.
- (6) A condition imposed on the process of accreditation in respect of an application for accreditation continues to apply to the process despite the application being taken over under this clause.

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35B Deferral of determination of application to renew accreditation

- (1) If a designated agency has applied for the renewal of an accreditation, the Children's Guardian may, by notice in writing to the agency, defer determining the application.
- (2) The deferral has effect until a notice given under clause 36B in respect of the application takes effect.
- (3) The deferral does not affect any requirement made under clause 35 (3) to furnish information in respect of the application, whether the requirement was imposed before or during the deferral.
- (4) If the Children's Guardian defers determining the application for 6 months or more from the date the deferral took effect, the Children's Guardian must inform the Minister in writing of the deferral.

Note. The accreditation period of a designated agency whose application for renewal of accreditation has been deferred is extended under clause 38A until the application is determined.

[15] Clauses 36–36F

Omit clause 36. Insert instead:

36 Accreditation criteria

- (1) On the recommendation of the Children's Guardian, the Minister may, from time to time, approve standards and other criteria for use in determining:
 - (a) whether to grant an application for accreditation as a designated agency, and
 - (b) what accreditation period will be granted.
- (2) Without limiting subclause (1), criteria may be approved under that subclause in respect of a class or classes of applicants.
- (3) Without limiting subclause (1), the following matters are to be addressed by criteria approved under that subclause:
 - (a) the assessment procedures (including probity testing) for determining whether a person is suitable to be an authorised carer,
 - (b) the training provided to authorised carers,
 - (c) the supervision provided to authorised carers,
 - (d) what provision is made for the involvement of children and young persons in the making of decisions that affect them,

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- (e) what provision is made for the involvement of the persons who have parental responsibility for children or young persons immediately before the children or young persons enter into out-of-home care in the making of decisions that affect those children or young persons,
 - (f) what provision is made for the involvement of authorised carers in the making of decisions concerning the child or young person in their care.
- (4) The Children's Guardian must make criteria approved under subclause (1) available for public inspection.
 - (5) Failure to comply with subclause (4) does not affect the validity of any decision of the Children's Guardian to accredit or not accredit an applicant.

36A Determination of application for accreditation

- (1) The Children's Guardian may grant accreditation as a designated agency to an applicant if, in the opinion of the Children's Guardian, the applicant wholly or substantially satisfies the accreditation criteria referred to in clause 36.
- (2) The Children's Guardian may come to the opinion that an applicant satisfies a particular accreditation criterion if a body, recognised by the Children's Guardian for the purposes of this subclause, has determined that the applicant meets a standard or other criterion recognised by the Children's Guardian for the purposes of this subclause in respect of the accreditation criterion.
- (3) The Children's Guardian may grant the following accreditation:
 - (a) if the applicant has made arrangements for the provision of out-of-home care in accordance with the Act and the regulations at any time during the period commencing 12 months before the application was made and ending when the application is determined—*full accreditation*,
 - (b) in any other case—*provisional accreditation*.

36B Accreditation notice

- (1) As soon as reasonably practicable after determining an application for accreditation, the Children's Guardian must inform the applicant of the following by notice in writing:
 - (a) the decision,
 - (b) when the decision takes effect,

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- (c) if accreditation is granted—whether full or provisional accreditation is granted,
 - (d) the reasons for the decision,
 - (e) how the applicant may apply for a review of the decision.
- (2) If an applicant is granted accreditation but did not wholly satisfy the accreditation criteria, the notice must also specify the accreditation criteria that were not wholly satisfied and the reasons for the Children’s Guardian’s opinion that the criteria were not wholly satisfied.

36C Children’s Guardian may set aside decision not to accredit

- (1) If the Children’s Guardian is satisfied that an application for accreditation as a designated agency should not have been refused, the Children’s Guardian may withdraw the refusal under clause 36B and issue a notice granting accreditation.
- (2) The notice may provide that accreditation is taken to have had effect on and from the date the previous decision not to accredit took effect, or such later date as may be specified in the notice.

36D Requirements where only provisional accreditation granted

- (1) A designated agency granted provisional accreditation must notify the Children’s Guardian in writing when the agency first makes arrangements for the provision of out-of-home care after being accredited.
- (2) The notice must be given by the next working day after the first arrangements are made.

36E Progression from provisional accreditation to full accreditation

- (1) A notice given under clause 36D (1) is taken to be an application under clause 35 for full accreditation.
- (2) The Children’s Guardian may, by notice in writing, waive any requirement imposed by or under clause 35 in respect of such an application if the Children’s Guardian is satisfied that the requirement was met by the designated agency in the course of being granted provisional accreditation.
- (3) Without limiting clause 35 (3), the Children’s Guardian may require the applicant to furnish to the Children’s Guardian such information as to the applicant’s practice and other matters as the Children’s Guardian may reasonably require in order to assess the applicant’s suitability to be granted full accreditation.

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- (4) Any information that is required under subclause (3) must be furnished to the Children's Guardian on or before the reasonable date specified by the Children's Guardian by notice in writing.
 - (5) The Children's Guardian must not determine the application within 12 months of the applicant first making arrangements for the provision of out-of-home care after its provisional accreditation.
 - (6) The provisional accreditation of a designated agency taken to have made an application under this clause ceases on the determination of the application taking effect.

Note. Clause 38 provides for the accreditation period for provisional accreditation to be 3 years.

36F Accreditation criteria must be wholly satisfied

- (1) A designated agency granted accreditation under this Regulation that did not wholly satisfy the accreditation criteria that applied to the agency in respect of its application for accreditation must wholly satisfy the accreditation criteria:
 - (a) in the case of a designated agency granted full accreditation—within 12 months of its accreditation, or
 - (b) in the case of a designated agency granted provisional accreditation—within 12 months of the date the agency first made arrangements for the provision of out-of-home care after its accreditation.
- (2) The Children's Guardian may, by notice in writing given to the agency, specify a shorter period for the purposes of subclause (1) (a) or (b).

[16] Part 6, Division 4, Subdivision 2

Omit clause 37. Insert instead:

Subdivision 2 Transfer of accreditation

37 Application of Subdivision

- (1) The accreditation of a designated agency (other than a departmental designated agency) may be transferred only in accordance with this Subdivision.
- (2) Subclause (1) does not prevent the transfer of accreditation of any designated agency if it is transferred in accordance with any other Act or law.

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37A Application for transfer of accreditation

- (1) An application for approval to transfer accreditation from a designated agency (*the transferor*) to another organisation (*the transferee*) that is not a designated agency may be made by a transferor to the Children's Guardian in the form approved by the Children's Guardian.
- (2) The Children's Guardian may require a transferor or transferee to furnish to the Children's Guardian such further information as the Children's Guardian may reasonably require in order to determine the application.
- (3) Any information that is required under subclause (2) must be furnished to the Children's Guardian on or before the reasonable date specified by the Children's Guardian by notice in writing.
- (4) Unless prohibited by or under any Act, the Children's Guardian may disclose any information about the transferor to the transferee.

37B Transfer of accreditation

- (1) The Children's Guardian may, by notice in writing, approve or refuse the application to transfer accreditation.
- (2) The Children's Guardian must not approve the application unless:
 - (a) the transferor and the transferee are not in contravention of any guidelines issued by the Children's Guardian under clause 37D (1) that apply in respect of the application, and
 - (b) the transferor is not in contravention of any condition of its accreditation, and
 - (c) the transferor and the transferee are not in contravention of any condition on the process of accreditation under this clause, and
 - (d) the Children's Guardian is of the opinion that the transfer will promote the best interests of children and young persons in out-of-home care.
- (3) The Children's Guardian is to consult with the Department and the Ombudsman before determining the application.
- (4) If the transferor is funded by the Department of Ageing, Disability and Home Care in respect of the arrangements the transferor makes for the provision of out-of-home care, the Children's Guardian is to consult with that Department before determining the application.

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37C When transfer takes effect

- (1) A transfer of accreditation approved under clause 37B takes effect on the later of the following days:
 - (a) when the transferee accepts the transfer by notice in writing given to the Children's Guardian,
 - (b) on the date specified in the Children's Guardian's approval.
- (2) If the transferor ceases to exist before the transfer takes effect, the transfer is taken to have had effect when the transferor ceased to exist.
- (3) When a transfer takes effect, the transferor ceases to be accredited as a designated agency and the transferee is accredited as a designated agency, the transferee's accreditation being taken to be the accreditation granted to the transferor.

37D Transfer guidelines

- (1) The Children's Guardian may issue written guidelines in respect of the exercise of functions under this Subdivision including, but not limited to, the following:
 - (a) the granting of approvals,
 - (b) the imposition of conditions on the process of accreditation and on accreditations.
- (2) Without limiting subclause (1), the Children's Guardian is to have regard to the following matters in carrying out functions under this Subdivision:
 - (a) whether, for the purposes of continuity of out-of-home care, the transferor and transferee have made all reasonable efforts to vest in the transferee the assets, rights and liabilities related to that out-of-home care that are vested in the transferor,
 - (b) whether, for the purposes of continuity of out-of-home care, the transferor and transferee have made all reasonable efforts to provide for individuals employed by the transferor for the purposes of the provision of that out-of-home care to be employed by the transferee,
 - (c) whether a proposed transfer will prejudice any legal proceedings or proposed legal proceedings to which the transferor is, or is likely to become, a party and whether the transferor and transferee have taken all reasonable steps to ensure that this does not occur.

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37E Consequences of transfer of accreditation

- (1) This clause applies to an accreditation that has been transferred under clause 37B.
- (2) Any authorised carer authorised by the transferor whose authorisation was in force immediately before the transfer took effect is taken to have been authorised by the transferee.
- (3) The accreditation period that applied to the transferor applies to the transferee and is taken to have started on the date the transferor was accredited.
- (4) Any condition on the transferor's accreditation that was in force immediately before the transfer took effect applies to the transferee's accreditation, subject to any variation or revocation of conditions by the Children's Guardian pursuant to this Regulation.
- (5) For the purposes of clause 40 and Schedule 4, the transferee is taken to have satisfied the accreditation criteria the transferor satisfied to be accredited.

[17] Part 6, Division 4, Subdivision 3

Omit clause 38. Insert instead:

Subdivision 3 Accreditation administration

38 Form and accreditation period

- (1) An accreditation is to be in such form as the Children's Guardian may approve.
- (2) The Children's Guardian may grant an accreditation period of 1, 3 or 5 years to a designated agency being granted full accreditation if the agency did not hold provisional accreditation immediately before being granted full accreditation.
- (3) The Children's Guardian may grant an accreditation period of 1 or 3 years to a designated agency being granted full accreditation if the agency held provisional accreditation immediately before being granted full accreditation.
- (4) The Children's Guardian may grant an accreditation period of 3 years to a designated agency being granted provisional accreditation.
- (5) The date the accreditation period of a designated agency ends is not extended by a suspension of accreditation under clause 40.

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38A Accreditation extended on deferral until application to renew determined

- (1) This clause applies to a designated agency that has made an application to renew its accreditation if the determination of the application is deferred under clause 35B.
- (2) The accreditation period is extended until the notice given under clause 36B in respect of the application takes effect.

38B Accreditation extended until decision not to re-accredit takes effect

- (1) This clause applies to a designated agency that has had its application to renew its accreditation refused and the decision to refuse the application has not taken effect.
- (2) The accreditation of the agency ends when the decision takes effect.

38C Accreditation extended to accommodate changes

The Children's Guardian may extend the accreditation period of a designated agency, by notice in writing given to the agency, to the date specified in the notice if the Children's Guardian is of the opinion that changes or proposed changes to the administration of out-of-home care under the Act make the extension appropriate.

[18] Clause 39 Conditions on accreditation and process of accreditation

Omit clause 39 (2)–(4). Insert instead:

- (2) The Children's Guardian may impose such other reasonable conditions as the Children's Guardian sees fit on an accreditation, and may vary or revoke such conditions, by notice in writing given to the designated agency.
- (3) The Children's Guardian may impose such reasonable conditions as the Children's Guardian sees fit on the process of accreditation (including accreditation by way of a transfer under clause 37B), and may vary or revoke such conditions, by notice in writing given to the applicant.
- (4) If an accreditation is transferred, a copy of the notice given under subclause (3) is to be given to the transferee.
- (5) If the Children's Guardian is satisfied a condition should be imposed under subclause (2) on a departmental designated agency, the Children's Guardian must first report to the Minister on the need to impose the condition.

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- (6) A condition imposed under this clause may authorise any matter or thing to be from time to time determined or applied by any specified person or body.

Note. Contravention of a condition of accreditation is not an offence but is grounds for shortening the accreditation period, or suspending or cancelling the accreditation, of a designated agency.

[19] Clauses 40–40B

Omit clause 40. Insert instead:

40 Accreditation—shortening, suspension and cancellation

- (1) The Children’s Guardian may, by notice in writing given to a designated agency:
- (a) shorten the accreditation period of the agency to a date specified in the notice, or
 - (b) suspend the accreditation of the agency for the period specified in the notice or until a specified matter has been completed, or
 - (c) cancel the accreditation of the agency from the date specified in the notice.
- (2) The Children’s Guardian may give a notice under subclause (1) to a designated agency if the Children’s Guardian is satisfied of any of the following:
- (a) that the agency made a statement or furnished information in connection with the administration of the Act that the agency knew to be false or misleading in a material particular,
 - (b) that the principal officer of the agency made a statement or furnished information in connection with the administration of the Act that the principal officer knew to be false or misleading in a material particular,
 - (c) that the agency failed to comply with any condition of accreditation imposed on the agency’s accreditation,
 - (d) that the agency failed to comply with any obligation or restriction imposed on the agency by or under the Act,
 - (e) that the principal officer of the agency failed to comply with any obligation or restriction imposed on the principal officer by or under the Act,
 - (f) that the agency failed, while the agency had been accredited less than 12 months, to substantially satisfy the accreditation criteria that applied to the agency in respect of its application for accreditation,

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- (g) that the agency failed, at any time after the agency had been accredited for at least 12 months, to satisfy the accreditation criteria that applied to the agency in respect of its application for accreditation.
 - (3) In the case of a departmental designated agency, the Children's Guardian must report to the Minister before issuing a notice under subclause (1).
 - (4) If the Children's Guardian is satisfied that a notice under subclause (1) should not have been given to a designated agency, the Children's Guardian may, by notice in writing given to the agency, withdraw the notice and reinstate the accreditation, or, in the case of a shortening of an accreditation period, reinstate the accreditation period of the designated agency, and the accreditation is taken to have continued in existence as if the notice under subclause (1) had not been given.

40A Designated agencies with suspended accreditations

- (1) Subject to subclause (2), a designated agency remains a designated agency while the agency's accreditation is suspended.
- (2) While a designated agency's accreditation is suspended, the agency is not a designated agency for the purposes of section 138 of the Act.
- (3) The Children's Guardian may remove the suspension of a designated agency's accreditation at any time by notice in writing given to the agency.

40B Designated agencies with shortened accreditation periods

- (1) The Children's Guardian may, by notice in writing given to a designated agency, reduce the period by which the agency's accreditation period has been shortened under clause 40.
- (2) For the removal of doubt, the shortening of an accreditation period under clause 40 does not prevent the accreditation period from being extended under clause 38A, 38B, 38C or 38D.

[20] Schedule 4 Conditions of accreditation of designated agency

Insert after the heading to the Schedule:

Part 1 General conditions of accreditation

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[21] Schedule 4, clauses 6–11

Omit clause 6. Insert instead:

6 Notification of failure to satisfy accreditation criteria

A designated agency that is unable to satisfy the accreditation criteria that applied to the agency in respect of its application for accreditation, must advise the Children's Guardian of the fact as soon as practicable after the agency becomes aware of the fact, unless the Children's Guardian has notified the agency that such advice is not required.

7 Notification of failure to comply with accreditation conditions

A designated agency that is unable to comply with a condition of accreditation imposed under clause 39 must advise the Children's Guardian of the fact as soon as practicable after the agency becomes aware of it.

8 Notification of contact details

- (1) A designated agency must give the Children's Guardian, by notice in writing, the following information:
 - (a) the street and postal address of the agency's principal place of business,
 - (b) the agency's general telephone number,
 - (c) the agency's general email address (if any),unless the agency has already provided the information by way of its application for accreditation or for any other reason.
- (2) The designated agency must notify a change of any of the information referred to in subclause (1) no later than one business day after the change occurs.

9 Entry to premises

- (1) For the purposes of the exercise of the functions the Children's Guardian has to accredit designated agencies and to monitor their responsibilities under the Act, this Regulation and the *Children and Young Persons (Savings and Transitional) Regulation 2000*, a designated agency must, at any reasonable hour, permit the Children's Guardian, or a person authorised in writing by the Children's Guardian for the purposes of this clause, to:
 - (a) enter premises owned or occupied by the agency, and
 - (b) inspect the premises, and

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- (c) observe and converse with any person present in the premises, and
 - (d) make such examination and inquiry while in the premises as the Children's Guardian or person thinks necessary for the exercise of those functions.
- (2) For that purpose, a designated agency must:
- (a) provide the Children's Guardian with such assistance and facilities as is or are reasonably necessary to enable the Children's Guardian to exercise the functions referred to in subclause (1), and
 - (b) authorise any person subject to the direction of the agency to answer questions or otherwise furnish information to the Children's Guardian.
- (3) A designated agency is not required to permit entry to premises under this clause if the agency was not given reasonable notice that entry would be required, unless:
- (a) the Children's Guardian has certified, by notice in writing, that giving notice before requiring entry would frustrate the purpose of requiring entry, and
 - (b) that notice was given to the agency before the agency's permission was demanded.
- (4) The Children's Guardian must not enter a part of the premises that is private to a person being cared for by the designated agency, whether a child or young person or otherwise, without the consent of the person, unless, with due regard to the age and developmental capacity of the person, the Children's Guardian is of the opinion that the person lacks the capacity to consent.
- (5) In making a determination under subclause (4) about capacity to consent, the Children's Guardian must take into account any opinion the designated agency expresses about the matter.
- (6) In exercising a power under this clause, the Children's Guardian must not enter the private residence of an authorised carer without the consent of the authorised carer.

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Part 2 Conditions imposed in particular circumstances

10 Application successor must operate in manner proposed in application

A designated agency accredited by way of an application taken over pursuant to clause 35A must not contravene an undertaking given by the agency under clause 35A (3) (b).

11 Transferee must adopt policies, procedures and practice of transferor

The transferee of an accreditation must adopt the policies, procedures and practice of the transferor that, immediately before the transfer, related to the arrangements the transferor was making for the provision of out-of-home care.



New South Wales

Fair Trading Amendment (Funeral Goods and Services) Regulation 2008

under the

Fair Trading Act 1987

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

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

Explanatory note

The object of this Regulation is to prescribe an information standard for funeral goods and services. The standard requires suppliers of certain funeral goods and services to give information about:

- (a) the cost of a basic funeral to a prospective consumer, and
- (b) the cost of goods and services, and the estimated amounts of disbursements, to a consumer before entering into an agreement to supply funeral goods and services to the consumer, and
- (c) the actual amounts of disbursements made in relation to the supply of funeral goods and services to a consumer after the goods and services have been supplied to the consumer.

A **basic funeral** will be defined as the supply of specified goods and services, including the arrangement and conduct of a funeral service to be held during ordinary business hours, limited transport of a body, storage and preparation of a body, and supply of the least expensive coffin that a supplier of funeral goods and services has available.

Section 60ZA of the *Fair Trading Act 1987* makes it an offence for a person who supplies funeral goods or services to a consumer to fail to comply with the requirements of any prescribed information standard. This Regulation will enable penalty notices to be issued for offences under that section.

This Regulation also makes a minor change to the structure of Part 4 of the *Fair Trading Regulation 2007* to accommodate the new information standard.

This Regulation is made under the *Fair Trading Act 1987*, including sections 60Z and 92 (the general regulation-making power) and clause 12 of Schedule 5.

Clause 1 Fair Trading Amendment (Funeral Goods and Services) Regulation 2008

Fair Trading Amendment (Funeral Goods and Services) Regulation 2008

under the

Fair Trading Act 1987

1 Name of Regulation

This Regulation is the *Fair Trading Amendment (Funeral Goods and Services) Regulation 2008*.

2 Commencement

This Regulation commences on 1 February 2009.

3 Amendment of Fair Trading Regulation 2007

The *Fair Trading Regulation 2007* is amended as set out in Schedule 1.

Fair Trading Amendment (Funeral Goods and Services) Regulation 2008

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(Clause 3)

[1] **Part 4, heading**

Omit the heading. Insert instead:

Part 4 Other information standards

Division 1 Employment placement services

[2] **Part 4, Division 2**

Insert after clause 101:

Division 2 Funeral goods and services

101A Information standard for funeral goods and services

For the purposes of section 60Z of the Act, the requirements of this Division are prescribed as an information standard for funeral goods and services.

101B Application of Division

This Division applies to the supply of funeral goods and services for the arrangement and conduct of a funeral service, including:

- (a) the supply of goods to a consumer in connection with the burial or cremation of a body, and
- (b) the care, transport and preparation of the body prior to burial or cremation.

101C Definitions

In this Division:

basic funeral means a funeral comprising only the following funeral goods and services:

- (a) the arrangement and conduct of a funeral service, at either the premises of the supplier or at the place of burial or cremation of a body, to take place between the hours of 8 am and 5 pm on a weekday,

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- (b) the transport of the body to any of the following places as required where no individual journey is further than 30 kilometres:
- (i) the premises of a supplier of funeral goods and services,
 - (ii) a mortuary,
 - (iii) the place at which the body is to be buried or cremated,
- (c) the storage of the body at a mortuary or holding room,
- (d) the preparation at a mortuary for burial or cremation of the body, not including preparation for the viewing or embalming of the body,
- (e) the supply of the least expensive coffin that the supplier of funeral goods or services has available,
- (f) the collection of certificates or permits provided by a medical practitioner in relation to the body,
- (g) the burial or cremation of the body.

basic funeral notice means a written statement listing the following:

- (a) each of the funeral goods and services that comprise the basic funeral and the cost of each,
- (b) each of the necessary disbursements and a reasonable estimate of the amount of each.

body means the body of a dead person.

mortuary means premises that are used, or intended to be used, for the preparation or storage of bodies as part of the arrangements for their burial or cremation, but does not include any premises (such as a hospital) in which bodies may be temporarily stored pending their transfer to a mortuary.

necessary disbursements means disbursements in relation to:

- (a) any fees charged by a medical practitioner in respect of certificates or permits provided by the practitioner, and
 - (b) any fees charged by a cemetery or crematorium,
- in relation to a burial or cremation.

prospective consumer means a person who indicates to a supplier of funeral goods and services that he or she is, or might be, interested in purchasing funeral goods and services from the supplier.

Fair Trading Amendment (Funeral Goods and Services) Regulation 2008

Amendments

Schedule 1

101D Information to prospective consumers

- (1) Before entering into an agreement for the supply of funeral goods and services, a supplier of funeral goods and services that ordinarily offers a basic funeral to consumers must give a basic funeral notice to each prospective consumer and to any other person that requests a copy of the notice.
- (2) Before entering into an agreement for the supply of funeral goods and services to a consumer (other than an agreement for the provision of a basic funeral) the supplier of the funeral goods and services must give to the consumer a written statement listing the following:
 - (a) each of the funeral goods and services that are to be supplied to the consumer under the agreement and the cost of each,
 - (b) each of the necessary disbursements and a reasonable estimate of the amount of each,
 - (c) any other disbursements that are likely to be made by the supplier and a reasonable estimate of the amount of each.

101E Information on final account

Before accepting final payment under an agreement for the supply of funeral goods and services to a consumer, the supplier of the funeral goods and services must give to the consumer a written statement listing the following:

- (a) each of the funeral goods and services supplied to the consumer under the agreement and the cost of each,
- (b) each of the necessary disbursements and the amount of each,
- (c) any other disbursements made by the supplier and the amount of each,
- (d) the total amount payable for the supply of the funeral goods and services under the agreement.

101F Transitional provision

Clause 101E applies only in relation to contracts entered into after the commencement of this Division.

[3] Schedule 1 Penalty notice offences

Insert at the end of the Schedule in Columns 1 and 2, respectively:

Section 60ZA (1)	\$550
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New South Wales

Food Amendment (Dairy and Meat Food Safety Schemes) Regulation 2008

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

Explanatory note

The object of this Regulation is to make minor amendments to the dairy and meat food safety schemes under the *Food Regulation 2004* as a consequence of:

- (a) changes made to the *Australia New Zealand Food Standards Code* in respect of milk and dairy products, and
- (b) the replacement of an Australian standard dealing with the hygienic production of wild game meat for human consumption.

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

Clause 1 Food Amendment (Dairy and Meat Food Safety Schemes) Regulation 2008

Food Amendment (Dairy and Meat Food Safety Schemes) Regulation 2008

under the

Food Act 2003

1 Name of Regulation

This Regulation is the *Food Amendment (Dairy and Meat Food Safety Schemes) Regulation 2008*.

2 Amendment of Food Regulation 2004

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

Food Amendment (Dairy and Meat Food Safety Schemes) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clauses 26 (1) (a) and 46 (a)

Omit “Standard 1.6.2 (Processing requirements)” wherever occurring.

Insert instead “Standard 4.2.4 (Primary production and processing standard for dairy products)”.

[2] Clause 26 (2) (c)

Omit “or cream” wherever occurring.

[3] Clauses 74, 84 (b) and 85 (a)

Omit “*Australian Standard for Hygienic Production of Game Meat for Human Consumption* published by ARMCANZ” wherever occurring.

Insert instead “*Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption* published by CSIRO Publishing”.

[4] Clause 112 Marking of carcasses

Omit “section 9.24 of *Australian Standard for Hygienic Production of Game Meat for Human Consumption* published by ARMCANZ” from clause 112 (4).

Insert instead “*Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption* published by CSIRO Publishing”.



New South Wales

Hemp Industry Regulation 2008

under the

Hemp Industry Act 2008

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Hemp Industry Act 2008*.

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

Explanatory note

The *Hemp Industry Act 2008* (*the Act*) provides for a licensing scheme that enables a licensee to cultivate or supply hemp that has a concentration of tetrahydrocannabinol in the leaves and flowering heads not exceeding 1% (*low-THC hemp*) for commercial production or other legitimate purposes. The object of this Regulation is to make provision for the following matters under the Act:

- (a) further particulars that are to be included in an application for a licence to cultivate or supply low-THC hemp,
- (b) applications for the renewal or transfer of a licence,
- (c) further grounds on which the Director-General of the Department of Primary Industries may refuse to grant, or revoke, a licence,
- (d) further licence conditions (including conditions requiring licensees to pay an annual licence fee, to keep a register and to report to the Director-General on an annual basis),
- (e) prescribing the maximum amount of the fees that may be approved by the Director-General in relation to licence applications,
- (f) prescribing the offence under section 6 of the Act of not complying with a licence (including the conditions of the licence) as an offence that may be dealt with by way of a penalty notice.

This Regulation is made under the *Hemp Industry Act 2008*, including section 46 (the general regulation-making power) and the various other provisions referred to in this Regulation.

Hemp Industry Regulation 2008

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Hemp Industry Regulation 2008

Clause 1

Preliminary

Part 1

Hemp Industry Regulation 2008

under the

Hemp Industry Act 2008

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Hemp Industry Regulation 2008*.

2 Commencement

This Regulation commences on 31 October 2008.

3 Definitions

(1) In this Regulation:

hemp means any plant of the genus *Cannabis*.

plant includes a seedling.

seeds means any seeds that are capable of producing low-THC hemp.

the Act means the *Hemp Industry Act 2008*.

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

Clause 4 Hemp Industry Regulation 2008

Part 2 Licensing scheme

Part 2 Licensing scheme

4 Information and particulars to be included in licence applications

(1) Generally

An application for a licence must include the following:

- (a) the name, address, date of birth and contact details of the applicant,
- (b) the name, address, date of birth and contact details of any close associate of the applicant who is likely to be concerned in, or associated with, the cultivation or supply of low-THC hemp under the licence,
- (c) a description of the purpose for which the licence is required and the nature of the activities proposed to be carried out under the licence,
- (d) a description of the intended use and relevant destination of the low-THC hemp that is to be cultivated or supplied under the proposed licence,
- (e) details of any drug related offence for which the applicant, or any close associate of the applicant, has been convicted,
- (f) details of any refusal to grant a corresponding authority to the applicant or any close associate of the applicant,
- (g) details of any suspension or cancellation of a corresponding authority held by the applicant or any close associate of the applicant,
- (h) two recent passport-sized photographs of the applicant's face,
- (i) two recent passport-sized photographs of the face of any close associate of the applicant who is likely to be concerned in, or associated with, the cultivation or supply of low-THC hemp under the proposed licence,
- (j) the signature of the applicant and the date of the application.

(2) Licence to cultivate low-THC hemp for commercial production

An application for a licence authorising a person to cultivate low-THC hemp for commercial production (whether or not for any other purpose) must also include the following:

- (a) a description of the location of the property on which the low-THC hemp is to be cultivated (including Lot and DP numbers and the address of the property),

Hemp Industry Regulation 2008

Clause 4

Licensing scheme

Part 2

- (b) a plan of the property that shows the areas where the low-THC hemp is to be cultivated or stored (including an estimate of the total area to be used to grow the hemp),
- (c) any property identification code (within the meaning of the *Stock Diseases Regulation 2004*) for the property,
- (d) if the applicant does not own the property—the name and address of the owner of the property and evidence of the owner’s consent to the use of the property to cultivate low-THC hemp for commercial production.

(3) **Licence to supply low-THC hemp for commercial production**

An application for a licence authorising a person to supply low-THC hemp for commercial production (whether or not for any other purpose) must also include the following:

- (a) if known—a description of the location of the property that is to be used for the proposed commercial production (including the address and contact details),
- (b) the estimated quantity of low-THC hemp to be supplied annually.

(4) **Licence to cultivate low-THC hemp for use in manufacturing process**

An application for a licence authorising a person to cultivate low-THC hemp for use in any manufacturing process (whether or not for any other purpose) must also include the following:

- (a) a description of the location of the property on which the low-THC hemp is to be cultivated (including Lot and DP numbers and the address of the property),
- (b) a plan of the property that shows the areas where the low-THC hemp is to be cultivated or stored (including an estimate of the total area to be used to grow the hemp),
- (c) any property identification code (within the meaning of the *Stock Diseases Regulation 2004*) for the property,
- (d) if the applicant does not own the property—the name and address of the owner of the property and evidence of the owner’s consent to the use of the property to cultivate low-THC hemp for use in a manufacturing process,
- (e) if known—a description of the processes to which the low-THC hemp will be subject.

Clause 4 Hemp Industry Regulation 2008

Part 2 Licensing scheme

(5) **Licence to supply low-THC hemp for use in manufacturing process**

An application for a licence authorising a person to supply low-THC hemp for use in any manufacturing process (whether or not for any other purpose) must also include the following:

- (a) if known—a description of the location of the manufacturing facilities (including the address and contact details),
- (b) if known—a description of the processes to which the low-THC hemp will be subject,
- (c) the estimated quantity of low-THC hemp to be supplied annually.

(6) **Licence to cultivate low-THC hemp for scientific purposes**

An application for a licence authorising a person to cultivate low-THC hemp for scientific research, instruction, analysis or study (whether or not for any other purpose) must also include the following:

- (a) a description of the location of the property on which the low-THC hemp is to be cultivated (including Lot and DP numbers and the address of the property),
- (b) a plan of the property that shows the areas where the low-THC hemp is to be cultivated or stored (including an estimate of the total area to be used to grow the hemp),
- (c) any property identification code (within the meaning of the *Stock Diseases Regulation 2004*) for the property,
- (d) if the applicant does not own the property—the name and address of the owner of the property and evidence of the owner's consent to the use of the property to cultivate low-THC hemp for scientific research, instruction, analysis or study,
- (e) details of the educational qualifications and other relevant qualifications and experience of:
 - (i) the applicant, and
 - (ii) any close associate of the applicant who will be concerned in, or associated with, the cultivation of low-THC hemp under the licence,
- (f) details of the proposed research, instruction, analysis or study (including the objectives, trial design, the estimated quantity of low-THC hemp to be cultivated and the proposed use, disposal and destruction of that hemp).

Hemp Industry Regulation 2008

Clause 5

Licensing scheme

Part 2

(7) **Licence to supply low-THC hemp for scientific purposes**

An application for a licence authorising a person to supply low-THC hemp for scientific research, instruction, analysis or study (whether or not for any other purpose) must also include the following:

- (a) if known—a description of the location of the property that is to be used for the proposed research, instruction, analysis or study (including the address and contact details),
- (b) if known—a description of the proposed research, instruction, analysis or study,
- (c) the estimated quantity of low-THC hemp to be supplied annually.

5 Application for renewal of licence

(1) If:

- (a) the holder of a licence (*the current licence*) applies for the renewal of the licence before the end of its term, and
- (b) the most recent information held by the Director-General in relation to the current licence (*the current licence information*) remains unchanged when the application for renewal is made,

the application is not required to include the information and particulars referred to in clause 4 but is required to include the information and particulars referred to in subclause (2) of this clause.

Note. Section 13 (3) of the Act provides that an application for the renewal of a licence is to be dealt with as if it were an initial application for a licence. This requirement is subject to the regulations.

(2) The required information and particulars are as follows:

- (a) the name, address and contact details of the applicant,
- (b) the number of the applicant's current licence,
- (c) a declaration by the applicant that the current licence information remains unchanged,
- (d) the signature of the applicant and the date of the application.

(3) Despite subclause (1), the Director-General may refuse to grant the application if, in the opinion of the Director-General, the current licence information has changed and the information and particulars required by clause 4 have not been included in the application.

Clause 6 Hemp Industry Regulation 2008

Part 2 Licensing scheme

6 Additional grounds for refusing to grant licence

For the purposes of section 9 (6) of the Act, the Director-General may refuse to grant a licence to an applicant for a licence if:

- (a) the applicant is unable to demonstrate, to the satisfaction of the Director-General, a lawful and genuine purpose for the cultivation or supply of low-THC hemp, or
- (b) the applicant, or a close associate of the applicant, has previously been refused a licence or a corresponding authority, or
- (c) the applicant, or a close associate of the applicant, has previously held a licence or corresponding authority that was cancelled or suspended, or
- (d) the applicant, or a close associate of the applicant who will be concerned in, or associated with, the cultivation or supply of low-THC hemp under the licence, has not attained the age of 18 years, or
- (e) in the case of an application for a licence authorising a person to cultivate low-THC hemp for scientific research, instruction, analysis or study—the applicant is unable to demonstrate, to the satisfaction of the Director-General, that the applicant, or any close associate of the applicant who will be concerned in, or associated with, the cultivation or supply of low-THC hemp under the licence, has the educational qualifications and other relevant qualifications and experience required to carry out the proposed scientific research, instruction, analysis or study.

7 Application for transfer of licence

- (1) An application for the transfer of a licence is not required to include the information and particulars referred to in clause 4, but is required to include the information and particulars referred to in subclause (2) of this clause, if the most recent information held by the Director-General in relation to the licence (*the current licence information*) remains unchanged when the application for the transfer is made.

Note. Section 14 (2) of the Act provides that an application for the transfer of a licence is to be dealt with as if it were an initial application for a licence. This requirement is subject to the regulations.

- (2) The required information and particulars are as follows:
 - (a) the name, address and contact details of the current licence holder,
 - (b) the number of the licence,
 - (c) the name, address, date of birth and contact details of the transferee,

Hemp Industry Regulation 2008

Clause 8

Licensing scheme

Part 2

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- (d) the name, address, date of birth and contact details of any close associate of the transferee who is likely to be concerned in, or associated with, the cultivation or supply of low-THC hemp under the licence,
 - (e) details of any drug related offence for which the transferee, or any close associate of the transferee, has been convicted,
 - (f) details of any refusal to grant a corresponding authority to the transferee or any close associate of the transferee,
 - (g) details of any suspension or cancellation of a corresponding authority held by the transferee or any close associate of the transferee,
 - (h) two recent passport-sized photographs of the transferee's face,
 - (i) two recent passport-sized photographs of the face of any close associate of the transferee,
 - (j) a declaration by the current licence holder that the current licence information remains unchanged,
 - (k) the signature of the current licence holder and of the transferee and the date of the application.
- (3) Despite subclause (1), the Director-General may refuse to grant the application if, in the opinion of the Director-General, the current licence information has changed and the information and particulars required by clause 4 have not been included in the application.

8 Additional grounds for revocation of licence

A licence may be revoked by the Director-General at the request in writing of the licensee.

Clause 9 Hemp Industry Regulation 2008

Part 3 Licence conditions

Part 3 Licence conditions

9 Licence conditions

- (1) For the purposes of section 12 (1) (a) of the Act, the following conditions are prescribed:
- (a) a licensee must ensure that the activities authorised by the licence remain under the licensee's control at all times,
 - (b) if a licence specifies an area in which an activity authorised by the licence is to be carried out, the licensee must ensure that such activities are carried out only in the specified area,
 - (c) a licensee may only use seed that is supplied on the basis that it will not produce hemp that has a concentration of THC (in its leaves and flowering heads) of more than 0.5%,
 - (d) a licensee must take all necessary steps to ensure that any hemp cultivated by the licensee has a concentration of THC (in its leaves and flowering heads) that does not exceed 1%,
 - (e) a licensee must provide the Director-General with the results of any test, carried out by or on behalf of the licensee, indicating that the concentration of THC (in the leaves and flowering heads of hemp cultivated by the licensee) exceeds 1% within 24 hours of receiving those results,
 - (f) if a licensee becomes aware of the unauthorised use or supply (or proposed unauthorised use or supply) of any low-THC hemp that has been, or is intended to be, cultivated or supplied under the licence, the licensee must immediately notify an inspector of the unauthorised use or supply (or proposed unauthorised use or supply),
 - (g) a licensee must take all necessary steps to ensure that any low-THC hemp that has been, or is intended to be, cultivated or supplied under the licence is not at risk of being used for an unlawful purpose,
 - (h) a licensee must ensure that all low-THC hemp cultivated under the licence is, before leaving the property on which it was cultivated, substantially stripped of its leaves,
 - (i) a licensee must advise the Director-General of any material change to the information provided in relation to the licence in accordance with this Regulation,
 - (j) a licensee must produce the licence for inspection by an inspector at the request of the inspector,

Hemp Industry Regulation 2008

Clause 10

Licence conditions

Part 3

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- (k) a licensee must co-operate with an inspector at all times when the inspector is exercising his or her powers under the Act in relation to the licensee,
 - (l) a licensee must notify the Director-General immediately if the applicant, or any close associate of the applicant, is convicted of any drug related offence.
- (2) A licensee is exempt from the requirement in subclause (1) (h):
- (a) in respect of any low-THC hemp taken from the property on which it was cultivated for scientific purposes or analysis, and
 - (b) in such other circumstances that the Director-General considers appropriate.

10 Register

- (1) It is a condition of a licence that the licensee keep, in accordance with this clause, a register containing the following information:
- (a) the name and address of any person employed or otherwise involved in assisting the licensee in carrying out any activities in relation to the cultivation or supply of low-THC hemp and details of a proof of identity document for that person (for example, details of the person's driver licence or passport),
 - (b) in relation to any seeds that are supplied or obtained under the licence:
 - (i) the date that the seeds are supplied or obtained, and
 - (ii) the weight of the seeds, and
 - (iii) the variety of the seeds, and
 - (iv) the name of the person to whom the seeds are supplied or from whom the seeds are obtained,
 - (c) in relation to any plants that are supplied or obtained under the licence:
 - (i) the date that the plants are supplied or obtained, and
 - (ii) the number of the plants, and
 - (iii) the variety of the plants, and
 - (iv) the name of the person to whom the plants are supplied or from whom the plants are obtained,
 - (d) in relation to the sowing of any seeds under the licence:
 - (i) the date that the seeds are sown, and
 - (ii) the weight and variety of the seeds sown, and
 - (iii) the location where the seeds are sown,

Clause 10 Hemp Industry Regulation 2008

Part 3 Licence conditions

- (e) in relation to the planting of any plants under the licence:
 - (i) the date that the plants are planted, and
 - (ii) the number of plants, and
 - (iii) the variety of the plants, and
 - (iv) the location where the plants are planted,
 - (f) in relation to the disposal or destruction of any seeds or plants under the licence:
 - (i) the date of the disposal or destruction of the seeds or plants, and
 - (ii) the weight of the seeds or number of plants, and
 - (iii) the variety of the seeds or plants, and
 - (iv) the location where the seeds or plants are disposed or destroyed, and
 - (v) the manner in which the seeds or plants are disposed or destroyed, and
 - (vi) the reason for the disposal or destruction of the seeds or plants,
 - (g) in relation to the harvesting of low-THC hemp under the licence:
 - (i) the date of the harvesting, and
 - (ii) the quantity of plants harvested, and
 - (iii) the variety of the plants harvested, and
 - (iv) the weight of any seeds obtained from harvested plants and the variety of those plants, and
 - (v) the location of the harvesting,
 - (h) in relation to the supply of harvested low-THC hemp under the licence:
 - (i) the date of the supply, and
 - (ii) the name of the person to whom the hemp was supplied, and
 - (iii) the condition of the hemp (including whether any plants are fresh or dried and whether any seeds are viable or have been treated to make the seeds non-viable).
- (2) Information is to be recorded in the register within 48 hours of the relevant event to which the information relates.
- (3) The register must identify the person who recorded the information and the date that the information was recorded in the register.

Hemp Industry Regulation 2008

Clause 11

Licence conditions

Part 3

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- (4) The person responsible for keeping a register under a licence must, if the licence to which the register relates expires or is revoked, retain the register for a period of 5 years after the expiry or revocation.
 - (5) The register must be:
 - (a) in legible form in the English language, or
 - (b) in computerised or other form that is readily accessible and is convertible into a legible form in the English language.
 - (6) The register is to be kept in a secure manner so as to prevent any tampering with the register.
 - (7) If a licence is transferred, the licensee is to provide the transferee with a copy of the register.

11 Annual reports

- (1) It is a condition of a licence that the licensee provide a report to the Director-General in relation to the activities carried out under the licence during each annual period.
- (2) The report is to be provided to the Director-General within the time, and in the manner, specified by the Director-General by notice in writing to the licensee.
- (3) Without limiting subclause (2), the Director-General may direct a licensee, or any class of licensees, to include specified information relating to licences or the cultivation or supply of low-THC hemp in a report. The licensee must comply with any such direction.
- (4) In this clause, *annual period*, in relation to a licence, means each period of 12 months beginning on the date the licence was granted and on each anniversary of that date.

12 Annual licence fee

- (1) It is a condition of a licence that the licensee pay an annual fee of \$200 in accordance with this clause.
- (2) The annual fee is payable to the Director-General annually in accordance with the written directions of the Director-General.
- (3) The annual fee is payable even if the licence is suspended.

Clause 13 Hemp Industry Regulation 2008

Part 4 Miscellaneous

Part 4 Miscellaneous

13 Corresponding laws

- (1) The following Acts, and any instruments made under those Acts, are declared to be corresponding laws for the purposes of the definition of *corresponding authority* in section 3 (1) of the Act:
- (a) the *Drugs Misuse Act 1986* of Queensland,
 - (b) the *Drugs, Poisons and Controlled Substances Act 1981* of Victoria,
 - (c) the *Industrial Hemp Act 2004* of Western Australia,
 - (d) the *Hemp Fibre Industry Facilitation Act 2004* of the Australian Capital Territory,
 - (e) the *Poisons Act 1971* of Tasmania.
- (2) The following Acts, and any instruments made under those Acts, are declared to be corresponding laws for the purposes of the definition of *drug related offence* in section 3 (1) of the Act:
- (a) the *Drugs Misuse Act 1986* of Queensland,
 - (b) the *Drugs, Poisons and Controlled Substances Act 1981* of Victoria,
 - (c) the *Misuse of Drugs Act 1981* of Western Australia,
 - (d) the *Controlled Substances Act 1984* of South Australia,
 - (e) the *Misuse of Drugs Act 2001* of Tasmania,
 - (f) the *Criminal Code 2002* of the Australian Capital Territory,
 - (g) the *Misuse of Drugs Act* of the Northern Territory,
 - (h) the *Criminal Code Act 1995* of the Commonwealth.

14 Agency for supply of information arrangements

For the purposes of section 37 of the Act, the Department of Health is prescribed as a relevant agency.

15 Approved application fees

Note. The fee to accompany a licence application (including licence renewals and transfers) is approved by the Director-General (see section 7 (2) (b) of the Act). This clause prescribes the maximum amount of any such approved fee.

For the purposes of section 39 (1) of the Act:

- (a) the amount of \$1,000 is prescribed in relation to any fee approved by the Director-General for an application for a licence (other than an application for the renewal or transfer of a licence), and

Hemp Industry Regulation 2008

Clause 16

Miscellaneous

Part 4

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- (b) the amount of \$500 is prescribed in relation to any fee approved by the Director-General for an application for the renewal or transfer of a licence.

16 Penalty notices

For the purposes of section 45 (6) of the Act, the offence created by section 6 of the Act is prescribed as an offence for which a penalty notice may be issued and the prescribed penalty for that offence is \$550.



New South Wales

Ports and Maritime Administration Amendment (Port Kembla Boundaries) Regulation 2008

under the

Ports and Maritime Administration Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Ports and Maritime Administration Act 1995*.

JOSEPH TRIPODI, M.P.,
Minister for Ports and Waterways

Explanatory note

The object of this Regulation is to reduce the boundaries of Port Kembla as described in Schedule 1 to the *Ports and Maritime Administration Regulation 2007*.

This Regulation is made under the *Ports and Maritime Administration Act 1995*, including sections 105 and 110 (the general regulation-making power).

Clause 1 Ports and Maritime Administration Amendment (Port Kembla Boundaries)
 Regulation 2008

Ports and Maritime Administration Amendment (Port Kembla Boundaries) Regulation 2008

under the

Ports and Maritime Administration Act 1995

1 Name of Regulation

This Regulation is the *Ports and Maritime Administration Amendment (Port Kembla Boundaries) Regulation 2008*.

2 Amendment of Ports and Maritime Administration Regulation 2007

Schedule 1 to the *Ports and Maritime Administration Regulation 2007* is amended by omitting the matter under the heading “Port Kembla” and inserting instead:

The waters of Port Kembla Inner and Outer Harbours bounded by the mean high water mark together with that part of the South Pacific Ocean below mean high water mark enclosed by the arc of a circle of radius 2.5 nautical miles having as its centre the navigation light on the northern extremity of the eastern breakwater at the entrance to the Outer Harbour.



New South Wales

Stock Foods Amendment (Foreign Ingredients) Regulation 2008

under the

Stock Foods Act 1940

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Foods Act 1940*.

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

Explanatory note

The object of this Regulation is to provide that cannabis is not to be used in stock food (with the exception of processed seeds). This amendment is related to the enactment of the *Hemp Industry Act 2008* which enables the cultivation and supply of cannabis for commercial production and other legitimate purposes if the cannabis has a concentration of tetrahydrocannabinol of no more than 1%.

This Regulation is made under the *Stock Foods Act 1940*, including sections 7 and 35 (the general regulation-making power).

Clause 1 Stock Foods Amendment (Foreign Ingredients) Regulation 2008

Stock Foods Amendment (Foreign Ingredients) Regulation 2008

under the

Stock Foods Act 1940

1 Name of Regulation

This Regulation is the *Stock Foods Amendment (Foreign Ingredients) Regulation 2008*.

2 Commencement

This Regulation commences on 31 October 2008.

3 Amendment of Stock Foods Regulation 2005

The *Stock Foods Regulation 2005* is amended as set out in Schedule 1.

Stock Foods Amendment (Foreign Ingredients) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1 Foreign ingredients

Insert in Columns 1, 2 and 3, respectively, at the end of Part 2:

- | | | | |
|---|--|-----------------|-----|
| 9 | Any plant of the genus Cannabis
(excluding the seed of any such plant that
has had the outer layer or bract removed) | All stock foods | Nil |
|---|--|-----------------|-----|

LIQUOR AMENDMENT (SPECIAL EVENTS — EXTENDED TRADING PERIODS) REGULATION (NO 3) 2008

Erratum

THE Liquor Amendment (Special Events— Extended Trading Periods) Regulation (No 3) 2008 published in the *Government Gazette* on 24th October 2008 No 134 folios 10333 to 10334 contained an error. The incorrect Ministers name appeared:

GRAHAM WEST, M.P.,
Minister for Gaming and Racing

This should have read:

BARBARA PERRY, M.P.,
Minister for Gaming and Racing

This erratum now amends that error with the gazettal date remaining 24th October 2008.

LOCAL GOVERNMENT (GENERAL) AMENDMENT (TENDERS) REGULATION 2008

Erratum

THE Local Government (General) Amendment (Tenders) Regulation 2008 published in the *Government Gazette* on 24th October 2008 No 134 folios 10335 to 10338 contained an error. The incorrect Ministers name appeared:

PAUL LYNCH, M.P.,
Minister for Local Government

This should have read:

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

This erratum now amends that error with the gazettal date remaining 24th October 2008.

Rules



New South Wales

Land and Environment Court Rules (Amendment No 2) 2008

under the

Land and Environment Court Act 1979

The following rules of court were made under the *Land and Environment Court Act 1979* on 23 October 2008.

The Honourable Justice B J Preston
Chief Judge

Explanatory note

The object of these Rules is to amend the *Land and Environment Court Rules 2007* so as:

- (a) to make further provision with respect to the functions of the Land and Environment Court that may be exercised by a Commissioner under section 36 of the *Land and Environment Court Act 1979*, and
- (b) to insert a provision with respect to the procedure to be followed in relation to certain proceedings under the *Protection of the Environment Operations Act 1997*.

The provision referred to in paragraph (b) above replicates a provision that was previously contained in Schedule J to the *Supreme Court Rules 1970*.

Rule 1 Land and Environment Court Rules (Amendment No 2) 2008

Land and Environment Court Rules (Amendment No 2) 2008

under the

Land and Environment Court Act 1979

1 Name of Rules

These Rules are the *Land and Environment Court Rules (Amendment No 2) 2008*.

2 Amendment of Land and Environment Court Rules 2007

The *Land and Environment Court Rules 2007* are amended as set out in Schedule 1.

Land and Environment Court Rules (Amendment No 2) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Rule 3.10 Court functions not exercisable by Commissioners

Renumber subparagraphs (iv)–(vi) of rule 3.10 (b) as subparagraphs (v)–(vii), and insert before subparagraph (v), as renumbered:

- (iv) Division 2 of Part 40 (enforcement of judgments and orders),

[2] Rule 3.10 (c)

Insert after rule 3.10 (b):

- (c) the functions of the Court under Part 55 of the *Supreme Court Rules 1970*, as applied by rule 3.9 (powers in relation to contempt).

[3] Rule 3.10 (2)

Insert at the end of rule 3.10:

- (2) Nothing in this rule prevents a Commissioner from making an order as to costs pursuant to the requirements of section 97B (2) of the *Environmental Planning and Assessment Act 1979*.

[4] Rule 5.4

Insert after rule 5.3:

5.4 Procedure under particular Acts

- (1) The provisions of Schedule 1 apply to proceedings under the Acts referred to in that Schedule.
- (2) A reference in any such provision to “the Act” is a reference to the Act referred to in the heading beneath which that provision appears.

Land and Environment Court Rules (Amendment No 2) 2008

Schedule 1 Amendments

[5] Schedule 1

Insert at the end of the Rules:

**Schedule 1 Provisions regarding procedure
under particular legislation**

(Rule 5.4)

Protection of the Environment Operations Act 1997

1 Statement in support of application

The applicant for an order under section 232 (1), 235 (3), 238 (2) or 239 (1) of the Act must file with the summons or notice of motion a statement in summary form of the general nature of the facts and circumstances relied on.

2 Prescribed officer: section 235 (2) (a)

For the purposes of section 235 (2) (a) of the Act, a registrar is a prescribed officer.

Orders

STATE PROPERTY AUTHORITY ORDER (NO 4) 2008

Erratum

THE State Property Authority Order (No 4) 2008 published in the *Government Gazette* on 24th October 2008 No 134 folios 10339 to 10345 contained an error. The incorrect Ministers name appeared:

JOHN WATKINS, M.P.,
Minister for Finance

This should have read:

JOSEPH TRIPODI, M.P.,
Minister for Finance

This erratum now amends that error with the gazettal date remaining 24th October 2008.

Other Legislation



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Coastal Cypress Pine Forest in the New South Wales North Coast Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 13th day of October 2008.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.

NSW SCIENTIFIC COMMITTEE

Final Determination

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Coastal Cypress Pine Forest in the NSW North Coast Bioregion as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Coastal Cypress Pine Forest in the NSW North Coast Bioregion is the name given to the ecological community dominated by Coastal Cypress Pine, *Callitris columellaris*, found typically on coastal sand plains, north from the Angourie area on the far north coast of NSW. The community is characterised by the species listed in paragraph 2, and typically has a closed to open canopy of *C. columellaris*, which may be mixed with eucalypts, wattles, banksias and/or rainforest trees, and an open to sparse understorey of shrubs, sedges and herbs. Structural forms of the community include woodland, open forest and closed forest, although the tree stratum may be very sparse, absent, or comprised only of dead trees in stands affected by partial clearing, tree senescence or fire.
2. Coastal Cypress Pine Forest is characterised by the following assemblage of species:

<i>Abildgaardia vaginata</i>	<i>Acacia aulacocarpa</i>
<i>Acacia disparrima</i> subsp. <i>disparrima</i>	<i>Acacia ulicifolia</i>
<i>Acianthus caudatus</i>	<i>Acianthus exsertus</i>
<i>Acronychia imperforata</i>	<i>Acrotriche aggregata</i>
<i>Allocasuarina littoralis</i>	<i>Alyxia ruscifolia</i>
<i>Araucaria cunninghamii</i>	<i>Aristida</i> spp.
<i>Astroloma humifusum</i>	<i>Austromyrtus dulcis</i>
<i>Baloskion tetraphyllum</i> subsp. <i>meiostachyum</i>	<i>Banksia integrifolia</i> subsp. <i>integrifolia</i>
<i>Banksia serrata</i>	<i>Bulboschoenus barbata</i>
<i>Callitris columellaris</i>	<i>Chiloglottis</i> sp.
<i>Commelina cyanea</i>	<i>Corymbia intermedia</i>
<i>Cyclophyllum longipetalum</i>	<i>Cymbopogon refractus</i> var. <i>refractus</i>
<i>Cyperus stradbokensis</i>	<i>Dianella caerulea</i>
<i>Eragrostis brownii</i>	<i>Eucalyptus pilularis</i>
<i>Eucalyptus resinifera</i> subsp. <i>hemilampra</i>	<i>Eucalyptus signata</i>
<i>Euroschinus falcata</i>	<i>Halfordia kendack</i>
<i>Hoya australis</i> subsp. <i>australis</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Leptospermum polygalifolium</i>	<i>Leucopogon ericoides</i>
<i>Leucopogon leptospermoides</i>	<i>Leucopogon margarodes</i>
<i>Lomandra longifolia</i>	<i>Monotoca elliptica</i>
<i>Notelaea longifolia</i>	<i>Oxylobium robustum</i>
<i>Paspalidium distans</i>	<i>Persoonia stradbokensis</i>
<i>Platynerium bifurcatum</i>	<i>Pomax umbellata</i>
<i>Pteridium esculentum</i>	<i>Pterostylis nutans</i>
<i>Pterostylis pedunculata</i>	<i>Zieria smithii</i>

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought

condition and by its disturbance (including fire) history. The number of species, and the above ground relative abundance of species will change with time since fire, and may also change in response to changes in fire regime (including changes in fire frequency). At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

4. Coastal Cypress Pine Forest is dominated by a dense to open canopy of *Callitris columellaris* (Coastal Cypress Pine), sometimes with *Coyrmbia intermedia* (Pink Bloodwood), *Eucalyptus pilularis* (Blackbutt), *E. signata* (Scribbly Gum), *Acacia disparrima* subsp. *disparrima* (Salwood), *Allocasuarina littoralis* (Black She-oak), *Banksia integrifolia* subsp. *integrifolia* (Coast Banksia) or *B. serrata* (Old Man Banksia). The typically sparse layer of shrubs may include, *Acacia ulicifolia* (Prickly Moses), *Leucopogon ericoides* (Pink Beard-heath), *L. leptospermoides*, *Monotoca elliptica* (Tree broom-heath) and juveniles of any of the canopy species. The typically sparse groundcover comprises scattered grasses, including *Aristida vagans* (Three-awn Speargrass), *Eragrostis brownii* (Brown's Lovegrass), *Imperata cylindrica* var. *major* (Blady Grass) and *Paspalidium distans*, graminoids such as *Baloskion tetraphyllum* subsp. *meiostachyum* (Plume Rush) and *Lomandra longifolia* (Spiny-headed Mat-rush) and forbs including *Dianella caerulea* (Blue Flax Lily) and *Pomax umbellata* or it may also contain a rich orchid flora (Moye *in litt.* 2008). The community may have a distinctive litter layer with patches of compressed *Callitris* branchlets, which have a characteristic chemical composition that is high in terpenes, such as limonene and pinene (Ogunwande *et al.* 2005). Undisturbed stands of the community may have a woodland or forest structure, with *C. columellaris* dominating the canopy, although larger trees, such as eucalypts may be emergent. Stands of the community that have been partially cleared in the past may be reduced to scattered trees and a few characteristic ground cover species, possibly with other native species represented in a soil seed bank. Fires may also influence the structure of the community, as the dominant tree species, *C. columellaris*, is generally killed when burnt. Post-fire regeneration of the community may therefore have the structure of shrubland or heathland for many years.
5. A number of threatened flora species have been recorded in Coastal Cypress Pine Forest or associated ecotones. These include *Acronychia littoralis* (Scented Acronychia), *Archidendron hendersonii* (White Lace Flower), *Geodorum densiflorum* (Pink Nodding Orchid, Shepherds Crook Orchid) and *Drynaria rigidula* (Basket fern).
6. Coastal Cypress Pine Forest typically occurs on the inland side of the coastal sandplain on low rises that represent eroded Pleistocene backbarrier dunes (Morand 1996). A few examples of the community are located on coastal bedrock hills mantled with wind-blown sand or more rarely without a sandy mantle (e.g. Landmark 1999). The community has also been recorded from Holocene sand dunes (Griffith 1999). The sandy soils are generally deep, freely draining podsols, loam or clay soils associated with basalt or, less commonly, fine-grained sedimentary rocks and similar substrates. Currently known occurrences of the community are generally within 35 km of the coast and below 100 m elevation. Mean annual rainfall varies from approximately 1000 mm up to 1800 mm across the distribution of the community.

7. Coastal Cypress Pine Forest is apparently restricted to the NSW North Coast bioregion. The dominant species, *C. columellaris*, extends into south-east Queensland as far north as Hervey Bay. Biantoff and Elsol (1989) record *C. columellaris* in forest on the Sunshine Coast in south-east Queensland, although it is uncertain whether this represents the same community or other communities in which *C. columellaris* is sub-dominant. However, any occurrence of the community in south-east Queensland is likely to be highly restricted. In NSW, Coastal Cypress Pine Forest is currently known from the local government areas of Tweed, Byron, Ballina, Richmond Valley and Clarence Valley, but may occur elsewhere within the bioregion.
8. Coastal Cypress Pine Forest includes 'Coast Cypress Pine' (Forest Ecosystem 22) of NPWS (1999) and DEC (2004), '*Callitris columellaris* tall open to closed forest' (F4) of Pressey and Griffith (1992), the 'Cypress Pine' unit of Landmark (1999), 'Cypress Pine Open Forest to Woodland' (313) of Kingston *et al.* (2004), 'Coast Cypress Pine on Dunes and Ridges' (Community 33) of Sherringham *et al.* (unpubl. data) and Coastal Cypress Pine assemblages described by Benwell (1995, 1998). Coastal Cypress Pine Forest belongs to the Coastal Dune Dry Sclerophyll Forests vegetation class of Keith (2004).
9. Based on detailed field inspections, the total distribution of Coastal Cypress Pine Forest covers approximately 150 ha (A. Benwell, unpubl. data), and is certainly less than 200 ha. Coastal Cypress Pine Forest is currently known from 15-20 localities, most of which are patches no larger than 10 ha. Stands of the community have been mapped in Bundjalung, Yuraygir and Broadwater National Parks (Griffith 1983, 1984, 1985) and Billinudgel Nature Reserve (Benwell 1998), accounting for about half of the total known occurrence. The remaining stands occur primarily on private land or road easements. All known occurrences of the community are within a total extent of occurrence of 2500–3000 km². These estimates indicate that the community has a highly restricted distribution.
10. Since European settlement, and relative to the longevity of its dominant trees, which live for more than a hundred years, Coastal Cypress Pine Forest has undergone a large reduction in geographic distribution. This reduction has occurred as a result of vegetation clearing for sand mining, agriculture and coastal development. Estimates based on field observations of old remnant trees in cleared land around the remaining stands of the Coastal Cypress Pine Forest suggest that the area occupied by the community may have declined by more than 77% (A. Benwell, unpubl. data). The actual reduction in geographic distribution is likely to be larger than this estimate suggests because stands which may have been totally destroyed could not be included in the calculation. Small-scale clearing continues to threaten the community, primarily as a result of coastal development and associated upgrading of roads. For example, within the past two decades, fragmentation of the community has increased as a result of clearing for tea tree plantations, caravan parks, road construction and associated quarrying (DECC *in litt.*, A. Benwell, pers. comm. August 2006), indicating a continuing decline in the geographic distribution of the community. The remaining area of the community is severely fragmented. The integrity and survival of small, isolated stands of the community is impaired by the small population size of its component species, enhanced risks from environmental stochasticity, disruption to pollination and dispersal of fruits or seeds, and likely reductions in the genetic diversity of isolated populations (Young *et al.* 1996, Young and Clarke 2000). 'Clearing of native vegetation' is listed as a Key Threatening Process under the *Threatened Species Conservation Act 1995*.
11. Other threats to Coastal Cypress Pine Forest include habitat degradation and weed invasion. Maintenance of service easements and fence construction encroaches on the

edges of some stands, while trampling and rubbish dumping occurs where the community is close to towns and recreational sites. Such disturbances accelerate the invasion of weeds, which may form a dense understorey or ground layer, displacing native understorey species and inhibiting recruitment of canopy species. Principal weed species include *Asparagus aethiopicus*, *Bryophyllum delagoense*, *Chloris gayana*, *Lantana camara*, *Ochna serrulata* and *Schefflera actinophylla*. Other weed species recorded in the community include *Panicum maximum*, *Rhaphiolepis indica*, *Solanum nigrum* and *S. seaforthianum*. The invasion and establishment of exotic species in Coastal Cypress Pine Forest, results in a large reduction in the ecological function of the community. 'Invasion of native plant communities by exotic perennial grasses' and 'Invasion, establishment and spread of *Lantana* (*Lantana camara* L. *sens. lat.*)' are listed as Key Threatening Processes under the *Threatened Species Conservation Act 1995*.

12. Inappropriate fire regimes also pose a threat to Coastal Cypress Pine Forest. Undisturbed stands of the community typically have a sparse understorey and apparently do not accumulate large quantities of uncompacted litter. These attributes do not favour propagation of fires under common weather conditions. However, the dominant species, *C. columellaris*, may be killed by crown fires or heavy scorching of the lower trunk. Such effects have been observed in localised patches (A. Benwell, pers. comm.), as incursion of fire may be facilitated by more flammable vegetation that surrounds the small patches of the community. A recent crown fire in Bundjalung National Park killed existing seedlings, saplings and mature trees of *C. columellaris* and apparently resulted in little post-fire recruitment (S. J. Griffith, pers. comm.). Regeneration of the species appears to rely on seed that is released regularly from non-persistent cones, mainly in the summer months. Seedling recruitment is mainly seen in gaps created by small-scale disturbance (A. Benwell, pers. comm.). Given these characteristics and observations, high-frequency fires are likely to be detrimental to the persistence of the community, although infrequent fires may be necessary to create the gaps apparently required for seedling recruitment to replace senescent trees. Frequent fires are also likely to accelerate the invasion of weeds, since these species are efficient colonisers of open space where there are sources of propagules nearby. Weed invasion is likely to alter the fuel characteristics, making the community more flammable. Increasing human population pressures, such as those occurring on the NSW north coast, typically result in an increase in fire ignitions in bushland that is accessible to urban areas. 'High frequency fire resulting in disruption of life cycle processes in plants and animals and loss of vegetation structure and composition' is listed as a Key Threatening Process under the *Threatened Species Conservation Act 1995*.
13. Coastal Cypress Pine Forest in the NSW North Coast Bioregion is not eligible to be listed as a critically endangered ecological community.
14. Coastal Cypress Pine Forest in the NSW North Coast Bioregion is eligible to be listed as an Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with the following criteria as prescribed by the *Threatened Species Conservation Regulation 2002*:

Clause 25

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in geographic distribution.

Clause 26

The ecological community's geographic distribution is estimated or inferred to be:

(b) highly restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

(b) a large reduction in ecological function,

as indicated by any of the following:

(d) change in community structure

(g) invasion and establishment of exotic species

(h) degradation of habitat

(i) fragmentation of habitat

Professor Lesley Hughes
Chairperson
Scientific Committee

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New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following matter as a key threatening process under that Act and, accordingly, Schedule 3 to that Act is amended by inserting in alphabetical order:

Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners

Dated, this 13th day of October 2008.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following population as an endangered population under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 2 in alphabetical order under the heading “Peramelidae” (under the heading “Mammals”):

Petameles nasuta Geoffroy, 1804

Long-nosed Bandicoot
population in inner western
Sydney

Dated, this 13th day of October 2008.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a critically endangered species under that Act and, accordingly, Schedule 1A to that Act is amended by inserting in Part I in alphabetical order under the heading “Orchidaceae” (under the heading “Plants”):

Prasophyllum sp. Moama (D.L. Jones 19276)

Dated, this 13th day of October 2008.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.

OFFICIAL NOTICES

Department of Lands

DUBBO OFFICE

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

Phone: (02) 6883 3300 Fax: (02) 6882 6920

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Land District – Armidale;
LGA – Guyra*

Road Closed: Lot 1, DP1119530 at Guyra, Parish Everett,
County Hardinge. File Reference: AE06H120

Schedule

On closing, the land within Lot 1, DP 1119530 remains
vested in the State of New South Wales as Crown Land.

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: Walgett
Local Government Area:
Walgett Shire Council
Locality: Doyle
Reserve No. 94919
Public Purpose: Future
public requirements
Notified: 22 May 1981
Lot 20, DP 750270,
Parish Doyle, County Baradine
Lot 22, DP 750270,
Parish Doyle, County Baradine
File Reference: DB04H81

Column 2

The part being
Lot 20, DP 750270,
Parish Doyle,
County Baradine
of an area of 32.98ha

Notes: Purchase of Perpetual Lease 110518 Brett Leslie
Wilson.

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4824 3700 Fax: (02) 4822 4287****REVOCATION OF DEDICATION OF
PUBLIC TRUST LAND AND SUBSEQUENT
RESERVATION UNDER PART 5**

PURSUANT to section 138D of the Crown Lands Act 1989, dedication of the public trust land for literary institute specified in Column 1 of Schedule 1 hereunder is revoked and vested in the Crown and hereby reserved for the public purpose, being a public purpose for the purposes of Section 87, as specified under Column 2.

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Lot 5, Section 2, DP 759097 (being former Dedication No. 530116)	Purpose: Community Purposes Reserve No.: 1016249 File Reference: GB90R43

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Wingello Mechanics Institute Hall Reserve Trust	Reserve No. 1016249 Public Purpose: Community Purposes Notified: This day File Reference: GB90R43

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Wingecarribee Shire Council	Wingello Mechanics Institute Hall Reserve Trust	Reserve No. 1016249 Public Purpose: Community Purposes Notified: This Day File Reference: GB90R43

**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

<i>Column 1</i>	<i>Column 2</i>
Land District: Goulburn Local Government Area: Goulburn Mulwaree Parish: Jerrara County: Argyle Reserve No.: 92794 Purpose: For future public requirements Date of Notification: 20 June 1980 File No: GB03H20	The whole being Lot 142, DP 750022 comprising an area of approximately 585.6 ha.

Notes: The purpose of the revocation is to facilitate conversion of Perpetual Lease 107999.

AUTHORISATION OF ADDITIONAL PURPOSE

PURSUANT to section 121A of the Crown Lands Act 1989, that the additional purpose specified in Column 1 of the Schedule hereunder is applied to the whole of the reserve specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE 1

*Parish – Wallah
County – King
Village – Rugby
Land District – Boorowa
LGA – Boorowa*

<i>Column 1</i>	<i>Column 2</i>
Rural Services	Reserve No: 72269 Public Purpose: Public Recreation Notified: 9th May, 1947

File Ref: 08/9461

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Casino;
LGA – Richmond Valley

Road Closed: Lot 3, DP 1131026 at West Coraki, Parish West Coraki, County Richmond. File Reference: 08/2098

SCHEDULE

On closing, the land within Lot 3, DP 1131026 remains vested in the State of New South Wales as Crown Land.

Description

Land District –Lismore;
LGA – Ballina

Road Closed: Lot 1, DP 1129110 at Fernleigh & Brooklet, Parish Teven, County Rous. File Reference: GF05H292

SCHEDULE

On closing, the land within Lot 1, DP 1129110 remains vested in the State of New South Wales as Crown Land.

Description

Land District –Bellingen;
LGA – Bellingen

Road Closed: Lot 1, DP 1129609 at Dorrigo, Parish Bligh, County Fitzroy. File Reference: GF05H235

SCHEDULE

On closing, the land within Lot 1, DP 1129609 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Murwillumbah;
LGA – Tweed

Road Closed: Lot 1, DP 1126111 at Byangum, Parish Wollumbin, County Rous. File Reference: GF04H117

SCHEDULE

On closing, the land within Lot 1, DP 1126111 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Bellingen;
LGA – Bellingen

Road Closed: Lot 1, DP 1128990 at Raleigh, Parish South Bellingen, County Raleigh

Lot 1 DP 1128990 is subject to an easement for pipeline 5 wide. File Reference: GF06H199

SCHEDULE

On closing, the land within Lot 1, DP 1128990 remains vested in the State of New South Wales as Crown Land.

Description

Land District –Lismore;
LGA – Ballina

Road Closed: Lot 1, DP 1129606 at Cumballum, Parish Teven, County Rous. File Reference: GF05H884

SCHEDULE

On closing, the land within Lot 1, DP 1129606 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Lismore;
LGA – Lismore

Road Closed: Lot 1, DP 1131031 at Monaltrie, Parish Lismore, County Rous. File Reference: GF05H913

SCHEDULE

On closing, the land within Lot 1, DP 1131031 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino;
LGA – Kyogle

Road Closed: Lot 1, DP 1129610 at Cawongla, Parish Jiggi, County Rous. File Reference: GF06H574

SCHEDULE

On closing, the land within Lot 1, DP 1129610 remains vested in the State of New South Wales as Crown Land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

SCHEDULE

Parish – Murrangreen;
County – Gipps;
Land District – Wyalong;
L.G.A. – Bland

Road Closed: Lot 1 in DP 1129181. File Reference: GH07H44 (MR).

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

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

ROADS ACT 1993**ORDER**

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

Parish – Strathearn;
County – Brisbane;
Land District – Scone;
Local Government Area – Upper Hunter

That part of the Crown public road, being Lot 22, DP 1094398, of variable width and having an area of 641.3m² at Halcombe Hill.

SCHEDULE 2

Roads Authority: Upper Hunter Shire Council.
 Council's Reference: Coleen Pinkerton, Scone Office.
 Lands File Reference: 08/8870.001.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Parish – Kahibah
County – Northumberland
Land District – Newcastle
Local Government Area – Lake Macquarie

Road Closed: Lot(s) 1, 2, 3 and 4, DP 1129550 at Cardiff.
 File Reference: MD06H71

SCHEDULE

On closing, the land within Lot(s) 1, 2, 3 and 4, DP 1129550 remains vested in Lake Macquarie City Council as operational land for the purposes of the Local Government Act 1993. Council's reference:F2005/00985

MOREE OFFICE
Frome Street (PO Box 388), Moree NSW 2400
Phone: (02) 6752 5055 Fax: (02) 6752 1707

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Damien TIMMINS (new member)	Croppa Creek Public Recreation	Reserve No. 83986 Public Purpose: Public Recreation
Wendy FORSYTH (new member)	Reserve Trust	Notified: 14 September 1962
John William FORSYTH (re-appointment)		File Reference: ME83R13/2
James Alexander Comer DONALDSON (re-appointment)		
For a term commencing 1 January 2009 and expiring 31 December 2013.		

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Robynne Maree STEWART (re-appointment)	Eulah Creek Recreation Reserve Trust	Reserve No. 62112 Public Purpose: Public recreation
Jon STEWART (re-appointment)		Notified: 12 September 1930
Bevan Lester WALLIS (re-appointment)		File Reference: ME81R12/3
Jennifer May CHAPMAN (re-appointment)		
David Lawrence LARSEN (re-appointment)		
David Stanley MORRIS (new member)		
Terrence John MIDDLETON (new member)		
For a term commencing 1 January 2009 and expiring 31 December 2013.		

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Land District – Moree;
Council – Moree Plains Shire;
Parishes – Moorina;
County – Benarba

Road Closed: Lot 1 in DP 1131649. File Reference: ME05H451

Note: On closing, the land within Lot 1 in DP 1131649 remains vested in the State of New South Wales as Crown land.

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 9100 Fax: (02) 4421 2172****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.

*Land District: Bega
LGA: Bega Valley Shire*

Lot 1, DP 1127598 subject to easement created by Deposited Plan 1127598 at Wandella, Parish Wandella and County Dampier. Ref. NA06H58.

Note: On closing, the land remains vested in the Crown as "Crown land".

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6391 4300 Fax: (02) 6362 3896****REVOCATION OF RESERVATION OF CROWN LAND**

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

TONY KELLY, M.L.C.,

Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Molong	The part being:
Local Government Area: Cabonne	Lots 1 & 2, DP 722107,
Locality: Manildra	Parish Dulladerry,
Reserve No. 750155	County Ashburnhan
Public Purpose: Future public requirements	Lots 1-10, Sec. 9,
Notified: 29 June 2007	DP 758643,
File Reference: 08/9719	Parish Dulladerry,
	County Ashburnhan
	of a total area of 2.80 ha

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

**PROPOSED REVOCATION OF DEDICATION OF
CROWN LAND FOR A PUBLIC PURPOSE**

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales in accordance with Section 84 of the Crown Lands Act 1989, to revoke the dedication of a Crown land specified in Schedule 1 hereunder to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

Land District: Orange
 Parish: Orange
 Dedication No.: N/A
 Area of: 1011m2 (part)
 City: Orange
 County: Wellington
 Torrens Title Identifier: Pt 19/41/758817

Dedicated for the public purpose of: Watch House being part Lot 19, Section 41, DP 758817 in the Town of Orange (No gazette details known). File No.: Lands08/6429

SCHEDULE 2

The part within Lot 19, Section 41, DP 758817

SCHEDULE 3

The land, being no longer required for the long term operational facilities of the Police Service, is proposed to be reallocated to best meet the needs of the Police Service and/or the State.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan Local Government Area: Auburn Council Locality: Auburn Lot 461 DP 752036 Parish: Liberty Plains County: Cumberland Area: About 5893m2 File Ref.: 08/9514/1	Reserve No. 1016168 Public Purpose: Public recreation, community purposes

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Part Auburn Park (R1016168) Reserve Trust	Reserve No. 1016168 Public Purpose: Public recreation, community purposes Notified: This day

File Ref.: 08/9514/1

**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 Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Auburn Council	Part Auburn Park (R1016168) Reserve Trust	Reserve No. 1016168 Public Purpose: Public recreation, community purposes Notified: This day

File Ref.: 08/9514/1

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

Descriptions

*Land District – Windsor;
L.G.A. – Blacktown*

Lot 1 and 2, DP 1131520 at Glenwood, Parish Gidley, County Cumberland. 07/3002

Notes: (1) On closing, title for the land in lot 1 and 2 remain vested in Blacktown City Council as operational land.

(2) The road is closed subject to the easement to drain water 4 wide as shown in DP 1131520.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****PROPOSED REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE**

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales in accordance with section 84 of the Crown Lands Act 1989, to revoke the dedication of Crown land specified in Schedule 1 hereunder to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

Land District: Gunnedah	Local Government Area:
Dedication No: 1000393	Narrabri Shire Council.
Public Purpose:	Notified: 31 July 1896.
Permanent common	Area: 110 hectares
File Reference: TH79R392/3.	

SCHEDULE 2

The whole being
Lot 7016, DP 1056711, Parish Boggabri, County Pottinger
Lot 7018, DP 1028451, Parish Boggabri, County Pottinger
Lot 7027, DP 1056690, Parish Boggabri, County Pottinger
comprising an area of 110 hectares.

SCHEDULE 3

This notice is in lieu of notice of 19 September 2008, Folio 9298.

PROPOSED REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales in accordance with section 84 of the Crown Lands Act 1989, to revoke the dedication of Crown land specified in Schedule 1 hereunder to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

Land District: Walcha	Local Government Area:
Dedication No: 1000358	Walcha Shire
Public Purpose:	Notified: 4 June 1892
Hospital Site	Area: 2.426 hectares
File Reference: TH79R392/3	

SCHEDULE 2

The whole being
Lot 1, Sec. 17, DP 759035, Parish Walcha, County Vernon
comprising an area of 2.426.

Note: This notice is in lieu of notice of 22 August 2008 Folio 7907.

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to section 48 (1) of the Commons Management Act 1989, the person specified in Column 1 of the schedule hereunder, is appointed as administrator for the term also specified in Column 1, of the common trust specified in Column 2, which is trustee of the common described in Column 3 of the schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Belinda Jane KELLY	Blandford Common Trust	Dedication No: 600029
Term of Office: For a term commencing 31 October 2008 to 31 March 2009		Public Purpose: Permanent Common Notified: 15 August 1871 Land District: Quirindi Local Government Area: Upper Hunter Parish: Murulla County: Brisbane Locality: Blandford Lot: 7010, DP 1024805 Area: 64.74 hectares File Ref.: TH79H388/2
		Dedication No: 1000535 Public Purpose: Temporary Common Notified: 20th October 1884 Land District: Quirindi Local Government Area: Upper Hunter Parish: Murulla County: Brisbane Locality: Blandford Lot 7011, DP 1024805 Area: 10.83 hectares File Reference: TH79H388/2

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Descriptions

Land District – Port Macquarie;
LGA – Port Macquarie-Hastings

Road Closed: Lot 1, DP1128058 at Frazers Creek & Mortons Creek, Parish Pappinbarra, County Macquarie. File Reference: TE05H214

SCHEDULE

On closing, the land within Lot 1, DP1128058 remains vested in the State of New South Wales as Crown Land.

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

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

Description

Parish – Mundowry and Berry Jerry;
County – Mitchell;
Land District – Wagga Wagga;
City – Wagga Wagga

Road Closed: Lots 1 and 2 in DP 1129428 at Collingullie and Brookdale. File No.: WA06H73

Note: On closing, the land within Lots 1 and 2 in DP 1129428 remains vested in the State of New South Wales as Crown land.

Description

Parish – Mate & Belmore;
County – Wynyard;
Land District – Tumbarumba;
City – Wagga Wagga

Road Closed: Lots 1, 2 & 3 in DP 1129257 at Oberne Creek. File No.: WA05H479

Note: On closing, the land within Lots 1, 2 & 3 in DP 1129257 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder 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

Description

Parish – Sandy Ridges;
County – Hume;
Land District – Corowa;
Shire – Corowa

Road Closed: Lot 1 in DP 1128742 at Ringwood. File No.: WA05H423

Note: On closing, the land within Lot 1 in DP 1128742 remains vested in the State of New South Wales as Crown land.

Description

Parish – Billabong;
County – Clarendon;
Land District – Cootamundra;
Shire – Junee

Road Closed: Lot 1 in DP 1122580 at Illabo. File No.: WA07H282

Note: On closing, the land within Lot 1 in DP 1122580 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder 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

Description

*Parish – Mullengandra;
County – Goulburn;
Land District – Albury;
Shire – Greater Hume*

Road Closed: Lot 1 in DP 1128737 at Mullengandra. File No.: WA05H193

Note: On closing, the land within Lot 1 in DP 1128737 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Oberne;
County – Wynyard;
Land District – Wagga Wagga;
City – Wagga Wagga*

Road Closed: Lot 1 in DP 1129425 at Oberne Creek. File No.: WA05H167

Note: On closing, the land within Lot 1 in DP 1129425 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder 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

Description

*Parish – Hooke;
County – Bourke;
Land District – Wagga Wagga;
City – Wagga Wagga*

Road Closed: Lot 1 in DP 1128761 at Currawarna. File No.: WA05H94

Note: On closing, the land within Lot 1 in DP 1128761 remains vested in the State of New South Wales as Crown land.

WESTERN REGION OFFICE

45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830

Phone: (02) 6883 3000 Fax: (02) 6883 3099

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

*Administrative District – Willyama;
Shire – Broken Hill*

Road closed: Lot 1, DP 1130153 at Broken Hill, Parish Picton, County Yancowinna. File No.: WL07H45

SCHEDULE

On closing, the land within Lot 1, DP 1130153 becomes vested in the State of New South Wales as Crown land.

Department of Planning



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (9041726-2)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 31)

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 31)*.

2 Aims of Policy

The aim of this Policy is to provide for a number of revisions to the maps relating to the Redfern–Waterloo Authority Sites under *State Environmental Planning Policy (Major Projects) 2005* arising from updated survey information in respect of that area.

3 Land to which Policy applies

This Policy applies to land shown edged heavy black on Map 3 to Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005*.

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

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

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 31)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 3 State significant sites

Insert in alphabetical order in clause 2 (2) of Part 5:

Floor Space Ratio Map means the State Environmental Planning Policy (Major Projects) 2005 Redfern–Waterloo Authority Sites—Floor Space Ratio Map.

Height of Buildings Map means the State Environmental Planning Policy (Major Projects) 2005 Redfern–Waterloo Authority Sites—Height of Buildings Map.

Heritage Map means the State Environmental Planning Policy (Major Projects) 2005 Redfern–Waterloo Authority Sites—Heritage Map.

Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 Redfern–Waterloo Authority Sites—Land Zoning Map.

[2] Schedule 3, Part 5

Omit clause 4. Insert instead:

4 Maps

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

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 31)

Schedule 1 Amendments

[3] Schedule 3, Part 5

Omit “map marked ‘Redfern–Waterloo Authority Sites Zoning Map’” from clause 7 (1).

Insert instead “Land Zoning Map”.

[4] Schedule 3, Part 5

Omit “map marked ‘Redfern–Waterloo Authority Sites Height Map’” from clause 21 (1).

Insert instead “Height of Buildings Map”.

[5] Schedule 3, Part 5

Omit “map marked ‘Redfern–Waterloo Authority Sites Floor Space Ratio Map’” wherever occurring in clauses 21 (2) and 23 (1).

Insert instead “Floor Space Ratio Map”.

[6] Schedule 3, Part 5

Omit “Redfern–Waterloo Authority Sites Heritage Map” from clause 27 (3).

Insert instead “Heritage Map”.



New South Wales

Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S07/01364/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 153)*.

2 Aims of plan

This plan aims to amend *Hawkesbury Local Environmental Plan 1989*:

- (a) to introduce the definition of **timber and building supplies** and to allow, with the consent of Hawkesbury City Council, the carrying out of development for that purpose on land within Zone No 4 (b) Industry Light, and
- (b) to rezone part of the land to which this plan applies from Zone No 6 (c) Open Space (Private Recreation) to Zone No 4 (b) Industry Light and to allow, with the consent of Hawkesbury City Council, the carrying out of development on that land for the purposes permissible within that zone, subject to certain controls.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to all the land to which *Hawkesbury Local Environmental Plan 1989* applies.
- (2) With respect to the aim referred to in clause 2 (b), this plan applies to Lot 1, DP 827148, Richmond Road, Clarendon, as shown coloured purple on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 153)" deposited in the office of the Council of the City of Hawkesbury.

4 Amendment of Hawkesbury Local Environmental Plan 1989

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

Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

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

Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

[2] Clause 5 (1)

Insert in alphabetical order:

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

[3] Clause 9 Carrying out of development

Insert a new row entitled “Timber and building supplies” in alphabetical order in the Land Use Matrix to the clause under the heading “Zones” and insert “C” under the heading “4B” in respect of that row.

[4] Clause 57

Insert after clause 56:

57 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon

- (1) This clause applies to Lot 1, DP 827148, Richmond Road, Clarendon, as shown coloured purple on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 153)”.
- (2) Despite any other provision of this plan, the Council must not grant consent to the carrying out of development on the land to which this clause applies unless, after consultation with the Department of Defence, it has considered the effect of the proposed development on the aircraft operations of the RAAF Base Richmond with respect to:
 - (a) the height of any proposed building, having regard to any Obstruction Clearance Surfaces (OCS) applying to the land as determined by the Department of Defence from time to time, and
 - (b) the reflectivity of materials used on any proposed building, and

Page 3

Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

Schedule 1 Amendments

-
- (c) any proposed building to be erected satisfying the provisions of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, and
 - (d) birdlife attraction, and
 - (e) any other requirements of the Department of Defence.



New South Wales

Ku-ring-gai Local Environmental Plan No 214

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S07/01489/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Ku-ring-gai Local Environmental Plan No 214

Ku-ring-gai Local Environmental Plan No 214

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 214*.

2 Aims of plan

This plan aims to allow, with the consent of Ku-ring-gai Council, the carrying out of development on the land to which this plan applies for the purpose of a service station.

3 Land to which plan applies

This plan applies to certain land fronting Mona Vale Road, St Ives, as shown coloured grey and edged heavy black on the map marked “Ku-ring-gai Local Environmental Plan No 214” deposited in the office of Ku-ring-gai Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Ku-ring-gai Local Environmental Plan No 214

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 8 Development for certain additional purposes

Insert at the end of the Schedule:

Land fronting Mona Vale Road, St Ives, as shown coloured grey and edged heavy black on the map marked “Ku-ring-gai Local Environmental Plan No 214” deposited in the office of the Council—service station.

In this item, *service station* means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.



New South Wales

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00393/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to introduce a new zone into *Penrith Local Environmental Plan 1998 (Urban Land)* that provides for flora and fauna conservation,
- (b) to clarify how land is to be acquired by an authority of the State under that plan,
- (c) to provide that the Roads and Traffic Authority is the relevant authority of the State to acquire certain land at Gipps Street, Claremont Meadows,
- (d) to provide for development of land at Claremont Meadows, the objects of which include:
 - (i) protection of Cumberland Plain Woodland, and
 - (ii) ensuring that environmentally sensitive land is publicly owned, and
 - (iii) providing for site responsive development that achieves best practice in ecologically sustainable development and enhances the conservation values of the site, and
 - (iv) allowing for multiple lot sizes and a diverse housing mix, and
 - (v) ensuring a high level of pedestrian amenity, and
 - (vi) requiring that the form, design and function of all dwellings have regard to the principles of ecologically sustainable development and achieve a high level of water conservation and energy conservation.

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14) Clause 3

3 Land to which plan applies

This plan applies:

- (a) in respect of the aims set out in clause 2 (a) and (b), to all land to which *Penrith Local Environmental Plan 1998 (Urban Land)* applies, and
- (b) in respect of the aim set out in clause 2 (c), to land at Gipps Street, Claremont Meadows that is within Zone No 5 (c) (State Road and State Road Widening) under that plan, and
- (c) in respect of the aims set out in clause 2 (d), to land shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)” deposited in the office of the Council of the City of Penrith.

4 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

Penrith Local Environmental Plan 1998 (Urban Land) is amended as set out in Schedule 1.

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Zones indicated on the map

Insert in appropriate order in clause 8:

Zone No 7 (a) Flora and Fauna Conservation

[2] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Development Control Table to clause 9:

Zone No 7 (a) Flora and Fauna Conservation

(a) Objectives of the zone

- (i) to reserve land for the purpose of biodiversity protection, and
- (ii) to conserve, restore and enhance native fauna and flora habitat and the ecological viability of the land identified for biodiversity protection purposes, and
- (iii) to conserve any Aboriginal heritage values of the land, and
- (iv) to enable development of the land only where it can be demonstrated that the development will not destroy, damage or compromise the extent, quality or integrity of the ecological or Aboriginal heritage attributes of the land.

(b) (i) Without development consent

Nil

(b) (ii) Only with development consent

- bushfire hazard reduction (not in accordance with a plan of management)
- drains
- environmental protection works
- fencing
- pedestrian pathways
- any other works or structures, only where compatible with the zone objectives.

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Amendments

Schedule 1

(b) (iii) Prohibited

Any land use other than those included in item (b) (ii).

[3] Clause 19A

Insert after clause 19:

19A Acquisition of land

Nothing in this plan is to be construed as requiring an authority of the State to acquire land, except as required by Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

[4] Clause 20 Acquisition of land reserved for roads

Insert “or that is at Gipps Street, Claremont Meadows” after “notice” in clause 20 (2) (a).

[5] Clause 22 Acquisition of land within Zone No 5 (b), 6 (b) or 7 (a)

Omit “or 6 (b)” from clause 22 (1). Insert instead “, 6 (b) or 7 (a)”.

[6] Clause 37A

Insert after clause 37:

37A Claremont Meadows Stage 2

- (1) This clause applies to land shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)”.
- (2) The objectives for development on land to which this clause applies are set out in Part 1 of Schedule 5.
- (3) The controls for development on land to which this clause applies are set out in Part 2 of Schedule 5.

[7] Schedule 2 Definitions

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

Penrith Local Environmental Plan 1998 (Urban Land)
(Amendment No 14)

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Schedule 1 Amendments

[8] Schedule 5

Insert after Schedule 4:

Schedule 5 Claremont Meadows Stage 2

(Clause 37A)

Part 1 Objectives

- 1 To rezone land to ensure the protection of Cumberland Plain Woodland.
- 2 To enhance the environmental qualities of the site and its locality through the identification of the conservation areas associated with Cumberland Plain Woodland.
- 3 To ensure that environmentally sensitive land is publicly owned.
- 4 To provide for site responsive development that achieves best practice in ecologically sustainable development and enhances the conservation values of the site by protecting and enhancing waterbodies, riparian land, remnant native vegetation, corridor linkages and native fauna habitat and the level of biodiversity on the site both during and after development.
- 5 To permit a diverse housing mix that provides a wide range of dwelling types and choice.
- 6 To ensure a high level of pedestrian amenity and good pedestrian linkages within Claremont Meadows Stage 2 and between Claremont Meadows Stage 2 and the existing Claremont Meadows estate, surrounding development and natural areas.
- 7 To allow for multiple lot sizes that promote higher density around open space.
- 8 To require that the form, design and function of all dwellings have regard to the principles of ecologically sustainable development and achieve a high level of water conservation and energy conservation.
- 9 To ensure that housing located in the vicinity of a major road takes account of the constraints imposed by noise and visual impact.

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Amendments

Schedule 1

Part 2 Controls

10 Matters to be taken into consideration before granting development consent

The council must not grant consent to development on land to which clause 37A applies unless it has taken the following into consideration:

- (a) any measures that are proposed to promote pedestrian amenity, including provision of pathways and cycleways within the site, and to and from surrounding development,
- (b) any measures that are proposed to ensure an appropriate architectural presentation of development to the Gipps Street and Caddens Road frontages, avoiding high fences or walls so that dwellings have a high level of visual amenity and presentation,
- (c) any measures that are proposed to promote the environmental performance of buildings (including water management and energy efficiency),
- (d) protection of water quality in South Creek or Claremont Creek, through implementation of appropriate drainage solutions,
- (e) for development within 100 metres of the M4 Motorway road reserve, any measures that are proposed:
 - (i) to protect the viewscape into the subject land when viewed from the M4 Motorway from both the east and the west, so that residential development is not prominent, and
 - (ii) to provide a vegetated corridor on those lots that adjoin the M4 Motorway reserve, linking Claremont Creek to the South Creek Corridor, and
 - (iii) to provide a minimum setback of 20 metres from the M4 Motorway reserve to any dwelling or substantial structure.

11 Subdivision and dual occupancy

Despite any other provision of this plan, council may grant consent to subdivision of land within Zone No 2 (b) to lots with a minimum area of 250m², if:

- (a) all lots will be directly opposite an area of public open space, not including land zoned 5 (c) or 7 (a), of at least 2,500m², and

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Schedule 1 Amendments

- (b) the minimum landscaped area for any such lots will be 40% of the site area, and
- (c) the subdivision will not result in any internal lots, and
- (d) the subdivision will not result in dual occupancy development other than on a corner lot.

12 Vehicle access

- (1) Subject to subclause (2), a person must not carry out development on land that adjoins the Werrington Arterial Road corridor unless vehicle access to the land from that road is made by way of another road (not being a State road).
- (2) Where, except for this clause, development may be carried out, the council may, in relation to that development, allow permanent vehicular access to the Werrington Arterial Road, if, in the opinion of the council, alternative access to that development is neither practicable nor provided by another road or a proposed road identified in the development control plan referred to in clause 10.



New South Wales

Pittwater Local Environmental Plan 1993 (Amendment No 88)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S07/00602/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Pittwater Local Environmental Plan 1993 (Amendment No 88)

Pittwater Local Environmental Plan 1993 (Amendment No 88)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 88)*.

2 Aims of plan

This plan aims to amend *Pittwater Local Environmental Plan 1993*:

- (a) to correct certain anomalies relating to zoning, dual occupancies and multi-unit housing for certain land Palm Beach, Avalon, Newport, Mona Vale and North Narrabeen, and
- (b) to allow, only with development consent, the carrying out of development on land within Zone No 3 (d) (Automotive Business "D") for the purposes of commercial premises, plant nurseries, public buildings, restaurants, and shops used in conjunction with a permissible land use.

3 Land to which plan applies

This plan applies to land situated in the local government area of Pittwater, being certain land at Palm Beach, Avalon, Newport, Mona Vale and North Narrabeen, as shown edged heavy black on Sheets 1, 4, 7, 10, 13, 16, 19, 21, 24, 25, 28, 30 and 33 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 88) Interim Matters Map" deposited in the office of Pittwater Council.

4 Amendment of Pittwater Local Environmental Plan 1993

Pittwater Local Environmental Plan 1993 is amended as set out in Schedule 1.

Pittwater Local Environmental Plan 1993 (Amendment No 88)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the Dual Occupancy Map* in clause 5 (1):

Pittwater Local Environmental Plan 1993 (Amendment No 88)
Interim Matters Map—Sheets 3, 12, 15, 18, 27 and 32

[2] Clause 5 (1), definition of “the Zoning Map”

Insert in appropriate order:

Pittwater Local Environmental Plan 1993 (Amendment No 88)
Interim Matters Map—Sheets 2, 5, 8, 11, 14, 17, 20, 22, 26, 29
and 31

[3] Clause 9 Development control table

Insert “commercial premises;”, “plant nurseries;”, “public buildings;”, “restaurants;” and “shops used in conjunction with a permissible land use;” in alphabetical order in Item 2 of the matter relating to Zone No 3 (d) in the Table to the clause.

[4] Clause 21M Definitions

Insert in appropriate order in the definition of *multi-unit housing map*:

Pittwater Local Environmental Plan 1993 (Amendment No 88)
Interim Matters Map—Sheets 6, 9, 23 and 34

[5] Schedule 10 Development for certain additional purposes

Omit:

Lot A, DP 408450, No 57 Avalon Parade, Avalon—a retail and commercial office development with a maximum floor space ratio of 0.49:1.

Lot 1, DP 590791, Nos 1404–1410 Pittwater Road, North Narrabeen, as shown edged heavy black on the map marked “Pittwater Local Environmental Plan No 5”—a general equipment, motor vehicle and tool hire outlet.



New South Wales

Rockdale Local Environmental Plan 2000 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000059/S69-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Rockdale Local Environmental Plan 2000 (Amendment No 29)

Rockdale Local Environmental Plan 2000 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 29)*.

2 Aims of plan

This plan aims to provide for the sustainable redevelopment of the land to which it applies by:

- (a) rezoning the land to Zone 2 (d)—High Density Residential zone, and
- (b) setting the maximum floor space ratios and maximum building heights for buildings on the land, and
- (c) requiring vehicular access to the land, and that the land be adequately protected from flooding, prior to its redevelopment, and
- (d) requiring that the consent authority consider impacts of:
 - (i) remaining industrial premises on residents of proposed dwellings, and
 - (ii) proposed dwellings on the use of remaining industrial premises.

3 Land to which plan applies

- (1) This plan applies to land at Arncliffe and Turrella in Edward Street, Hirst Street, Loftus Street, Bonar Street, Booth Street, Martin Avenue and Wollongong Road in the area of Rockdale City, as shown edged heavy black and distinctively coloured on the map marked “Rockdale Local Environmental Plan 2000 (Amendment No 29)” held by Rockdale City Council.
- (2) This plan does not apply to land shown as “Deferred Matter” on the maps inserted by Schedule 1 [18] of this plan.

Rockdale Local Environmental Plan 2000 (Amendment No 29)

Clause 4

4 Amendment of Rockdale Local Environmental Plan 2000

Rockdale Local Environmental Plan 2000 is amended as set out in Schedule 1.

Rockdale Local Environmental Plan 2000 (Amendment No 29)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Definitions

Insert in appropriate order in the definition of *the map* in clause 8 (1):

Rockdale Local Environmental Plan 2000 (Amendment No 29)

[2] Clause 28 Residential zone particulars

Omit paragraph (a) of item 1 of the matter relating to Zone 2 (d)—High Density Residential zone.

Insert instead:

- (a) to take advantage of existing public transport infrastructure at the Wolli Creek, Arncliffe and Turrella railway stations by encouraging land within the zone to be developed to its optimum potential in an orderly and efficient manner, but only where high quality design is achieved for the public and future occupants of the land, and

[3] Clause 35A Development sites in Zone 2 (d)

Insert in alphabetical order in clause 35A (1):

Bonar Street Precinct development site means an area of land edged heavy black in Diagram 1 in Part 2 of Schedule 2.

Wolli Creek development site means an area of land edged heavy black in Diagram 1 in Division 1 of Part 1 of Schedule 2.

[4] Clause 35A (1), definition of “development site”

Insert “or 2” after “Part 1”.

[5] Clause 35A (1), definition of “height”

Omit the definition.

Rockdale Local Environmental Plan 2000 (Amendment No 29)

Amendments

Schedule 1

[6] Clause 35A (2)

Omit the subclause. Insert instead:

(2) **Floor area and height of buildings in Wollli Creek development site**

Consent must not be granted to the erection of a building on land in the Wollli Creek development site that is within Zone 2 (d) unless the consent authority is satisfied that:

- (a) the combined gross floor area of all buildings to be erected on the site will not exceed a floor space ratio of 2:1, and
- (b) the building will not exceed the maximum building height specified, in metres above Australian Height Datum, for the land in Diagram 1 in Division 1 of Part 1 of Schedule 2 (as measured from the Australian Height Datum to the topmost point of the building).

(2A) **Floor area and height of buildings in Bonar Street Precinct development site**

Consent must not be granted to the erection of a building on land in the Bonar Street Precinct development site unless the consent authority is satisfied that:

- (a) the combined gross floor area of all buildings to be erected on the site will not exceed the maximum floor space ratio specified for the land in Diagram 1 in Part 2 of Schedule 2, and
- (b) the building will not exceed the maximum building height specified, in metres, for the land in Diagram 2 in Part 2 of Schedule 2 (as measured from natural ground level to the topmost point of the building).

(2B) *State Environmental Planning Policy No 1—Development Standards* does not apply so as to allow an exception from, or variation of, any floor space ratio requirement made by this clause.

(2C) In calculating the combined gross floor area referred to in subclause (2A) (a), the consent authority may exclude the gross floor area of any community facility or child care centre to be erected on the site, but only to a maximum of 500 square metres of the combined gross floor area of all community facilities and child care centres to be erected on the site.

(2D) Despite subclause (2A) (b), a building to be erected on land in the Bonar Street Precinct development site may have a height of not more than 3 metres more than the maximum building height specified for the land in Diagram 2 in Part 2 of Schedule 2, but

Rockdale Local Environmental Plan 2000 (Amendment No 29)

Schedule 1 Amendments

only if the consent authority is satisfied that any such variation from the maximum building height specified for the land in that diagram will not have a material adverse effect on the amenity of the occupants of nearby land.

(2E) Subclause (2D) does not apply to a building to be erected on land in the Bonar Street Precinct development site if the maximum building height specified for the land in Diagram 2 in Part 2 of Schedule 2 is 12 metres.

(2F) **Dwellings, shops and commercial premises in Bonar Street Precinct development site**

Consent must not be granted to the erection of a dwelling, or a building to be used as a shop or commercial premises, on land in the Bonar Street Precinct development site unless the consent authority is satisfied that:

- (a) any works necessary to adequately protect the land from flooding have been, or will be, provided, and
- (b) satisfactory vehicular access to the land has been, or will be, provided.

(2G) Consent must not be granted to the erection of a dwelling on land in the Bonar Street Precinct development site that is adjacent to industrial premises unless the consent authority has considered whether or not:

- (a) any residents of the dwelling will be adversely and materially affected by the use of the industrial premises, and
- (b) the use of the industrial premises will be adversely and materially affected by the proximity of the dwelling.

[7] Clauses 55C (1), 55D (1) and 62 (2)

Insert "Division 1 of" before "Part 1" wherever occurring in the definitions of *Height Control Diagram*, *Land Use Diagram* and *Underground Areas Diagram* in clause 55C (1), the definition of *development site* in clause 55D (1) and the definition of *Tempe House view corridor* in clause 62 (2).

[8] Clause 55C (2) (c) (ii) and (d) and (5) (b) and (c) (ii)

Omit "Part 2" wherever occurring. Insert instead "Division 2 of Part 1".

[9] Clause 55C (2) (f)

Omit "Part 3". Insert instead "Division 3 of Part 1".

Rockdale Local Environmental Plan 2000 (Amendment No 29)

Amendments

Schedule 1

[10] **Clause 55C (2) (g) (i) and (5) (d) (i)**

Omit “Part 4” wherever occurring. Insert instead “Division 4 of Part 1”.

[11] **Clauses 55C (7) and 55D (3), (4) and (6)–(8)**

Insert “Division 1 of” before “Part 1” wherever occurring.

[12] **Schedule 2, heading**

Omit the heading. Insert instead:

**Schedule 2 Diagrams and other particulars
relating to certain development sites**

[13] **Schedule 2**

Omit “(Clauses 35A, 55C and 55D)”.

Insert instead “(Clauses 35A, 55C, 55D and 62)”.

[14] **Schedule 2, existing Part 1, heading**

Omit the heading. Insert instead:

Part 1 Wollli Creek

Division 1 Diagrams

[15] **Schedule 2, existing Part 2, heading**

Omit the heading. Insert instead:

**Division 2 Particulars for development sites in Zone
10 (a1)**

[16] **Schedule 2, existing Part 3, heading**

Omit the heading. Insert instead:

**Division 3 Maximum permitted gross floor space—Zone
10 (a1)**

[17] **Schedule 2, existing Part 4, heading**

Omit the heading. Insert instead:

**Division 4 Minimum non-residential gross floor space—
Zone 10 (a1)**

Rockdale Local Environmental Plan 2000 (Amendment No 29)

Schedule 1 Amendments

[18] Schedule 2, new Part 2

Insert at the end of Schedule 2:

Part 2 Bonar Street Precinct

Diagram 1—Development sites and floor space ratios—Zone 2 (d)



Rockdale Local Environmental Plan 2000 (Amendment No 29)

Amendments

Schedule 1

Diagram 2—Height of buildings—Zone 2 (d)



Department of Primary Industries

APIARIES ACT OF 1985

Appointment of Inspector

I, DOUGLAS FRAZER HOCKING, Acting Director-General of the NSW Department of Primary Industries, pursuant to section 5 (1) of the Apiaries Act 1985 ("the Act") hereby appoint Adrian Shannon KNOBEL as an inspector for the purposes of the Act:

Dated this 27th day of October 2008.

D F HOCKING,
Acting Director-General
NSW Department of Primary Industries

Section 19	Alteration of animal display establishment	Director, Animal Welfare Leader, Exhibited Animals Mr. Stephen Jackson
Section 23	Issue of approvals for temporary establishments	Director, Animal Welfare Leader, Exhibited Animals
Section 25	Issue of permits for prescribed species	Director, Animal Welfare Leader, Exhibited Animals Mr. Stephen Jackson
Clause 10(2) & (4)	Issue, renew, vary and transfer authorities	Director, Animal Welfare Leader, Exhibited Animals
Clause 10(2) & (4)	Issue, renew, vary and transfer prescribed species permits	Director, Animal Welfare Leader, Exhibited Animals Mr. Stephen Jackson

EXHIBITED ANIMALS PROTECTION ACT 1986

Delegation of functions of the Director-General

I, DOUGLAS FRAZER HOCKING, Acting Director-General of the NSW Department of Primary Industries, do by this instrument:

- pursuant to section 49A of the Exhibited Animals Protection Act 1986 ("the Act") and section 43(2) of the Interpretation Act 1987, repeal the delegations made under the Act by the Director-General on 15 July 2004 to the holder of the office of Manager, Animal Welfare, Exhibited Animals Registrar and Project Officer, Animal Welfare Unit, and any delegation revived as a result of this revocation;
- pursuant to section 49A of the Act, delegate my function under section 27 of the Act to grant or refuse an application made under the provisions of the Act or the Exhibited Animals Protection Regulation 2005 ("the Regulation") specified in Column 1 of Schedule 1 below to the persons named opposite in Column 3 of Schedule 1 or the persons who from time to time hold, occupy or perform the duties of the NSW Department of Primary Industries positions listed opposite in Column 3 of Schedule 1; and
- pursuant to section 49A of the Act, delegate my functions contained in the provision of the Act or Regulation specified in Column 1 of Schedule 2 to the persons named opposite in Column 3 of Schedule 2 or the persons who from time to time hold, occupy or perform the duties of the NSW Department of Primary Industries positions listed opposite in Column 3 of Schedule 2.

In this instrument of delegation, the description in column 2 of Schedules 1 and 2 is for general explanation and does not limit the delegation of functions under the provisions of the Act or Regulation specified in Column 1.

SCHEDULE 1

<i>Column 1 Provision</i>	<i>Column 2 Description</i>	<i>Column 3 Delegate</i>
Section 15(1)	Issue of licence for an animal display establishment	Director, Animal Welfare Leader, Exhibited Animals
Section 18	Approval of erection of animal display establishment	Director, Animal Welfare Leader, Exhibited Animals

SCHEDULE 2

<i>Column 1 Provision</i>	<i>Column 2 Description</i>	<i>Column 3 Delegate</i>
Section 21	Issue of registered particulars	Director, Animal Welfare Leader, Exhibited Animals
Clause 10(1)(a)	Approval of application forms	Director, Animal Welfare
Clause 19	Imposition of terms and conditions of authorities	Director, Animal Welfare Leader, Exhibited Animals
Clause 32	Consent for the acquisition and disposal of animals	Director, Animal Welfare Leader, Exhibited Animals Mr. Stephen Jackson
Clause 33	Consent for the temporary removal of exhibited animals	Director, Animal Welfare Leader, Exhibited Animals Mr. Stephen Jackson
Clause 34	Certificate of exemption from acquisition and disposal requirements and from temporary removal application requirement	Director, Animal Welfare
Clause 37	Direct exhibitor to have species identified	Director, Animal Welfare Leader, Exhibited Animals

Dated this 23rd day of October 2008.

D. F. HOCKING,
Acting Director-General
NSW Department of Primary Industries

PLANT DISEASES ACT 1924

Appointment of Inspectors

I, DOUGLAS FRAZER HOCKING, Acting Director-General of New South Wales Department of Primary Industries, pursuant to section 11(1) of the Plant Diseases Act 1924 ("the Act") hereby appoint Sharon Adele SNUDDEN, Phillip James RYAN and David James COHEN as inspectors for the purposes of the Act.

Dated this 27th day of October 2008.

D. F. HOCKING,
Acting Director-General
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Aquaculture) Regulation 2007

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

THE Minister has granted the following Class 1 Aquaculture Lease:

AL07/017 within the estuary of Port Stephens, having an area of 0.2033 hectares to Mark Salm and Don Burgoyne of Lemon Tree Passage NSW for a term of 15 years expiring on 20 May 2023.

Section 177 (1) – Notice of Aquaculture
Lease Cancellation

OL71/249 within the estuary of Port Stephens, having an area of 3.5874 hectares formerly leased by F B Sheppard & Co Pty Ltd.

OL83/354 within the estuary of Port Stephens, having an area of 6.3457 hectares formerly leased by F B Sheppard & Co Pty Ltd.

Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following class 1 Aquaculture Leases:

OL77/151 within the estuary of Hawkesbury River, having an area of 0.9600 hectares to Dow Oyster Systems Pty Ltd of Mooney Mooney NSW for a term of 15 years expiring on 12 March 2023.

OL93/004 within the estuary of the Crookhaven River, having an area of 2.8465 hectares to Christopher Munn of Greenwell Point NSW for a term of 15 years expiring on 31 March 2023.

BILL TALBOT,
Director, Fisheries Conservation & Aquaculture
Fisheries, Compliance and Regional Relations
NSW Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

ASSESSMENT LEASE APPLICATIONS

(T08-0103)

No. 43, JERVOIS MINING LIMITED (ACN 007 626 575), area of about 40 units, for scandium and its ores, dated 11 June 2008. (Cobar Mining Division).

(T08-0104)

No. 44, JERVOIS MINING LIMITED (ACN 007 626 575), area of about 41 units, for nickel, dated 11 June 2008. (Orange Mining Division).

EXPLORATION LICENCE APPLICATIONS

(T08-0229)

No. 3603, CSR BUILDING PRODUCTS LIMITED (ACN 008 631 356), area of 1 units, for Group 5, dated 22 October 2008. (Orange Mining Division).

(T08-0230)

No. 3604, VALE AUSTRALIA EA PTY LTD (ACN 081 724 101), area of 369 units, for Group 1, dated 22 October 2008. (Cobar Mining Division).

(T08-0231)

No. 3605, VALE AUSTRALIA EA PTY LTD (ACN 081 724 101), area of 218 units, for Group 1, dated 22 October 2008. (Cobar Mining Division).

(T08-0232)

No. 3606, VALE AUSTRALIA EA PTY LTD (ACN 081 724 101), area of 230 units, for Group 1, dated 22 October 2008. (Cobar Mining Division).

(T08-0233)

No. 3607, VALE AUSTRALIA EA PTY LTD (ACN 081 724 101), area of 314 units, for Group 1, dated 22 October 2008. (Cobar Mining Division).

(T08-0234)

No. 3608, VALE AUSTRALIA EA PTY LTD (ACN 081 724 101), area of 219 units, for Group 1, dated 22 October 2008. (Cobar Mining Division).

**PETROLEUM SPECIAL PROSPECTING
AUTHORITY APPLICATIONS**

(T08-0167)

No. 39, EAST COAST POWER PTY LTD (ACN 119 110 057), area of 280 blocks, dated 18 September 2008. (Surat Basin).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T08-0056)

No. 3455, now Exploration Licence No. 7219, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), Counties of Barrona and Irrara, Map Sheets (7738, 7838), area of 283 units, for Group 1, dated 16 October 2008, for a term until 16 October 2010.

(T08-0057)

No. 3456, now Exploration Licence No. 7220, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), Counties of Barrona, Gunderbooka and Irrara, Map Sheet (7938), area of 44 units, for Group 1, dated 16 October 2008, for a term until 16 October 2010.

(T08-0058)

No. 3457, now Exploration Licence No. 7221, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), County of Barrona, Map Sheet (7938), area of 42 units, for Group 1, dated 16 October 2008, for a term until 16 October 2010.

(T08-0064)

No. 3463, now Exploration Licence No. 7222, NEWSIGHT RESOURCES PTY LIMITED (ACN 122 182 129), Counties of Bourke and Cooper, Map Sheet (8228), area of 37 units, for Group 1, dated 16 October 2008, for a term until 16 October 2010.

(T08-0092)

No. 3494, now Exploration Licence No. 7226, ZINIFEX AUSTRALIA LIMITED (ACN 004 074 962), County of Blaxland, Map Sheets (8032, 8033), area of 42 units, for Group 1, dated 21 October 2008, for a term until 21 October 2010.

(T08-0101)

No. 3503, now Exploration Licence No. 7224, AUSTRALIAN GOLD INVESTMENTS LIMITED (ACN 124 873 507), Counties of Hawes and Vernon, Map Sheet (9235), area of 45 units, for Group 1, dated 15 October 2008, for a term until 15 October 2010.

(T08-0139)

No. 3533, now Exploration Licence No. 7225, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheets (7134, 7234), area of 6 units, for Group 1, dated 20 October 2008, for a term until 20 October 2010.

(T08-0140)

No. 3534, now Exploration Licence No. 7227, AUGUR RESOURCES LTD (ACN 106 879 690), County of Flinders, Map Sheets (8333, 8334), area of 28 units, for Group 1, dated 21 October 2008, for a term until 21 October 2010.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(07-180)

No. 3075, CSR BUILDING PRODUCTS LIMITED (ACN 008 631 356), County of Cumberland, Map Sheet (9030). Withdrawal took effect on 24 October 2008.

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

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

(M70-6948)

Authorisation No. 349, ANGLO COAL (SUTTON FORREST) PTY LTD (ACN 070 017 784), area of 115 square kilometres. Application for renewal received 23 October 2008.

(04-590)

Exploration Licence No. 6354, SILVER STANDARD AUSTRALIA PTY LIMITED (ACN 009 250 051), area of 21 units. Application for renewal received 22 October 2008.

(T02-0374)

Exploration Licence No. 6355, SUE DOLORES MARTIN, area of 19 units. Application for renewal received 28 October 2008.

(06-217)

Exploration Licence No. 6661, CLANCY EXPLORATION LIMITED (ACN 105 578 756), area of 49 units. Application for renewal received 27 October 2008.

(06-4094)

Exploration Licence No. 6669, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 46 units. Application for renewal received 22 October 2008.

(04-2339)

Petroleum Exploration Licence No. 428, COMET RIDGE LTD (ACN 106 092 577), DAVIDSON PROSPECTING PTY LTD (ACN 060 258 031) & ORION PETROLEUM LIMITED (ACN 125 394 667) area of 81 blocks. Application for renewal received 12 September 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T94-0244)

Exploration Licence No. 4848, ROBERT PATRICK HEWETT, County of Hawes, Map Sheet (9234), area of 1 units, for a further term until 18 August 2010. Renewal effective on and from 17 October 2008.

(T00-0020)

Exploration Licence No. 5760, LFB RESOURCES NL (ACN 073 478 574), County of Bathurst, Map Sheets (8730, 8731), area of 48 units, for a further term until 21 May 2010. Renewal effective on and from 27 October 2008.

(T02-0012)

Exploration Licence No. 5959, RED METAL LIMITED (ACN 103 367 684), County of Yancowinna, Map Sheets (7134, 7234), area of 6 units, for a further term until 23 June 2010. Renewal effective on and from 22 October 2008.

(T03-0862)

Exploration Licence No. 6239, SILVER MINES LIMITED (ACN 107 452 942), Counties of Arrawatta and Gough, Map Sheets (9138, 9139), area of 4 units, for a further term until 16 May 2010. Renewal effective on and from 23 October 2008.

(T04-0005)

Exploration Licence No. 6263, MALACHITE RESOURCES NL (ACN 075 613 268), County of Buller, Map Sheet (9340), area of 50 units, for a further term until 1 July 2010. Renewal effective on and from 20 October 2008.

(T04-0030)

Exploration Licence No. 6274, TUNGSTEN NSW PTY LTD (ACN 123 370 365), Counties of Harden and King, Map Sheets (8628, 8629), area of 39 units, for a further term until 14 July 2010. Renewal effective on and from 22 October 2008.

(05-258)

Exploration Licence No. 6495, MERIDIAN MINERALS LIMITED (ACN 125 825 532), County of Young, Map Sheet (7435), area of 15 units, for a further term until 12 December 2009. Renewal effective on and from 21 October 2008.

(05-266)

Exploration Licence No. 6517, MERIDIAN MINERALS LIMITED (ACN 125 825 532), Counties of Tandora and Young, Map Sheets (7334, 7434), area of 83 units, for a further term until 5 March 2010. Renewal effective on and from 23 October 2008.

(06-152)

Exploration Licence No. 6613, PEEL EXPLORATION LIMITED (ACN 119 343 734), Counties of Inglis and Parry, Map Sheet (9135), area of 42 units, for a further term until 21 August 2010. Renewal effective on and from 21 October 2008.

(T86-0334)

Exploration (Prospecting) Licence No. 1094, ROBERT PATRICK HEWETT, County of Hawes, Map Sheet (9234), area of 2 units, for a further term until 18 August 2010. Renewal effective on and from 17 October 2008.

(04-0765)

Petroleum Exploration Licence No. 447, RED SKY ENERGY LIMITED (ACN 099 116 275), area of about 103 blocks, for a further term until 23 April 2010. Renewal effective on and from 4 September 2008.

(04-0766)

Petroleum Exploration Licence No. 448, RED SKY ENERGY LIMITED (ACN 099 116 275), area of about 93 blocks, for a further term until 23 April 2010. Renewal effective on and from 4 September 2008.

(04-0767)

Petroleum Exploration Licence No. 449, RED SKY ENERGY LIMITED (ACN 099 116 275), area of about 88 blocks, for a further term until 23 April 2010. Renewal effective on and from 4 September 2008.

(08-2417)

Petroleum Exploration Licence No. 285, LUCAS ENERGY PTY LIMITED (ACN 092 684 010) & MOLOPO (GLOUCESTER) N.L. (ACN 075 137 218), area of about 14 blocks, for a further term until 15 April 2012. Renewal effective on and from 15 September 2008.

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

WITHDRAWAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been withdrawn:

(06-62)

Exploration Licence No. 6560, MALACHITE RESOURCES NL (ACN 075 613 268), County of Hardinge, Map Sheet (9137), area of 50 units. The authority ceased to have effect on 10 October 2008.

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

REQUEST FOR CANCELLATION OF AN AUTHORITY

NOTICE is given that an application for cancellation has been received in respect of the following authorities:

(07-358)

Exploration Licence No 6973 (Act 1992), MINERAL SANDS LIMITED (ACN 103 006 542), Counties Wentworth and Talia, Map Sheets (7328, 7329, 7428, 7429), area of 202 units, request for cancellation was received on 28 October 2008.

(06-7064)

Exploration Licence 6858 (Act 1992), MINERAL SANDS LIMITED (ACN 1003 006 542), County of Wentworth, Map Sheets (7329, 7330, 7430), Area of 235 units, request for cancellation was received on 28 October 2008.

(07-149)

Exploration Licence No 6834 (Act 1992), PLATSEARCH NL (ACN 003 254 395) and PARADIGM MEXICO PTY LIMITED (ACN 108 506 207), Counties of Mootwingee, Yungnulgra and Young, Map Sheet (7335), area of 12 units, request for cancellation was received on 28 October 2008.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(06-6998)

Exploration Licence No. 5542, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheet (7230), area of 12 units. Cancellation took effect on 9 October 2008.

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

TRANSFER

NOTICE is given that the following authorities have been transferred:

(07-6364)

Mining Purposes Lease No. 152 (Act 1973), formerly held by EDWARD VINCENT COUNSELL has been transferred to JOHN WILLIAM MCFADDEN. The transfer was registered on 25 September 2008.

(06-4220)

Petroleum Exploration Licence No. 13 formerly held by MOLOPO AUSTRALIA LIMITED (ACN 003 152 154) has been transferred to MOLOPO AUSTRALIA LIMITED (ACN 003 152 154) & METGASCO LTD (ACN 088 196 383). The transfer was registered on 9 October 2008.

(C04-0224)

Petroleum Exploration Licence No. 426 formerly held by MOLOPO AUSTRALIA LIMITED (ACN 003 152 154) has been transferred to MOLOPO AUSTRALIA LIMITED (ACN 003 152 154) & METGASCO LTD (ACN 088 196 383). The transfer was registered on 9 October 2008.

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

NOTICE is given that the following applications have been nullified:

**PETROLEUM EXPLORATION PERMIT
APPLICATION**

(T07-0445)

No. 99, MACQUARIE ENERGY PTY LTD (ACN 113 972 473) (Petroleum (Offshore) Act 1982). Nullification took effect on 7 October 2008.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated 27 October 2008.

IAN ROGAN,
General Manager
Narromine Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Narromine Shire Council 25 metre B-Double route Notice No. 1/2008

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 January 2009 unless it is amended or repealed earlier.

4. Application

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

5. Routes

25 metre B-Double routes within the Narromine Shire Council

Type	Road No	Road Name	Conditions
25	000	<p>All local and regional roads within Narromine Shire Council area that are situated outside the town areas of Narromine and Trangie.</p> <p>Within the town of Narromine, travel is restricted to the following roads:</p> <ul style="list-style-type: none"> • Existing Road Train and B-Double Routes. • Cathundril St from Dandaloo St to A'Beckett St. • Warren Rd from the Mitchell Hwy to the Narromine/Eumungerie Rd. • Old Backwater Road from Dandaloo St to Fifth Avenue. • Nellie Vale Rd from Dandaloo St to Algalah St. • Dappo Rd from Algalah St to A'Beckett St. <p>Within the town of Trangie, travel is restricted to the following roads:</p> <ul style="list-style-type: none"> • Existing Road Train and B-Double Routes. • Mungery St. • Harris St from Campbell St to Bimble Box Lane. • Campbell St from Harris St to Nicholas St. • Bimble Box Lane from Mungery St to Mitchell Hwy • Weemabah St from the Mitchell Hwy to Trangie Rural Traders. 	<p>Routes will operate from the date of gazettal to 31 January 2009.</p>

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated 27 October 2008.

IAN ROGAN,
General Manager
Narromine Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Narromine Shire Council Road Train Vehicle Route Notice No 1/2008

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 January 2009 unless it is amended or repealed earlier.

4. Application

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

5. Routes

Road Train Vehicle Routes within the Narromine Shire Council

Type	R o a d No	Road Name	Conditions
RT	000	<p>All local and regional roads within Narromine Shire Council area that are situated west of the Newell Highway and outside the town areas of Narromine and Trangie.</p> <p>Within the town of Narromine, travel is restricted to the following roads:</p> <ul style="list-style-type: none"> • Existing Road Train Routes. • Cathundril St from Dandaloo St to A'Beckett St. • Warren Rd from the Mitchell Hwy to the Narromine/Eumungerie Rd. • Old Backwater Road from Dandaloo St to Fifth Avenue. • Nellie Vale Rd from Dandaloo St to Algalah St. • Dappo Rd from Algalah St to A'Beckett St. <p>Within the town of Trangie, travel is restricted to the following roads:</p> <ul style="list-style-type: none"> • Existing Road Train Routes. • Mungery St. • Harris St from Campbell St to Bimble Box Lane. • Campbell St from Harris St to Nicholas St. • Bimble Box Lane from Mungery St to Mitchell Hwy • Weemabah St from the Mitchell Hwy to Trangie Rural Traders. 	<p>Routes will operate from the date of gazettal to 31 January 2009.</p> <p>Travel is not permitted on the following roads between Narromine and Trangie, for that part of them that lie between the Mitchell Hwy and the railway line:</p> <ul style="list-style-type: none"> • "Silverdale" access • Herrings Lane <p>Travel is not permitted on the following roads between Narromine and Tomingley West, for that part of them that lie between the Peak Hill Railway Rd and the railway line:</p> <ul style="list-style-type: none"> • Haberworth Lane • Hargreaves Rd • Fairview Rd • Tinks Lane • Wyanga Rd <p>There is no access from local roads to the Newell Highway South of Dubbo.</p>

ROAD TRANSPORT (GENERAL) ACT 2005

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

UPPER LACHLAN SHIRE COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Doubles may be used.

Mr JOHN BELL,
General Manager,
Upper Lachlan Shire Council
(by delegation from the Minister for Roads)

Dated 28 October 2008.

SCHEDULE**1. Citation**

This Notice may be cited as the Upper Lachlan Shire Council B-Doubles Vehicle Route) Repeal Notice No. 1/2008].

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General B Double Permit Notice 2005 is amended by omitting the following from that Notice:

Type	Road	Starting point	Finishing point
25	MR52 North	MR54, intersection with MR248 East (Laggan Road)	'Rosedale' property, G and A Kadwell, 4071 Grabben Gullen Road, Crookwell (Lots 56, 57, 58, 59, 60 and 61, DP 2474).

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Mr JOHN BELL,
General Manager,
Upper Lachlan Shire Council
(by delegation from the Minister for Roads)

Dated 28 October 2008.

SCHEDULE**1. Citation**

This Notice may be cited as Upper Lachlan Shire Council **25 Metre B-Double** route Notice No 2/2008.

2. Commencement

This Notice takes effect *on the date of gazettal*.

3. Effect

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

4. Application

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

5. Routes

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	MR52North	Grabben Gullen Road	MR54 Crookwell Road, intersection with Northcott Street	"Rosedale" property, G and A Kadwell, 4071 Grabben Gullen Road, Crookwell (Lots 56, 57, 58, 59, 60 and 61, DP 2474).	

ROAD TRANSPORT (GENERAL) ACT 2005

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

CAMPBELLTOWN CITY COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

DICK WEBB,
Manager Technical Services,
Campbelltown City Council
(by delegation from the Minister for Roads)

Dated 15 October 2008.

SCHEDULE**1. Citation**

This Notice may be cited as the Campbelltown City Council 25metre B-Double Repeal Notice No.01/2008

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General B Double Permit Notice 2005 is amended by omitting the following from appendix 2 of that Notice:

Type	Road	Starting point	Finishing point
25	Johnson Road, Campbelltown	Hepher Road	Johnson & Johnson Depot (Mount Erin Road)

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

ALAN MCCORMACK,
General Manager
Parkes Shire Council
(by delegation from the Minister for Roads)

Dated 7 October2008.

SCHEDULE**1. Citation**

This Notice may be cited as Parkes Shire 25 metre B-Double Notice No 2/2008.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

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

4. Application

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

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
	40	Brolgan Road	SCT Terminal Facility	Nelungaloo Road	Travel not permitted on school days between 8am and 9am and between 3.30pm and 4.30pm
	42	Warregal Road	MR350	Watsons Road	
	42A	Calarie Road	Warregal Road	Forbes Shire Boundary	80km/h speed limit applies
	44	Watsons Road	Warregal Road	1.7 km south of Warregal Road along Watsons Road	

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

Notice of Compulsory Acquisition of an Interest in Land at
Barden Ridge in the Sutherland Shire Council area

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

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

SCHEDULE

A lease, as described in Memorandum AD849087 recorded at Land and Property Information NSW, of all that piece or parcel of Crown land situated in the Sutherland Shire Council area, Parish of Holsworthy and County of Cumberland, shown as Lot 1 on RTA Sketch SW0860, being part of the land in Certificate of Title 5/832334.

(RTA Papers: FPP 8M5801; RO 8M311)

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

Notice of Compulsory Acquisition of Land at Bolwarra
in the Maitland City Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Maitland City Council area, Parish of Middlehope and County of Durham, shown as Lots 62, 63, and 64 Deposited Plan 1127714 and Lots 52, 53 and 54 Deposited Plan 1124043, being parts of the land in Certificates of Title 1/81727, 1/79480, 1/770498 and 1/154528 respectively, excluding any existing easements from the compulsory acquisition of the said land.

The land said to be in the possession of Lynette Verlie Brock.

(RTA Papers: FPP 8M2504)

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

Notice of Compulsory Acquisition of Land at West Pennant Hills, Beecroft, West Beecroft, Cheltenham, West Epping, Epping, North Epping and Macquarie Park in the Hornsby Shire Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Hornsby Shire Council area, Parish of Field of Mars, County of Cumberland, shown as:

<u>Description</u>	<u>Title Particulars</u>	<u>Registered interest excluded from this compulsory acquisition</u>
Lot 15 DP 879078	Folio Identifier 15/879078	
Lot 105 DP 848850	Folio Identifier 105/848850	
Lot 106 DP 848850	Folio Identifier 106/848850	2260644 - Easement for Rock Anchors
Lot 107 DP 848850	Folio Identifier 107/848850	
Lot 54 DP 871592	Folio Identifier 54/871592	2268334 - Easement for Rock Anchors 3048534 - Easement for Rock Anchors 3047368 - Easement for Rock Anchors 3070389 - Easement for Rock Anchors
Lot 53 DP 851681	Folio Identifier 53/851681	2260644 - Easement for Rock Anchors
Lot 56 DP 851681	Folio Identifier 56/851681	2268334 - Easement for Rock Anchors
Lot 55 DP 851681	Folio Identifier 55/851681	
Lot 51 DP 851681	Folio Identifier 51/851681	
Lot 57 DP 851681	Folio Identifier 57/851681	
Lot 54 DP 851681	Folio Identifier 54/851681	
Lot 58 DP 851681	Folio Identifier 58/851681	
Lot 52 DP 851681	Folio Identifier 52/851681	
Lot 16 DP 220904	Folio Identifier 16/220904	
Lot 10 DP 844154	Folio Identifier 10/844154	
Lot 19 DP 841495	Folio Identifier 19/841495	
Lot 20 DP 841495	Folio Identifier 20/841495	
Lot 21 DP 841495	Folio Identifier 21/841495	
Lot 22 DP 841495	Folio Identifier 22/841495	
Lot 6 DP 842859	Folio Identifier 6/842859	
Lot 7 DP 842859	Folio Identifier 7/842859	
Lot 8 DP 842859	Folio Identifier 8/842859	

<u>Description</u>	<u>Title Particulars</u>	<u>Registered interest excluded from this compulsory acquisition</u>
Lot 35 DP 841495	Folio Identifier 35/841495	
Lot 44 DP 841495	Folio Identifier 44/841495	
Lot 36 DP 841495	Folio Identifier 36/841495	
Lot 37 DP 841495	Folio Identifier 37/841495	
Lot 38 DP 841495	Folio Identifier 38/841495	
Lot 39 DP 841495	Folio Identifier 39/841495	
Lot 40 DP 841495	Folio Identifier 40/841495	
Lot 25 DP 841495	Folio Identifier 25/841495	
Lot 26 DP 841495	Folio Identifier 26/841495	
Lot 42 DP 841495	Folio Identifier 42/841495	
Lot 27 DP 841495	Folio Identifier 27/841495	
Lot 27 DP 16525	Folio Identifier 27/16525	
Lot 28 DP 841495	Folio Identifier 28/841495	
Lot 24 DP 16525	Folio Identifier 24/16525	
Lot 29 DP 841495	Folio Identifier 29/841495	
Lot 21 DP 16525	Folio Identifier 21/16525	
Lot 20 DP 16525	Folio Identifier 20/16525	
Lot 3 DP 878555	Folio Identifier 3/878555	
Lot 4 DP 878555	Folio Identifier 4/878555	6714932 - Easement for Batter
Lot 5 DP 878555	Folio Identifier 5/878555	6714932 - Easement for Batter
Lot 6 DP 878555	Folio Identifier 6/878555	
Lot 162 DP 865118	Folio Identifier 162/856118	
Lot 163 DP 865118	Folio Identifier 163/856118	
Lot 11 DP 871807	Folio Identifier 11/871807	
Lot 10 DP 871807	Folio Identifier 10/871807	
Lot 12 DP 871807	Folio Identifier 12/871807	
Lot 13 DP 871807	Folio Identifier 13/871807	
Lot 16 DP 844151	Folio Identifier 16/844151	
Lot 15 DP 844151	Folio Identifier 15/844151	
Lot 11 DP 857291	Folio Identifier 11/857291	
Lot 2 DP 883661	Folio Identifier 2/883661	
Lot 14 DP 871807	Folio Identifier 14/871807	
Lot 15 DP 871807	Folio Identifier 15/871807	
Lot 82 DP 1086920	Folio Identifier 82/1086920	
Lot 83 DP 1086920	Folio Identifier 83/1086920	
Lot 38 DP 842090	Folio Identifier 38/842090	
Lot 18 DP 844151	Folio Identifier 18/844151	
Lot 16 DP 871807	Folio Identifier 16/871807	
Lot 17 DP 871807	Folio Identifier 17/871807	

<u>Description</u>	<u>Title Particulars</u>	<u>Registered interest excluded from this compulsory acquisition</u>
Lot 19 DP 871807	Folio Identifier 19/871807	
Lot 20 DP 871807	Folio Identifier 20/871807	
Lot 21 DP 871807	Folio Identifier 21/871807	
Lot 1 DP 708680	Folio Identifier 1/708680	
Lot 40 DP 842090	Folio Identifier 40/842090	
Lot 41 DP 842090	Folio Identifier 41/842090	
Lot 16 DP 842090	Folio Identifier 16/842090	
Lot 42 DP 842090	Folio Identifier 42/842090	
Lot 1 DP 708677	Folio Identifier 1/708677	
Lot 17 DP 842090	Folio Identifier 17/842090	
Lot 43 DP 842090	Folio Identifier 43/842090	
Lot 44 DP 842090	Folio Identifier 44/842090	
Lot 18 DP 842090	Folio Identifier 18/842090	
Lot 45 DP 842090	Folio Identifier 45/842090	
Lot 19 DP 842090	Folio Identifier 19/842090	
Lot 47 DP 842090	Folio Identifier 47/842090	
Lot 4 DP 775126	Folio Identifier 4/775126	
Lot 46 DP 842090	Folio Identifier 46/842090	
Lot 48 DP 842090	Folio Identifier 48/842090	
Lot 26 DP 842090	Folio Identifier 26/842090	
Lot 67 DP 844129	Folio Identifier 67/844129	
Lot 8 DP 879542	Folio Identifier 8/879542	
Lot 8 DP 854214	Folio Identifier 8/854214	
Lot 9 DP 854214	Folio Identifier 9/854214	
Lot 30 DP 1100642	Folio Identifier 30/1100642	
Lot 31 DP 1100642	Folio Identifier 31/1100642	
Lot 32 DP 1100642	Folio Identifier 32/1100642	
Lot 33 DP 1100642	Folio Identifier 33/1100642	
Lot 34 DP 1100642	Folio Identifier 34/1100642	
Lot 35 DP 1100642	Folio Identifier 35/1100642	
Lot 10 DP 854214	Folio Identifier 10/854214	
Lot 11 DP 854214	Folio Identifier 11/854214	
Lot 12 DP 854214	Folio Identifier 12/854214	
Lot 13 DP 854214	Folio Identifier 13/854214	
Lot 14 DP 854214	Folio Identifier 14/854214	
Lot 11 DP 717040	Folio Identifier 11/717040	
Lot 12 DP 717040	Folio Identifier 12/717040	
Lot 13 DP 717040	Folio Identifier 13/717040	
Lot 14 DP 717040	Folio Identifier 14/717040	

<u>Description</u>	<u>Title Particulars</u>	<u>Registered interest excluded from this compulsory acquisition</u>
Lot 66 DP 844129	Folio Identifier 66/844129	
Lot 63 DP 844129	Folio Identifier 63/844129	
Lot 62 DP 844129	Folio Identifier 62/844129	
Lot 64 DP 844129	Folio Identifier 64/844129	
Lot 6 DP 879542	Folio Identifier 6/879542	
Lot 4 DP 879542	Folio Identifier 4/879542	
Lot 7 DP 879542	Folio Identifier 7/879542	
Lot 5 DP 879542	Folio Identifier 5/879542	
Lot 36 DP 841537	Folio Identifier 36/841537	
Lot 21 DP 841537	Folio Identifier 21/841537	
Lot 37 DP 841537	Folio Identifier 37/841537	
Lot 22 DP 841537	Folio Identifier 22/841537	
Lot 38 DP 841537	Folio Identifier 38/841537	
Lot 23 DP 841537	Folio Identifier 23/841537	
Lot 24 DP 841537	Folio Identifier 24/841537	
Lot 25 DP 841537	Folio Identifier 25/841537	
Lot 26 DP 841537	Folio Identifier 26/841537	
Lot 39 DP 841537	Folio Identifier 39/841537	
Lot 11 DP 841537	Folio Identifier 11/841537	
Lot 12 DP 841537	Folio Identifier 12/841537	
Lot 13 DP 841537	Folio Identifier 13/841537	
Lot 41 DP 16724	Folio Identifier 41/16724	
Lot 15 DP 841537	Folio Identifier 15/841537	
Lot 16 DP 841537	Folio Identifier 16/841537	
Lot 28 DP 841537	Folio Identifier 28/841537	
Lot 29 DP 841537	Folio Identifier 29/841537	
Lot 30 DP 841537	Folio Identifier 30/841537	
Lot 31 DP 841537	Folio Identifier 31/841537	
Lot 32 DP 841537	Folio Identifier 32/841537	
Lot 33 DP 841537	Folio Identifier 33/841537	
Lot 34 DP 841537	Folio Identifier 34/841537	
Lot 41 DP 841537	Folio Identifier 41/841537	
Lot 50 DP 841537	Folio Identifier 50/841537	
Lot 42 DP 841537	Folio Identifier 42/841537	
Lot 18 DP 841537	Folio Identifier 18/841537	
Lot 43 DP 841537	Folio Identifier 43/841537	
Lot 70 DP 844129	Folio Identifier 70/844129	
Lot 71 DP 844129	Folio Identifier 71/844129	
Lot 14 DP 1024853	Folio Identifier 14/1024853	

<u>Description</u>	<u>Title Particulars</u>	<u>Registered interest excluded from this compulsory acquisition</u>
Lot 15 DP 1024853	Folio Identifier 15/1024853	
Lot 9 DP 876335	Folio Identifier 9/876335	
Lot 10 DP 876335	Folio Identifier 10/876335	
Lot 11 DP 876335	Folio Identifier 11/876335	
Lot 12 DP 876335	Folio Identifier 12/876335	
Lot 13 DP 876335	Folio Identifier 13/876335	
Lot 14 DP 876335	Folio Identifier 14/876335	
Lot 15 DP 876335	Folio Identifier 15/876335	
Lot 1 DP 515085	Folio Identifier 1/515085	
Lot 2 DP 515085	Folio Identifier 2/515085	
Lot 1 DP 844966	Folio Identifier 1/844966	
Lot 2 DP 213688	Folio Identifier 2/213688	
Lot 6 DP 869961	Folio Identifier 6/869961	
Lot 1 DP 869961	Folio Identifier 1/869961	
Lot 2 DP 869961	Folio Identifier 2/869961	
Lot 6 DP 1024862	Folio Identifier 6/1024862	
Lot 13 DP 1024862	Folio Identifier 13/1024862	
Lot 1 DP 1100549	Folio Identifier 1/1100549	
Lot 3 DP 869961	Folio Identifier 3/869961	
Lot 7 DP 1024862	Folio Identifier 7/1024862	
Lot 8 DP 1024862	Folio Identifier 8/1024862	
Lot 9 DP 1024862	Folio Identifier 9/1024862	
Lot 10 DP 1024862	Folio Identifier 10/1024862	
Lot 11 DP 1024862	Folio Identifier 11/1024862	
Lot 12 DP 1024862	Folio Identifier 12/1024862	
Lot 16 DP 1024862	Folio Identifier 16/1024862	
Lot 4 DP 869961	Folio Identifier 4/869961	
Lot 5 DP 869961	Folio Identifier 5/869961	
Lot 5 DP 843274	Folio Identifier 5/843274	
Lot 1 DP 843274	Folio Identifier 1/843274	
Lot 6 DP 843274	Folio Identifier 6/843274	
Lot 11 DP 843274	Folio Identifier 11/843274	
Lot 12 DP 843274	Folio Identifier 12/843274	
Lot 7 DP 843274	Folio Identifier 7/843274	
Lot 3 DP 843678	Folio Identifier 3/843678	
Lot 4 DP 843678	Folio Identifier 4/843678	
Lot 2 DP 1021024	Folio Identifier 2/1021024	
Lot 4 DP 1021024	Folio Identifier 4/1021024	
Lot 5 DP 1021024	Folio Identifier 5/1021024	

<u>Description</u>		<u>Title Particulars</u>	<u>Registered interest excluded from this compulsory acquisition</u>
Lot 3	DP 1021024	Folio Identifier 3/1021024	
Lot 6	DP 1021024	Folio Identifier 6/1021024	
Lot 7	DP 1021024	Folio Identifier 7/1021024	
Lot 8	DP 1021024	Folio Identifier 8/1021024	
Lot 105	DP 866824	Folio Identifier 105/866824	
Lot 106	DP 866824	Folio Identifier 106/866824	
Lot 107	DP 866824	Folio Identifier 107/866824	
Lot 108	DP 866824	Folio Identifier 108/866824	
Lot 13	DP 842167	Folio Identifier 13/842167	
Lot 14	DP 842167	Folio Identifier 14/842167	
Lot 3	DP 882649	Folio Identifier 3/882649	
Lot 4	DP 882649	Folio Identifier 4/882649	
Lot 16	DP 1021014	Folio Identifier 16/1021014	
Lot 17	DP 1021014	Folio Identifier 17/1021014	
Lot 18	DP 1021014	Folio Identifier 18/1021014	
Lot 19	DP 1021014	Folio Identifier 19/1021014	
Lot 20	DP 881269	Folio Identifier 20/881269	
Lot 19	DP 881269	Folio Identifier 19/881269	
Lot 16	DP 841496	Folio Identifier 16/841496	
Lot 10	DP 1008956	Folio Identifier 10/1008956	

(RTA papers: F2/201.11394)

ROADS AND TRAFFIC AUTHORITY

Road Transport (General) Regulation 2005

Notice to Fix Fees

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority pursuant to section 10 of the *Road Transport General Act 2005* and clauses 93(6)b, 103(5) and 109(6) of the *Road Transport (General) Regulation 2005* make the Notice set forth hereunder:

This Notice takes effect on 29 September 2008.

Purchase price of a work diary	\$19
Application fee for Basic Fatigue Management (cost per accreditation period)	\$80
Application fee for Advanced Fatigue Management (cost per accreditation period)	\$132

LES WIELINGA,
Chief Executive
Roads and Traffic Authority

Other Notices

APRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Competitive Manufacturing, under Section 6 of the *Apprenticeship and Traineeship Act 2001*.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Order will take effect from the date of publication in the NSW Government Gazette.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/386.htm>

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of Australian Fishing Tackle Association Inc (Y0446826) cancelled on 25 July 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

The incorporation of Sydwest Asian Christian Church Inc (Y0595510) cancelled on 10 October 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 23rd day of October 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to Section 54A

THE incorporation of SANS SOUCI COMMUNITY PRE-SCHOOL ASSOCIATION INCORPORATED (Y1000825) cancelled on 10 October 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 28th day of October 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to Section 54A

THE incorporation of HOBIE CAT ASSOCIATION OF NSW INCORPORATED (Y1308541) cancelled on 5 September 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 28th day of October 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of URUNGA SURF LIFE SAVING CLUB INC (Y0114026) cancelled on 10 October 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 27th day of October 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of NEWCASTLE/MAITLAND DISTRICT MINI TROT ASSOCIATION INC (Y0858600) cancelled on 22 August 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 23rd day of October 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

CORPORATIONS ACT 2001

Notice under Section 601AC(2) of The Corporations Act 2001 as applied by Section 52 of the Associations Incorporation Act 1984

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

**COOTAMUNDRA COMMUNITY CENTRE
INCORPORATED (IN LIQUIDATION)**

Dated this twenty ninth day of October 2008.

C GOWLAND,
Delegate of The Registrar of Co-Operatives

HERITAGE ACT, 1977

Direction pursuant to Section 34(1)(a)
to amend a State Heritage Register listing boundary
Whites Creek Aqueduct
SHR No 01354

IN pursuance of Section 38(1) of the Heritage Act, 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the amendment of the State Heritage Register listing boundary of Whites Creek Aqueduct by removing part of Lot 1 DP 343175 and part of Lot 2 DP 1046985 to a distance of 3 metres from the edge of the aqueduct. The Heritage Council Plan 2035 is hereby revoked.

The amended listing boundary of Whites Creek Aqueduct shall apply to the curtilage or site of the item, being the land described in Schedule "A".

The Hon. KRISTINA KENEALLY, M.P.,
Minister for Planning

Sydney, 17th day of October 2008.

SCHEDULE "A"

All those pieces or parcels of land known as part of Lot 1 DP 343175 and part of Lot 2 DP 1046985 to a distance of 3 metres from the edge of the aqueduct, Lot 2 DP 343175, Lot 1 DP 912922, Lot 3 Section 53 DP 1577, Lot 3 Section 16 DP 1577. The curtilage includes the aqueduct carrier and supporting structures only when not on Sydney Water land. Shown on the plan catalogued HC 2243 of the Heritage Council of New South Wales.

PIPELINES ACT 1967

Notification of Grant of Pipeline Licence
Licence No. 35

BP Australia Pty Ltd (ABN 53 004 085 616), having its registered office at Gate 3 Durham Street, Rosehill, NSW 2128, has applied in accordance with the provisions of section 12 of the Pipelines Act 1967 (hereinafter called "the Act") and Pipeline Regulation 2005 (hereinafter called "the Regulation") for a Licence to operate a pipeline (heinafter called Licence No. 35), to convey petroleum products between Dyke Berth Number 1 at Newcastle Port on the Hunter River and the BP Carrington Terminal and has agreed at Annexure A to accept the Licence and the provisions and conditions attached thereto.

This application complies with the provisions of the Act and Regulation and therefore I, Ian Michael Macdonald MLC Minister for Energy, do grant Licence No. 35 effective from my signing of this Licence.

The lands affected by the pipeline licence area are indicated on Deposited Plan No. 1129968 including associated instruments, lodged and registered at the Sydney office of Land and Property Information NSW, Department of Lands.

This Licence is granted subject to the requirements of and conditions set forth in Annexure B.

Signed at Sydney, New South Wales this 5th day of September 2008.

IAN MACDONALD, M.L.C.,
Minister for Energy

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 175(1),
Poisons And Therapeutic Goods Regulation 2008.
Withdrawal of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008 an order has been made on Dr Roland Alexander Von Marburg, MPO336314 of 572 Kiewa Street, Albury 2640 prohibiting him, until further notice, as a medical practitioner from having possession of and supplying drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 77 of the Regulation.

This order is to take effect on and from 28 October 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales
Sydney, 23 October 2008.

POISONS & THERAPEUTIC GOODS ACT 1966

Order Under Clause 175 (1),
Poisons & Therapeutic Goods Regulation 2008.
Withdrawal of Drug Authority

IN accordance with the provisions of clause 175 (1) of the Poisons & Therapeutic Goods Regulation 2008 an order has been made on Mr Craig Andrew Moore of 22 Berkeley Street Stroud 2425, prohibiting him until further notice, as a person employed by the Ambulance Service of New South Wales as an ambulance officer or as an air ambulance flight nurse and who is approved for the time being by the Director-General for the purposes of clause 101(1)(g) of the Regulation, from having possession of and supplying drugs of addiction as authorised by clause 101(1)(g) of the Regulation.

This order is to take effect on and from 31 October 2008.

Professor DEBRA PICONE, AM,
Director-General

Department of Health, New South Wales,
Sydney, 22 October 2008

SPORTING INJURIES INSURANCE ACT, 1978

Sporting Injuries Committee
Sydney, 23 October 2008

Order of Declaration under Section 5

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

Irontiger Taekwondo

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Taekwondo.

Date: 23 October 2008.

LYNNE MAGEE,
Acting Deputy Chairperson

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, vary the Proclamation of the Metropolitan Special Programs Centre published in the Government Gazette on 19 October 2001; and in variation thereof I declare the Metropolitan Special Programs Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the local government area of Randwick, Parish of Botany and County of Cumberland, being part of lot 133 in a plan of subdivision of lot 5291 in Deposited Plan 824057, shown by shading as Metropolitan Special Programs Centre on Plan Catalogue Number 56075 in the Department of Commerce Plan Room reproduced hereunder and having a total area of 7.14 hectares or thereabouts.

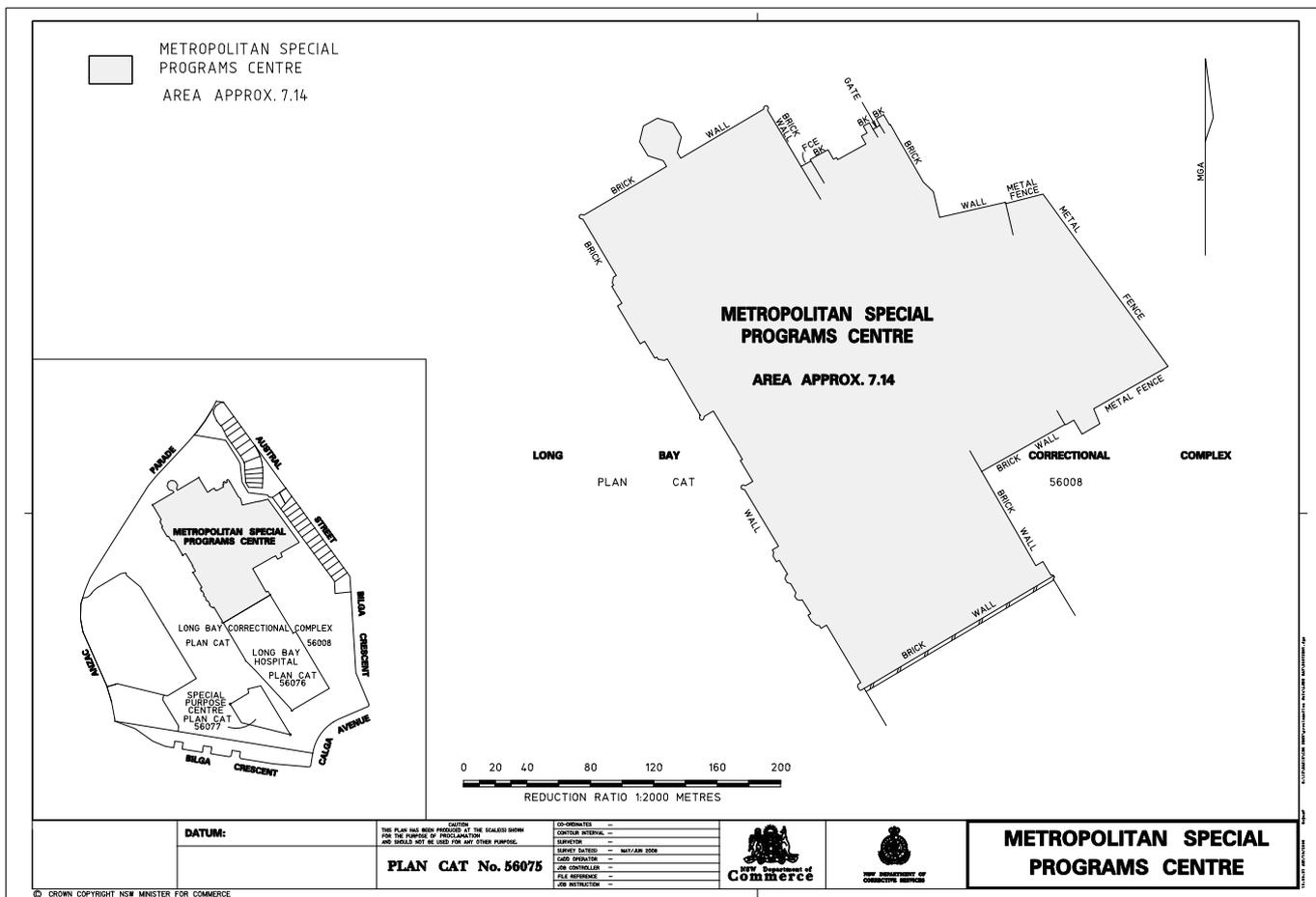
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 24th day of October 2008.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, vary the Proclamation of the Special Purpose Centre published in the Government Gazette on 11 August 1989 and re-declared on 17 October 2001; and in variation thereof I declare the Special Purpose Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the local government area of Randwick, Parish of Botany and County of Cumberland, being part of lot 133 in a plan of subdivision of lot 5291 in Deposited Plan 824057, shown by shading as Special Purpose Centre on Plan Catalogue Number 56077 in the Department of Commerce Plan Room reproduced hereunder and having an area of 9,218 square metres or thereabouts.

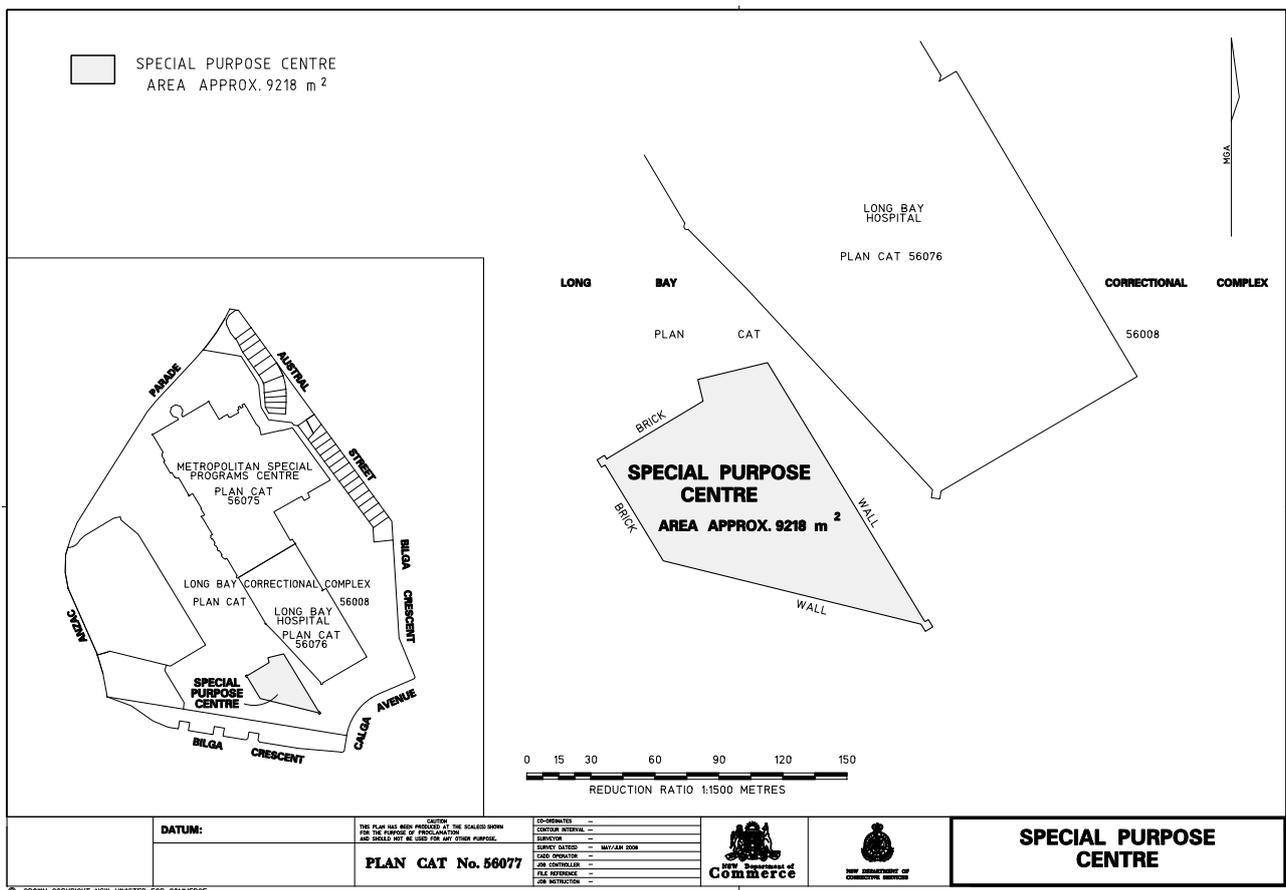
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 24th day of October 2008.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 224(3) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, vary the Proclamation of Long Bay Correctional Complex published in the Government Gazette on 27 June 1997 and re-declared in identical terms on 17 October 2001; and in variation thereof I declare Long Bay Correctional Complex to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the local government area of Randwick, Parish of Botany and County of Cumberland, being part Lot 133 in a plan of subdivision of Lot 5291 in Deposited Plan 824057, shown by shading as Long Bay Correctional Complex on Plan Catalogue Number 56008 in the Department of Commerce Plan Room reproduced hereunder and having a total area of 31.69 hectares or thereabouts.

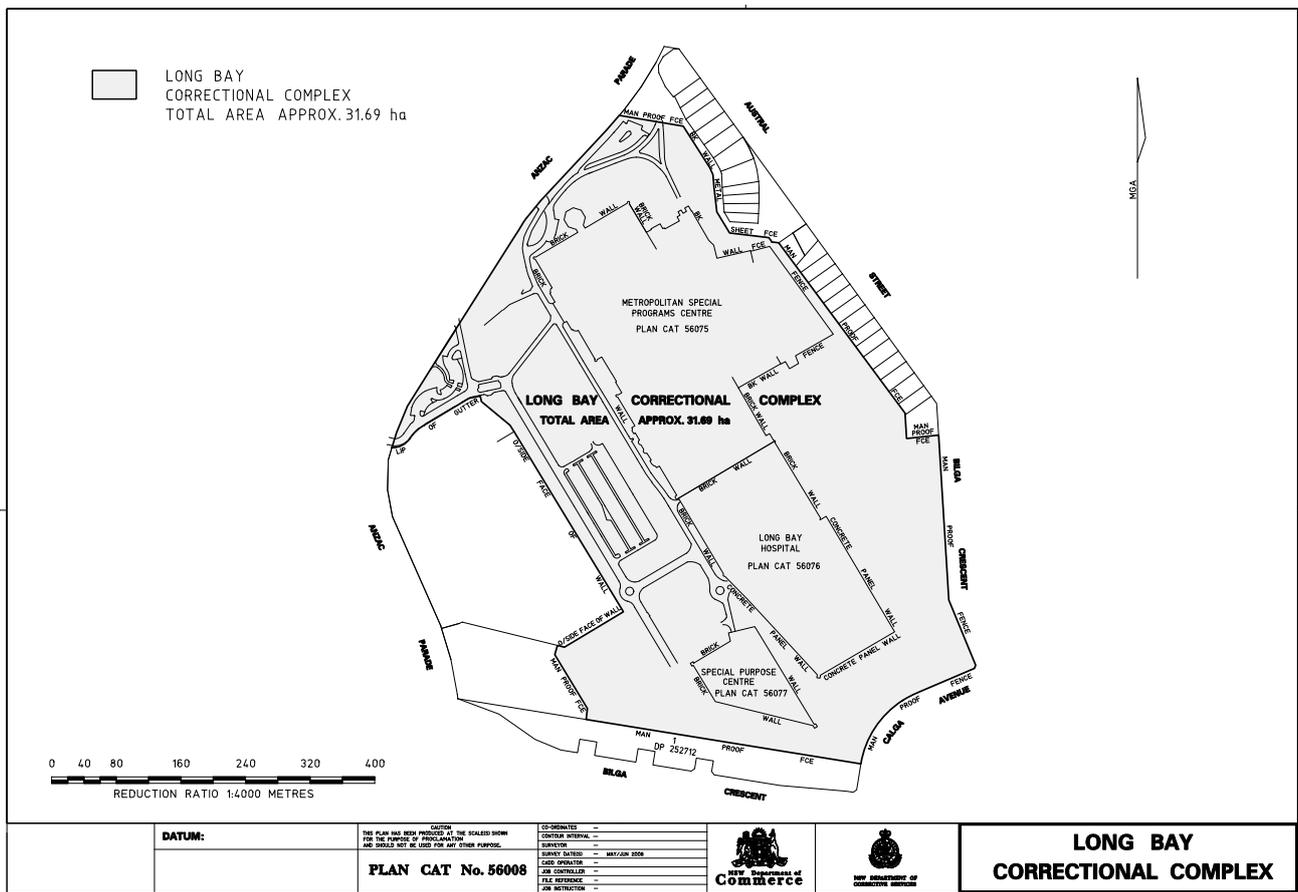
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 29th day of October 2008.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!



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

The electric arc welding slag in recovered aggregate exemption 2008

Name

1. This exemption is to be known as 'The electric arc welding slag in recovered aggregate exemption 2008'.

Commencement

2. This exemption commences on 1 November 2008.

Duration

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

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):

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

Exemption

5. In this Notice of Exemption:

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

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

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

Table 1

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

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

Definitions

6. In this Notice of Exemption:

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

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

Processor means a person who processes recovered aggregate to a standard that complies with the Recovered Aggregates Exemption 2008.

Generator means a person who generates, supplies, causes, or permits the supply of Electric Arc Welding Slag to a processor.

Electric Arc Welding Slag means material recovered from the electric arc welding of iron and steel. The Electric Arc Welding Slag is generally glassy in nature but can include the unused material that was to be incorporated around the electrode during manufacture. Electric Arc Welding Slag shall also have the following properties:

- a pH range 9 to 11, and
- is insoluble (Electrical Conductivity of 1:5 solid:water mixture <2 mS/m) and
- Total Cadmium concentrations < 1 mg/Kg 'dry weight', and
- Total Mercury concentrations < 1 mg/Kg 'dry weight', and
- Total Manganese concentrations < 10%.

Once-off sampling means sampling and testing that must be conducted only once per year on a batch that must be minimum of 500 tonnes and a maximum of 1,500 tonnes in size.

Recovered aggregate means material that meets the conditions of most recent version of the 'The recovered aggregate exemption 2008'.

Relevant waste means Electric Arc Welding Slag that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the Electric Arc Welding Slag on an ongoing and regular basis.

Validation means ensuring that test results comply with the conditions of this exemption prior to supply to a consumer.

General conditions

7. This Notice of Exemption is subject to the following conditions:
 - 7.1. The chemical concentration or other attribute of the Electric Arc Welding Slag listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
 - 7.1.2. once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
 - 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
 - 7.2. The Electric Arc Welding Slag shall be mixed or blended with, or otherwise incorporated into, 'Recovered aggregate' at less than 5% by weight of the recovered aggregate materials. The blended Electric Arc Welding Slag can only be applied to land where the blended material complies with the conditions of the most recent version of 'The Recovered Aggregate Exemption 2008'.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:
 - 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. The generator must undertake routine or once-off sampling of a batch of Electric Arc Welding Slag according to the requirements listed in Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.3. Where there is a change in inputs that is likely to affect the properties in the Electric Arc Welding Slag, characterisation must be repeated.
 - 8.4. Generators must keep a written record of all routine and/or once-off test results for a period of three years.
 - 8.5. Records of the quantity of Electric Arc Welding Slag supplied to the processor and the processor's name and address must be kept for a period of three years.
 - 8.6. The generator of Electric Arc Welding Slag must provide a written statement of compliance to the processor with each transaction, certifying that the Electric Arc Welding Slag complies with the relevant conditions of this exemption.
 - 8.7. The generator of Electric Arc Welding Slag must make information on the latest characterisation and routine test results available to the processor.

Processor responsibilities

9. The following conditions must be met by the processor for this exemption to apply:
 - 9.1. The Electric Arc Welding Slag must be mixed or blended with, or otherwise incorporated into, 'Recovered aggregate' at less than 5% by weight of the recovered aggregate materials.
 - 9.2. Records of the quantity of Electric Arc Welding Slag supplied to the consumer and the consumer's name and address must be kept for a period of three years.

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

Chemical and other material property requirements

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

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Lead	Not required	40	80	12.1
2. Barium	Not required	1500	3000	12.1
3. Chromium (total)	Not required	150	300	12.1
4. Cobalt	Not required	30	60	12.1
5. Copper	Not required	100	200	12.1
6. Nickel	Not required	200	400	12.1
7. Silver	Not required	100	200	12.1
8. Zinc	Not required	80	160	12.1
9. TCLP Manganese	Not required	300 mg/L	600 mg/L	12.2
10. TCLP Nickel	Not required	0.5 mg/L	1 mg/L	12.2

Sampling and testing requirements

11. This Notice of Exemption only applies to Electric Arc Welding Slag sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3	Column 4
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency	Validation
Not required.	5 composite samples per 20 tonnes. (no pro-rata sampling)	10 composite samples per batch. (no pro-rata sampling)	Required before any batch can be incorporated into recovered aggregate.

Test methods

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

- 12.1. Test methods for measuring chemicals 1 - 8 in Electric Arc Welding Slag:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.1.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 1.5 mg/kg dry weight for lead).
 - 12.1.4. Report as mg/kg dry weight.
- 12.2. Test method for measuring 9 - 10 in Electric Arc Welding Slag:
 - 12.2.1. Analysis using USEPA SW-846 Method 1311 Toxicity characteristic leaching procedure (or an equivalent analytical method).
 - 12.2.2. Report as mg/L.

Exemption Granted

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

Notes

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

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

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

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

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

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

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

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

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

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

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

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

CANTERBURY CITY COUNCIL

THE Council of the City of Canterbury gives notice that the lands referred to in the attached schedule are vested in the Council pursuant to the provisions of Section 50 Local Government Act 1993.

SCHEDULE

- 1 Lot 69 in Deposited Plan 17062
Local Government Area Canterbury
Parish St George
County Cumberland
 - 2 Lot A in Deposited Plan 406734
Local Government Area Canterbury
Parish St George
County Cumberland
 - 3 Lot 27 in Deposited Plan 35127
Local Government Area Canterbury
Parish St George
County Cumberland
 - 4 Lot 69 in Deposited Plan 13831
Local Government Area Canterbury
Parish St George
County Cumberland
 - 5 Lot 70 Deposited Plan 13831
Local Government Area Canterbury
Parish St George
County Cumberland
 - 6 Lot 68 Deposited Plan 13831
Local Government Area Canterbury
Parish St George
County Cumberland
 - 7 Lot 67 Deposited Plan 13831
Local Government Area Canterbury
Parish St George
County Cumberland
- [4247]

LAKE MACQUARIE CITY COUNCIL

Proposed Naming of Private Road

NOTICE is hereby given that Council proposes to name the private right of carriageway shown hereunder.

<i>Location / Description</i>	<i>New Road Names</i>
Right of Carriageway 20.115 metres wide A717971 & M765339, which burdens Lot 1 DP 285410, Lot 1 DP 270043 & Lot 1 DP 285579	Point Street Cams Wharf

Written objections to the proposed naming will be accepted up to one month after publication date of this notice. The reasons for objection need to be clearly stated.

For further information, contact Margaret Cumpson on (02) 4921 0323. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906 Hunter Region, Main Centre NSW 2310.

[4248]

MIDCOAST COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MIDCOAST COUNTY COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of access to the Stroud Telemetry and Communications Facility.

Dated at Taree this 20th day of June 2008.

NEIL HANINGTON,
General Manager

SCHEDULE

Lots 10 & 11 DP 1098155. [4249]

MIDCOAST COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MIDCOAST COUNTY COUNCIL declares with the approval of Her Excellency the Governor that the interest described in the schedule below, excluding mines and minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of a sewage pipeline.

Dated at Taree this 2nd day of July 2008.

NEIL HANINGTON,
General Manager

SCHEDULE

Proposed easement for sewage pipeline 5 wide and variable width affecting Lot 7010 DP 1056913 shown as 'A' In DP 1101010. [4250]

MIDCOAST COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MIDCOAST COUNTY COUNCIL declares with the approval of Her Excellency the Governor, that the land described in Schedule A below and the interests described in Schedule 8 below, excluding mines and minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of water storage and supply and additional sewerage reticulation.

Dated at Taree this 25th day of June 2008.

NEIL HANINGTON,
General Manager

SCHEDULE A
LAND

Lot 1 DP 1120350.

SCHEDULE B
INTERESTS

Proposed easement for access 10 wide shown 'A' in DP 1120350.

Proposed easement for water supply 5 wide and variable shown 'B' in DP 1120350.

Proposed easement for water supply 5 wide and variable shown 'C' in DP 1120350.

Proposed easement for drainage of sewage 5 wide shown 'D' in DP 1120350. [4251]

NAMBUCCA SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

NAMBUCCA SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the respective purposes shown in the Schedule below. Dated at Macksville, this 31st day of October 2008. MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447.

SCHEDULE

Lot 1, DP 884337, for industrial development and re-sale.

Lot 2, DP 1018234, for landfill waste disposal.

Lot 3, DP 1028461, for public recreation and community facilities.

Lots 4 and 5, DP 1004357, for sewerage treatment plant. [4252]

SUTHERLAND SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act, 1991

Notice of Compulsory Acquisition of Land

SUTHERLAND SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding any mines or deposits of minerals within that land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for open space.

Dated at Sutherland this 20th day of October 2008.

J W RAYNER,
General Manager,
Sutherland Shire Council,
Eton Street,
Sutherland. NSW, 2232.

SCHEDULE

Lot 3 DP34032. [4253]

TUMBARUMBA SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

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

SCHEDULE

Lot 100 DP1097291. [4254]

WYONG SHIRE COUNCIL

Water Management Act 2000

Land Acquisition (Just Terms Compensation) Act 1991

Notice under Section 19(1)

Notice of Compulsory Acquisition of Land and Easement for Water Supply

WYONG SHIRE COUNCIL (a water supply authority), with the approval of Her Excellency the Governor, with the advice of the Executive Council, declares that the interest in land described in Schedule 1 to this notice, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Pursuant to Section 318 (2) of the Water Management Act 2000, this acquisition is taken to be for an authorised work and Wyong Shire Council (a water supply authority) is taken to be the constructing authority for the purposes of the Public Works Act 1912.

KERRY YATES,
General Manager
Wyong Shire Council
PO Box 20
Wyong, NSW 2259

SCHEDULE

Part of Lot 521 DP 823160 being Lots 1 and 2 in DP 1125803 and an easement for services and right of carriageway 3, 4 wide and variable affecting Lot 521 DP 823160 as shown on Deposited Plan 1125803 and therein designated "A' proposed right of carriageway and easement for services, 3, 4 wide and variable". [4255]

WYONG SHIRE COUNCIL

Part 2 Section 10 Roads Act 1993

NOTICE is given pursuant to Part 2 Section 10 of the Roads Act 1993 that the land in the schedule below is hereby dedicated as Public Road.

K YATES,
General Manager
PO Box 20
Wyong, NSW 2259

SCHEDULE

Lot 4 DP 1128288 Brush Road, Ourimbah. [4256]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of HERBERT ZANDER, late of 17/1 Beaham Place, Cherrybrook, in the State of New South Wales, who died on 22 August 2008, must send particulars of his claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, 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 she has notice. Probate was granted in New South Wales on 15 October 2008. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685) (DX 27551, West Ryde), tel. (02) 9858 1533. Reference: JSF.CT.08253. [4257]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of FREDERICK JOHN PERCY LOVEDAY, late of Yallambie Court, 267 Carlingford Road, Carlingford, in the State of New South Wales, who died on 14 July 2008, must send particulars of his claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, 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 she has notice. Probate was granted in New South Wales on 9 October 2008. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685) (DX 27551, West Ryde), tel.: (02) 9858 1533. Reference: JSF.CT.08235. [4258]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NORMA DEAN, late of 13 Walter Street, Mortdale, in the State of New South Wales, who died on 1 May 2008, must send particulars of his claim to the executors, Leanne Ewen and Tracey Maree Mowbray, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale NSW 2223, on or before the expiration of one (1) 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 conveyance or distribution the executor has notice. Probate was granted in New South Wales on 7 October 2008. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX11307, Hurstville), tel.: (02) 9570 2022. [4259]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANTHONY IAN RIGG, late of West Ryde, in the State of New South Wales, retired Technical Officer, who died on 15 June 2008, must send particulars of the claim to the executor, Mark Anthony Rigg, care of Mervyn Finlay, Thorburn & Marshall, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate and property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 16 October 2008. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, (DX 796 Sydney), tel.: (02) 9223 6544. Reference: DLT:28008. [4260]

COMPANY NOTICES

NOTICE of final meeting of .—HIGHRENT PASTORAL CO PTY LTD, ACN 000 551 039, (in liquidation).—Notice is hereby given that pursuant to section 509 of Corporations Law, the final meeting of members of the abovenamed company, was held at the offices of Roberts & Morrow of 212 Rouse Street, Tenterfield, NSW 2372 on the 4th October 2008 at 3.30 p.m. in the afternoon for the purpose of laying before the meeting the liquidators' final accounts and report and giving any explanation thereof. Dated this 4th day of October 2008. Mr ALAN DONGES, Liquidator, c.o. Messrs Roberts & Morrow, Chartered Accountants, 212 Rouse Street, Tenterfield, NSW 2372, tel.: (02) 6736 1033. [4261]

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