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# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 59**

**Friday, 27 April 2007**

Published under authority by Government Advertising

## SPECIAL SUPPLEMENT



New South Wales

# Trade Measurement Regulation 2007

under the

Trade Measurement Act 1989

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Trade Measurement Act 1989*.

LINDA BURNEY, M.P.,  
Minister for Fair Trading

### Explanatory note

The object of this Regulation is to repeal and remake, without any changes in substance, the *Trade Measurement Regulation 2002* which would otherwise be repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation is made under the *Trade Measurement Act 1989*, including sections 26 (Articles required to be sold by specific measurement) and 80 (the general regulation-making power).

This Regulation deals with matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

### Outline of provisions

## Part 1 Preliminary

Part 1 contains preliminary provisions.

## Part 2 Weighbridges

Part 2 deals with weighbridges.

In particular, the provisions of Part 2 do the following:

- (a) impose special requirements concerning the location, construction and lay-out of weighbridges used for trade,

## Trade Measurement Regulation 2007

## Explanatory note

- 
- (b) provide the administrative detail for the issue of certificates of suitability (which certify whether a weighbridge is suitable for use as a public weighbridge), including provision concerning the making and granting of applications for certificates, their duration, the issue of duplicate certificates and the suspension and cancellation of certificates,
  - (c) provide for certain conditions to attach to a public weighbridge licence and impose certain duties on a public weighbridge licensee, including a duty to exhibit certain information, provide tare mass books and measurement tickets and certain other general duties,
  - (d) impose certain duties on the operators of public weighbridges, including duties concerning the issue of tickets, for ensuring the accuracy of weighbridges and regulating the day-to-day operation of weighbridges,
  - (e) prohibit the use of a public weighbridge for end-and-end weighing and impose restrictions on the use of other weighbridges for that purpose,
  - (f) create offences concerning the fraudulent operation of a weighbridge.

### Part 3 Measuring instruments

Part 3 deals with measuring instruments.

In particular, the provisions of Part 3 provide for the following:

- (a) the verification and re-verification (by inspectors), and certification (by the holders of servicing licences), of measuring instruments, including their testing and marking,
- (b) batch testing and marking of certain glass measures and the approvals and quality control standards required for batch testing,
- (c) conditions of servicing licences and duties to keep records and notify changes of particulars,
- (d) prohibiting various improper usage of measuring instruments,
- (e) imposing special requirements for the illumination and automatic resetting of instruments that measure liquids,
- (f) imposing special requirements on the use of measuring instruments to measure precious stones.

### Part 4 Pre-packed articles

Part 4 deals with pre-packed articles.

In particular, the provisions of Part 4 do the following:

- (a) require pre-packed articles to be marked with the name and address of the packer (and confer various exemptions from this general requirement),
- (b) require pre-packed articles to be marked with the measurement of the contents of the package,
- (c) impose restrictions on the way in which the measurements are to be marked (including restrictions on the position, the set-out and form of the measurement marking, the size of the characters and the units of measurement to be used),

## Trade Measurement Regulation 2007

## Explanatory note

- 
- (d) impose special requirements on the making of a measurement marking on certain articles (such as eggs, bedsheets, curtains and tarpaulins),
  - (e) impose special requirements on the making of a measurement marking on “inner” and “outer” packaging,
  - (f) require certain goods (such as fruit, cheese, vegetables and meat) to bear an additional marking of total price and price per kilogram (with certain exceptions for goods packed in standard sizes),
  - (g) permit certain articles to be marked with expressions such as “mass when packed” and “mass at standard condition” (as an exception to the general prohibition in the Act against the use of such expressions),
  - (h) prescribe the extent of the discrepancy between actual and marked measurements that is necessary to constitute the offence of short measure.

**Part 5 Miscellaneous**

Part 5 contains miscellaneous provisions regarding trade measurement.

In particular, the provisions of Part 5 do the following:

- (a) specify the measurements to be used when certain articles are advertised for sale at a price determined by reference to mass, volume, linear measurement or superficial measurement,
- (b) require certain beers and spirits to be sold at prices calculated by reference to volume,
- (c) require the volume of petrol or diesel fuel sold by wholesale to be calculated by reference to its volume at a specified temperature.

Trade Measurement Regulation 2007

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Clause 1 Trade Measurement Regulation 2007

Part 1 Preliminary

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## Trade Measurement Regulation 2007

under the

Trade Measurement Act 1989

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Trade Measurement Regulation 2007*.

#### 2 Interpretation

- (1) In this Regulation, unless the contrary intention appears:

***approved*** means approved by the administering authority.

***approved printing device*** means a printing device that conforms to a pattern in relation to which there is in force under Part 6 of the *National Measurement Regulations 1999* of the Commonwealth a certificate that approves the use of the device for trade.

***certificate of suitability***, in relation to a weighbridge, means a certificate issued by the administering authority for the purposes of section 50 (1) (a) of the Act to the effect that the weighbridge is suitable for use as a public weighbridge.

***characters*** includes letters, figures and symbols.

***cheese*** and ***cheese products*** do not include articles for sale as processed cheese or cheese spreads.

***compressed or liquefied gas*** does not include liquefied petroleum gas.

***cream*** does not include clotted cream or sour (cultured) cream.

***dried or dehydrated fruit*** includes glace and crystallised fruit and fruit peel.

***dried or dehydrated mixed fruit*** includes any dried or dehydrated fruit mixed with nuts.

***end-and-end measurement*** means the determination of a measurement relating to a vehicle (whether loaded or not) by adding together separate measurements of the mass supported singly or in combination by the different axles of the vehicle, those separate measurements having been determined by separate operations of a weighbridge.

Trade Measurement Regulation 2007

Clause 2

Preliminary

Part 1

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***garden landscape material*** means soil, pebbles, crushed tile, crushed white quartz, Grawin gravel, crushed western red, crushed snowflake, New Zealand lava scoria, Pacific coral, river stones, crushed material mix and any like substance for use in gardens.

***ice cream*** includes any form of frozen confection containing ice cream, flavoured ice, fruit-ice, water-ice or a substitute for ice cream.

***liquid chemicals*** includes solvents packed for sale for pharmaceutical, laboratory or industrial use.

***main display part***, in relation to a package, means:

- (a) if the name or brand of the article in the package appears on the package once only—the part of the package on which it appears, or
- (b) if the name or brand of the article in the package appears on more than one part of the package with equal prominence in each case—any one of those parts, or
- (c) if the name or brand of the article in the package appears on more than one part of the package but not always with equal prominence—the part of the package on which it is more prominent or any part of the package on which it is most prominent, or
- (d) if the name or brand of the article in the package does not appear on the package—that part of the package which will be most prominent when the package is exposed for sale in the manner in which it is likely to be exposed for sale.

***measurement marking*** means the marking of measurement required by this Regulation to be made on the package containing a pre-packed article.

***operator*** means the person who personally determines a measurement by use of a weighbridge.

***owner***, in relation to a measuring instrument, means the person who uses, or proposes to use, the measuring instrument for trade or who proposes to make it available for use for trade.

***paint*** includes (other than in Part 2 and Schedules 1–3) enamel but does not include a two-pack paint, artists' paint or powder coatings.

***poultry*** means any kind of bird used for human consumption, whether it is cooked or uncooked or consists of poultry pieces.

***poultry piece*** means leg, wing, breast or other part detached from a poultry carcase and any division of a poultry carcase.

***public weighbridge licensee*** means a person holding a public weighbridge licence.

Clause 2            Trade Measurement Regulation 2007

Part 1             Preliminary

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**public weighing** means the use of a weighbridge by or on behalf of the public or for which a charge is made.

**resins** includes natural resins, synthetic resins and polymeric materials other than paint.

**servicing licensee** means a person holding a servicing licence.

**the Act** means the *Trade Measurement Act 1989*.

**therapeutic goods** means goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth as amended and in force for the time being.

**tobacco** includes plug tobacco.

- (2) Part 2 and Schedules 1–3 have effect in addition to, and do not derogate from, any other provisions of this Regulation relating to measuring instruments generally.

Trade Measurement Regulation 2007

Clause 3

Weighbridges

Part 2

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## **Part 2 Weighbridges**

### **Division 1 Requirements for weighbridges used for trade**

#### **3 Application of Division**

This Division applies to weighbridges used for trade (including public weighbridges).

#### **4 Situation of weighbridge**

A weighbridge must be so situated that:

- (a) there is sufficient room for a vehicle using the weighbridge to move on and off without turning on the platforms, and
- (b) its headwork is protected from wind and rain by an office or other adequate means, and
- (c) water or debris from the surrounding area does not accumulate on the platforms or in the pit.

#### **5 Visibility on weighbridge**

A weighbridge must:

- (a) provide the operator with a clear view of the platforms, and
- (b) have the indicator that is used by the operator located not more than 6 metres from the edge of the platforms or in some other approved position, and
- (c) in the case of a road weighbridge, have an indicator in such a position that the mass displayed on it may easily be read by the driver of a vehicle using the weighbridge.

#### **6 Approaches to weighbridge**

A weighbridge must have approaches that:

- (a) are in the same plane as the platforms for a minimum distance of:
  - (i) 3 metres if the length of the platforms is less than 18 metres, or
  - (ii) 1 metre if the length of the platforms is 18 metres or more, and
- (b) have a hard, true and durable surface of concrete or other approved material, and
- (c) are arranged so that drainage from the surface does not flow into the pit.

Clause 7 Trade Measurement Regulation 2007

Part 2 Weighbridges

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## **7 Platforms of weighbridge**

- (1) The platforms of a weighbridge must be of concrete or steel, or both, or be of other approved materials.
- (2) Unless exempted under subclause (3), a weighbridge must be provided with guard rails or other suitable means to prevent vehicles from moving onto or off the platform otherwise than from end to end.
- (3) The administering authority may exempt a weighbridge from compliance with subclause (2).

## **8 Pit of weighbridge**

If a weighbridge has a pit:

- (a) the entrance to the pit must be covered and be at least 1 metre deep and 900 mm wide, and
- (b) the neck of the pit must be at least 900 mm wide, and
- (c) there must be a clearance of at least 150 mm on each side of a lever in the neck of the pit, and
- (d) there must be free access to every part of the underwork and:
  - (i) if free access is available from above to every part of the underwork, there must be a clearance of at least 150 mm below all parts of the underwork, or
  - (ii) in any other case there must be a clearance of at least 400 mm below the lowest lever, and
- (e) the pit must be free-draining or be provided with automatic mechanical drainage and be kept free from any accumulation of water, mud and debris.

## **9 Weighbridge without pit**

If a weighbridge does not have a pit:

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms, and
- (b) the floor between load cell supports must be of concrete at least 75 mm thick and must be effectively drained and kept free from any accumulation of water, mud and debris, and
- (c) there must be in the same plane as, or lower than, the floor a clear space of at least 1 metre from the external edges of the frame, and
- (d) the load cell footings must be individually and mutually stable.

Trade Measurement Regulation 2007

Clause 10

Weighbridges

Part 2

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**10 Weighbridge with electronic devices**

If a weighbridge is equipped with electronic devices:

- (a) they must be protected from electrical interference and the rays of the sun, and
- (b) the data plate of the load cells must have such access as is necessary to enable it to be read with ease.

**11 Multi-platform weighbridge**

In a multi-platform weighbridge:

- (a) any dead space between platforms must not exceed 2 metres, and
- (b) the platforms must not interfere with each other so as to affect their operation, and
- (c) a visual summing indicator must be provided.

**12 Portable weighbridge**

If a weighbridge is portable:

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms, and
- (b) it must have a base that is stable when the weighbridge is in use, and
- (c) the headwork and exposed levers must have adequate protection, and
- (d) the ground under the platform must be treated to prevent the growth of foliage and must be kept free from any accumulation of water, mud and debris.

**Division 2 Certificates of suitability (public weighbridges)****13 Issue of certificate of suitability**

- (1) A public weighbridge licensee may apply for a certificate of suitability for a weighbridge by lodging at the office of the administering authority the fee prescribed under the Administration Act and an approved form of application.
- (2) On receipt of an application for a certificate of suitability, the administering authority must arrange for an inspector to examine the weighbridge.

Clause 14 Trade Measurement Regulation 2007

Part 2 Weighbridges

- 
- (3) The administering authority must issue a certificate of suitability for the weighbridge if an inspector examines it and finds that:
- (a) it is suitable for use as a public weighbridge because of its type, capacity and strength and the size of its platforms, and
  - (b) it is so positioned that a vehicle using it may enter and leave the platforms without reversing, and
  - (c) it otherwise complies with the requirements of this Regulation.

**14 Duration of certificate of suitability**

- (1) Except during any period of suspension, or unless it is sooner surrendered or cancelled, a certificate of suitability remains in force:
  - (a) until the end of the period of 12 months that next succeeds its date of issue, or
  - (b) as provided by subclause (2).
- (2) If application is made for a new certificate of suitability before, but not more than 1 month before, the date that is 12 months after the date of issue of its predecessor but is not finally dealt with before that later date, the previous certificate continues in force until the new certificate is issued or the application is refused.
- (3) The date of issue of a new certificate of suitability is to be considered to be the date that is 12 months after the date of issue of its predecessor (even if it is issued before or after that later date) and the new certificate is to be dated accordingly.
- (4) If a weighbridge is re-located, its certificate of suitability ceases to have effect.

**15 Duplicate certificate of suitability**

- (1) If the administering authority is satisfied that a certificate of suitability has been lost, destroyed or made useless by damage, the administering authority may, on payment of the fee prescribed under the Administration Act for a duplicate certificate, issue a duplicate of the certificate.
- (2) A duplicate certificate issued under subclause (1) has the same effect as the original certificate.

**16 Suspension or cancellation of certificate of suitability**

- (1) The administering authority may, by notice in writing served on the public weighbridge licensee personally or by post, suspend the certificate of suitability for a weighbridge if the administering authority,



Trade Measurement Regulation 2007

Clause 17

Weighbridges

Part 2

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after examination of the weighbridge by an inspector, is of the opinion that any application for a new certificate for the weighbridge made at the time of the examination would have been refused.

- (2) The administering authority may terminate a suspension after a further examination of the weighbridge by an inspector and payment of the fee prescribed under the Administration Act for the further examination.
- (3) Termination of a suspension may be effected unconditionally or after compliance with specified conditions, whether or not including conditions as to time for compliance.
- (4) If conditions imposed under subclause (3), or added or amended under paragraph (a), are not complied with, the administering authority may, by notice in writing served on the public weighbridge licensee personally or by post:
  - (a) amend or add to the conditions, or
  - (b) cancel the certificate.
- (5) The administering authority may, instead of suspending a certificate, impose conditions subject to which the certificate will continue in force including a condition requiring a further examination of the weighbridge and payment of the fee prescribed under the Administration Act for the further examination.

#### **17 Return of cancelled certificate**

If a certificate of suitability issued to a public weighbridge licensee is cancelled, the public weighbridge licensee (whether or not still holding a public weighbridge licence) is guilty of an offence unless the certificate is delivered to the licensing authority not later than 7 days after its cancellation.

Maximum penalty: \$200.

#### **18 Register of certified weighbridges**

The administering authority is to maintain a register of weighbridges for which a certificate of suitability is current and is to enter in the register:

- (a) the location of the weighbridge and particulars of its certification, and
- (b) a number allotted by the administering authority as the registered number for the weighbridge, and
- (c) such other particulars as the administering authority considers appropriate.

Clause 19 Trade Measurement Regulation 2007

Part 2 Weighbridges

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### **Division 3 Public weighbridges—licensees and operators**

#### **19 Condition of public weighbridge licence**

It is a condition of a public weighbridge licence that the public weighbridge licensee:

- (a) must do everything that the Act and this Regulation require to be done by the public weighbridge licensee, and
- (b) must not do anything that the Act and this Regulation require the public weighbridge licensee to refrain from doing.

#### **20 Sign and certificate to be exhibited**

A public weighbridge licensee must exhibit in view of the public at each weighbridge made available under the authority of the public weighbridge licence:

- (a) words and figures not less than 100 mm high and of proportionate breadth, and in clear contrast with their background, that read “Registered Public Weighbridge No. ” showing the registered number, and
- (b) properly protected, the certificate of suitability for the weighbridge.

#### **21 Tare books and measurement tickets**

- (1) A public weighbridge licensee must provide at each weighbridge made available under the authority of the public weighbridge licence:
  - (a) tare mass books in accordance with Forms 1 or 2 in Schedule 2, and
  - (b) measurement tickets in accordance with Forms 1, 2, 3 or 4 in Schedule 3.
- (2) The measurement tickets provided by a public weighbridge licensee:
  - (a) must be printed and bound in books, or provided in approved pads, containing original tickets and provision for at least one copy of each original, and
  - (b) must be numbered consecutively with each copy ticket bearing the same number as its original, and
  - (c) must have the word “original” printed on each original ticket and the word “duplicate” on each copy ticket.

Trade Measurement Regulation 2007

Clause 22

Weighbridges

Part 2

- 
- (3) The public weighbridge licensee must ensure that a copy of the relevant measurement ticket is issued to a customer of the public weighbridge licensee and the public weighbridge licensee must retain for at least 12 months all original tickets (whether or not a copy has been issued) and all unissued copy tickets.
  - (4) A public weighbridge licensee must, immediately after a pad of measurement tickets has been completely used, permanently make up in book form (by stapling or other suitable means) all originals and copies retained under subclause (3) from the used pad.
  - (5) A public weighbridge licensee must, on being required by an inspector to do so, produce original and copy tickets retained under subclause (3).

**22 General duties of public weighbridge licensee**

A public weighbridge licensee who makes a weighbridge available as a public weighbridge must ensure that:

- (a) the weighbridge is kept truly balanced, that the platforms are kept clean and that the space between the frame and the platforms is kept free from obstructions, and
- (b) measurement of a vehicle or livestock brought to the weighbridge is not refused during normal trading hours in the area unless the capacity of the weighbridge is insufficient or advance payment of the charge is required but not made, and
- (c) due care is exercised in determining a measurement by use of the weighbridge, and
- (d) entries are made in the tare mass book, and measurement tickets are completed and copies issued, with due care and in accordance with this Regulation, and
- (e) on demand made at the weighbridge at any reasonable time by an inspector or other interested person, there is produced the original of any measurement ticket relating to a measurement made by use of the weighbridge during the preceding 12 months, and
- (f) the administering authority is informed, and the weighbridge is withdrawn from use, if the public weighbridge licensee knows, or has reason to believe, that a measurement made by use of the weighbridge would be incorrect.

**23 Duties of operator**

- (1) An operator of a public weighbridge is guilty of an offence if he or she fails to comply with a requirement of Schedule 1 when the weighbridge is in use for public weighing.  
Maximum penalty: \$2,000.

Clause 24 Trade Measurement Regulation 2007

Part 2 Weighbridges

- 
- (2) An operator of a public weighbridge is guilty of an offence if he or she alters the original of a measurement ticket after a copy of it has been issued.  
Maximum penalty: \$2,000.
- (3) An operator of a public weighbridge is guilty of an offence if he or she issues a measurement ticket that is not a correct copy of the original.  
Maximum penalty: \$2,000.
- (4) An operator of a public weighbridge is guilty of an offence if he or she removes from a book, or issues, an original measurement ticket.  
Maximum penalty: \$2,000.
- (5) An operator of a public weighbridge is guilty of an offence if he or she removes, or permits to be removed, from a book an unused measurement ticket.  
Maximum penalty: \$2,000.
- (6) An operator of a public weighbridge is guilty of an offence if he or she uses the weighbridge for public weighing when he or she knows, or has reason to believe, that the weighbridge is incorrect.  
Maximum penalty: \$2,000.

**24 Notification by public weighbridge licensee of change of particulars**

A public weighbridge licensee must notify the licensing authority in writing of:

- (a) any change in the address for the service of notices on the public weighbridge licensee, and
- (b) the full name and residential address of each person who commences or ceases to be employed by the public weighbridge licensee to operate any weighbridge made available under the authority of the weighbridge licence,

and must do so not later than 14 days after the event.

**25 Vehicle registration weighing—exemption from licensing etc**

- (1) If a public weighbridge is used only to measure the tare mass of a vehicle for registration purposes, that use is not to be considered to be use as a public weighbridge for the purposes of section 43 (Requirement for public weighbridge licence) of the Act so long as:
- (a) the operator of the weighbridge issues a written statement of the mass measured, and
  - (b) that statement is marked with the words “FOR REGISTRATION PURPOSES ONLY” in prominent capital letters at least 5 mm high.

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Clause 26

Weighbridges

Part 2

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- (2) Clause 23 does not apply to the operator of a weighbridge to which subclause (1) applies.

## **26 Register of public weighbridge licences**

For the purposes of section 47 of the Act, the prescribed particulars to be kept in a register by the licensing authority in respect of each public weighbridge licence are as follows:

- (a) the number of the public weighbridge licence and the date of its issue,
- (b) the name of the public weighbridge licensee and the address at which notices may be served personally on the public weighbridge licensee,
- (c) particulars of any conditions to which the public weighbridge licence is subject imposed under section 48 of the Act,
- (d) such other particulars as the licensing authority thinks desirable.

## **Division 4 End-and-end weighing**

### **27 Prohibited for public weighbridges**

If a public weighbridge is used for public weighing to determine an end-and-end measurement, the public weighbridge licensee and operator of the public weighbridge are each guilty of an offence.

Maximum penalty: \$2,000.

### **28 Restrictions in other cases**

- (1) A person who uses for trade a weighbridge in order to determine an end-and-end measurement is guilty of an offence unless subclause (2) is complied with.  
Maximum penalty: \$2,000.
- (2) This subclause is complied with if:
  - (a) use of the weighbridge is not for public weighing, and
  - (b) the wheelbase of the vehicle concerned is:
    - (i) longer than the length of the platform of the weighbridge or, if the weighbridge has 2 or more platforms, the total of the lengths of the platforms, and
    - (ii) shorter than the sum of the length, or total length, found under subparagraph (i) and the length of the shorter, or, if their lengths are the same, of either, of the approaches to the platform or platforms, and

Clause 29 Trade Measurement Regulation 2007

Part 2 Weighbridges

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- (c) the approaches have a smooth and level surface that is paved with concrete or other approved material and is in the same horizontal plane as the top of the platform or platforms, and
  - (d) the perimeter of the approaches is clearly indicated by painted marks or by other approved means, and
  - (e) at all times during the measuring:
    - (i) the wheels on one or more of the axles are located on the platform or platforms and the wheels on the other axles are located within the indicated perimeter of the approaches, and
    - (ii) the brakes, gears and any other means capable of restricting the free movement of the vehicle are disengaged.

## **Division 5 Miscellaneous weighbridge provisions**

### **29 Fraudulent activities of public weighbridge licensee or operator**

A public weighbridge licensee or operator of a weighbridge is guilty of an offence if he or she:

- (a) knowingly permits, assists in, or connives at, a fraud in connection with the measurement of anything by using the weighbridge or the issue of a measurement ticket, or
- (b) makes, or connives at the making of, a representation known by the public weighbridge licensee or operator to be false with respect to the measurement of anything by means of the weighbridge, or
- (c) knowing of any fraudulent proceeding in connection with the measurement of anything by means of the weighbridge, fails to impart that knowledge to an inspector as soon as practicable.

Maximum penalty: \$2,000.

Trade Measurement Regulation 2007

Clause 30

Measuring instruments

Part 3

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## **Part 3 Measuring instruments**

### **Division 1 Verification, re-verification and certification**

#### **30 Marking of measuring instrument**

- (1) When an inspector's mark or licensee's mark is made on a measuring instrument, the person who makes the mark must also mark, in the approved manner, the date on which the mark is made, unless the instrument is a glass measure.
- (2) When an employee of a servicing licensee certifies a measuring instrument, the employee must, in addition to making the licensee's mark on the measuring instrument, also make such other mark in conjunction with the licensee's mark as will enable the servicing licensee to identify the employee who made the mark.

#### **31 Certain measuring instruments not to be verified/certified**

A measuring instrument must not be verified or certified if:

- (a) it bears a manufacturer's mark or trade mark that could be mistaken for an inspector's mark or a licensee's mark, or
- (b) it is of rough, crude or unskillful construction or is constructed of inferior material, or
- (c) it is not reasonably clean or has wet paint on it, or
- (d) it is so damaged as to be unsuitable for use for trade.

#### **32 Measuring instrument to be clean**

For the purpose of facilitating re-verification of a measuring instrument, an inspector may direct the person in possession of the instrument to clean the instrument.

#### **33 Testing of measuring instrument**

The testing of a measuring instrument for the purpose of verification, re-verification or certification is:

- (a) if the measuring instrument is fixed—to be carried out with the measuring instrument in its fixed position, or
- (b) if the measuring instrument is movable and has a base—to be carried out with the measuring instrument on a level plane or, if this is not practicable, on a plane that is as nearly level as possible, or

Clause 34 Trade Measurement Regulation 2007

Part 3 Measuring instruments

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- (c) if the measuring instrument is transportable and the results obtained by its use are affected by gravity—be carried out so as to compensate for the conditions applicable in the region in which it is used or to be used.

**34 Testing and marking of measure of length**

If a measure of length is to be verified or certified, it is to be examined, tested and marked:

- (a) on both sides, if it is calibrated on both sides and is not permanently fixed so that only one side is visible, or
- (b) on the visible side, if it is permanently fixed so that only one side is visible.

**35 Exemption from re-verification and from marking**

- (1) If a glass measure referred to in Division 2 has been marked in accordance with clause 41, re-verification of it is not required.
- (2) If a measure of length has been verified, re-verification of it is not required.

**36 Restrictions on use for trade of certain small masses**

- (1) A mass of 0.2 metric carat or less, or of 50 mg or less, is exempt from section 7 of the Act (Measuring instruments used for trade must be marked).
- (2) A person who uses such a mass for trade is guilty of an offence unless the person is the holder of a certificate issued by the administering authority or the holder of a servicing licence to the effect that the mass concerned complies with the requirements for verification specified in section 13 of the Act.

Maximum penalty: \$2,000.

**37 Dismantling of measuring instrument for testing**

- (1) If an inspector considers it to be necessary to examine or test a component part of a measuring instrument for the purpose of verifying or re-verifying the instrument and that cannot be done without dismantling the instrument, the inspector may require the owner of the measuring instrument to comply with subclause (2).
- (2) The owner of a measuring instrument complies with this subclause if the owner:
  - (a) dismantles the measuring instrument or causes it to be dismantled, or



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- (b) consents to the measuring instrument being dismantled by the inspector and absolves the inspector from liability for any damage caused in the course of its dismantling or re-assembly.
  - (3) If the owner fails to comply with subclause (2) when required to do so by an inspector, the measuring instrument must not be used for trade while the failure continues.

**38 Owner to provide and pay for labour etc**

- (1) An inspector may direct the owner of a measuring instrument to provide and pay for:
  - (a) any labour, materials or equipment, or
  - (b) the expeditious transportation to and from the site of the measuring instrument of any test masses, measures or equipment, required by the inspector for the purpose of verifying or re-verifying the measuring instrument.
- (2) If the owner fails to comply with such a direction, the measuring instrument concerned must not be used for trade while the failure continues.
- (3) The owner of a measuring instrument while in possession of any test masses, measures or equipment referred to in subclause (1) is liable for any loss of, or damage to, them and any costs and expenses incurred by the administering authority because of any such loss or damage is recoverable by the administering authority as a debt due by the owner of the measuring instrument.

**Division 2 Batch testing and marking****39 Definitions**

In this Division:

**approval** means an approval given under clause 40.

**glass**, in relation to a container or drinking vessel, includes any other material permitted by the approval for its pattern issued under the *National Measurement Regulations 1999* of the Commonwealth.

**glass measure** means:

- (a) a container made wholly or principally of glass in which it is intended that lubricating oil will be sold by volume of the quantity (otherwise than as a pre-packed article), or
- (b) a measure made of glass or another rigid or semi-rigid substance intended for use for the sale of beer, ale, stout or spirits by quantity (otherwise than as a pre-packed article).

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Part 3 Measuring instruments

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*testing facilities* means labour and equipment necessary for testing glass measures in accordance with clause 43.

**40 Approval for batch testing of glass measures**

- (1) The administering authority may give a manufacturer or importer of glass measures written approval for the glass measures to be tested and marked under this Division.
- (2) An approval ceases to have effect if it is revoked by the administering authority or if the manufacturer or importer fails:
  - (a) to comply with any requirements of the administering authority notified in the approval, or
  - (b) to take reasonable precautions to prevent the commission of an offence under clause 42, or
  - (c) to provide and pay for testing facilities as required by the administering authority, or
  - (d) to make the testing facilities available, without charge, for use by an inspector or servicing licensee in order to carry out tests in accordance with clause 43, or
  - (e) to comply with clause 44 relating to the keeping and examination of records.

**41 Approval authorises making of marks**

While an approval is in force, the manufacturer or importer is authorised to mark a glass measure with a mark consisting of:

- (a) the inspector's mark specified in the approval or the licensee's mark of the manufacturer or importer, and
- (b) the characters specified in the approval as those that are to form part of the approved mark, marked in the size and manner, and in the position on the measure, required by the approval.

**42 Restrictions on removal of marked glass measure**

If a glass measure is removed from the custody of the manufacturer or importer after being marked in accordance with an approval, the manufacturer or importer is guilty of an offence unless:

- (a) the measure is one of a batch that complies with clause 43, and
- (b) an inspector or a servicing licensee has given written approval for the removal of the batch from the custody of the manufacturer or importer.

Maximum penalty: \$2,000.

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**43 Batch testing requirements**

- (1) A batch of glass measures complies with this Regulation only if:
  - (a) at least the appropriate test proportion of the batch is tested by an inspector or servicing licensee, and
  - (b) in each such test less than 2 per cent of the measures tested fail to comply with the requirements of section 13 of the Act for verification or certification.
- (2) The appropriate test proportion of a batch of glass measures is the proportion determined by the administering authority from time to time.
- (3) A batch of glass measures fails to comply with this Regulation if the batch is not accompanied by a histogram detailing the results of tests made on the batch by or on behalf of the manufacturer or importer concerned.

**44 Records to be kept and made available**

A manufacturer or importer given an approval must:

- (a) keep such records relating to glass measures as are specified in the approval, and
- (b) make the records available for examination if required to do so by an inspector.

**Division 3 Servicing licences and licensees****45 Conditions of servicing licence**

It is a condition of a servicing licence that the servicing licensee:

- (a) must do everything that this Regulation requires to be done by the servicing licensee, and
- (b) must not do anything that this Regulation requires the servicing licensee to refrain from doing.

**46 Servicing licensee to keep certain records or give certain notices**

- (1) The administering authority may direct a servicing licensee to do any of the following:
  - (a) make specified records relating to the certification of measuring instruments,
  - (b) retain those records for at least 2 years after making them,
  - (c) produce the retained records on demand made by an inspector,

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Part 3 Measuring instruments

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- (d) give the administering authority not later than 14 days after certifying a measuring instrument a written notice in an approved form,
  - (e) retain a copy of such a notice for at least 2 years after service of the notice,
  - (f) produce the retained copies on demand made by an inspector.
- (2) The servicing licensee must comply with a direction given under subclause (1).

**47 Notification by servicing licensee of changed particulars**

A servicing licensee must notify the licensing authority in writing of:

- (a) any change in the address for the service of notices on the servicing licensee, and
- (b) the full name and residential address of each person who commences or ceases to be employed by the servicing licensee to certify measuring instruments,

and must do so not later than 14 days after the event.

**48 Register of servicing licences**

For the purposes of section 47 of the Act, the prescribed particulars to be kept in a register by the licensing authority in respect of each servicing licence are as follows:

- (a) the number of the servicing licence and the date of its issue,
- (b) the name of the servicing licensee and the address at which notices may be served personally on the servicing licensee,
- (c) particulars of any conditions to which the servicing licence is subject imposed under section 48 of the Act,
- (d) such other particulars as the licensing authority thinks desirable.

**Division 4 Miscellaneous provisions regarding measuring instruments**

**49 Restrictions on use of measuring instrument for trade**

- (1) A person is guilty of an offence if, in using for trade a measuring instrument of an approved pattern designed for measuring a liquid, the person purports to measure anything other than a liquid to which the approved pattern relates.

Maximum penalty: \$2,000.

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- (2) A person is guilty of an offence if, in using for trade a measuring instrument held in, or suspended from, the hand, the person purports to measure mass.  
Maximum penalty: \$2,000.
- (3) A person is guilty of an offence if, in using for trade a measuring instrument marked for a specific use, the person does so otherwise than in accordance with the marking.  
Maximum penalty: \$2,000.
- (4) A person is guilty of an offence if, in using for trade a measuring instrument marked for use with specified proportional masses, the person uses other proportional masses.  
Maximum penalty: \$2,000.
- (5) A person is guilty of an offence if, except for factory use or non-retail counter use, the person uses for trade a measuring instrument with a tare bar.  
Maximum penalty: \$2,000.
- (6) A person is guilty of an offence if the person uses a measuring instrument for trade in order to determine mass greater than the mass permitted by the approved pattern for the instrument.  
Maximum penalty: \$2,000.
- (7) A person is guilty of an offence if, in using a measuring instrument for trade in order to determine the mass of any goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth, or the mass of precious metals, the person uses masses other than masses marked "A" (in accordance with a certificate of approval of pattern under the National Measurement Act).  
Maximum penalty: \$2,000.
- (8) A person is guilty of an offence if, in using a measuring instrument for trade in order to determine the mass of anything other than precious stones, the person uses metric carat masses.  
Maximum penalty: \$2,000.
- (9) A person who, on the same premises, is in possession of more than one measuring instrument that is used for trade and is marked for use with proportional masses is guilty of an offence unless the proportional masses are readily identifiable with the measuring instrument on which they were tested.  
Maximum penalty: \$2,000.
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Part 3 Measuring instruments

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- (10) A person who uses for trade a measuring instrument fitted with a load receptor is guilty of an offence if:
- (a) it is one of 2 or more such measuring instruments on the premises and its load receptor is not clearly marked to identify it with the measuring instrument on which it is used, or
  - (b) the load receptor is removable and measures incorrectly in any position on its supports, or
  - (c) any latitude of movement of the load receptor on its supports causes it to foul any part of the measuring instrument, or
  - (d) the load receptor is in the form of a scoop mounted so that a purchaser cannot readily see whether there is any foreign matter in the load receptor.

Maximum penalty: \$2,000.

#### **50 Subdivision of scale spacing**

If the scale spacing on a measuring instrument that bears an inspector's mark or a licensee's mark is altered by being subdivided after the inspector's mark or licensee's mark was marked on the instrument:

- (a) the person who subdivided the scale spacing is guilty of an offence, and
- (b) a person who uses the measuring instrument for trade is guilty of an offence.

Maximum penalty: \$2,000.

#### **51 Measurement of liquid**

If a measuring instrument is used for trade in order to measure a liquid, the person in possession of the measuring instrument or who makes it available for use for trade is guilty of an offence unless:

- (a) the measuring instrument is, at least to the extent necessary for the purpose of permitting proper observation of its operation, artificially illuminated between sunset and sunrise and at any other time when illumination is necessary for that purpose, and
- (b) in the case of a flowmeter fitted with a zero resetting device—the flowmeter is re-set to zero before the commencement of a measurement to be made by its use, and
- (c) in the case of a sale of liquid measured by a driveway flowmeter—the existing readings of volume, price per litre and price are not erased until the sale has been completed.

Maximum penalty: \$2,000.

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**52 Measurement of precious stones**

A person who, for the purpose of measuring diamonds or other precious stones, uses for trade a measuring instrument that:

- (a) has a verification scale interval greater than 10 mg, or
- (b) has a capacity of less than 5000 CM and a verification scale interval greater than 0.01 CM, or
- (c) has a capacity of 5000 CM or more and a verification scale interval greater than 0.05 CM,

is guilty of an offence.

Maximum penalty: \$2,000.

**53 Measurement of precious metals**

A person who, for the purpose of measuring gold, silver or other precious metals, uses for trade a measuring instrument that has a capacity specified in Column 1 of the Table to this clause and a verification scale interval greater than that specified in Column 2 opposite the capacity is guilty of an offence.

Maximum penalty: \$2,000.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Less than 1 kg	10 mg
1 kg or more but less than 10 kg	100 mg
10 kg or more	1 g

**54 Offence of using instrument for trade when prohibited**

A person who uses a measuring instrument for trade in contravention of a provision of this Regulation, for which no other penalty is provided by this Regulation, is guilty of an offence.

Maximum penalty: \$2,000.

Clause 55 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

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## **Part 4 Pre-packed articles**

### **Division 1 Exemptions**

#### **55 Exemptions from marking requirements (name, address, measurement)**

- (1) A package containing an article specified in Schedule 4 is exempt from the operation of Divisions 2–6 in the circumstances specified in that Schedule in relation to the article or, if no circumstances are specified, in all circumstances.
- (2) A package is not exempt from the operation of Divisions 2–6 merely because it contains 2 or more packages each of which would be exempt under subclause (1) as separate packages.
- (3) Despite subclause (1), if an exempt package has a name and address or measurement marked on it, the way the name and address or measurement is marked on the package must comply with this Regulation.
- (4) It is not to be assumed that an article described in item 1 under the heading “Textile goods” or in item 4 under the heading “Hardware goods” in Schedule 4 has been packed for sale by measurement merely because it has been packed for sale:
  - (a) as a single item, or
  - (b) as a set (except in the case of identical automotive parts), or
  - (c) as a pair, or as one of a pair, if it is an article ordinarily described by pairs, or as one of a pair.
- (5) An article is not excluded from the description of “General goods” in item 5 of Schedule 4 merely because it could be included in some other description of goods in that Schedule.

#### **56 Exemptions for packages containing paper**

- (1) A package containing paper that is a package to which this Regulation applies:
  - (a) is exempt from clauses 59 and 61, and
  - (b) is permitted to be marked with the expression “gross mass” or any other expression that has a similar meaning to that expression.
- (2) This Regulation applies to a package containing paper if:
  - (a) it was packed at the factory at which the paper was produced, or
  - (b) it is packed in a quantity of more than 5 kg, or



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Clause 57

Pre-packed articles

Part 4

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- (c) it contains at least 500 sheets and is marked with the number of sheets and the dimensions of each sheet.

**57 Requirements applicable to both inner and outer packages**

A requirement of this Regulation as to the marking of a package containing a pre-packed article applies to both the immediate package containing the article and any other package containing that package (whether or not with other packages) unless the provision that imposes the requirement otherwise provides.

**58 Exemptions for certain inner and outer packages**

A requirement of this Regulation as to the marking of a package does not apply to:

- (a) any immediate package ordinarily sold only in an outer package that is marked in accordance with the requirement, or
- (b) any outer package in which the immediate package is packed only for the purposes of transportation.

**Division 2 Marking of name and address****59 Marking of name and address on packages**

- (1) When a pre-packed article is packed or sold, the package containing the article must be marked with the name and address of the person who packed the article or on whose behalf it was packed.
- (2) That marking must be:
  - (a) readily visible and legible, and
  - (b) such as to enable the person named to be identified and located.
- (3) The address marked must be an address in a State or internal Territory at which, under a law in force in that State or Territory, notices or legal process may be served on the person named.

**60 Exemption for packaged seed**

- (1) Clause 59 does not apply to:
  - (a) public-bred agricultural seed that is of a prescribed variety and is packed in a quantity of 10 kg or more, or
  - (b) public-bred agricultural seed that is not of a prescribed variety and is packed in a quantity of 25 kg or more, or
  - (c) non-proprietary varieties of horticultural seed packed in a quantity of 25 kg or more.

Clause 61 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

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- (2) In this clause, *prescribed variety* means agricultural seed for Rhodes grass, Molasses grass, Buffel grass, Veldt grass, Brachiaria species, Guinea grass, Hamil grass, Gamba grass, Mitchell grass, Creeping Blue grass and Indian Blue grass.

### **Division 3 General requirements for measurement marking**

#### **61 Requirement to mark measurement**

- (1) When a pre-packed article is packed or sold, the package containing the article must be marked with a statement of the measurement of the article.
- (2) The statement must be such as will be clear, conspicuous, readily seen and easily read when the article is exposed for sale in the manner in which it is likely to be exposed for sale.

#### **62 General position of measurement marking**

- (1) The measurement marking on a package must be made:
- (a) on the main display part of the package, and
  - (b) if another part of the package is, or other parts of the package are, likely to be displayed instead of the main display part when the article is exposed for sale—on that other part or one of those other parts.
- (2) Subclause (1) does not apply in the case of:
- (a) automotive parts, or
  - (b) any other package if the administering authority, by notice published in the Gazette, exempts the package from the operation of this clause and any conditions or restrictions specified in the notice are complied with.

#### **63 Set-out and form of measurement marking**

- (1) The required measurement marking must:
- (a) be close to, and marked to be read in the same direction as, any name or brand of the article to which it relates, and
  - (b) be at least 2 mm from the limits of the package and separated by at least 2 mm in all directions from other graphic matter or copy, and
  - (c) be in a form in which units of measurement under the metric system are ordinarily written in the English language, and

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- (d) in the case of a decimal sub-multiple, be preceded by a zero or other numeral.
  - (2) If a package is entirely or substantially cylindrical, spheroidal, conical or of oval cross-section, the measurement marking must, in addition to complying with subclause (1), be positioned so that no part of the marking is further than one-sixth of the circumference of the package from the line that vertically bisects that part of the package on which the marking is required to be made.
  - (3) For the purposes of subclause (2), the circumference of a package is the circumference where the measurement marking is made.

**64 Size etc of characters in measurement marking**

- (1) The characters used in a measurement marking must be clear and:
  - (a) stamped or printed in a colour that provides a distinct contrast with the colour of the background and be of at least the minimum height required by subclause (2), or
  - (b) stamped or embossed and be of at least 3 times the minimum height required by subclause (2), or
  - (c) marked by an approved printing device in characters at least 3 mm high, or
  - (d) legibly handwritten, if permitted by subclause (3).
- (2) The minimum height for the characters in a measurement marking is the height specified in Column 2 of the Table to this clause opposite the maximum dimension of the package specified in Column 1 of that Table.
- (3) A measurement marking may be legibly handwritten in the following cases:
  - (a) when the article is packed to be sold on the premises on which it is packed, or
  - (b) when the package contains cake or is one to which clause 78 applies, or
  - (c) when the package contains a roll of ribbon, lace or elastic or other article of haberdashery, or
  - (d) when the article is, by notice published in the Gazette by the administering authority, declared to be an article to which this subclause applies and any conditions applicable to the packaging of the article and specified in the notice are complied with.

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Part 4 Pre-packed articles

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Maximum dimension of package</b>	<b>Minimum character height</b>
120 mm or under	2.0 mm
Over 120 mm but not over 230 mm	2.5 mm
Over 230 mm but not over 360 mm	3.3 mm
Over 360 mm	4.8 mm

For the purposes of this Table, the maximum dimension of a package is:

- (a) if the package is rectangular—the measurement of the breadth, height or length of the package, whichever is the greatest, or
- (b) if the package is cylindrical, spheroidal, conical or of oval cross-section—the measurement of the height, length or maximum diameter of the package, whichever is the greatest.

**65 Unit etc of measurement to be used**

- (1) Except for an article specifically provided for by subclause (2), the measurement marking of an article must be expressed as follows:
  - (a) if the article is ordinarily sold by number—by reference to number,
  - (b) if the article is ordinarily sold by linear or superficial measurement—by reference to that kind of measurement,
  - (c) if the article is a liquid—by reference to volume,
  - (d) if the article is solid (including in the form of powder or flakes), semi-solid or partly solid and partly liquid, and is not included in paragraph (a)—by reference to mass.
- (2) The measurement marking of an article of a kind described in Column 1 of Schedule 5 must be expressed by reference to the kind of measurement specified in Column 2 of that Schedule opposite the description of the article.
- (3) A measurement marking (other than in terms of number) must be expressed in terms of a unit of measurement permissible as specified in Schedule 6.
- (4) In this section, *ordinarily sold*, in relation to an article sold by number or linear or superficial measurement, means the majority of the merchants selling the article in Australia ordinarily sell it by number or linear or superficial measurement.

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Pre-packed articles

Part 4

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**66 Fractions, significant figures**

- (1) If a measurement marking includes a fraction of a unit of measurement, it must be expressed as a decimal sub-multiple of the unit.
- (2) Whether a measurement marking is a whole multiple or a sub-multiple, or a combination of both, it must express a degree of accuracy to not more than 3 significant figures.

**67 Special provision—marking by approved printing device**

If a measurement marking is made by an approved printing device:

- (a) the measurement marking may express a degree of accuracy to more than 3 significant figures if the certificate of approval approves use of the device to measure the degree of accuracy expressed, and
- (b) a measurement marking in terms of mass made by use of the device in accordance with the certificate of approval may be expressed in terms of grams.

**68 Marking by reference to minimum measurement**

- (1) A marking on the package containing a pre-packed article of the measurement of the article (whether or not for the purposes of this Regulation) must not be made by reference to minimum measurement unless:
  - (a) permitted by this clause (or required by clause 69 in the case of eggs), and
  - (b) the reference to minimum measurement is marked in the same way as the required measurement marking.
- (2) Pre-packed dressed poultry (other than poultry pieces) may be marked with a measurement in terms of minimum mass if:
  - (a) the mass stated is a whole number multiple of 100 g, and
  - (b) (except in the case of cooked poultry) the package is also marked, in characters not less than 10 mm in height, with a size number calculated by dividing the stated minimum mass by 100.
- (3) Pre-packed preserved sausage may be marked with a measurement in terms of minimum mass.

Clause 69 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

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## **Division 4 Special provision for measurement marking of certain articles**

### **69 Eggs**

The measurement marking of a pre-packed article containing eggs must be made:

- (a) by reference to the number of eggs in the package, and
- (b) by reference to the minimum mass of each egg.

### **70 Articles packed in sheets**

Pre-packed aluminium foil, facial tissues, toilet paper and waxed paper are articles that do not require a measurement marking on the package if the number of usable sheets of specified dimensions is marked on the package as if the number and dimensions marked were a measurement marking.

### **71 Number of pre-packed articles comprising 1 tonne**

If 45 or fewer packages of an article that is ordinarily sold by mass have a total mass of 1 tonne, the measurement marking of the mass of the article may be made on each package by referring to the number of packages to the tonne in such a manner as to imply that the mass of each package is 1 tonne divided by that number.

### **72 Bedsheets, tarpaulins etc**

- (1) The measurement marking relating to:
  - (a) bedsheets (not designed as fitted or semi-fitted bedsheets) or other sheets of hemmed fabric material, or
  - (b) tarpaulins,must be expressed in terms of the finished size of the article.
- (2) The measurement marking relating to:
  - (a) a mattress protector, or
  - (b) a bedsheet designed as a fitted or semi-fitted bedsheet,must be expressed in terms of the suitability of its finished size to fit a mattress of specified dimensions expressed as length × width × depth.

### **73 Pairs of window curtains**

The measurement marking relating to window curtains designed to cross over when hung in pairs must be expressed in terms of the finished size of the maximum width, and the maximum drop, of each curtain.

Trade Measurement Regulation 2007

Clause 74

Pre-packed articles

Part 4

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**74 Marking of width or thickness if it directly affects price**

If a measurement marking may be made in terms of the length of an article, the marking must include any measurement of the thickness or width of the article, or both, that bears a direct relationship to the price of the article.

**Division 5 Special provision concerning measurement marking of outer packages****75 Package containing packages of articles of the same kind and measurement**

- (1) This clause applies to 2 or more pre-packed articles of the same kind and apparently with the same measurement:
  - (a) each of which is separately packed in its own package (an *inner package*), and
  - (b) all of which are also packed together in another package (the *outer package*).
- (2) The measurement marking on the outer package may:
  - (a) state the total measurement of all the articles in the outer package, or
  - (b) state (as if it were a measurement marking) the number of packages in the outer package and the measurement of each of them.
- (3) A measurement marking need not be marked on the outer package if:
  - (a) the outer package contains not more than 8 inner packages, and
  - (b) the inner packages are ordinarily sold only while in the outer package, and
  - (c) the whole or part of the outer package is transparent and the measurement marking on each of the inner packages is clearly visible through the packaging of the outer package.

**76 Inner and outer packages of single article**

- (1) This clause applies to a pre-packed article consisting of an article contained in a package (the *inner package*) that is contained in another package (the *outer package*).
- (2) A measurement marking need not be marked on the outer package if:
  - (a) the inner package is ordinarily sold only while in the outer package, and

Clause 77 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

- 
- (b) the whole or part of the outer package is transparent and the measurement marking on the inner package is clearly visible through the packaging of the outer package.

**77 Package containing articles of different kinds or different measurements**

- (1) This clause applies to a pre-packed article consisting of a package (the *outer package*) containing at least 2 articles of which at least one is a pre-packed article, but does not apply in a case to which clause 75 (Package containing packages of articles of the same kind and measurement) applies.
- (2) None of the articles in the outer package is required to be marked with a measurement marking if:
- (a) all the articles in the outer package are ordinarily sold only while in the outer package, and
  - (b) the outer package is marked in the same way as a measurement marking with a description of each article in the outer package and a statement of its measurement.
- (3) The provisions of clause 62 as to the position of a measurement marking do not apply to a marking referred to in subclause (2) (b) if the packaging of the outer package is transparent and all the articles it contains are clearly visible through it.

**Division 6 Other markings concerning measurement**

**78 Unit price marking—retail sales of certain foods by mass**

- (1) This clause applies to the following pre-packed foods:
- (a) fruit,
  - (b) dried fruit, dehydrated fruit and dried or dehydrated mixed fruit,
  - (c) cheese and cheese products,
  - (d) dressed poultry not marked in terms of minimum mass in accordance with clause 68,
  - (e) fish (including crustaceans),
  - (f) mushrooms,
  - (g) vegetables,
  - (h) meat,
  - (i) smallgoods (including bacon, corned beef and ham),
- except when the package is a rigid container.



Trade Measurement Regulation 2007

Clause 78

Pre-packed articles

Part 4

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- (2) When a pre-packed article to which this clause applies is sold (except for the purpose of being resold) the package containing the article must (in addition to being marked with the measurement of the article) be marked with its total price and price per kilogram unless:
- (a) the total price and price per kilogram are adequately displayed at the time of sale, as provided by subclause (4), or
  - (b) the article is described in Column 1 of the Table to this clause and is packed in a quantity specified in Column 2 of that Table opposite the description.
- (3) The marking on a package required by this clause must be made as if it were a measurement marking.
- (4) For the purposes of this clause, the total price and price per kilogram are adequately displayed if displayed on or immediately adjacent to the receptacle in or on which the article is exposed for sale, in characters not less than 10 mm high and in such a manner as to be readily seen and easily read.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Cheese and cheese products	100 g 125 g 200 g 250 g 375 g 500 g 750 g 1 kg integral multiples of 500 g
Dressed poultry and meat	100 g 125 g 200 g 250 g 500 g 1 kg integral multiples of 1 kg
Dried fruit, dehydrated fruit, dried or dehydrated mixed fruit	100 g 125 g 150 g 200 g 250 g 375 g 500 g 750 g 1 kg 1.5 kg integral multiples of 1 kg
Fruit, fish (including crustaceans), mushrooms and vegetables	15 g 20 g 25 g 50 g 75 g 100 g 125 g 150 g 200 g 250 g 375 g 500 g 750 g 1 kg 1.25 kg 1.5 kg 2.5 kg integral multiples of 1 kg
Smallgoods (including bacon, corned beef and ham)	50 g 125 g 175 g 250 g 375 g 500 g integral multiples of 500 g

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Clause 79 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

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## **Division 7 Prohibited and restricted expressions**

### **79 Marking of “mass when packed”**

- (1) This clause applies to bar soaps, cotton wool, flax, glauher salts, jute, manila, fresh mushrooms, oven-baked animal biscuits, personal deodorant tablets, personal soap tablets (medicinal or toilet), sisal, soap flakes, soap powder (excluding detergent powders), tobacco, washing soda and whole hams.
- (2) Pre-packed articles of the kind to which this clause applies that are not packed in a hermetically sealed package may be marked “mass when packed”, or with other words that have a similar meaning to those words, if they are marked in the same way as the appropriate measurement marking.

### **80 Marking of “mass at standard condition”**

A package containing pre-packed yarn or cotton wool that is not an hermetically sealed package may be marked with the words “mass at standard condition” or with other words that have a similar meaning to those words if:

- (a) the words are marked in the same way as the appropriate measurement marking, and
- (b) when the yarn or cotton wool is composed of a mixture of fibres—the package is also marked in the same way as the appropriate measurement marking with a correct statement of the proportion by mass of each of the kinds of fibre of which the yarn or cotton wool is composed.

### **81 Restrictions on use of “gross mass”**

- (1) For the purposes of section 30 of the Act, the expression “gross mass” and any other expression that has a similar meaning to that expression are restricted expressions.
- (2) A package may be marked with such an expression only if permitted by clause 56 (Exemptions for packages containing paper) or if:
  - (a) the package is used only for the purpose of transporting an article, and
  - (b) the expression is immediately followed by the words “for transport purposes only” and a statement of the appropriate quantity, and
  - (c) immediately below or following the expression the net mass is marked and designated as such or stated as a net amount in words that correspond to those used to express the gross amount.

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Clause 82

Pre-packed articles

Part 4

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**82 Prohibited expressions**

For the purposes of section 30 of the Act, the following are prohibited expressions:

- (a) any expression (other than a marking required or permitted by the Act or this Regulation) that directly or indirectly relates to or qualifies a measurement marked on the package,
- (b) a statement that directly or indirectly relates or refers to the measurement of the article or any ingredient or component of the article, or of any source from which the article is derived, if the statement cannot be tested for truth by testing the article.

**Division 8 Short measure****83 Extent of deficiency necessary to constitute short measure**

- (1) This Division makes provision for the deficiency in actual measurement and average measurement of pre-packed articles permitted under section 33 of the Act before the actual measurement of a pre-packed article is to be regarded as being less than the measurement marked on the package.
- (2) In this Division:  
*permissible actual deficiency* means the deficiency in actual measurement permitted for the purposes of section 33 (1) (a) of the Act.  
*permissible average deficiency* means the deficiency in the average of the actual measurements of a number of like articles permitted for the purposes of section 33 (1) (b) of the Act.

**84 Articles marked “mass when packed” etc**

If the package containing a pre-packed article is, in accordance with clause 79, marked “mass when packed” or with other words that have a similar meaning to those words:

- (a) the permissible actual deficiency, if measured on the day the article is packed, is a deficiency of 5 per cent, and
- (b) the permissible average deficiency, if measured on the day the article is packed, is nil, and
- (c) the permissible actual deficiency, if measured after the day the article is packed, is the deficiency specified in Column 2 of the Table to this clause opposite the description of the article in Column 1 of that Table, and

Clause 85 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

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- (d) the permissible average deficiency, if measured after the day the article is packed, is the deficiency specified in Column 3 of the Table to this clause opposite the description of the article in Column 1 of that Table.

**Table—Permissible deficiencies after day of packing**

Column 1	Column 2	Column 3
Description of article	Permissible actual deficiency—per cent	Permissible average deficiency—per cent
Bar soaps	21	16
Cotton wool	7	2
Flax	8	3
Glauber salts	7	2
Jute	9	4
Manila	8	3
Mushrooms (fresh)	18	13
Oven-baked animal biscuits	9	4
Personal deodorant tablets	12	7
Personal soap tablets (medicinal or toilet)	11	6
Sisal	8	3
Soap flakes	10	5
Soap powder (excluding detergent powders)	15	10
Tobacco	10	5
Washing soda	7	2
Whole hams	7	2

**85 Articles marked “mass at standard condition”**

- (1) If the package containing a pre-packed article is, in accordance with this Regulation, marked “mass at standard condition” or with other words that have a similar meaning:
- (a) the permissible actual deficiency is the deficiency specified in Column 2 of the Table to this clause opposite the description of the class of article in Column 1 of that Table, and

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Clause 86

Pre-packed articles

Part 4

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- (b) the permissible average deficiency is the deficiency specified in Column 3 of the Table to this clause opposite the description of the class of article in Column 1 of that Table.
- (2) If the article consists of a mixture of any 2 or more of class A, B or C fibres (as described in Column 1 of the Table to this clause):
- (a) the permissible actual deficiency is the deficiency, expressed as a percentage, calculated in accordance with the formula  $6x + 2y + 5$ , and
- (b) the permissible average deficiency is the deficiency, expressed as a percentage, calculated in accordance with the formula  $6x + 2y$ ,

where:

$x$  is the proportion that the mass of all class A fibre (if any) in the article bears to the total mass of the article, and

$y$  is the proportion that the mass of all class B fibre (if any) in the article bears to the total mass of the article.

**Table**

Column 1	Column 2	Column 3
Class of article	Permissible actual deficiency—per cent	Permissible average deficiency—per cent
Class A fibre (wool or other animal fibre, viscose or cuprammonium rayon, or a mixture of any 2 or more of them)	11	6
Class B fibre (silk, cotton or cellulose acetate or a mixture of any 2 or more of them)	7	2
Class C fibre (a fibre, or a mixture of fibres, that is not a Class A or Class B fibre)	5	0

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#### **86 Other pre-packed articles**

If the package containing a pre-packed article is not one to which clauses 84 or 85 applies:

- (a) the permissible actual deficiency is 5 per cent, and
- (b) the permissible average deficiency is nil.
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Clause 87 Trade Measurement Regulation 2007

Part 4 Pre-packed articles

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**87 Method of determining average measurement (sec 33)**

- (1) For the purposes of this Division, the average of the actual measurements of a number of like articles is to be determined by calculating the average of the measurements of the contents of at least 12 packages or, if less than 12 are available, of such number (not less than 6) as are available.
- (2) If more than 12 packages are available, the actual number to be tested is to be as determined by an inspector.
- (3) Each of the packages measured must be of the same kind and have the same measurement marking and must be selected by an inspector without having been measured by an inspector.

**Division 9 Miscellaneous provisions regarding pre-packed articles**

**88 Mass of frozen pre-packed scallops**

For the purposes of the Act and this Regulation, the mass of frozen scallops packed as a pre-packed article is to be determined as follows:

- (a) measure and record the mass of an appropriate perforated container,
- (b) place the entire contents of the package into a suitable impermeable bag,
- (c) suspend or immerse the bag in running water until the contents have thawed,
- (d) empty contents into the perforated container,
- (e) drain the perforated container and the contents until minimal drip loss is recorded,
- (f) measure and record the mass of the perforated container plus contents,
- (g) subtract the mass of the perforated container from the mass of the perforated container and contents to obtain the net mass of the contents.

**89 Application for permit to sell certain articles**

An application for a permit under section 38 of the Act for the sale of an article must:

- (a) be made to the administering authority in writing signed by or on behalf of the applicant, and

Trade Measurement Regulation 2007

Clause 89

Pre-packed articles

Part 4

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- (b) specify the grounds in section 39 of the Act that are relied on by the applicant, and
  - (c) give particulars of the facts justifying reliance on those grounds.

Clause 90 Trade Measurement Regulation 2007

Part 5 Miscellaneous

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## Part 5 Miscellaneous

### 90 Offer etc for sale by reference to measurement

- (1) This clause does not apply to:
  - (a) pre-packed articles, or
  - (b) wine, spirits, beer, porter, stout, ale, cider, perry, mead or any other spirituous or fermented liquor, or
  - (c) diamonds or other precious stones.
- (2) A person who advertises, offers or exposes an article for sale at a price determined by reference to measurement (being mass, volume, linear measurement or superficial measurement) is guilty of an offence unless the measurement is:
  - (a) in the case of mass:
    - (i) 1 kilogram, or
    - (ii) 1 kilogram, with another reference to an integral number of kilograms, or
    - (iii) an integral number of tonnes, or
    - (iv) if the article is a precious metal—1 gram or 1 troy ounce, or
  - (b) in the case of volume:
    - (i) 1 litre, or
    - (ii) 1 litre, with another reference to an integral number of litres, or
    - (iii) an integral number of cubic metres, or
  - (c) in the case of linear measurement:
    - (i) 1 centimetre, or
    - (ii) 1 metre, or
    - (iii) 1 metre, with another reference to an integral number of metres, or
  - (d) in the case of superficial measurement:
    - (i) 1 square centimetre, or
    - (ii) 1 square metre, or
    - (iii) 1 square metre, with another reference to an integral number of square metres,

or is a measurement authorised by subclause (3).

Maximum penalty: \$2,000.



Trade Measurement Regulation 2007

Clause 91

Miscellaneous

Part 5

- 
- (3) The length, width, thickness, diameter or other linear measurement of an article specified in the Table to this clause may be advertised, offered or exposed for sale by the millimetre, centimetre or metre.

**Table**

Carpets	Resin laminates
Ceramic tiles	Rope
Chain	Rubber material
Cord	Rubber mouldings
Cordage	Sheet glass
Electrical cable	Textiles
Electrical flex	Textile products (other than ready-made clothing)
Fabrics	Plywood
Floor coverings	Timber
Hardboard	Veneers
Particle board	Wire netting
Plastic mouldings	

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**91 Beer and spirits to be sold by volume**

- (1) Beer, stout, ale, brandy (including cognac and armagnac), gin, rum, vodka and whisky (whiskey) are prescribed articles to which section 26 of the Act applies.
- (2) Pursuant to that section, a sale of a quantity of such an article is required to be at a price determined by reference to the volume of the quantity.

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

- (1) A person must not sell fuel by reference to the measurement of its volume unless the sale is at a price determined by reference to the volume of the fuel as measured by the litres the fuel occupies, or would occupy, at a temperature of 15° C.  
Maximum penalty: \$2,000.
- (2) However, subclause (1) does not apply to any of the following sales of fuel:
- (a) a retail sale,

Clause 92 Trade Measurement Regulation 2007

Part 5 Miscellaneous

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

Trade Measurement Regulation 2007

Clause 93

Miscellaneous

Part 5

(3) In this clause:

**business entity** means an entity that operates a business, other than a fuel business.

**cooperative entity** includes an entity that is a buying group for its members.

**diesel fuel** means any fuel commonly known as diesel, diesel oil, distillate, automotive diesel fuel, automotive diesel oil or automotive distillate.

**fixed storage facility** means a facility, other than a primary storage facility, at which fuel is unloaded and from which fuel is reloaded for further distribution or further sale and distribution.

**fuel** means petrol, or diesel fuel, that a person would reasonably consider is ultimately intended for automotive consumption.

**primary storage facility** means:

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

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

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

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

### 93 Repeal

The *Trade Measurement Regulation 2002* is repealed.

### 94 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Trade Measurement Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

## Trade Measurement Regulation 2007

## Schedule 1 Duties of operator of public weighbridge

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**Schedule 1 Duties of operator of public weighbridge**

(Clause 23)

**1 Due care to be exercised**

An operator must exercise due care in the performance of his or her functions under the Act and this Regulation.

**2 Entry in tare mass book**

An operator who measures the tare mass of a vehicle without issuing a measurement ticket must immediately enter in the tare mass book consecutively in the order in which each tare mass is measured the particulars required by the form of the book.

**3 Measurement tickets—completion and issue**

- (1) An operator:
  - (a) must complete and issue a measurement ticket only in the form appropriate for the measurement made and in accordance with the particulars required by the form and this Regulation, and
  - (b) must, except in the case of a tare mass entered in the tare mass book, complete a measurement ticket in its numerical order in the book or pad immediately after finding a measurement by use of the weighbridge, and
  - (c) must issue a measurement ticket immediately after its completion unless it is required to be retained after cancellation or for issue under clause 5 (2) (a) of this Schedule, and
  - (d) must not complete or issue a measurement ticket except for the purpose of complying with paragraph (b) or (c) or clause 5 (2) (a) of this Schedule, and
  - (e) in completing a measurement ticket for 2 linked but separately registered vehicles, must enter the registration figures and letters for both vehicles, and
  - (f) must include in each measurement shown on a measurement ticket for a vehicle the measurement of the load supported by all axles.
- (2) An operator who makes an error in completing a measurement ticket must cancel, and retain in the book or pad, the measurement ticket and the duplicate or duplicates forming part of the book or pad.
- (3) An operator must, by the use of carbon paper or other effective means, make each duplicate that forms part of a book or pad of measurement tickets an exact copy of the original ticket completed by the operator.

## Trade Measurement Regulation 2007

## Duties of operator of public weighbridge

## Schedule 1

- 
- (4) An operator must not issue a measurement ticket that includes any matter additional to that required by this Regulation unless the additional matter:
- (a) appears in a margin, at the foot, or on the reverse side, of the ticket, and
  - (b) is not inconsistent with, and does not qualify, the meaning or accuracy of the information on the ticket.

**4 Issue of measurement ticket—tare mass only**

An operator who issues a measurement ticket recording only the tare mass of a vehicle must alter the measurement ticket:

- (a) by striking out the words “gross mass” and “net mass” on the ticket and writing in their place the words “tare mass only”, and
- (b) by stamping across the face of the ticket the words “TARE MASS ONLY” in prominent capital letters not less than 5 mm high.

**5 Issue of measurement ticket—loaded vehicle**

- (1) An operator who measures the mass of a loaded vehicle of which the tare mass has been determined must immediately complete and issue an appropriate measurement ticket.
- (2) An operator who measures the mass of a loaded vehicle of which the tare mass has not been determined must:
  - (a) immediately record the gross mass on the next consecutive measurement ticket and issue the ticket only after the tare mass of the vehicle has been determined, or
  - (b) issue a measurement ticket on which the gross mass has been recorded after:
    - (i) striking out the words “tare mass” and “net mass” on the ticket and writing in their place the words “gross mass only”, and
    - (ii) stamping across the face of the ticket the words “GROSS MASS ONLY” in prominent capital letters not less than 5 mm high.
- (3) An operator must not enter tare mass on the measurement ticket for a loaded vehicle unless the operator copies the tare mass from:
  - (a) an entry made in the tare mass book, or
  - (b) a tare mass measurement ticket issued,

## Trade Measurement Regulation 2007

Schedule 1 Duties of operator of public weighbridge

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not more than 24 hours earlier by the same operator or another operator using the same weighbridge or another weighbridge on the same premises.

**6 Axle load measurement**

- (1) If the measurement to be made is not an end-and-end measurement but is only for the purpose of issuing a measurement ticket showing each load supported by separate axles, or groups of axles, of a vehicle, the operator of the weighbridge must ensure that subclause (2) is complied with.
- (2) This subclause is complied with if:
  - (a) the approaches to the weighbridge have a smooth and level surface that is paved with concrete or other approved material and is in the same horizontal plane as the top of the platform or platforms, and
  - (b) the perimeter of the approaches is clearly indicated by painted marks or by other approved means, and
  - (c) at all times during the measuring:
    - (i) the wheels on one or more of the axles are located on the platform or platforms and the wheels on the other axles are located within the indicated perimeter of the approaches, and
    - (ii) the brakes, gears and other means capable of restricting the free movement of the vehicle are disengaged.

**7 Copies of measurement tickets**

- (1) If required to do so by:
  - (a) a buyer or seller of goods of which the measurement has been found by use of a weighbridge, or
  - (b) any other person who has an interest in the goods,the operator of the weighbridge must, on payment of the public weighbridge licensee's fee, supply a copy of the measurement ticket.
- (2) An operator must not supply a copy of a ticket under subclause (1) unless the copy complies with subclause (3) or (4).
- (3) A copy of a measurement ticket complies with this subclause if it is issued from a book or pad of measurement tickets after being amended:
  - (a) by striking out its number and writing nearby the words "Copy of ticket No " (quoting the number of the ticket of which it is a copy), and

Trade Measurement Regulation 2007

Duties of operator of public weighbridge

Schedule 1

- 
- (b) by stamping across the face of the ticket the words “COPY ONLY” in prominent capital letters not less than 5 mm high.
  - (4) A copy of a measurement ticket complies with this subclause if it is issued from a book or pad printed in a form approved for the purpose of making those copies that includes on its face the words “COPY ONLY” in prominent capital letters not less than 5 mm high.
  - (5) Except for any requirement as to time, and except for any inconsistency with this clause, this Regulation applies in relation to a copy measurement ticket in the same way as it applies to the ticket of which it is a copy.

**8 Inspector may require measurement to be made**

An operator must, if required to do so by an inspector exercising the functions of an inspector, make without charge a measurement relating to a loaded or unloaded vehicle.

## Trade Measurement Regulation 2007

## Schedule 2      Forms of tare mass book

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**Schedule 2      Forms of tare mass book**

(Clause 21)

**Form 1**

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Date of measurements	Description of vehicle measured	Registered No or Nos of vehicle	Name of driver of vehicle	Tare mass (including decimal submultiples of tonnes)
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**Form 2**

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Date of measurements	Description of vehicle measured	Registered No or Nos of vehicle	Name of driver of vehicle	Tare mass (kilograms)
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Trade Measurement Regulation 2007

Forms of measurement tickets

Schedule 3

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## Schedule 3      Forms of measurement tickets

(Clause 21)

**Form 1**

Ticket No .....

Date .....

Registered Public Weighbridge No .....

*[Here state the name of the holder of the public weighbridge licence]*

.....

*[Here state the location of the weighbridge]* .....

Direct Measurement

Goods measured .....

Marks and brands on goods measured .....

Place of despatch of goods measured .....

Destination of goods measured .....

Registered No or Nos of vehicle measured .....

Name of driver of vehicle .....

Gross mass in tonnes (including decimal submultiples of tonnes) .....

Tare mass in tonnes (including decimal submultiples of tonnes) .....

Net mass in tonnes (including decimal submultiples of tonnes) .....

*[Signature of operator]***Form 2**

Ticket No .....

Date .....

Registered Public Weighbridge No .....

*[Here state the name of the holder of the public weighbridge licence]*

.....

*[Here state the location of the weighbridge]* .....

Direct Measurement

Goods measured .....

Marks and brands on goods measured .....

Place of despatch of goods measured .....

Destination of goods measured .....

Registered No or Nos of vehicle measured .....

Name of driver of vehicle .....

Gross mass in kilograms .....

---

Page 55

## Trade Measurement Regulation 2007

## Schedule 3 Forms of measurement tickets

Tare mass in kilograms .....

Net mass in kilograms .....

[Signature of operator]

**Form 3**

Ticket No .....

Date .....

Registered Public Weighbridge No .....

[Here state the name of the holder of the public weighbridge licence]

.....

[Here state the location of the weighbridge] .....

Axle Masses Only

Registered No or Nos of vehicle(s) measured .....

Name of driver of vehicle .....

	Axle No (front to rear)	Tonnes (including decimal submultiples of tonnes)
If 2 or more axles are measured together, this is to be shown by bracketing the relevant axle numbers.	—1—	.....
	—2—	.....
	—3—	.....
	—4—	.....
	—5—	.....
	—6—	.....

[Signature of operator]

Masses shown on this ticket are not to be used for trade.

**Form 4**

Ticket No .....

Date .....

Registered Public Weighbridge No .....

[Here state the name of the holder of the public weighbridge licence]

.....

[Here state the location of the weighbridge] .....

Trade Measurement Regulation 2007

Forms of measurement tickets

Schedule 3

Axle Masses Only

Registered No or Nos of vehicle(s) measured .....

Name of driver of vehicle .....

	<b>Axle No (front to rear)</b>	<b>Kilograms</b>
If 2 or more axles are measured together, this is to be shown by bracketing the relevant axle numbers.	—1—	.....
	—2—	.....
	—3—	.....
	—4—	.....
	—5—	.....
	—6—	.....

*[Signature of operator]*

Masses shown on this ticket are not to be used for trade.

## Trade Measurement Regulation 2007

## Schedule 4 Exemptions from marking

---

**Schedule 4 Exemptions from marking**

(Clause 55)

**1 Textile goods**

- (1) Textiles, wearing apparel and other similar articles that are not packed for sale by measurement and are not ordinarily so sold.
- (2) Textiles that are:
  - (a) packed for sale by mass and are sold in packages each containing more than 4 kg, or
  - (b) packed for sale by length and are sold in packages each containing more than 25 m, or
  - (c) packed for sale by area and are sold in packages each containing more than 25 m<sup>2</sup>.

**2 Food goods**

- (1) Any agricultural produce grown and packed on the same property by the grower and sold by mass in sacks of more than 25 kg gross mass.
- (2) Confectionery, nuts, popcorn, potato crisps and savouries that are:
  - (a) packed on premises for sale on those premises if the package is displayed for sale on those premises in a receptacle that bears a statement that can be readily seen and easily read in characters not less than 10 mm high of the mass and of the price of the contents of the package and if the mass of the contents does not exceed 200 g, or
  - (b) packed in or with another article if the value of the combined articles is substantially represented by that other article.
- (3) Confectionery packed singly in a novelty shape and an Easter egg packed singly.
- (4) Honey in the comb in original frames.
- (5) Hay.
- (6) Ice cream packed in a quantity less than 200 mL.
- (7) Kippers.
- (8) Pies or pasties made for use as an individual serve of which the mass is less than 250 g.
- (9) Cakes, puddings and sponges packed singly in a quantity less than 125 g.
- (10) Alcoholic liquors packed in a quantity more than 10 L.

Trade Measurement Regulation 2007

Exemptions from marking

Schedule 4

---

**3 Medicinal and toilet goods**

- (1) Therapeutic goods, being goods the sale or supply of which to the public is prohibited by law except on the written prescription of a person recognised by law as competent to prescribe them.
- (2) A toilet preparation in a compact and a refill of such a preparation.
- (3) Single application hair dyes or hair bleaches or single application home permanent hair waving kits.
- (4) Vaccines packed in a quantity less than 25 mL or a single dose of any substance packed in a vial or ampoule for sale for use as an injection.

**4 Hardware goods**

- (1) Articles of hardware that are not packed for sale by measurement and are not ordinarily so sold.
- (2) Tinters or colouring agents for use in paint that are packed in a quantity less than 100 g or 100 mL.
- (3) Colouring material in a package on which is marked directions for mixing it, or a specified quantity of it, with a specified type and volume of paint—if the quantity of the material to be mixed does not exceed 10 per cent of the volume of the paint with which it is to be mixed.

**5 General goods**

- (1) Articles ordinarily sold by number that are packed in a quantity of less than 9 in a package made wholly or partly of transparent material so that when the package is exposed for sale the number of articles contained in the package is readily apparent to a purchaser.
- (2) An article of which the mass exceeds 75 kg or the volume exceeds 150 L.
- (3) An article packed in a quantity less than 15 g or 15 mL other than adhesives, dried vegetables and freeze-dried vegetables, herbs, instant tea, pepper and other spices, therapeutic goods and tobacco.
- (4) Fire extinguisher refills.
- (5) Photographic film and photographic printing paper.
- (6) A bag of clay.
- (7) Fish bait.
- (8) Garden landscape material, including pine-bark feature mix, pine-bark nuggets, pre-planted mushroom spawn, tree-bark, any article that is or contains compost, farmyard manure, garden peat, leaf mould, peatmoss, sphagnum moss, tanbark or other like substance.

## Trade Measurement Regulation 2007

## Schedule 4 Exemptions from marking

- 
- (9) Artists' paint packed in a quantity less than 100 g.
  - (10) Candles.
  - (11) Legume seed inoculants.
  - (12) A pre-packed article sold as authorised by Division 2 (Permit to sell certain pre-packed articles) of Part V of the Act.

Trade Measurement Regulation 2007

Expression of measurement marking

Schedule 5

## Schedule 5 Expression of measurement marking

(Clause 65)

Column 1	Column 2
Description of article	Kind of measurement permissible
Acids in liquid form	mass or volume
Aerosol products	mass
Compressed or liquefied gases	mass or equivalent volume (cubic metres or litres) at stated temperature and pressure
Cream and cream substitutes	volume
Fencing wire	length
Flavouring essences	mass or volume, if the quantity is not less than 500 g
Heavy residual fuel oil, industrial diesel fuel and furnace oil	mass or volume
Honey, malt extract, golden syrup and treacle	mass
Ice cream	volume
Linseed oil and other vegetable oils	volume if the quantity is not more than 5 L; mass or volume if the quantity is more than 5 L
Liquefied petroleum gas	mass
Liquid chemicals	mass or volume
Paint (other than paste paint), varnish and varnish stains	volume
Paste paint	mass
Perfume compounds	mass or volume, if the quantity is not less than 500 g
Perlite	mass or volume
Resins	mass or volume
Rope, cord and line—	
(a) of a diameter less than 1.5 mm	length and mass per specified length
(b) of a diameter of 1.5 mm or more	length and diameter
Skin cream in jars	mass or volume

## Trade Measurement Regulation 2007

Schedule 5 Expression of measurement marking

---

<b>Column 1</b>	<b>Column 2</b>
<b>Description of article</b>	<b>Kind of measurement permissible</b>
Tomato sauce	volume
Toothpaste	mass
Twines, twists and lashings	length and mass per specified length
Yoghurt	mass

---



Trade Measurement Regulation 2007

Permissible units of measurement

Schedule 6

---

## Schedule 6 Permissible units of measurement

(Clause 65)

### 1 Mass

If the measurement marking is to be expressed in terms of mass, the permissible units of measurement are as follows:

- (a) kilogram is permissible in all cases,
- (b) gram is also permissible if the mass does not exceed 1000 grams,
- (c) milligram is also permissible if the mass does not exceed 1000 milligrams.

### 2 Volume

If the measurement marking is to be expressed in terms of volume, the permissible units of measurement are as follows:

- (a) litre, decilitre or centilitre is permissible for liquids in all cases,
- (b) cubic metre is permissible for solids in all cases,
- (c) millilitre is also permissible in the case of a liquid if the volume does not exceed 1000 millilitres,
- (d) cubic centimetre is also permissible in the case of a solid if the volume does not exceed 1000 cubic centimetres.

### 3 Linear measurement

If the measurement marking is to be expressed in terms of linear measurement, the permissible units of measurement are as follows:

- (a) metre is permissible in all cases,
- (b) centimetre is also permissible if the length does not exceed 100 centimetres,
- (c) millimetre is also permissible if the length does not exceed 1000 millimetres,
- (d) millimetre is also permissible in the case of paper lengths not exceeding 10000 millimetres, building material in sheet form and coated abrasive belts,
- (e) millimetre is also permissible in the case of an article if it was customary before the *Trade Measurement (Pre-packed Articles) Regulations 1997* commenced to express the linear measurement of the article in millimetres.

## Trade Measurement Regulation 2007

## Schedule 6 Permissible units of measurement

---

**4 Superficial measurement**

If the measurement marking is to be expressed in terms of superficial measurement, any unit of superficial measurement is permissible.

**5 Mass per specified length**

If the measurement marking is to be expressed in terms of mass per specified length, the permissible units of measurement are grams for mass and kilometres for length.



New South Wales

# Trade Measurement Administration Regulation 2007

under the

Trade Measurement Administration Act 1989

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Trade Measurement Administration Act 1989*.

LINDA BURNEY, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to repeal and remake, without any changes in substance, the *Trade Measurement Administration Regulation 2002* which would otherwise be repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- (a) the returns to be sent by persons licensed to certify measuring instruments (clause 3),
- (b) the fees and charges payable under the *Trade Measurement Act 1989* and the *Trade Measurement Administration Act 1989* (clauses 4–7),
- (c) the prescription of certain offences under the *Trade Measurement Act 1989*, *Trade Measurement Administration Act 1989* and this Regulation, as offences for which penalty notices may be issued under the *Trade Measurement Administration Act 1989* (clause 8),
- (d) other matters of a minor or consequential nature (clauses 1, 2, 9 and 10).

This Regulation is made under the *Trade Measurement Administration Act 1989*, including Part 3 (Fees and charges), section 23 (Penalty notices for certain offences) and section 28 (the general regulation-making power).

This Regulation deals with matter arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

## Trade Measurement Administration Regulation 2007

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## Contents

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Trade Measurement Administration Regulation 2007

Clause 1

---

## Trade Measurement Administration Regulation 2007

under the

Trade Measurement Administration Act 1989

### 1 Name of Regulation

This Regulation is the *Trade Measurement Administration Regulation 2007*.

### 2 Definitions

(1) In this Regulation:

*servicing licensee* means a person holding a servicing licence.

*the Act* means the *Trade Measurement Administration Act 1989*.

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

### 3 Returns for certification of measuring instruments

(1) A servicing licensee must prepare a return for each 3 month period as to the number and nature of measuring instruments certified by the licensee in that period for which a charge is payable by the servicing licensee under clause 5.

(2) Every such return is to be in a form approved by the Superintendent and is to be submitted to the Superintendent within 21 days after the end of the period to which the return relates.

(3) A servicing licensee must prepare and submit a return for a period even if the servicing licensee did not certify any measuring instruments in that period.

Maximum penalty: 20 penalty units.

### 4 Charges payable in respect of verification or re-verification by an inspector (section 10 of the Act)

For the purposes of section 10 of the Act, the appropriate charge payable to the Superintendent by the owner of a measuring instrument when an inspector verifies or re-verifies the instrument is:

Clause 5 Trade Measurement Administration Regulation 2007

- 
- (a) in respect of a matter specified in Column 1 of Schedule 1, an amount of money equal to the amount obtained by multiplying \$35 by the number specified in Column 2 of that Schedule opposite that matter, or
  - (b) if 2 or more of those matters relate to the verification or re-verification, an amount of money equal to the sum of the amounts so obtained.

**5 Charges payable by servicing licensee in respect of certification (section 11 of the Act)**

- (1) A servicing licensee is to pay to the administering authority a charge in respect of the certification of a measuring instrument by the servicing licensee under the Principal Act.
- (2) The charge is:
  - (a) in respect of a matter specified in Column 1 of Schedule 1, an amount of money equal to the amount obtained by multiplying \$15 by the number specified in Column 2 of that Schedule opposite that matter, or
  - (b) if 2 or more of those matters relate to the certification, an amount of money equal to the sum of the amounts so obtained.
- (3) A charge is not payable in respect of a second or subsequent certification of a measuring instrument in the same calendar year.
- (4) A charge payable in respect of a measuring instrument is to be sent to the Superintendent with the return under clause 3 in which the certification of the instrument by the servicing licensee is declared.

**6 Other fees and charges (section 13 of the Act)**

- (1) The fees specified in Column 2 of Part 1 of Schedule 2 are payable to the Director-General in relation to the matters specified in Column 1 of that Part.
- (2) The charges referred to in subclause (3) are payable to the Superintendent in relation to the matters specified in Column 1 of Part 2 of Schedule 2 and are payable by the owner (within the meaning of section 10 of the Act) of the measuring instrument concerned.
- (3) The appropriate charge payable to the Superintendent is, in respect of a matter specified in Column 1 of Part 2 of Schedule 2, an amount of money equal to the amount obtained by multiplying \$38 by the number specified in Column 2 of that Part opposite that matter.

Trade Measurement Administration Regulation 2007

Clause 7

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**7 Reduction, waiver and deferral of charges**

The Superintendent may reduce, waive or defer payment of a charge payable under section 10 or 11 of the Act if of the opinion that the reduction, waiver or deferral is necessary or desirable for the purpose of alleviating hardship.

**8 Penalty notice offences and penalties**

For the purposes of section 23 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 3 is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

**9 Repeal**

The *Trade Measurement Administration Regulation 2002* is repealed.

**10 Savings provision**

Any act, matter or thing that, immediately before the repeal of the *Trade Measurement Administration Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

## Trade Measurement Administration Regulation 2007

## Schedule 1 Verification and certification charges

**Schedule 1 Verification and certification charges**

(Clauses 4 and 5)

<b>Column 1</b>	<b>Column 2</b>
<b>Matter</b>	<b>Number used to calculate charge</b>
<b>Verification, re-verification or certification of:</b>	
Weighing instruments (not elsewhere covered) with a capacity:	
not exceeding 30 kg (including a set of masses necessary to use the instrument, with no more than 20 masses per set)—for each	2
exceeding 30 kg not exceeding 300 kg—for each	3
exceeding 300 kg not exceeding 3 tonne—for each	5
exceeding 3 tonne not exceeding 15 tonne—for each	10
exceeding 15 tonne not exceeding 45 tonne—for each	15
exceeding 45 tonne not exceeding 90 tonne—for each	20
exceeding 90 tonne—for each	30
Wheel load weighing instrument—for each	2
Totalising belt conveyer weigher—for each	30
in the case of a verification or re-verification, plus time in excess of 3 hours necessarily spent in testing, for each inspector per quarter hour or part thereof	1
Train weighing-in-motion weighing instrument—for each	30
in the case of a verification or re-verification, plus time in excess of 3 hours necessarily spent in testing, for each inspector per quarter hour or part thereof	1
Pre-packing weighing-in-motion weigher—for each	10
Masses (when not associated with a particular weighing instrument)—for each	0.2
Measures of capacity (excluding lubricating oil measures that are submitted for verification or re-verification or certified in batches)—for each	0.2



## Trade Measurement Administration Regulation 2007

## Verification and certification charges

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>
<b>Matter</b>	<b>Number used to calculate charge</b>
Lubricating oil measures (submitted for verification or re-verification or certified in batches):	
per 100 or part thereof	2
maximum fee per batch for certification	50
Lubricating oil measures (certified other than in batches)—for each	0.001
Liquor beverage measures and spirit measures (submitted for verification or re-verification or certified in batches):	
per 1 000 or part thereof	2
maximum fee per batch for certification	50
Liquor beverage measures and spirit measures (certified other than in batches)—for each	0.001
Measures of length:	
Rigid—for each	0.2
Flexible—for each	1
Flowmeters—for each meter with a flowrate:	
not exceeding 100 litres/min	3
exceeding 100 litres/min and not exceeding 1 000 litres/min	10
exceeding 1 000 litres/min	20
Bulk tanks with a capacity:	
not exceeding 1 000 litres—for each	5
exceeding 1 000 litres and not exceeding 10 000 litres—for each	10
exceeding 10 000 litres—for each	20
Volumetric drum fillers—for each	5
Liquor dispensers—for each	0.2
Dimensional measuring instruments—for each	4
Measuring instruments not elsewhere covered—for each	2

## Trade Measurement Administration Regulation 2007

Schedule 1 Verification and certification charges

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Column 1	Column 2
Matter	Number used to calculate charge
<b>Additional charge</b>	
An additional charge payable in respect of the verification, re-verification or certification of a measuring instrument approved by the National Measurement Institute, for each interactive device (that is, console, card reader or note acceptor) so approved that is attached to, but does not form part of, the instrument	3

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**Note.** The numbers in Column 2 are used to calculate the amounts of charges referred to in clauses 4 and 5.

Trade Measurement Administration Regulation 2007

Other fees and charges

Schedule 2

## Schedule 2 Other fees and charges

(Clause 6)

### Part 1 Fees payable to Director-General

Column 1	Column 2
Fee to accompany application for servicing licence	\$67
Fee to accompany application for public weighbridge licence	\$67
Periodic licence fee for servicing licence	\$280 per annum for each place at which the servicing licensee carries on business
Periodic licence fee for public weighbridge licence	\$208 per annum for each place at which the public weighbridge licensee carries on business
Fee for issue of certificate of suitability	\$67
Fee for amended licence or certificate of suitability	\$63
Fee for duplicate licence or certificate of suitability	\$30

### Part 2 Charges payable to Superintendent

Column 1	Column 2
Matter	Number used to calculate charge
<b>Verification or re-verification of measuring instruments</b>	
Charge on request for service for each visit to premises, of an inspector with a view to verification or re-verification of measuring instruments at the owner's premises, where the visit is requested by the owner of the instrument (within the meaning of section 10 of the Act) and:	4
(a) the instruments could, in the opinion of an inspector, reasonably be taken to the office of an inspector for testing, or	
(b) the instruments could not, in the opinion of an inspector, reasonably be taken to the office of an inspector and less than 7 calendar days' notice of the day of testing has been given to the inspector	

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## Trade Measurement Administration Regulation 2007

## Schedule 2 Other fees and charges

Column 1	Column 2
Matter	Number used to calculate charge
<b>Waiting time</b>	
Charge for the keeping of an appointment to examine or test a measuring instrument, where examination or testing is unable to be carried out because the measuring instrument is unavailable or inaccessible or access to it is unreasonably refused:	
(a) in the case of an inspector	4
(b) in the case of the Weighbridge Test Unit made available by the Superintendent	10
Charge, per kilometre travelled by the Weighbridge Test Unit made available by the Superintendent, for the keeping of an appointment to examine or test a measuring instrument, where examination or testing is unable to be carried out because the measuring instrument is unavailable or inaccessible or access to it is unreasonably refused	0.083
Charge, per quarter hour or part of a quarter hour, payable on keeping of appointment to examine or test a measuring instrument for time spent waiting before the measuring instrument is made available or access to it is allowed:	
(a) in the case of an inspector	1
(b) in the case of the Weighbridge Test Unit made available by the Superintendent	1
<b>Examination of instruments that do not comply</b>	
Charge payable to reimburse costs in connection with examination or testing of a measuring instrument with a view to verification or re-verification but where measuring instrument does not comply with requirements for verification or re-verification	The charge that would be payable under Schedule 1 for the verification or re-verification of the measuring instrument

## Trade Measurement Administration Regulation 2007

Other fees and charges

Schedule 2

Column 1	Column 2
Matter	Number used to calculate charge
<b>Other instruments</b>	
Charge payable, per quarter hour or part of a quarter hour that each inspector necessarily spends examining and testing the instrument or instruments, to reimburse costs in connection with examination or testing of a measuring instrument:	
(a) in the case of a standard of measuring for which a certificate is issued under regulation 13 of the <i>National Measurement Regulations 1999</i> of the Commonwealth	1
(b) in the case of examination and testing of an instrument under section 15 (4) of the Principal Act, at the request of the person in possession of the measuring instrument:	
(i) a measure being a pipette, milk or cream flask used in connection with dairy products	1
(ii) thermometers	1
(iii) dip sticks	1
(iv) other	1
Charge payable to reimburse costs in connection with examination or testing of a measuring instrument: in the case of examination and testing of an instrument under section 15 (4) of the Principal Act, at the request of the person in possession of the measuring instrument:	
(i) each wheel load weighing instrument	2
(ii) each chondrometer	2
Charge payable, per quarter hour or part of a quarter hour, for the use of labour necessary for the exercise of an inspector's functions and not provided for by any of the preceding items	1
<b>Use of equipment</b>	
Charge payable for first two hours of testing for use of the Weighbridge Test Unit provided by the Superintendent.	10
Charge payable, per quarter hour, for hours of testing in excess of 2 hours, for use of the Weighbridge Test Unit provided by the Superintendent.	1
Charge payable, per kilometre travelled in excess of 100 kilometres, for use of the Weighbridge Test Unit provided by the Superintendent where such visit has been requested by the owner, user or other person	0.083

## Trade Measurement Administration Regulation 2007

## Schedule 2 Other fees and charges

Column 1	Column 2
Matter	Number used to calculate charge
Charges payable, for the use of masses provided by the Superintendent	2
Charges payable, for the use of any other equipment provided by the Superintendent	2
<b>Advisings</b>	
Charges payable, for the first hour or part of the first hour, for the provision of technical advice by an inspector relating to the use or installation of measuring instruments, the testing of any package, or the examination of any document in relation to the administration of the Act, the Principal Act or the regulations	4
Charges payable, per quarter hour or part of a quarter hour in excess of 1 hour, for the provision of technical advice by an inspector relating to the use or installation of measuring instruments, the testing of any package, or the examination of any document in relation to the administration of the Act, the Principal Act or the regulations	1

**Note.** The numbers in Column 2 of Part 2 are used to calculate the amounts of fees referred to in clause 6 (3).

Trade Measurement Administration Regulation 2007

Penalty notice offences

Schedule 3

## Schedule 3      Penalty notice offences

(Clause 8)

Column 1	Column 2
Offence	Penalty
<b>Offences under the Trade Measurement Act 1989</b>	
Section 7 (1)	\$220
Section 7 (2)	\$330
Section 7A	\$220
Section 7B	\$220
Section 8 (1)	\$550
Section 8 (2)	\$550
Section 8 (3)	\$550
Section 16 (4)	\$220
Section 18 (2)	\$550
Section 20 (1)	\$550
Section 21	\$550
Section 22 (3)	\$220
Section 23	\$550
Section 25 (1)	\$220
Section 26 (2)	\$220
Section 28 (1)	\$330
Section 28 (2)	\$330
Section 42 (1)	\$550
Section 42 (2)	\$550
Section 43 (1)	\$550
<b>Offences under the Trade Measurement Regulation 2007</b>	
Clause 17	\$55
Clause 23 (1)	\$110
Clause 23 (3)	\$110
Clause 23 (4)	\$110

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## Trade Measurement Administration Regulation 2007

## Schedule 3      Penalty notice offences

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 23 (5)	\$110
Clause 27	\$110
Clause 28 (1)	\$110
Clause 49 (1)	\$110
Clause 49 (2)	\$110
Clause 49 (3)	\$110
Clause 49 (4)	\$110
Clause 49 (5)	\$110
Clause 49 (6)	\$110
Clause 49 (7)	\$110
Clause 49 (8)	\$110
Clause 49 (9)	\$110
Clause 49 (10)	\$110
Clause 50	\$110
Clause 51	\$110
Clause 52	\$110
Clause 53	\$110
Clause 54	\$110
Clause 90 (2)	\$110
<b>Offences under this Regulation</b>	
Clause 3	\$110





# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 60**  
**Monday, 30 April 2007**

Published under authority by Government Advertising

## **SPECIAL SUPPLEMENT**

### **WATER MANAGEMENT ACT 2000**

Water Management (Minister's Plan)

Lower Lachlan Groundwater Order Number 3, 2007

I, PHILIP CHRISTIAN KOPERBERG, M.P., Minister for Climate Change, Environment and Water, in pursuance of section 45 (4) of the Water Management Act 2000 and with the concurrence of the Minister for Primary Industries, do, by this my Order, amend the Water Sharing Plan for the Lower Lachlan Groundwater Source 2003 by omitting from clause 3 the matter '1 May 2007' and by inserting instead the matter '1 June 2007'.

This Order takes effect on the date that it is published in the Gazette.

Dated this twenty-seventh day of April 2007.

PHILIP CHRISTIAN KOPERBERG, M.P.,  
Minister for Climate Change, Environment and Water

#### Explanatory Note

The object of this Order is to postpone the commencement of the Water Sharing Plan for the Lower Lachlan Groundwater Source 2003 from 1 May 2007 to 1 June 2007.

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New South Wales

## **Criminal Procedure Amendment (Penalty Notices) Regulation 2007**

under the

**Criminal Procedure Act 1986**

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

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

### **Explanatory note**

The object of this Regulation is to extend the operation of Part 3 of the *Criminal Procedure Regulation 2005*, which establishes a trial period for a penalty notice scheme for certain offences under the *Crimes Act 1900* and the *Summary Offences Act 1988*, until 31 December 2007.

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power) and 343.

Clause 1 Criminal Procedure Amendment (Penalty Notices) Regulation 2007

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## **Criminal Procedure Amendment (Penalty Notices) Regulation 2007**

under the

Criminal Procedure Act 1986

### **1 Name of Regulation**

This Regulation is the *Criminal Procedure Amendment (Penalty Notices) Regulation 2007*.

### **2 Amendment of Criminal Procedure Regulation 2005**

The *Criminal Procedure Regulation 2005* is amended as set out in Schedule 1.

Criminal Procedure Amendment (Penalty Notices) Regulation 2007

Amendment

Schedule 1

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## **Schedule 1      Amendment**

(Clause 2)

### **Clause 12 Repeal of Part and Schedule 2**

Omit “30 April 2007”. Insert instead “31 December 2007”.

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# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 61**  
**Tuesday, 1 May 2007**

Published under authority by Government Advertising

## SPECIAL SUPPLEMENT

### FISHERIES MANAGEMENT ACT 1994

Section 8 Notification

Fishing Closure

Freshwater Fishing – Murray Crayfish

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, prohibit the activities described in Column 1 of the schedule below in the waters described in Column 2.

This prohibition is effective for five years from the date of implementation.

Dated this 1st day of May 2007.

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

#### SCHEDULE 1

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Waters</i>
The taking of Murray crayfish ( <i>Euastacus armatus</i> ) by all methods.	The whole of the waters of Blowering Dam from upstream of the face of the dam to the confluence with running waters.
The use of hoop nets and yabby traps as described in clause 48 and clause 63 respectively of the Fisheries Management (General) Regulation 2002.	

Note: The taking of Murray crayfish is prohibited by regulation in notified trout waters and in all waters between September and April inclusive.

**FISHERIES MANAGEMENT ACT 1994**

## Section 8 Notification – Fishing Closure

## Thredbo and Eucumbene Rivers

## Spawning Closure

I, RENATA BROOKS, Deputy Director-General, Agriculture, Fisheries and Regional Relations, prohibit the taking of fish by the methods of fishing described in Column 1 of schedules A and B of this notification, from the waters described in Column 2, during the period specified in Column 3, respectively, of those schedules.

Fishing will be further subject to the ‘conditions’ as set out by this Notification.

This prohibition is effective for five years from the date of implementation.

(1) For the purposes of this Notification:

- (i) A rod is deemed to be attended if it is within ten (10) metres and in the sight of the person in possession of that rod.
- (ii) An artificial lure or artificial fly, whether fitted with not more than 3 treble hooks, or 3 double hooks, is deemed to be a single hook.

(2) No person may be in possession of any rod and line with hooks other than artificial flies or artificial lures attached in on or adjacent to the waters permitting fishing activity in Schedules A and B of this Notification.

(3) No person may be in possession of more than one rod and line with hooks attached, in on or adjacent to any of the waters permitting fishing activity in Schedules A and B of this Notification.

Date of Notification: 30 April 2007.

RENATA BROOKS,  
Deputy Director-General,  
Agriculture, Fisheries and Regional Relations

**SCHEDULE A**

## Spawning Season Daily Bag and Possession Limit

## Specified Waters of the Eucumbene River

<i>Column 1 Methods</i>	<i>Column 2 Waters</i>	<i>Column 3 Period</i>
By means of all methods, except one attended rod and line with not more than two hooks, being artificial flies or artificial lures, attached, in accordance with the condition attached to this schedule.	The flowing waters of the main channel of the Eucumbene River upstream of the dam wall and including the Providence Portal. (The waters prescribed are exclusive of the backed up waters of Lake Eucumbene).	1 May each year until the Queens Birthday Public Holiday weekend, inclusive.
Condition: A daily bag limit of 1, provided the fish is at least 50cm in length and possession limit of 2, during the time period specified above, comprised of a single species or a combination of the species Atlantic salmon ( <i>Salmo salar</i> ), brook trout ( <i>Salvelinus fontinalis</i> ), brown trout ( <i>Salmo trutta</i> ) and rainbow trout ( <i>Oncorhynchus mykiss</i> ), in the area specified above which permits fishing activity. Other species may be taken in accordance with the Fisheries Management Act 1994 and Regulations. Once the daily bag limit and possession limit has been reached catch and release fishing may be undertaken.		

## SCHEDULE B

Spawning Season Daily Bag and Possession Limit  
Specified Waters of the Thredbo River

<i>Column 1 Methods</i>	<i>Column 2 Waters</i>	<i>Column 3 Period</i>
By means of all methods, except one attended rod and line with not more than two hooks, being artificial flies or artificial lures, attached, in accordance with the condition attached to this schedule.	The whole of the Thredbo River except for a signposted 2.4km reach at Gaden Trout Hatchery. (The waters prescribed are exclusive of the backed up waters of Lake Jindabyne).	1 May each year until the Queens Birthday Public Holiday weekend, inclusive.
Condition: A daily bag limit of 1, provided the fish is at least 50cm in length and possession limit of 2, during the time period specified above, comprised of a single species or a combination of the species Atlantic salmon ( <i>Salmo salar</i> ), brook trout ( <i>Salvelinus fontinalis</i> ), brown trout ( <i>Salmo trutta</i> ) and rainbow trout ( <i>Oncorhynchus mykiss</i> ), in the area specified above which permits fishing activity. Other species may be taken in accordance with the Fisheries Management Act 1994 and Regulations. Once the daily bag limit and possession limit has been reached catch and release fishing may be undertaken.		

Note: All notified trout streams, including the above waters, are closed to fishing from the June Long weekend to the October long weekend.

Both the Eucumbene and Thredbo Rivers are classified as blue ribbon streams as defined in trout schedule A of the general trout closure notice.

For clarification the use of products such as "Powerbait™" or any other similar artificial or manufactured bait product is excluded from the definition of artificial lure or artificial fly.

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# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 62**  
**Wednesday, 2 May 2007**

Published under authority by Government Advertising

## **SPECIAL SUPPLEMENT**

### *Proclamation*

NEW SOUTH WALES

TO WIT

MARIE BASHIR  
*Governor*

By Her Excellency Professor Marie Bashir,  
Companion of the Order of Australia,  
Commander of the Royal Victorian Order,  
Governor of the State of New South Wales  
in the Commonwealth of Australia

WHEREAS the Legislative Council now stands prorogued to Tuesday 8 May 2007; Now I, in pursuance of the power and authority vested in me by the *Constitution Act 1902*, hereby prorogue the said Legislative Council to 2.15 o'clock in the afternoon of 8 May 2007.

I further proclaim that the said Legislative Council and also the Legislative Assembly shall assemble for the despatch of business on 8 May 2007, at 2.15 o'clock in the afternoon, in the premises known as Parliament House, Macquarie Street, Sydney: And the Members of the Legislative Council and the Legislative Assembly are hereby required to attend at that time and place.

GIVEN under my hand and Seal,  
at Sydney, this second day of May 2007.

L.S.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,  
Premier

GOD SAVE THE QUEEN!

## *Certificate of Persons Returned to the Legislative Assembly*

NEW SOUTH WALES

TO WIT

By Her Excellency Professor Marie Bashir,  
Companion of the Order of Australia,  
Commander of the Royal Victorian Order ,  
Governor of the State of New South Wales in the  
Commonwealth of Australia

MARIE BASHIR

*Governor*

I, Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia, do hereby certify and declare that the list appended hereto is the correct list, according to the certificates given by the Electoral Commissioner of New South Wales, of the names of the several persons returned for the Electoral Districts set against such names respectively at the General Election of Members to serve in the Legislative Assembly of New South Wales which was held on 24 March 2007; and I further certify that the several Writs of Election, being ninety-three in number, were duly returned by the day on which they were legally returnable.

GIVEN under my hand and Seal, at Sydney, this second day of May 2007.

By Her Excellency's Command,

L.S.

MORRIS IEMMA, M.P.,  
Premier

GOD SAVE THE QUEEN!

## **List of Persons Returned for the Electoral Districts set against their names respectively at the General election of Members to serve in the Legislative Assembly of New South Wales held on 24 March 2007**

Gregory John Aplin

Duly Elected as the Member for the Electoral District of Albury

Barbara Mazzel Perry

Duly Elected as the Member for the Electoral District of Auburn

Donald Loftus Page

Duly Elected as the Member for the Electoral District of Ballina

Verity Helen Firth

Duly Elected as the Member for the Electoral District of Balmain

Anthony Paul Stewart

Duly Elected as the Member for the Electoral District of Bankstown

Kevin John Humphries

Duly Elected as the Member for the Electoral District of Barwon

Gerard Francis Martin

Duly Elected as the Member for the Electoral District of Bathurst

Wayne Ashley Merton

Duly Elected as the Member for the Electoral District of Baulkham Hills

Andrew James Constance

Duly Elected as the Member for the Electoral District of Bega

Paul Bernard Gibson

Duly Elected as the Member for the Electoral District of Blacktown

Philip Christian Koperberg

Duly Elected as the Member for the Electoral District of Blue Mountains

Katrina Ann Hodgkinson

Duly Elected as the Member for the Electoral District of Burrinjuck

Reba Meagher

Duly Elected as the Member for the Electoral District of Cabramatta

Geoff Corrigan

Duly Elected as the Member for the Electoral District of Camden

Graham James West  
Duly Elected as the Member for the Electoral District of Campbelltown

Linda Jean Burney  
Duly Elected as the Member for the Electoral District of Canterbury

Michael John Richardson  
Duly Elected as the Member for the Electoral District of Castle Hill

Kerry Arthur Hickey  
Duly Elected as the Member for the Electoral District of Cessnock

Matthew Allan Morris  
Duly Elected as the Member for the Electoral District of Charlestown

Stephen Rhett Cansdell  
Duly Elected as the Member for the Electoral District of Clarence

Andrew Raymond Gordon Fraser  
Duly Elected as the Member for the Electoral District of Coffs Harbour

Paul Ronald Pearce  
Duly Elected as the Member for the Electoral District of Coogee

Malcolm John Kerr  
Duly Elected as the Member for the Electoral District of Cronulla

Jonathan Richard O'Dea  
Duly Elected as the Member for the Electoral District of Davidson

Angela D'Amore  
Duly Elected as the Member for the Electoral District of Drummoyne

Dawn Elizabeth Fardell  
Duly Elected as the Member for the Electoral District of Dubbo

Alan John Ashton  
Duly Elected as the Member for the Electoral District of East Hills

Gregory Eugene Smith  
Duly Elected as the Member for the Electoral District of Epping

Joseph Guerino Tripodi  
Duly Elected as the Member for the Electoral District of Fairfield

Marie Therese Andrews  
Duly Elected as the Member for the Electoral District of Gosford

Prudence Jane Goward  
Duly Elected as the Member for the Electoral District of Goulburn

David Lawrence Borger  
Duly Elected as the Member for the Electoral District of Granville

Raymond Craig Williams  
Duly Elected as the Member for the Electoral District of Hawkesbury

Paul Edward McLeay  
Duly Elected as the Member for the Electoral District of Heathcote

Kristina Kerscher Keneally  
Duly Elected as the Member for the Electoral District of Heffron

Judy Hopwood  
Duly Elected as the Member for the Electoral District of Hornsby

David Andrew Campbell  
Duly Elected as the Member for the Electoral District of Keira

Matthew James Brown  
Duly Elected as the Member for the Electoral District of Kiama

Cherie Ann Burton  
Duly Elected as the Member for the Electoral District of Kogarah

Barry Robert O'Farrell  
Duly Elected as the Member for the Electoral District of Ku-ring-gai

Gregory Michael Piper  
Duly Elected as the Member for the Electoral District of Lake Macquarie

Morris Iemma  
Duly Elected as the Member for the Electoral District of Lakemba

Anthony John Roberts  
Duly Elected as the Member for the Electoral District of Lane Cove

Thomas George  
Duly Elected as the Member for the Electoral District of Lismore

Paul Gerard Lynch  
Duly Elected as the Member for the Electoral District of Liverpool

Allan Shearan

Duly Elected as the Member for the Electoral District of Londonderry

Andrew Dominic McDonald

Duly Elected as the Member for the Electoral District of Macquarie Fields

Francesco Terenzini

Duly Elected as the Member for the Electoral District of Maitland

Michael Bruce Baird

Duly Elected as the Member for the Electoral District of Manly

Michael John Daley

Duly Elected as the Member for the Electoral District of Maroubra

Carmel Mary Tebbutt

Duly Elected as the Member for the Electoral District of Marrickville

Alison Patricia Megarrity

Duly Elected as the Member for the Electoral District of Menai

Barry Joseph Collier

Duly Elected as the Member for the Electoral District of Miranda

Steven James Robert Whan

Duly Elected as the Member for the Electoral District of Monaro

Richard Sanderson Amery

Duly Elected as the Member for the Electoral District of Mt Druitt

Diane Beamer

Duly Elected as the Member for the Electoral District of Mulgoa

John Douglas Williams

Duly Elected as the Member for the Electoral District of Murray-Darling

Adrian Piccoli

Duly Elected as the Member for the Electoral District of Murrumbidgee

John Harcourt Turner

Duly Elected as the Member for the Electoral District of Myall Lakes

Jodi Leyanne McKay

Duly Elected as the Member for the Electoral District of Newcastle

Jillian Gell Skinner

Duly Elected as the Member for the Electoral District of North Shore

George Richard Torbay  
Duly Elected as the Member for the Electoral District of Northern Tablelands

Kevin Patrick Greene  
Duly Elected as the Member for the Electoral District of Oatley

Russell William Turner  
Duly Elected as the Member for the Electoral District of Orange

Andrew John Stoner  
Duly Elected as the Member for the Electoral District of Oxley

Tanya Rachelle Gadiel  
Duly Elected as the Member for the Electoral District of Parramatta

Karyn Lesley Paluzzano  
Duly Elected as the Member for the Electoral District of Penrith

Robert Gordon Stokes  
Duly Elected as the Member for the Electoral District of Pittwater

Robert James Murray Oakeshott  
Duly Elected as the Member for the Electoral District of Port Macquarie

Craig Asbjorn Baumann  
Duly Elected as the Member for the Electoral District of Port Stephens

John Joseph Aquilina  
Duly Elected as the Member for the Electoral District of Riverstone

Frank Sartor  
Duly Elected as the Member for the Electoral District of Rockdale

John Arthur Watkins  
Duly Elected as the Member for the Electoral District of Ryde

Lylea Anne McMahon  
Duly Elected as the Member for the Electoral District of Shellharbour

Ninos Khoshaba  
Duly Elected as the Member for the Electoral District of Smithfield

Shelley Elizabeth Hancock  
Duly Elected as the Member for the Electoral District of South Coast

Dianne Virginia Judge  
Duly Elected as the Member for the Electoral District of Strathfield

Robert Coombs

Duly Elected as the Member for the Electoral District of Swansea

Clover Moore

Duly Elected as the Member for the Electoral District of Sydney

Peter Ross Draper

Duly Elected as the Member for the Electoral District of Tamworth

Christopher Peter Hartcher

Duly Elected as the Member for the Electoral District of Terrigal

Grant Anthony McBride

Duly Elected as the Member for the Electoral District of The Entrance

Nathan Rees

Duly Elected as the Member for the Electoral District of Toongabbie

Geoff Provest

Duly Elected as the Member for the Electoral District of Tweed

George Souris

Duly Elected as the Member for the Electoral District of Upper Hunter

Peter John Debnam

Duly Elected as the Member for the Electoral District of Vacluse

Daryl William Maguire

Duly Elected as the Member for the Electoral District of Wagga Wagga

Bradley Ronald Hazzard

Duly Elected as the Member for the Electoral District of Wakehurst

Sonia Kathleen Hornery

Duly Elected as the Member for the Electoral District of Wallsend

Gladys Berejiklian

Duly Elected as the Member for the Electoral District of Willoughby

Phillip John Costa

Duly Elected as the Member for the Electoral District of Wollondilly

Noreen Hay

Duly Elected as the Member for the Electoral District of Wollongong

David Robert Harris

Duly Elected as the Member for the Electoral District of Wyong



## *Certificate of Persons Returned to the Legislative Council*

NEW SOUTH WALES

TO WIT

By Her Excellency Professor Marie Bashir,  
Companion of the Order of Australia,  
Commander of the Royal Victorian Order,  
Governor of the State of New South Wales in the  
Commonwealth of Australia

MARIE BASHIR  
*Governor*

I, Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia, do hereby certify and declare that the list appended hereto is the correct list, according to the certificate given by the Electoral Commissioner of New South Wales, of the names of the several persons returned at the 2007 periodic election of twenty-one Members to serve in the Legislative Council of New South Wales which was held on 24 March 2007; and I further certify that the Writ of Election was duly returned by the day on which it was legally returnable.

GIVEN under my hand and Seal, at Sydney, this second day of May 2007.

By Her Excellency's Command,

L.S.

MORRIS IEMMA, M.P.,  
Premier

GOD SAVE THE QUEEN!

## **List of Persons returned at the 2007 periodic election of twenty-one Members to serve in the Legislative Council of New South Wales**

1. DELLA BOSCA, John
2. LYNN, Charlie
3. RHIANNON, Lee
4. MACDONALD, Ian
5. GARDINER, Jenny
6. HATZISTERGOS, John
7. HARWIN, Don
8. VOLTZ, Lynda
9. MASON-COX, Matthew
10. OBEID, Eddie
11. PAVEY, Melinda
12. WESTWOOD, Helen
13. AJAKA, John
14. FAZIO, Amanda
15. FICARRA, Marie
16. TSANG, Henry
17. KAYE, John
18. NILE, Fred
19. VEITCH, Mick
20. SMITH, Roy
21. KHAN, Trevor

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# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

Number 63

Friday, 4 May 2007

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## LEGISLATION

### Regulation

# Parliamentary Remuneration Amendment (Assistant Speaker) Regulation 2007

under the

Parliamentary Remuneration Act 1989

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

MORRIS IEMMA, M.P.,  
Premier

## Explanatory note

Section 6 of the *Parliamentary Remuneration Act 1989* provides for holders of certain offices (“recognised office holders”) specified in Schedule 1 to that Act to receive a salary and expense allowance in addition to the basic salary to which they are entitled as Members of Parliament. The additional salary and expense allowance to be received is expressed as a percentage of the basic salary.

The object of this Regulation is to amend Schedule 1 to the *Parliamentary Remuneration Act 1989* to remove the reference to the Chair of Committees in the Legislative Assembly and replace it with a reference to Assistant Speaker of the Legislative Assembly. As a result of new standing orders adopted by the Legislative Assembly, the responsibilities previously assigned to the Chair of Committees have been assigned to the new position of Assistant Speaker.

This Regulation is made under the *Parliamentary Remuneration Act 1989*, including section 6.

Clause 1      Parliamentary Remuneration Amendment (Assistant Speaker)  
Regulation 2007

---

## **Parliamentary Remuneration Amendment (Assistant Speaker) Regulation 2007**

under the

Parliamentary Remuneration Act 1989

### **1 Name of Regulation**

This Regulation is the *Parliamentary Remuneration Amendment (Assistant Speaker) Regulation 2007*.

### **2 Amendment of Parliamentary Remuneration Act 1989 No 160**

The *Parliamentary Remuneration Act 1989* is amended as set out in Schedule 1.

Parliamentary Remuneration Amendment (Assistant Speaker) Regulation  
2007

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 2)

### **Schedule 1 Additional salaries and expense allowances**

Omit from Part 2 the matter relating to the Chair of Committees in the  
Legislative Assembly.

Insert instead:

Assistant Speaker of the Legislative Assembly	20%	14%
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## Rules

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New South Wales

# District Court Amendment (Subpoenas) Rule 2007

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 26 April 2007.

Anthony Grew  
Secretary of the Rule Committee

### Explanatory note

The object of this Rule is to amend the provisions of the *District Court Rules 1973* with respect to subpoenas so that they accord with Part 3 of Chapter 4 of the *Criminal Procedure Act 1986*. The new provisions (Division 2 of Part 53) are generally the same as the provisions of the *Local Courts (Criminal and Applications Procedure) Rule 2003* with respect to subpoenas.

Clause 1          District Court Amendment (Subpoenas) Rule 2007

---

## **District Court Amendment (Subpoenas) Rule 2007**

under the

District Court Act 1973

### **1    Name of Rule**

This Rule is the *District Court Amendment (Subpoenas) Rule 2007*.

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

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

District Court Amendment (Subpoenas) Rule 2007

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

**[1] Part 53, Division 1 heading**

Insert before Part 53, rule 1:

**Division 1 General**

**[2] Part 53, rule 8**

Omit the rule.

**[3] Part 53, rule 15**

Omit “other than the function exercisable under rule 8 (16)” from rule 15 (1).

**[4] Part 53, Division 2**

Insert after Part 53, rule 17:

**Division 2 Subpoenas**

**18 Issue of subpoenas**

- (1) A registrar or prosecutor who issues a subpoena in proceedings is to issue it by signing and dating it.
- (2) A registrar may refuse to issue a subpoena if satisfied that:
  - (a) the issue of the subpoena would be an abuse of process, or
  - (b) the issue of the subpoena would be oppressive on the person named, or
  - (c) if the subpoena is a subpoena to give evidence, the subpoena is returnable on a date on which the Court has not directed the hearing of oral evidence in the proceedings.
- (3) The registrar is not required to retain a copy of a subpoena issued by the registrar.

**19 Filing of subpoenas by issuing parties**

A party that issues a subpoena must, if required to do so by the Court, make a copy available for filing on the return date for the subpoena.



## District Court Amendment (Subpoenas) Rule 2007

Schedule 1 Amendments

---

**20 Service of subpoenas**

- (1) A subpoena must be served on the person named in accordance with this rule.
- (2) Service of a subpoena may be effected:
  - (a) by handing it to the person, or
  - (b) if the person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic transmission to the officer in charge at the correctional centre, or
  - (c) if the person is a police officer or a public officer, by sending it by post or facsimile to the person's business address, or
  - (d) if the person is a police officer or a public officer, by sending it by electronic communication to the person's business email address, or
  - (e) if the person is not a police officer or a public officer, by sending it by post or facsimile to the person's residential address, or
  - (f) if the person is not a police officer or a public officer, by sending it by electronic communication to the person's email address, or
  - (g) with the consent of the relevant legal practitioner, by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post or facsimile or by sending it to the legal practitioner's email address for service by electronic communication.
- (3) If, on tender of a subpoena, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the notice.

**21 Conduct money**

The amounts prescribed for the expenses of complying with a subpoena in relation to a day are:

- (a) an amount equivalent to the amount that would be payable for that day, in accordance with the Scale of Allowances Paid to Witnesses published in Government Gazette No 104 of 27 June 2003, at pages 6408 and 6409, in respect of the person named if the party issuing the subpoena were entitled to claim witnesses expenses in respect of that person as costs in the proceedings, and

## District Court Amendment (Subpoenas) Rule 2007

## Amendments

## Schedule 1

- 
- (b) in relation to the production of a document, the reasonable expenses of the person named of complying with the requirement to produce the document.

**22 Production by non-party**

- (1) This rule applies to a subpoena issued to a person who is not a party to the proceedings.
- (2) A document or thing that may be produced to the Court under section 226 (1) of the *Criminal Procedure Act 1986* may be produced to the registrar of the Court.
- (3) If a subpoena for production requires the production of a document, but does not require the production of the original document, the person named may produce a copy of the original document.
- (4) The person who produces a document pursuant to a subpoena must advise the registrar as to whether the document is an original document or a copy and must elect whether the document is to be disposed of by the registrar or returned to the person.
- (5) If a document or thing is produced to a registrar, the registrar must:
  - (a) give a receipt to the person who produced the document or thing, and
  - (b) produce the document or thing as the nature of the case requires, or as directed by the Court.
- (6) If a subpoena requires production of a document or thing on a date other than the date for hearing the proceedings, the registrar may, at any time after the hearing date, order that the subpoena has ceased to have effect and:
  - (a) in the case of an original document, or a thing, return it to the person who produced it, or
  - (b) in the case of a document that is a copy, return the document, or dispose of it, in accordance with the election of the person who produced the document.

**23 Subpoena may be set aside**

- (1) A notice of application to set aside a subpoena (either wholly or in part) is to be in the approved form.
- (2) A copy of the notice of application must be served by the applicant on the party on whose request the subpoena issued,

## District Court Amendment (Subpoenas) Rule 2007

## Schedule 1 Amendments

---

either personally or by forwarding a copy by post to the address of the party as shown on the subpoena.

- (3) A copy of the notice of application must also be filed by the applicant with the Court before which the subpoena is returnable.
- (4) Unless leave is granted by the Court, the time for filing and serving the notice of application by the applicant in accordance with this rule is not less than 3 days before the date that the subpoena is returnable.
- (5) An applicant seeking to set aside a subpoena must appear before the Court on the date that the subpoena is returnable to allow the Court to deal with the application.

**24 Inspection of subpoenaed documents or things**

For the purposes of section 228 (3) of the *Criminal Procedure Act 1986*, notification of an objection to the inspection of subpoenaed documents or things may be raised orally before the Court on the return date of the subpoena.

**25 Return of documents and things produced under subpoena**

If a subpoena requires production of a document or thing on the date for hearing the proceedings and the proceedings are adjourned, other than to a further date for hearing the proceedings, before the document or thing is produced to the Court, the registrar may, at any time after the hearing date, order that the subpoena has ceased to have effect and:

- (a) in the case of an original document, or a thing, return it to the person who produced it, or
- (b) in the case of a document that is a copy, return the document, or dispose of it, in accordance with the election of the person who produced the document.

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## Other Legislation

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### ERRATUM

IN the *Government Gazette* of the 27 April 2007 the following legislation appeared incorrectly:

Special Supplement No. 57 dated Thursday 26 April 2007

folio 2437 – Transfer of the Administration of Acts

folio 2439 – Public Sector Employment and Management (General) Further Amendment Order 2007

Legislation No. 58 dated Friday 27 April 2007

folio 2443 – Aboriginal Land Rights Amendment (Elections) Regulation 2007

folio 2448 – Health Care Liability Amendment (Dental Prosthetists) Regulation 2007

All four instruments appeared approved by

Her Excellency the Governor

when in fact all four instruments were approved by

The Honourable Justice Keith Mason, A.C., Administrator

by Deputation from Her Excellency the Governor.

This erratum now amends the errors with the gazettal date remaining 27 April 2007.

# OFFICIAL NOTICES

## Department of Lands

### ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6772 2308 Fax (02) 6772 8782

#### ROADS ACT 1993

##### Notification of Closing of Roads

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to these roads are extinguished.

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

##### Descriptions

*Land District – Inverell; L.G.A. – Inverell*

Road Closed: Lot 1, DP 1111939 at Atholwood, Parish Severn, County Arrawatta.

File No.: AE05 H 152.

Note: On closing, the lands within Lot 1, DP 1111939, remains vested in the State of New South Wales as Crown Land.

*Land District – Armidale; L.G.A. – Armidale Dumaresq*

Road Closed: Lot 1, DP 1111934 at Thalgarrah, Parish Davidson, County Sandon.

File No.: AE06 H 42.

Note: On closing, the lands within Lot 1, DP 1111934, remains vested in the State of New South Wales as Crown Land.

*Land District – Armidale; L.G.A. – Armidale Dumaresq*

Roads Closed: Lots 1 and 2, DP 1111941 at Armidale, Parish Armidale, County Sandon.

File No.: AE06 H 211.

Note: On closing, the lands within Lots 1 and 2, DP 1111941, remains vested in the State of New South Wales as Crown Land.

#### ROADS ACT 1993

##### Order

##### Transfer of a Crown road to a Council

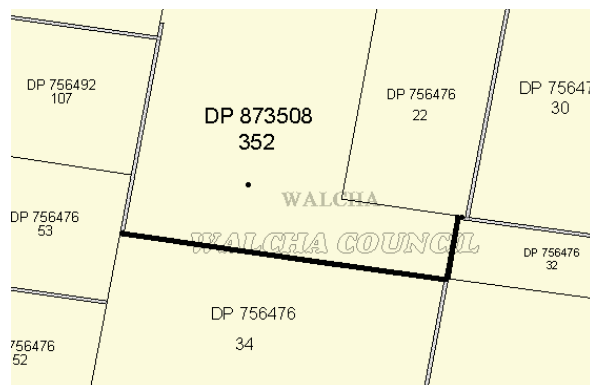
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in each Schedule 1 are transferred to the Roads Authority specified in the corresponding Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each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

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

#### SCHEDULE 1

*Parish – Europambela; County – Vernon;  
Land District and L.G.A. – Walcha*

The Crown road as shown shaded solid black on the diagram hereunder.



#### SCHEDULE 2

Roads Authority: Walcha Council.

File No.: AE07 H 18:W397670.

Councils Reference: TRCRUR01524 : STEVE McCOY.

**GOULBURN OFFICE****159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4828 6725 Fax: (02) 4828 6730****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 Schedules.

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

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**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Land District: Goulburn.	Whole being Lots 103, 104,
Shire: Goulburn Mulwaree.	197 and 201-202, DP 750047.
Parish: Tarago.	
County: Argyle.	
Reserve No.: 92789.	
Purpose: Future public requirements.	
Date of Notification: 20 June 1980.	
File No.: GB04 H 712.	

**ERRATUM**

IN the notice appearing in the *New South Wales Government Gazette* No. 92, Folio 3377, dated 31 May 2002, under the heading "Revocation of Reservation of Crown Land" Land District: Boorowa; Shire: Boorowa, File No.: GB01 H 340 replace "Whole being Lots 155 & 4 DP 754602 of 214.20ha" and insert, "Part being Lots 155 and 4, DP 754602 of 214.20 hectares."

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

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**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

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**Description**

*Land District – Bellinge; LGA – Nambucca*

Road Closed: Lot 1, DP 1095253

File Reference: GF03 H 46

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**Schedule**

On closing, the land within Lot 1, DP 1095253 remains vested in the State of New South Wales 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****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

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Description

*Parish – Seaham; County – Durham;  
Land District – Maitland;  
Local Government Area – Port Stephens*

Road Closed: Lot 1, DP 1096366 at Seaham.

File No.: MD04 H 648.

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Schedule

On closing, the land within Lot 1, DP 1096366 remains vested in the State of New South Wales as Crown Land.

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**NOWRA OFFICE****5 O’Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****NOTIFICATION OF CLOSING OF ROAD**

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

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

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Description

*Land District – Bega; L.G.A. – Bega Valley Shire*

Lot 1, DP 1106141 subject to easement created by Deposited Plan 1106141 at Gilberts Road, Parish Murrabrine and County Dampier.

File No.: NA04 H 332.

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**

**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

*Parish – St David; County – Roxburgh  
Land District – Bathurst; L.G.A – Bathurst*

Road Closed: Lot 5 in Deposited Plan 1110530 at Gowan.

File No.: OE06 H 318

Note: On closing, the land within Lot 5, DP 1110530 remains vested in Bathurst Regional Council as operational land for the purposes of the Local Government Act 1993.

**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

*Parish – Conimbla; County – Forbes;  
Land District – Cowra; L.G.A – Cowra*

Road Closed: Lot 2 in Deposited Plan 1111188 at Conimbla

File No.: OE06 H 133

Note: On closing, the land within Lot 2, DP 1111188 remains vested in Cowra Shire Council as operational land for the purposes of the Local Government Act 1993.

**ORDER DECLARING AN ADDITIONAL PURPOSE  
TO A RESERVE**

PURSUANT to section 121A of the Crown Lands Act 1989, I declare the public purpose as specified in Column 1 of the Schedule hereunder to be additional to the declared purpose of the reserve specified opposite in Column 2 of the Schedule.

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

SCHEDULE

*Column 1*

Public Purpose: Public Recreation

*Column 2*

Land District: Forbes  
Local Government Area:  
Forbes Shire Council  
Locality: Forbes  
Dedication No: 590009  
Public Purpose: Racecourse  
Date: 15 August 1896  
File Reference: OE07 R 2



**TAMWORTH OFFICE****25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100      Fax: (02) 6766 3805****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified 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.

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

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Description

*Locality – Quirindi; Land District – Quirindi;  
L.G.A. – Liverpool Plains*

Road Closed: Lot 1 in Deposited Plan 1108114, Parish  
Gunnadily, Warrah and Telford, County Buckland.

File No.: TH05 H 338.

Note: On closing, title to the land comprised in Lot 1 will  
remain vested in the State of New South Wales as  
Crown Land.

\_\_\_\_\_  
Description

*Locality – Pine Ridge; Land District – Quirindi;  
L.G.A. – Liverpool Plains*

Road Closed: Lot 1 in Deposited Plan 1105401, Parish  
Telford and Kickerbell, County Buckland and Pottinger.

File No.: TH05 H 162.

Note: On closing, title to the land comprised in Lot 1 will  
remain vested in the State of New South Wales as  
Crown Land.

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**WESTERN DIVISION OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 3000      Fax: (02) 6883 3099**

**GRANTING OF A WESTERN LANDS LEASE**

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

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

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

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

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

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

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

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SCHEDULE

*Administrative District – Walgett North; Shire – Walgett; Parish – Wallangulla; County – Finch*

WLL No.	Name of Lessee	Lot	Deposited Plan No.	Folio Identifier	Area	Term of Lease	
						From	To
WLL14805	Andrew FRASER.	14	1066289	14/1066289	2564m <sup>2</sup>	18/04/2007	17/04/2027
WLL14652	Eric Cecil HODGES and Andrew WILSON as Tenants in Common in Equal Shares.	230	1076808	230/1076808	2499m <sup>2</sup>	18/04/2007	17/04/2027
WLL14787	James Edgar J. MACKENZIE and Joy Irene WHITE as Tenants in Common in Equal Shares.	67	1073508	67/1073508	2457m <sup>2</sup>	18/04/2007	17/04/2027
WLL14691	Denis Alfred BAGLEY.	15	1073508	15/1073508	2477m <sup>2</sup>	18/04/2007	17/04/2027
WLL14824	Jason Bradley CARNEY.	187	1068088	187/1076808	2335m <sup>2</sup>	18/04/2007	17/04/2027
WLL14630	Lisa Eva KIHLMSTROM.	192	1076808	192/1076808	3125m <sup>2</sup>	18/04/2007	17/04/2027
WLL14758	Anthony Validimar BUCKLEY.	377	1076808	377/1076808	2484m <sup>2</sup>	18/04/2007	17/04/2027
WLL14822	Stanislaw PAWESKI.	40	1076808	40/1076808	2478m <sup>2</sup>	18/04/2007	17/04/2027
WLL14735	Link Louise MARSHALL.	87	1057617	87/1057617	2165m <sup>2</sup>	18/04/2007	17/04/2027
WLL14695	David John CHAPMAN.	47	1066289	47/1066289	2520m <sup>2</sup>	18/04/2007	17/04/2027
WLL14709	David Noel PARKER.	163	1073508	163/1073508	1781m <sup>2</sup>	18/04/2007	17/04/2027
WLL14823	Simon Charles PARKER.	372	1076808	372/1076808	2582m <sup>2</sup>	18/04/2007	17/04/2027
WLL14781	Terry James FERGUSON.	269	1076808	269/1076808	2393m <sup>2</sup>	18/04/2007	17/04/2027
WLL14594	Gladys Muriel KING and Edwin Ian KING as Joint Tenants.	17	1073508	17/1073508	2493m <sup>2</sup>	18/04/2007	17/04/2027
WLL14649	Dragica HAJDAREVIC.	242	1076808	242/1076808	2544m <sup>2</sup>	18/04/2007	17/04/2027
WLL14797	Dancy Zoe O'HARA.	5	1073508	5/1073508	2474m <sup>2</sup>	18/04/2007	17/04/2027
WLL14588	Anthony FLANAGAN and Michael John FLANAGAN as Joint Tenants.	29	1076808	29/1076808	2550m <sup>2</sup>	18/04/2007	17/04/2027
WLL14799	Robert John EDGLEY.	21	1057617	21/1057617	2435m <sup>2</sup>	18/04/2007	17/04/2027
WLL14692	Murray William TURNER and Alison Shirley TURNER as Joint Tenants.	16	1073508	16/1073508	2476m <sup>2</sup>	18/04/2007	17/04/2027
WLL14688	John FIDDLING.	46	1076808	46/1076808	2444m <sup>2</sup>	18/04/2007	17/04/2027

WLL No.	Name of Lessee	Lot	Deposited Plan No.	Folio Identifier	Area	Term of Lease	
						From	To
WLL14763	John MARLAND and Brian MARLAND as Tenants in Common in Equal Shares.	396	1076808	396/1076808	2480m <sup>2</sup>	18/04/2007	17/04/2027
WLL14620	Gertrude MANDELIC.	162	1076808	162/1076808	2533m <sup>2</sup>	30/04/2007	29/04/2027
WLL14748	Phillip James MYERS.	45	1066289	45/1066289	2466m <sup>2</sup>	30/04/2007	29/04/2027
WLL14720	Fadila DJUHERIC.	359	1076808	359/1076808	2296m <sup>2</sup>	30/04/2007	29/04/2027
WLL14633	Edith VAN DER CHIJS.	243	1076808	243/1076808	2050m <sup>2</sup>	30/04/2007	29/04/2027

### ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

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

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

*Administrative District – Wilcannia;  
Shire – Central Darling;  
Parish – Wambah; County – Livingstone*

The purpose/conditions of Western Lands Lease 14124, being the land contained within Folio Identifier 748/761876 has been altered from “Cultivation” to “Residence and Cultivation” effective from 19 April 2007.

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

The conditions previously annexed to Western Lands Lease 14124 have been revoked and the following conditions have been annexed thereto.

#### CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 14124

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Natural Resources as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.  
(b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of

the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.

- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.  
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.  
(b) Notwithstanding any other provision of this Agreement:  
(i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.  
(ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of "Residence and Cultivation".
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (17) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (18) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (19) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (20) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (21) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Infrastructure Planning and Natural Resources within 3 months of the date of gazettal of the granting.
- (22) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (23) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (24) If the lessee is an Australian registered company than the following conditions shall apply:
  - I The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
  - II Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
  - III Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.



- IV A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

#### ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

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

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

*Administrative District – Wentworth;  
Shire – Wentworth;  
Parish – Wentworth; County – Wentworth*

The purpose/conditions of Western Lands Lease 13261, being the land contained within Folio Identifiers 132/763292 and 133/763292 has been altered from "Business Purposes (Game Meat Receival Depot)" to "Business Purposes – Transport and Storage Yard" effective from 30 April 2007.

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

The conditions previously annexed to Western Lands Lease 13261 have been revoked and the following conditions have been annexed thereto.

#### CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 13261

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

- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall effectively prevent any interference with the amenity of the locality by reason of the emission from the land leased of noise, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil or otherwise, and when directed by the Commissioner shall abate that interference forthwith.
- (17) The lessee shall, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect business premises on the land in accordance with plans and specifications approved by the Council of the local government area.
- (18) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (19) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (20) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (21) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (22) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (23) If the lessee is an Australian registered company than the following conditions shall apply:
- I The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
  - II Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
  - III Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
  - IV A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

#### DISSOLUTION OF RESERVE TRUST

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

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

#### SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Collarenebri Recreation (R72184) Reserve Trust.	Reserve No.: 72184. Public Purpose: Public recreation. Notified: 21 February 1947. File No.: WL98 R 993/1.

#### SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Louth Tennis Courts (R82814) Reserve Trust.	Reserve No.: 82814. Public Purpose: Tennis courts. Notified: 23 September 1960. File No.: WL86 R 21/1.

## SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Collarenebri Museum (R230058) Reserve Trust.	Reserve No.: 230058. Public Purpose: Museum. Notified: 2 February 1990. File No.: WL90 R 8/1.

**ASSIGNMENT OF NAME TO A RESERVE TRUST**

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

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

## SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Dareton Children's Playground Reserve Trust.	Reserve No.: 77215. Public Purpose: Children's playground. Notified: 29 October 1954. File No.: WL03 R 25/1.

## SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Dareton Water Supply Reserve Trust.	Reserve No.: 84995. Public Purpose: Water supply. Notified: 28 August 1964. File No.: WL03 R 23/1.

**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>
NSW Rural Fire Service.	Lightning Ridge Rural Fire Station Reserve Trust.	Reserve No.: 96922. Public Purpose: Boy Scouts. Notified: 26 August 1983. File No.: WL97 R 63/1.

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE**

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

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

## SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Collarenebri Tennis Court Reserve Trust.	Reserve No.: 72184. Public Purpose: Public recreation. Notified: 21 February 1947. Reserve No.: 230058. Public Purpose: Museum. Notified: 2 February 1990. File No.: WL88 R 146/1.

**DECLARATION OF ADDITIONAL USE OF RESERVATION OF CROWN LAND**

BY Order pursuant to section 121A of the Crown Lands Act 1989, the reserve specified in Column 1 of the Schedule hereunder, is authorised to be used for the additional purpose 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>
Reserve No.: 230058. Notified: 2 February 1990. Public Purpose: Museum. Locality: Collarenebri. Local Government Area: Walgett Shire Council. File No.: WL90 R 8.	Public Recreation.

**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 – Cobar;*  
*Local Government Area – Cobar Shire Council*

Dedication No.: 1013368.  
Notified: 23 December 1938.  
Public Purpose: Public buildings.  
Area: 1416 square metres.  
File No.: WL07 H 16/1.

## SCHEDULE 2

The whole being Lot 2, section 4, DP No. 459, Parish Cobar, County Robinson, of an area of 1416 square metres.

## SCHEDULE 3

Dispose of land by way of sale (Surplus Government Property).

**NOTIFICATION OF CLOSING OF A ROAD**

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

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

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Description

*Parish – Euston; County – Taila;  
Land District – Balranald;  
Local Government Area – Balranald*

Road: Lot 1, DP 1108386 at Euston.

File No.: WL04 H 92.

Note: On closing, the land will be sold to the adjoining holder by way of private treaty sale, pursuant to section 34 of the Crown Lands Act 1989.



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## Department of Water and Energy

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### WATER MANAGEMENT ACT 2000

Order under section 323

#### Temporary Water Restriction Order

Macquarie and Cudgegong Regulated Rivers Water Source

PURSUANT to section 323 of the Water Management Act 2000, I, PHILIP KOPERBERG, M.P., Minister for Climate Change, Environment and Water, on being satisfied that it is necessary in the public interest to do so because of water shortage, in the Macquarie and Cudgegong Regulated Rivers Water Source 2003 (as defined in the Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003) do by this Order direct that the taking of water from that water source for the current year be restricted as set out in the Schedule to this Order.

This Order takes effect on the date of first broadcasting and will continue until 30 June 2007 unless repealed earlier.

Dated at Sydney this 19th day of April 2007.

PHIL KOPERBERG, M.P.,  
Minister for Climate Change, Environment and Water

#### SCHEDULE

Each regulated river (high security) and regulated river (general security) access licence in that part of the water source downstream of the upper limit of Burrendong Dam (stated on the access licence) is restricted to 20% of the volume of water in the water allocation account on the date when the order is first broadcast, inclusive of any water carried over or credited by an assignment dealing from any other access licence.

Note: Access licences that are supplied by Windamere Dam are not subject to the above restriction. These licences are identified with an extraction zone of that part of the water source upstream of the upper limit of Burrendong Dam.

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### WATER ACT 1912

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

Rodney Torben HOJER for a pump on the Paterson River on Lots 1 and 2, DP 1044083, Parish of Tyraman, County of Durham, for irrigation of 1 hectare (improved pasture, permanent water transfer from 20SL061262) (Reference: 20SL061718).

Any inquiries regarding the above should be directed to Brian McDougall (02) 4904 2546.

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act. Please forward all written objections to the Department of Water and Energy, PO Box 2213, Dangar NSW 2309.

HEMANTHA DE SILVA,  
Senior Licensing Officer,  
Coastal North

### WATER ACT 1912

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

Joyce May DICKSON for a pump on Clarence River, Lot 1, DP 196517, Parish Great Marlow, County Clarence, for irrigation of 5 hectares (16.5 megalitres) (replacement application – split of existing licence – no increase in authorised area or allocation) (Reference: 6324378) (GA2:476240).

Robert Eric MCKAY and Gwenyth Ann MCKAY for a pump on North Pumpenbil Creek, Lot 12, DP 1102118, Parish Tyalgum, County Rous, for irrigation of 17.5 hectares (26.5 megalitres) (replacement application – split of existing licence – no increase in authorised area or allocation) (Reference: GRA6324376) (GA2:476241).

Any enquiries regarding the above should be directed to the undersigned (telephone: (02) 6641 6500).

Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

D. MILLING,  
Manager,  
Licensing North

Department of Natural Resources,  
Locked Bag 10, Grafton NSW 2460.

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## Department of Planning

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New South Wales

### **Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)**

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*. (NEW0005392/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

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## **Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)*.

### **2 Aims of plan**

This plan aims to amend *Lake Macquarie Local Environmental Plan 2004*:

- (a) to rezone part of the land to which this plan applies from Zone 10 Investigation Zone to Zone 2 (1) Residential Zone to allow for residential development of that land, and
- (b) to rezone part of the land from Zone 10 Investigation Zone to Zone 7 (2) Conservation (Secondary) Zone to enable environmental protection of that land, and
- (c) to rezone the remaining land, being Crown land, from Zone 10 Investigation Zone to Zone 7 (1) Conservation (Primary) Zone to enable environmental protection of that land, and
- (d) to provide that Lake Macquarie City Council must have regard to a development control plan that sets out certain matters in respect of the development.

### **3 Land to which plan applies**

This plan applies to Lot 43, DP 876821, Lot 1, DP 1086630 and Lot 7068, DP 1021263, fronting Fishery Point Road and Station Street, Bonnells Bay, as shown edged heavy black and lettered “2 (1)”, “7 (1)” or “7 (2)” on the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)” deposited in the office of the Council of the City of Lake Macquarie.

### **4 Amendment of Lake Macquarie Local Environmental Plan 2004**

*Lake Macquarie Local Environmental Plan 2004* is amended as set out in Schedule 1.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 8 Land subject to special development requirements

Insert after Item 4:

- |   |  |   |
|---|--|---|
| 5 | Land at Bonnells Bay, fronting Fishery Point Road and Station Street, being Lot 43, DP 876821, Lot 1, DP 1086630 and Lot 7068, DP 1021263. | A development control plan for the land must have been adopted by the Council before consent is granted for any development. The development control plan must address, to the satisfaction of the Council, flora and fauna conservation, water quality management, visual impact and site access and mobility. |
|---|--|---|

### [2] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)



New South Wales

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

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*. (NEW0005064/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Port Stephens Local Environmental Plan 2000 (Amendment No 26)

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## **Port Stephens Local Environmental Plan 2000 (Amendment No 26)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 26)*.

### **2    Aim of plan**

The aim of this plan is to set out the criteria that will be used to determine whether certain development may be carried out as exempt or complying development.

### **3    Land to which plan applies**

This plan applies to all the land to which *Port Stephens Local Environmental Plan 2000* applies.

### **4    Amendment of Port Stephens Local Environmental Plan 2000**

*Port Stephens Local Environmental Plan 2000* is amended as set out in Schedule 1.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clauses 49 and 49A

Omit clause 49. Insert instead:

#### 49 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 3 that meets the standards for the development contained in that Schedule and any other requirements contained in that Schedule and that complies with the requirements of this clause is ***exempt development***.
- (3) To be exempt development:
  - (a) the development must:
    - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
    - (ii) be more than 1 metre from any easement or public sewer main, and
    - (iii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, have a current fire safety certificate or fire safety statement or be a building for which no fire safety measures are currently implemented, required or proposed, and
  - (b) the development must not:
    - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
    - (ii) require a tree to be removed, or
    - (iii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
    - (iv) be designated development, or
    - (v) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977* or in Schedule 2 to this Plan or

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

- 
- that is subject to an interim heritage order under the *Heritage Act 1977*, or
- (vi) be on or in an environmentally sensitive area of State significance.

**49A Complying development**

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Schedule 4 that is carried out in compliance with the standards listed in that Schedule in respect of the development and any other requirements contained in that Schedule and that complies with the requirements of this clause is ***complying development***.
- (3) To be complying development, the development must:
  - (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (b) be more than 1 metre from any easement or public sewer main, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) To be complying development, the development must not be carried out on or in:
  - (a) a site that has at any time previously been used:
    - (i) as a service station, or
    - (ii) as a sheep or cattle dip, or
    - (iii) for intensive agriculture, or
    - (iv) for mining (but not underground mining) or an extractive industry, or
    - (v) for waste storage or waste treatment, or
    - (vi) for the manufacture of chemicals, asbestos, or asbestos products, or
  - (b) an environmentally sensitive area of State significance, or
  - (c) land to which clause 51A (Development on land identified on Acid Sulfate Soils Planning Maps) applies, or
  - (d) land to which clause 38 (Development on flood prone land) applies, or



Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

- 
- (e) land located within the 20 Australian Noise Exposure Forecast contour as identified on the *2012 Australian Noise Exposure Forecast* for Salt Ash Air Weapons Range and for RAAF Base Williamtown.

**[2] Schedules 3 and 4**

Insert after Schedule 2:

**Schedule 3 Exempt development**

(Clause 49)

**Development consisting of, or for the purpose of the following:**

**Exempt development standards and requirements**

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**Private development**

Access ramps

- Maximum height 1m above finished ground level.
- Maximum grade 1:14.
- Complies with AS 1428.1—2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*.
- Located wholly within the property boundary.

Advertising signs

(a) Business identification sign

- Maximum of 1 business identification sign indicating the approved use of the land.
- Maximum 1.2m length and 0.6m height.
- Must be fixed to the wall of the building, the front fence of the property, or on a pole with a maximum height of 1.5m above the ground.
- Located within the property boundary.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
(b) Directory boards for industrial units	<ul style="list-style-type: none"> <li>Maximum 1.5m length and 1.5m height.</li> <li>Must be fixed to the wall of the building, the front fence of the property, or on a pole with the top of the sign to be no more than 2.5m above the ground.</li> </ul>
(c) Fascia sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none"> <li>Must be attached to the fascia or return end of an awning.</li> <li>Must not project above or below the fascia.</li> <li>Must not extend more than 300mm from the fascia.</li> <li>Must not be internally illuminated.</li> </ul>
(d) Flush wall sign on land within Zone No 3 (a) (Business General "A" Zone) and Zone No 4 (a) (Industrial General "A" Zone)	<ul style="list-style-type: none"> <li>Must be attached flush to the wall and must not protrude more than 200mm from the wall.</li> <li>Maximum 2.5m<sup>2</sup> in area.</li> <li>Must be securely fixed to the wall.</li> <li>Must not cover mechanical ventilation vents.</li> </ul>
(e) Signage for sporting field fences and scoreboards	<ul style="list-style-type: none"> <li>Maximum 5m length and 0.9m height.</li> <li>Must face the sporting fields.</li> <li>Must be attached to existing fencing or scoreboards.</li> <li>If on a reserve, must be in accordance with any plan of management adopted by Council for the reserve.</li> </ul>
(f) Top hamper sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none"> <li>Must be attached to the transom of a doorway or window of a building.</li> <li>Maximum 2.5m<sup>2</sup> in area.</li> <li>Must not extend more than 200mm beyond any building alignment.</li> <li>Must not extend beyond the doorway or window to which it is attached.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
(g) Underawning sign on land within Zone No 3 (a) (Business General "A" Zone)  Aerials, antennae, microwave antennae (not including satellite dishes)	<ul style="list-style-type: none"> <li>• Must be attached to the underside of an awning and erected horizontal to the ground.</li> <li>• Must not be less than 2.6m from the ground at any point.</li> <li>• Maximum 1.5m<sup>2</sup> in area.</li> <li>• Must not project beyond the awning.</li> <li>• Must be securely fixed with metal supports.</li> <li>• Must not affect sight distances or reduce traffic visibility.</li> <li>• Maximum height 3.6m if mounted on the roof or 6m above ground level if not attached to the dwelling.</li> <li>• Maximum diameter of 900mm.</li> <li>• Located wholly within the property boundary and behind the building line.</li> <li>• Only 1 per building.</li> <li>• For domestic use only.</li> </ul>
Air conditioning units	<p><b><i>Heritage conservation area and heritage item requirements</i></b></p> <ul style="list-style-type: none"> <li>• The method of fixing to the building must be sympathetic to the heritage fabric of the building.</li> <li>• Located to the side or rear of the building.</li> <li>• Must not create offensive noise (ie noise that by reason of its level, nature, character or quality, or at the time at which it is made, is actually or likely to be harmful to a person who is outside the premises from which it is emitted). Where air conditioner noise is audible within another residence, it is potentially offensive noise.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1

## Amendments

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**Development consisting of, or for the purpose of the following:**
**Exempt development standards and requirements**

Automatic Teller Machines (ATM) other than ATMs within buildings that are heritage items or within buildings located within a Heritage Conservation Area

- Where the air conditioning unit is located within 900mm of a common boundary, a certificate must be provided by a practising acoustic engineer to the effect that, having assessed the design and installation of the air conditioning unit, it is not, while in operation, likely to create offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
- Associated building work must not reduce the structural integrity of the building.
- Any opening created for an air conditioning unit must be suitably weatherproofed.
- Airflow from an air conditioning unit must be directed so as not to affect adjoining properties.

***Heritage conservation area and heritage item requirements***

- Located to the side or rear of the building.
- Must be attached to the wall of a building.
- Must be wholly enclosed in an arcade or shopping centre or if facing a public footpath or street, setback 1m from the road reserve unless it is turned perpendicular to the street.
- Allowance must be made for queuing so as not to hinder the free movement of pedestrians.
- Complies with AS 1428.1—2001, *Design for access and mobility*, Part 1: *General requirements for access—New building work*.
- Must be appropriately lit with satisfactory surveillance.
- Must include a bin with adequate capacity to discourage littering.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

**Development consisting of, or for the purpose of the following:****Exempt development standards and requirements**

Awnings, canopies, storm blinds on dwelling

- Maximum area 10m<sup>2</sup>.
- Must not encroach more than 1m on the building line.
- Minimum 675mm from side and rear boundaries.
- Stormwater must not be directed onto adjoining properties.
- Located wholly within the property boundaries.
- Materials used must generally be non-reflective.

***Bush fire prone land requirements***

- Materials used must have a Flammability Index no greater than 5.

***Heritage conservation area and heritage item requirements***

Barbeques

- Located to the side or rear of the building.
- Maximum area 10m<sup>2</sup> and maximum height 2.4m.
- Minimum 900mm from side and rear boundaries.
- Minimum separation 1.8m from adjoining dwellings.
- Located behind the building line.
- Not within 6m of an LPG tank, other than the energy source for the barbeque.

***Heritage conservation area and heritage item requirements***

- Located to the rear of the building.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

**Development consisting of, or for the purpose of the following:****Exempt development standards and requirements**

Bird aviaries (not for the keeping of poultry)

- Maximum area 20m<sup>2</sup> and maximum height 2.4m.
- Minimum of 10m from adjoining dwellings.
- Located behind the rear alignment of the building.
- Minimum 900mm from side and rear boundaries.
- Floor must be impervious.
- Stormwater must not be directed onto adjoining properties.
- Maximum of 1 per site.

***Heritage conservation area and heritage item requirements***

Cabanas and gazebos

- Architectural style must be in keeping with the existing building.
- Located to the rear of the building.
- Maximum floor area 20m<sup>2</sup> and maximum height 2.7m.
- Free standing and prefabricated using non-reflective materials.
- Maximum of 1 per site.
- Installed to manufacturer's specifications.
- Located behind building line setback.
- Must not cause nuisance to adjoining properties as a result of stormwater run-off or visual intrusion.
- Minimum 900mm from side and rear boundaries in residential areas and 5m in rural areas.

***Bush fire prone land requirements***

- Located more than 10m from the dwelling or complies with AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Change of use of a building from: (a) 1 type of industry to another type of industry (b) 1 type of warehouse to another type of warehouse (c) 1 type of industry to a warehouse.	<ul style="list-style-type: none"> <li>• The building is lawfully used, or has been lawfully constructed to be used, for industry or light industry.</li> <li>• Total floor space is less than 2,000m<sup>2</sup>.</li> <li>• The use is not actually or potentially a hazardous or offensive industry.</li> <li>• The use does not require a trade waste agreement.</li> <li>• Building must have a current fire safety certificate.</li> <li>• Must not involve a change in building classification under the <i>Building Code of Australia</i>.</li> </ul>
Change of use of a building from: (a) 1 type of shop to another type of shop (b) 1 type of commercial premises to another type of commercial premises (c) 1 type of shop to commercial premises.	<ul style="list-style-type: none"> <li>• The building is lawfully used, or has been lawfully constructed to be used, for the purposes of a shop or commercial premises.</li> <li>• The use is consistent with the classification of the building under the <i>Building Code of Australia</i> and replaces a former use being carried out in accordance with development consent.</li> <li>• The building does not involve the preparation of food for sale or consumption, or involve use as a hairdresser or beauty salon.</li> <li>• The different use complies with the conditions of any relevant existing development consent.</li> <li>• The different use does not result in an increase in the gross floor area of the building.</li> <li>• Building must have a current fire safety certificate.</li> </ul>

**Note. Restricted premises** are separately defined and do not come under the definition of a shop or commercial premises.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Charity, clothing and recycling bins	<ul style="list-style-type: none"> <li>• Only permissible in residential and commercial zones.</li> <li>• Maximum of 3 bins at any 1 location.</li> <li>• Area must be kept clean and tidy at all times.</li> <li>• Owners' consent is required prior to placement of the bins.</li> </ul>
Clothes hoists or lines	<ul style="list-style-type: none"> <li>• Installed to manufacturer's specifications.</li> <li>• Located behind the building line setback.</li> <li>• Suitably screened from public view.</li> </ul>
Cubby houses and play equipment	<ul style="list-style-type: none"> <li>• Maximum height 2.4m.</li> <li>• Maximum ground coverage 10m<sup>2</sup>.</li> <li>• Minimum setback 900mm from side and rear boundaries.</li> <li>• Installed to manufacturer's specifications.</li> <li>• Timber construction complies with AS 1684, <i>National Timber Framing Code</i>.</li> <li>• Located behind the building line setback.</li> </ul>
Dams on land within Zone No 1 (a) (Rural Agriculture "A" Zone) <b>Note.</b> Approval may be required from the Department of Natural Resources.	<p><b><i>Heritage conservation area and heritage item requirements</i></b></p>
	<ul style="list-style-type: none"> <li>• Located to the rear of the building.</li> <li>• Must have an outside wall height to the crest of 1m or less.</li> <li>• Minimum 10m from the property boundaries.</li> <li>• Capacity must not exceed 1 megalitre.</li> <li>• Maximum of 1 dam per property.</li> <li>• No trees are to be removed or damaged as a result of the dam construction.</li> <li>• Spillways must not direct water onto adjoining properties.</li> </ul>



## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Decks and patios	<ul style="list-style-type: none"> <li>Maximum area 25m<sup>2</sup>.</li> <li>Maximum 1m above existing ground level.</li> <li>Must have sufficient step down to prevent the entry of water into the dwelling.</li> <li>Maximum of 1 per property.</li> <li>Minimum 900mm from side and rear boundaries.</li> <li>A privacy screen must be provided if the deck or patio overlooks the open space of an adjoining dwelling.</li> <li>Located behind the building line.</li> <li>Must be of timber construction or concrete slab on brick supports.</li> <li>Timber construction must comply with AS 1684, <i>National Timber Framing Code</i>.</li> <li>Termite barriers must be installed in accordance with AS 3660, <i>Protection of buildings from subterranean termites</i>, Supp 1—1993: <i>Prevention, Detection and treatment of infestation—Certificate of termiticide application</i>.</li> </ul> <p><b><i>Bush fire prone land requirements</i></b></p> <ul style="list-style-type: none"> <li>Complies with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.</li> </ul> <p><b><i>Heritage conservation area and heritage item requirements</i></b></p> <ul style="list-style-type: none"> <li>Located behind the rear of the building.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

**Development consisting of, or for the purpose of the following:****Exempt development standards and requirements**

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|---|---|
| <p>Demolition other than demolition of:</p> <ul style="list-style-type: none"> <li>(a) a building that is a heritage item, or</li> <li>(b) a building adjoining a heritage item, or</li> <li>(c) a building within a heritage conservation area, or</li> <li>(d) a building within Zone No 3 (a) (Business General “A” Zone).</li> </ul> <p>Fences (other than fences required by the <i>Swimming Pools Act 1992</i>)</p> | <ul style="list-style-type: none"> <li>• Complies with AS 2601—1991, <i>Demolition of structures</i>.</li> <li>• Does not involve the “implosion” method of demolition.</li> <li>• Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement.</li> <li>• Any work involving asbestos cement must comply with WorkCover Authority’s <i>Guidelines for Practices Involving Asbestos in Buildings</i>.</li> <li>• Any work involving lead paint removal must not cause lead contamination of the air or ground.</li> </ul> <ul style="list-style-type: none"> <li>• All fences must be constructed so that they do not prevent the natural flow of stormwater drainage or run-off.</li> <li>• Fences fronting a road must have a maximum height of 1m if of solid appearance and 1.5m if the overall fence design is at least 50% transparent.</li> <li>• Side and rear fences must not exceed a height of 1.8m.</li> <li>• Side fences must not encroach on the front setback area of the dwelling.</li> </ul> <p><b><i>Bush fire prone land requirements</i></b></p> <ul style="list-style-type: none"> <li>• Must not be constructed of softwood, treated pine or brushwood.</li> <li>• If the fence does not connect to a dwelling and has at least 1m separation from a dwelling—must be constructed from hardwood or non combustible material.</li> </ul> |
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## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Flagpoles	<ul style="list-style-type: none"> <li>• Maximum height 6m above existing ground level.</li> <li>• Freestanding, not relying on other structures for support.</li> <li>• Installed to manufacturer's specifications.</li> <li>• Structural engineer's certificate required.</li> <li>• Maximum of 1 flagpole per lot in residential zones and 3 flagpoles in industrial and commercial zones.</li> <li>• Must not project over a public road or adjoining property.</li> <li>• Clearance from power lines in accordance with the requirements of the relevant electricity authority.</li> </ul>
Fowl houses (for the keeping of poultry) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> <li>• Maximum area 50m<sup>2</sup> and maximum height 3m.</li> <li>• Minimum setback of 5m from side and rear boundaries.</li> <li>• Maximum of 1 per site.</li> <li>• Located behind the building line setback.</li> <li>• Constructed from non-reflective materials that blend with the natural environment.</li> <li>• Stormwater must be directed to the street gutter, stormwater main or an absorption pit.</li> <li>• Not located over house surcharge or overflow gully.</li> <li>• Disposal of manure and wastewater by a method that does not harm or pollute the local or downstream environment.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Fuel tanks (used for agricultural activities or home employment) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> <li>• Design and location of structure must mitigate the effects of any offensive smell within the locality.</li> <li>• Complies with Schedule 2, Part 5, Division 2 (other than clause 20 (5)) of the <i>Local Government (General) Regulation 2005</i> (Keeping of poultry).</li> <li>• On sites with an area of at least 2 hectares.</li> <li>• Maximum capacity 5,000 litres.</li> <li>• Bunded with capacity to contain at least 110% of the capacity of the fuel tank.</li> <li>• Constructed of prefabricated material.</li> <li>• Operated and maintained in accordance with AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i>.</li> <li>• Minimum 20m from the street boundary and 4m from the side and rear boundaries.</li> <li>• Wholly within the property boundaries and not to encroach on any registered easements.</li> <li>• Minimum of 100m from a creek, river or watercourse.</li> </ul>
Garden shed	<ul style="list-style-type: none"> <li>• Free standing and prefabricated.</li> <li>• Maximum of 1 per site.</li> <li>• Maximum floor area 10m<sup>2</sup> and maximum height 2.4m.</li> <li>• Constructed from non-reflective materials that blend with the natural environment.</li> <li>• Located behind the rear alignment of the building.</li> <li>• Minimum 900mm from side and rear boundaries.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Gardening, landscaping and paving	<p><b><i>Bush fire prone land requirements</i></b></p> <ul style="list-style-type: none"> <li>If within a nominated Asset Protection Zone—must be located more than 10m from the dwelling or constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.</li> <li>Must not adversely impact on adjoining properties.</li> <li>Paving or hard surface area covers not more than 25m<sup>2</sup>.</li> <li>Must not involve excavation or fill deeper than 600mm.</li> </ul>
Home-based child care or family day care home	<ul style="list-style-type: none"> <li>The use of the premises for the supervision of a maximum of 7 children in accordance with the definition of <b><i>home-based child care</i></b>.</li> </ul>
Home occupation	<p><b><i>Bush fire prone land requirements</i></b></p> <ul style="list-style-type: none"> <li>On bush fire prone land, is not exempt development.</li> </ul> <p><b>Note.</b> See the definition of <b><i>home occupation</i></b> in the Dictionary.</p>
Horse shelters (keeping up to 4 horses) and animal shelters on land within Zone No 1 (a) (Rural Agriculture “A” Zone)	<ul style="list-style-type: none"> <li>Maximum of 1 per property.</li> <li>Maximum area 50m<sup>2</sup> and maximum height 3m.</li> <li>Minimum of 5m from side and rear boundaries.</li> <li>Constructed of timber (cut or round) or prefabricated metal (including cladding) to AS 1684, <i>Residential timber-framed construction</i>.</li> <li>Constructed from non-reflective materials that blend with the natural environment.</li> <li>Must be more than 6m from any effluent wastewater disposal.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Internal fit out to existing shop or commercial premises (excluding food shops, hairdressers and beauty salons)	<ul style="list-style-type: none"> <li>Stormwater must be discharged to a point well clear of any buildings or effluent wastewater disposal areas.</li> <li>Design and location of structure must mitigate the effects of any offensive smell within the locality.</li> <li>Disposal of manure and wastewater in a manner that does not harm or pollute the local or downstream environment.</li> <li>Complies with Schedule 2, Part 5, Division 3 (other than clause 21 (4)) of the <i>Local Government (General) Regulation 2005</i> (Keeping of horses and cattle).</li> <li>Non-structural work only (must not include load bearing walls and walls incorporating structural bracing units).</li> <li>Must not reduce light or ventilation.</li> <li>Must not reduce the number or size of exits.</li> <li>Must not involve the enclosure of open areas.</li> <li>Complies with the <i>Building Code of Australia</i>.</li> </ul>
Internal alterations to existing single dwellings	<ul style="list-style-type: none"> <li>Non-structural work only (must not include load bearing walls and walls incorporating structural bracing units).</li> <li>Renovations of bathrooms and kitchens including built-in fixtures such as vanities, cupboards and wardrobes.</li> <li>Replacement doors, wall, ceiling or floor linings and deteriorated frame members, must be constructed with equivalent or better quality materials.</li> <li>Must not reduce light or ventilation.</li> <li>Must not reduce the number or size of exits.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Letterbox	<ul style="list-style-type: none"> <li>• Must not involve the enclosure of open areas.</li> <li>• Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement.</li> <li>• Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>.</li> <li>• Any work involving lead paint removal must not cause lead contamination of the air or ground.</li> <li>• Maximum height 1.5m above existing ground level.</li> <li>• Appropriate numbering of each letterbox in accordance with postal requirements.</li> <li>• Structurally stable with adequate footings.</li> <li>• Located at the street frontage.</li> <li>• Located wholly within property boundaries.</li> </ul>
Pergolas and verandahs	<ul style="list-style-type: none"> <li>• Maximum area 25m<sup>2</sup> and maximum height 3m.</li> <li>• No enclosed walls.</li> <li>• A privacy screen must be provided if the pergola or verandah overlooks the open space of an adjoining dwelling.</li> <li>• Maximum of 1m above existing ground level.</li> <li>• Maximum of 1 per dwelling.</li> <li>• Sufficient step down must be provided to prevent the entry of water into the dwelling.</li> <li>• Complies with the relevant Australian Standards and <i>Building Code of Australia</i>.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

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**Development consisting of, or for the purpose of the following:**

Recladding, painting, plastering, cement rendering or repair, restoration or maintenance of damaged materials

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**Exempt development standards and requirements**

- Located wholly within the property boundaries and behind the building line setback.
- Minimum 900mm from side and rear boundaries.

***Bush fire prone land requirements***

- Located more than 10m from the dwelling or constructed to meet the requirements of AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

***Heritage conservation area and heritage item requirements***

- Located behind the rear of the building.
- Replaces existing materials with similar materials that are compatible with the existing building and finish.
- Must not involve structural alterations or a change to the external configuration of a building.
- Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement.
- Any work involving asbestos cement must comply with WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*.
- Any work involving lead paint removal must not cause lead contamination of the air or ground.

***Heritage conservation area and heritage item requirements***

- For maintenance, restoration and repairs only.
- Materials used must match the existing fabric in all respects.



## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

**Development consisting of, or for the purpose of the following:****Exempt development standards and requirements**

## Retaining walls

- Maximum height at the site boundary is 600mm where development is 1,300mm or less from the boundary. This may extend to 900mm where the setback proposed is at a greater distance.
- Maximum height 1m.
- Minimum distance between retaining walls is 2m.
- Slopes between retaining walls or terracing must be landscaped and must not be greater than 4 horizontal to 1 vertical.
- Constructed so as not to prevent the natural flow of stormwater drainage or run-off.
- Masonry walls must comply with AS 3700, *Masonry structures*, AS 3600, *Concrete structures*, AS 1170, *Loading Code*.
- Timber walls must comply with AS 1720, *Timber structures*, AS 1170, *Loading Code*, AS 3660, *Termite management*.
- Must not affect existing fencing.
- Must be located wholly within the property boundaries.

***Heritage conservation area and heritage item requirements***

## Rural earthworks

**Note.** Approval may be required from the Department of Natural Resources.

- Located behind the rear alignment of the building.
- Minor levelling of land to a maximum depth of 300mm.
- Minimum 10m from the property boundaries.
- Excavation must be associated with current development approval (dwelling, shed, retaining wall, etc).

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Rural shed (garage, hay shed, machinery shed) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> <li>• Permissible only on sites with an area of at least 4,000m<sup>2</sup>.</li> <li>• Maximum area of 75m<sup>2</sup>.</li> <li>• Single storey.</li> <li>• Maximum height of 4.2m to the roof and 3.6m to the eaves.</li> <li>• Minimum 10m from side and rear boundaries.</li> <li>• Located behind the building line and dwelling.</li> <li>• Minimum 5m from any effluent disposal area.</li> <li>• Maximum of 2 sheds for any 1 property.</li> <li>• Constructed from non-reflective materials that blend with the natural environment.</li> <li>• Erected in accordance with manufacturer's specifications.</li> <li>• Stormwater must discharge to a rainwater tank or a point well clear of any buildings or effluent wastewater disposal area.</li> </ul>
Satellite dishes	<ul style="list-style-type: none"> <li>• Installed to manufacturer's specifications.</li> <li>• Maximum height 1.8m and maximum diameter 900mm.</li> <li>• Maximum of 1 per property.</li> <li>• Minimum 900mm from side and rear boundaries.</li> <li>• Located below the ridgeline of the roof.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Shade structures—open weave fabric or mesh shade structures	<ul style="list-style-type: none"> <li>Maximum height 3m and maximum area 40m<sup>2</sup>.</li> <li>Located behind the dwelling or building.</li> <li>Minimum setback 900mm from side and rear boundaries.</li> <li>Structural engineer's certificate required for the structure and footings.</li> </ul>
Silo on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<b><i>Bush fire prone land requirements</i></b>
	<ul style="list-style-type: none"> <li>If within 10m of the dwelling—materials used must have a Flammability Index no greater than 5.</li> <li>Maximum capacity of 60 tonnes.</li> <li>Constructed of prefabricated metal.</li> <li>Freestanding, not relying on other structures for support.</li> <li>Erected in accordance with manufacturer's specifications.</li> <li>Erected at least 20m from property boundaries.</li> <li>Not to encroach on any registered easement.</li> <li>Clearance from power lines in accordance with the relevant electricity authority.</li> <li>Minimum of 40m from a creek, river or watercourse.</li> </ul>
Skylights (non-opening)	<ul style="list-style-type: none"> <li>Maximum area 1m<sup>2</sup>.</li> <li>No more than 1 per 25m<sup>2</sup> of roof area.</li> <li>Associated building work must not involve structural alterations.</li> <li>Any opening created must be adequately waterproofed.</li> <li>Installed to manufacturer's instructions and <i>Building Code of Australia</i> requirements.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
	<b><i>Bush fire prone land requirements</i></b>
Solar water heaters/panels	<ul style="list-style-type: none"> <li>Constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.</li> <li>Installed to manufacturer's specifications.</li> <li>Installed by a licensed tradesperson.</li> <li>Associated building work must not reduce the structural integrity of the building or involve structural alterations.</li> <li>Any opening created must be adequately waterproofed.</li> <li>Installations are flush with a roof alignment.</li> </ul>
Stockyards associated with agricultural activities on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> <li>Maximum yard area of 1/2 hectare.</li> <li>Maximum height 2.4m.</li> <li>Minimum setback of 10m from all property boundaries.</li> <li>Minimum setback of 40m from any dwelling.</li> <li>All run-off must be collected and treated to prevent pollution of any watercourse.</li> </ul>
Water heaters (replacement or new installations)	<ul style="list-style-type: none"> <li>Must not create offensive noise (ie noise that by reason of its level, nature, character or quality, or at the time at which it is made, is actually or likely to be harmful to a person who is outside the premises from which it is emitted).</li> <li>The installation must not involve structural alterations.</li> <li>Installed by a licensed tradesperson.</li> <li>Located directly on the ground or in the ground, behind the building line.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Water tanks (at or above ground level)	<ul style="list-style-type: none"> <li>• Maximum capacity of 10,000 litres in residential zones and 60,000 litres in rural zones.</li> <li>• Minimum setback 900mm to side and rear boundaries.</li> <li>• Maximum height 2.4m.</li> <li>• Located behind the building line and the dwelling.</li> <li>• Noise from the pumps must comply with the <i>Protection of the Environment and Operations Act 1997</i>.</li> <li>• Installed to manufacturer's specifications.</li> <li>• Overflow must be directed to an existing stormwater disposal system, street, absorption pit or drainage easement.</li> </ul>
Windmills (for pumping water—not commercial power generation) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> <li>• Located wholly within property boundaries.</li> <li>• Freestanding, not relying on other structures for support.</li> <li>• Structural engineer's certificate required for the structure and footings.</li> <li>• Maximum height 15m.</li> </ul>
Windows, glazed areas and external doors	<ul style="list-style-type: none"> <li>• Replacement in residential premises with windows that comply with AS 1288—2006, <i>Glass in buildings—Selection and installation</i> and AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i> (Human Impact Considerations).</li> <li>• No reduction in light or ventilation.</li> <li>• No increase in size.</li> <li>• Alterations must comply with the <i>Building Code of Australia</i> and the structural integrity of the building must not be affected.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

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**Development consisting of, or for the purpose of the following:**
**Exempt development standards and requirements**

- Any work involving asbestos cement must comply with WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*.
- Any work involving lead paint removal must not cause lead contamination of the air or ground.

***Bush fire prone land requirements***

- Constructed to meet the requirements of AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

***Heritage conservation area and heritage item requirements***

- Involves repairs or maintenance only.
- The new glazing and frame must match the existing fabric in all respects.

**Council development**

## Amenities buildings on public land

- Maximum area 50m<sup>2</sup> and maximum height 6m.
- Consistent with any plan of management adopted by Council under the *Local Government Act 1993*.
- Complies with AS 1428.1—2001, *Design for access and mobility, Part 1: General requirements for access—New building work*.
- Structural engineer's certificate required.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Bus shelters	<ul style="list-style-type: none"> <li>• Suitably designed and constructed by or for Council.</li> <li>• Must reflect the character and amenity of the area.</li> <li>• Structurally adequate construction.</li> <li>• Not obstruct the line of sight of vehicular traffic.</li> <li>• Located to enable safe and convenient access by pedestrians including people with disabilities.</li> <li>• Provide all weather comfort for patrons.</li> <li>• Maximum area 10m<sup>2</sup> and maximum height 2.7m.</li> <li>• Non-reflective surface finishes.</li> </ul>
Goal posts, playground equipment, sightcreens, scoreboards and similar structures on public land	<ul style="list-style-type: none"> <li>• Constructed by or for Council.</li> <li>• Installed in accordance with the relevant standards and <i>Building Code of Australia</i>.</li> <li>• Located on land under the control of Council.</li> <li>• Structural engineer's certificate required.</li> </ul>
Landscaping, bridges, footpaths and staircases on public land	<ul style="list-style-type: none"> <li>• Bridges to a maximum span of 5m.</li> <li>• Constructed by or for Council.</li> <li>• Designed, fabricated and installed in accordance with the <i>Building Code of Australia</i> and AS 4100, <i>Steel structures</i>, AS 1720, <i>Timber structures</i> and AS 3600, <i>Concrete structures</i>.</li> <li>• Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Minor structure/building work associated with drainage and water supply on public land and road reserves	<ul style="list-style-type: none"> <li>• Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.</li> <li>• Constructed by or for Council.</li> <li>• Designed, fabricated and installed so as to be structurally adequate and safe to the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.</li> </ul>
Park and street furniture, shade structures, awnings, fencing, monuments, plaques, flagpoles, maintenance sheds and the like, on land under the control of Council.	<ul style="list-style-type: none"> <li>• Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.</li> <li>• Constructed by or for Council.</li> <li>• Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.</li> <li>• Complies with AS 1428.2—1992, <i>Design for access and mobility</i>, Part 2: <i>Enhanced and additional requirements—Buildings and facilities</i>.</li> </ul>
Rotunda/gazebo on public land	<ul style="list-style-type: none"> <li>• Maximum area 40m<sup>2</sup> and maximum height 6.5m.</li> <li>• Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.</li> <li>• Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.</li> <li>• Structural engineer's certificate required.</li> <li>• Located on land under the control of Council.</li> </ul>



## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Security fences	<ul style="list-style-type: none"> <li>Chain-wire type fences.</li> <li>Enclosure of Council owned compounds and depots.</li> </ul>
Skate parks and court based facilities on public land	<ul style="list-style-type: none"> <li>Constructed by or for Council.</li> <li>Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.</li> <li>Located on land under the control of Council.</li> <li>Consistent with a site specific plan of management adopted by Council under the <i>Local Government Act 1993</i> that identifies the facilities and their location.</li> </ul>
Street signs, directional signs and traffic warning signs	<ul style="list-style-type: none"> <li>Constructed by or for Council.</li> <li>Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.</li> <li>Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.</li> </ul>
Use of Council owned and managed public land (ie markets, circuses, camping and sporting events, and public entertainment on public reserves).	<ul style="list-style-type: none"> <li>Located on land under the control of Council.</li> <li>Operated by or on behalf of Council, or operated by a community group in accordance with an event management plan endorsed by Council.</li> </ul>

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

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**Development consisting of, or for the purpose of the following:****Exempt development standards and requirements**

- 
- Maximum 3 day event if covered by a generic plan of management under the *Local Government Act 1993*.
  - If the site is covered by a site specific plan of management, the duration of the event must be in accordance with the site specific plan of management adopted by Council under the *Local Government Act 1993*.
-

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

## Schedule 4 Complying development

(Clause 49A)

Development consisting of, or for the purpose of the following:	Complying development standards
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New single storey dwellings and alterations/additions to an existing single storey dwelling	<p><b><i>Aircraft noise</i></b></p> <ul style="list-style-type: none"> <li>Must comply with AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i>.</li> </ul> <p><b><i>Bulk and scale</i></b></p> <ul style="list-style-type: none"> <li>The ground floor level of the structure at any point must not be more than 500mm above natural ground level.</li> <li>The distance between the floor level and the underside of the eaves must not be more than 2.7m.</li> <li>The roof pitch must not be more than 24 degrees and any openings must be flush with the roof pitch.</li> <li>The external wall of any structure must be at least 900mm from the nearest side and rear boundary.</li> <li>The eaves may encroach up to <math>\frac{1}{3}</math> of the depth of the side or rear boundary setback.</li> <li>Gable ends exceeding <math>10\text{m}^2</math> are a minimum of 900mm from the side boundary.</li> <li>Building must not exceed a single storey.</li> </ul> <p><b><i>Bush fire prone land requirements</i></b></p> <ul style="list-style-type: none"> <li>Must comply with <i>Planning for Bushfire Protection</i> (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning) and AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.</li> </ul>
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## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

**Development consisting of, or for the purpose of the following:****Complying development standards*****General***

- Building must not be relocated from another site.
- Building must not be constructed of second hand materials or zincalume.

***Heritage conservation area and heritage item requirements***

- Not permitted in relation to heritage items or on land within a heritage conservation area.

***Landscaping***

- Minimum 20% of the site must be soft landscaped (ie not a hard surface).

***Privacy and security***

Windows in a habitable room that are within 9m of, and allow an outlook to, a window of a habitable room in an adjoining dwelling must:

- be offset from the edge of 1 window to the edge of the other by a minimum distance of 500mm, or
- have sill heights of at least 1.7m above floor level, or
- have fixed obscure glazing in any part of the window below 1.7m above floor level, or
- have a fence no less than 1.8m high erected between the opposing windows.

***Site access and parking***

- Minimum of 1 parking space for each one or two bedroom dwelling and two spaces for each dwelling with three or more bedrooms and located at least 6m from the front property boundary.
- Carports and garages facing the street must not be more than 6m or 50% of the frontage width, whichever is the lesser.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

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<b>Development consisting of, or for the purpose of the following:</b>	<b>Complying development standards</b>
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- Driveways must be located a minimum of 6m from a road boundary intersection.
- Maximum of 1 driveway is permitted to any residential allotment, with a minimum separation of 1m.

***Site coverage***

- Dwelling together with any other hardstand area must not occupy more than 60% of the allotment.
- Minimum of 50m<sup>2</sup> of private open space with the principal private open space having a minimum useable area of 35m<sup>2</sup> and a minimum dimension of 4m.

***Stormwater drainage***

Roof stormwater run-off from dwellings and outbuildings must be discharged to an infiltration trench with overflow to:

- a roadside table drain or drainage channel (with concrete end protection), or
- a street kerb and gutter using a kerb adaptor, or
- the rear of an existing drainage pit in the street, or
- a kerb outlet provided in the existing kerb, or
- an inter-allotment drainage line provided, or
- an infiltration pit located within the property and overflow pipe to an existing curb or inter-allotment drainage line provided.

No overflow is required for rural and rural-residential properties provided discharge is a minimum of 10m from the receiving boundary.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1

## Amendments

**Development consisting of, or for the purpose of the following:****Complying development standards***Streetscape*

- Dwelling-house must be set back at least 6m from the front property boundary and, if located on a corner allotment, at least 3m from the property boundary on the secondary street.
- Dwellings must have a front door or window to a habitable room facing the street.

*Water and sewer*

- Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply.
- Alterations or renovations to previously completed buildings only.
- Non-structural work only.
- Work must not reduce light from windows or ventilation or reduce the number or size of exits or involve enclosure of open areas.
- Must not create an additional occupancy.

Internal fit out to existing shops or commercial premises

*Water and sewer*

- Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply.

Carport or detached garage

*Bulk and scale*

- Maximum area 40m<sup>2</sup>.
- Maximum height of 3m at any point.
- No enclosing walls for pergolas or carports.
- Timber construction complies with AS 1684, *National Timber Framing Code*.

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

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<b>Development consisting of, or for the purpose of the following:</b>	<b>Complying development standards</b>
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- Metal construction is of prefabricated design and erected in accordance with manufacturers' specification.
- Structure wholly within property boundaries and building line.
- There is a 900mm side boundary setback if the structure is closer than 900mm to the dwelling.

***Bush fire prone land requirements***

- Must comply with *Planning for Bushfire Protection* (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning) and AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

***Heritage conservation area and heritage item requirements***

- Located behind the rear alignment of the building.
- 1 only.

***Site access and parking***

- Carports and garages facing the street must not be more than 6m wide or 50% of the frontage width of the allotment, whichever is the lesser.
- Driveways must be located a minimum of 6m from a road boundary intersection.
- Maximum of 1 driveway is permitted to any residential allotment, with a minimum separation of 1m.

***Stormwater drainage***

Roof stormwater run-off must be discharged to an infiltration trench with overflow to:

- a roadside table drain or drainage channel (with concrete end protection), or
- a street kerb and gutter using a kerb adaptor, or

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1 Amendments

Development consisting of, or for the purpose of the following:	Complying development standards
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	<ul style="list-style-type: none"> <li>the rear of an existing drainage pit in the street, or</li> <li>a kerb outlet provided in the existing kerb, or</li> <li>an inter-allotment drainage line provided, or</li> <li>an infiltration pit located within the property and overflow pipe to an existing curb or inter-allotment drainage line provided.</li> </ul> <p>No overflow is required for rural and rural-residential properties provided discharge is a minimum of 10m from the receiving boundary.</p> <p><b>Water and sewer</b></p> <ul style="list-style-type: none"> <li>Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply if development includes toilet, laundry or bathroom facilities.</li> </ul>
Swimming pool (associated with a dwelling)	<p><b>Bulk and scale</b></p> <ul style="list-style-type: none"> <li>Must be located behind the dwelling and at least 6m from the front property boundary.</li> <li>Must be at least 1.5m from the side and rear boundaries.</li> <li>If located on a corner allotment, must be at least 3m from the property boundary on the secondary street.</li> <li>Coping and decking must be no more than 500mm above the existing ground level.</li> </ul> <p><b>Privacy and security</b></p> <ul style="list-style-type: none"> <li>Noise level of any filtration equipment or pumps must not exceed 5dBA above the ambient background noise level when measured at the property boundary.</li> </ul>



Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Amendments

Schedule 1

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<b>Development consisting of, or for the purpose of the following:</b>	<b>Complying development standards</b>
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<p>Subdivision for the purpose of:</p> <p>(a) widening a public road, or</p> <p>(b) adjusting a boundary between lots (other than on bush fire prone land), or</p> <p>(c) correcting an encroachment on a lot, or</p> <p>(d) consolidating lots.</p>	<p><b><i>Legislation and standards</i></b></p> <ul style="list-style-type: none"> <li>• Must comply with the <i>Swimming Pools Act 1992</i>, the <i>Swimming Pools Regulation 1998</i>, and AS 1926.2—1995, <i>Swimming pool safety—Location of fencing for private swimming pools</i>.</li> </ul> <p><b><i>Heritage conservation area and heritage item requirements</i></b></p> <ul style="list-style-type: none"> <li>• Located behind the rear alignment of the building.</li> <li>• Minimum lot sizes comply with this plan.</li> <li>• Services associated with a building on a lot affected by the subdivision are contained within the same lot as the building, or appropriate easements are created.</li> <li>• The subdivision must not create any additional allotments.</li> <li>• Boundary adjustments within Zones Nos 1 (a) and 1 (c) are to have a maximum variation of 10% for both the lot area and the location of the common boundary.</li> </ul> <p><b><i>Heritage conservation area and heritage item requirements</i></b></p> <ul style="list-style-type: none"> <li>• Boundary adjustments in heritage conservation areas must not result in more than a 5% change in area for each allotment created.</li> </ul>
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**[3] Dictionary**

Insert in alphabetical order:

***building line or setback*** means the horizontal distance between the property boundary or other stated boundary and a building wall or the outside face of a balcony, deck or the like, or the supporting posts or a carport or verandah roof.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1

## Amendments

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***bush fire prone land*** means land recorded as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

***environmentally sensitive area of State significance*** means:

- (a) coastal waters of the state, or
- (b) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (c) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (d) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
- (e) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (f) land reserved as a State conservation area under the *National Parks and Wildlife Act 1974*, or
- (g) land, places, buildings or structures listed on the State Heritage Register, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

***home-based child care*** or ***family day care home*** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the person providing the child care is appropriately licensed under the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children at the dwelling (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Amendments

## Schedule 1

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***maintenance*** in relation to a heritage item or a building, work, relic, tree or place within a heritage conservation area, means ongoing protective care. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

***market*** means an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for retail sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

***private open space*** means an area of land external to a building that is used for private outdoor purposes ancillary to the use of the building.

***public entertainment*** means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration demanded:
  - (i) as a charge for a meal or other refreshment before admission is granted, or
  - (ii) as a charge for the entertainment after admission is granted.

***public land*** means any land (including a public reserve) vested in or under the control of Council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

***public reserve*** has the same meaning as in the *Local Government Act 1993*.

***site coverage*** means the proportion of a site area covered by buildings. However:

- (a) in relation to residential development, the following are not included for the purpose of calculating site coverage:
  - (i) a basement,

## Port Stephens Local Environmental Plan 2000 (Amendment No 26)

## Schedule 1

## Amendments

- 
- (ii) pedestrian awnings adjoining the street frontage,
  - (iii) eaves, and
  - (b) in relation to commercial development, the following are not included for the purpose of calculating site coverage:
    - (i) a basement,
    - (ii) pedestrian awnings adjoining the street frontage,
    - (iii) unenclosed pedestrian decks adjoining the street frontage,
    - (iv) transparent or translucent roof structures over a landscaped area.

***swimming pool*** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include the following:

- (c) a spa bath,
- (d) anything that is situated within a bathroom,
- (e) anything declared by the regulations under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

## Department of Primary Industries

### COAL MINE HEALTH AND SAFETY ACT 2002

Appointment of Members of Coal Competence Board

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources appoint Ian Malcolm MURRAY and Keith SHAW as members to the Coal Competence Board pursuant to Section 132 (1) (c) of the Coal Mine Health and Safety Act 2002 commencing on the date of this appointment instrument and expiring on 30 June 2009.

Dated this 10th day of April 2007.

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

### COAL MINE HEALTH AND SAFETY ACT 2002

Appointment of Members of Coal Competence Board

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources appoint David Samuel MELLOWS and Robert Gavin TAYLOR as members to the Coal Competence Board pursuant to Section 132 (1) (b) of the Coal Mine Health and Safety Act 2002 commencing on the date of this appointment instrument and expiring on 30 June 2009.

Dated this 10th day of April 2007.

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

### EXHIBITED ANIMALS PROTECTION ACT 1986

Appointment of Member

Exhibited Animals Advisory Committee

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 6 (3) and 6 (4) (f) of the Exhibited Animals Protection Act 1986, appoint:

Mr Paul METCALFE

to the Exhibited Animals Advisory Committee, from 23 December 2006 to the date hereof.

Dated this 10th day of April 2007.

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

### EXHIBITED ANIMALS PROTECTION ACT 1986

Appointment of Member

Exhibited Animals Advisory Committee

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 6 (3) and 6 (4) (f) of the Exhibited Animals Protection Act 1986, appoint:

Mr Paul METCALFE

to the Exhibited Animals Advisory Committee, from the date hereof until 22 December 2009.

Dated this 10th day of April 2007.

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

### FISHERIES MANAGEMENT ACT 1994

Notification under Section 163 (7) of the Fisheries Management Act 1994 and clause 33 of the Fisheries Management (Aquaculture) Regulation 2002

Notice of Receipt of Application for Aquaculture Lease

NSW Department of Primary Industries (DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is Crookhaven River, described as follows:

- Approx 2.3841 hectares over former oyster lease OL69/455 (AL06/007, if granted)

DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL06/007 to be signed and dated with a return address. If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

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

Director, Fisheries Conservation and Aquaculture Branch,  
Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, Nelson Bay NSW 2315.

BILL TALBOT,  
Director, Fisheries Conservation and Aquaculture,  
Department of Primary Industries

### GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Revocation of Appointments and Appointment

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries pursuant to section 22 (1) of the Gene Technology (GM Crop Moratorium) Act 2003 ('the Act') hereby:

- (a) revoke the appointment of Nicholas ANNAND, Peter DALEY and Richard LANDON, as Inspectors under the Act signed by the Director-General NSW Department of Agriculture on 16 September 2003;
- (b) revoke the appointment, of Ross TYALOR, as an Inspector under the Act, published in New South Wales Government Gazette No.58 dated 28 April 2006 at page 2449; and

- (c) appoint Ross TAYLOR as an Inspector under the Act.

Dated this 1st day of May 2007.

B. D. BUFFIER,  
Director-General,  
Department of Primary industries

## OCCUPATIONAL HEALTH AND SAFETY ACT 2000

### Appointment of Inspectors under Section 47A

I, ALAN COUTTS, Deputy Director-General, Department of Primary Industries Mineral Resources, pursuant to section 47A of the Occupational Health and Safety Act 2000 ("the Act"):

- (a) hereby revoke the appointment, published in New South Wales Government Gazette No. 135 of 10 November 2006 at page 9549, of Janet TOWN and Robert Alan JAY as Inspectors under the Act; and
- (b) appoint the persons listed in column A of the Schedule below as Inspectors subject to the limitation described in column B, from date of appointment.

"Function" includes duty or power.

Dated this 24th day of April 2007.

ALAN COUTTS,  
Deputy Director General Mineral Resources,  
Department of Primary Industries  
(by delegation)

### SCHEDULE

<i>Column A</i> <i>Name of Person</i>	<i>Column B</i> <i>Limitation of Appointment</i> <i>(functions outside Inspectors</i> <i>powers)</i>
Owen Stuart BARRY	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Raymond Charles COX	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Bernard William GITTINS	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Robert Alan JAY	Functions of an Inspector under section 32B, section 106 and section 108 of the Act
Janet TOWN	Functions of an Inspector under section 32B, section 106 and section 108 of the Act

## PLANT DISEASES ACT 1924

### Appointment of Inspectors

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 11 (1) of the Plant Diseases Act 1924 ("the Act"), appoint the persons named in Schedule as inspectors under the Act.

### SCHEDULE

Robert DEAN  
Diane BAGLIN  
Debbie SIMS

Dated this 1st day of May 2007.

B. D. BUFFIER,  
Director-General,  
Department of Primary industries

## PLANT DISEASES ACT 1924

### Appointment of Inspectors

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 11 (1) of the Plant Diseases Act 1924 ("the Act") appoint the persons named in Schedule as inspectors under the Act:

### SCHEDULE

Stephen HADEN  
Rick SHEERS  
Matthew CONNOLLY  
Mark CLEMENTSON

Dated this 30th day of April 2007.

B. D. BUFFIER,  
Director-General,  
Department of Primary industries

## PLANT DISEASES ACT 1924

### OR94: Order under Section 13A

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 13A of the Plant Diseases Act 1924, believe that this Order is necessary in order to avoid an adverse effect on trade in fruit and by this Order I hereby:

- (a) from 15 May 2007, authorise an inspector to enter all land or premises with a frontage to or access from a street which is within an urban 60 km an hour or less speed limit zone in the towns specified in Schedule 1 to carry out the fruit fly treatment specified in Schedule 2, to control the pest Queensland Fruit Fly, and
- (b) provide that the process for objecting to the carrying out of fruit fly treatment is as specified in Schedule 3.

### SCHEDULE 1

#### Specified Towns

Barellan	Goolgowi	Mathoura
Barham	Griffith	Merriwagga
Barooga	Grong Grong	Menindee
Berrigan	Hay	Moama
Broken Hill	Hillston	Mulwala
Corowa	Howlong	Narrandera
Darlington Point	Jerilderie	Tocumwal
Deniliquin	Kamarah	Wamoon
Finley	Leeton	Yanco
		Yenda



## SCHEDULE 2

## Fruit Fly Treatment

In this Order:

fruit fly treatment means any one or a combination of the following:

- (a) Fruit fly bait spraying: A registered insecticide plus protein autolysate extract is applied to plant foliage as a spot spray from a backpack spray unit. Note: The registered insecticide is Hy-Mal® that has the active constituent “maldison”. The protein autolysate extract is Natfl av 500®. Australian Pesticides and Veterinary Medicines Authority permit number: PER7364.
- (b) Cover spray of fruit trees: A registered insecticide spray is applied to the plant foliage and fruit on fruit trees as a mist spray from a backpack spray unit or by a powered spray unit. Note: The registered insecticide is Lebaycid® that has the active constituent “fenthion”.
- (c) The release of sterile Queensland Fruit Fly.

## SCHEDULE 3

Objection to Fruit Fly Treatment  
Authorised by this Order

1. An occupier of land or premises on which fruit fly treatment is authorised by this Order to be carried out may object to the carrying out of the fruit fly treatment.
2. An objection must:
  - (a) be in writing addressed to the Director-General of the NSW Department of Primary Industries, and
  - (b) identify the property concerned and state the name and contact details of the person objecting.
3. An objection will only be considered if it is:
  - (a) received by the Regional Director DPI Relations South West, NSW Department of Primary Industries, Private Mail Bag, Yanco NSW 2703, by 4:00 pm on 14 May 2007, or
  - (b) delivered to an inspector who, for the purpose of carrying out the fruit fly treatment, has entered the land or premises of the person objecting to the fruit fly treatment being carried out.
4. An objection received under paragraph 3 (a) of Schedule 3 but not within the time specified in that paragraph, may be considered before the time that an inspector attends a property to carry out the fruit fly treatment.

Note: This Order remains in force for 6 months from the date it is made.

Dated this 1st day of May 2007.

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

## STOCK DISEASES ACT 1923

## Appointment of Inspector

Notification No.: 472

I, BARRY DESMOND BUFFIER, Director-General of NSW Department of Primary Industries, pursuant to section 6 (1) of the Stock Diseases Act 1923, (“the Act”) appoint Warwick Walter STORM as an Inspector for the purposes of the Act.

Dated this 30th day of April 2007.

B. D. BUFFIER,  
Director-General,  
Department of Primary industries

## MINERAL RESOURCES

NOTICE is given that the following applications have been received:

## EXPLORATION LICENCE APPLICATIONS

(07-185)

No. 3080, CONARCO MINERALS PTY LTD (ACN 102 750 890), area of 100 units, for Group 1, Group 2, Group 3 and Group 6, dated 24 April 2007. (Armidale Mining Division).

(07-186)

No. 3081, ISABELLA MINERALS PTY LTD (ACN 125 035 841), area of 33 units, for Group 1, dated 24 April 2007. (Orange Mining Division).

(07-188)

No. 3082, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), area of 164 units, for Group 1, dated 26 April 2007. (Sydney Mining Division).

(07-189)

No. 3083, ELLEMBY RESOURCES PTY LIMITED (ACN 096 401 932), area of 86 units, for Group 1, dated 27 April 2007. (Broken Hill Mining Division).

(07-190)

No. 3084, TASMAN GOLDFIELDS NSW PTY LTD (ACN 124 228 473), area of 6 units, for Group 1, dated 30 April 2007. (Wagga Wagga Mining Division).

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

NOTICE is given that the following applications have been granted:

## EXPLORATION LICENCE APPLICATIONS

(06-84)

No. 2667, now Exploration Licence No. 6746, OROYA MINING LIMITED (ACN 009 146 794), County of Dampier, Map Sheet (8925), area of 100 units, for Group 1, dated 5 April 2007, for a term until 4 April 2009.

(06-4209)

No. 2913, now Exploration Licence No. 6757, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), County of Fitzgerald, Map Sheet (7536, 7537), area of 18 units, for Group 1, dated 19 April 2007, for a term until 18 April 2009.

(07-77)

No. 2977, now Exploration Licence No. 6750, DAVID CHARLES PRENDERGAST AND TREVOR PRENDERGAST, County of Oxley, Map Sheet (8334), area of 4 units, for Group 1, dated 17 April 2007, for a term until 16 April 2009.

**MINING LEASE APPLICATION**

(06-33)

Singleton No. 293, now Mining Lease No. 1592 (Act 1992), BENGALLA MINING COMPANY PTY LIMITED (ACN 053 909 470), Parish of Clanricard, County of Brisbane, Map Sheet (9033-2-N), area of 1.04 hectares, to mine for coal, dated 19 April 2007, for a term until 19 April 2028. As a result of the grant of this title, Assessment Lease No. 13 (Act 1992) has partly ceased to have effect.

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

NOTICE is given that the following application has been refused:

**PETROLEUM APPLICATION**

(07-422)

No. 81 lodged by GUNNEHAH GAS PTY LTD (ACN 115 880 772) over 140 blocks in the (Orange Mining Division). Refusal took effect on 24 April 2007.

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

NOTICE is given that the following application has been withdrawn:

**EXPLORATION LICENCE APPLICATION**

(07-176)

No. 3071, ELLEMBY RESOURCES PTY LIMITED (ACN 096 401 932), County of Evelyn and County of Tongowoko, Map Sheet (7238, 7338). Withdrawal took effect on 27 April 2007.

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

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

(T92-0436)

Exploration Licence No. 4512, WESTERN PLAINS RESOURCES LTD (ACN 109 426 502), area of 27 units. Application for renewal received 27 April 2007.

(C03-0101)

Exploration Licence No. 4575, MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) AND SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), area of 960.6 hectares. Application for renewal received 20 April 2007.

(05-167)

Exploration Licence No. 6425, LADY BURBETT MINING PTY LIMITED (ACN 109 556 158), area of 19 units. Application for renewal received 26 April 2007.

(T01-0456)

Mining Purposes Lease No. 287 (Act 1973), VERNON JOHN MARRIOTT, area of 1.351 hectares. Application for renewal received 30 April 2007.

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

**RENEWAL OF CERTAIN AUTHORITIES**

NOTICE is given that the following authorities have been renewed:

(T03-1107)

Mining Purposes Lease No. 183 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 1.25 hectares, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

(T03-1108)

Mining Purposes Lease No. 184 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 4.43 hectares, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

(T03-1109)

Mining Purposes Lease No. 185 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 1.39 hectares, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

(T03-1110)

Mining Purposes Lease No. 186 (Act 1973), BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), Parish of Picton, County of Yancowinna, Map Sheet (7134-2-S), area of 4852 square metres, for a further term until 31 December 2026. Renewal effective on and from 24 April 2007.

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



## Roads and Traffic Authority

### ROADS ACT 1993

Order -Sections 46, 49, 54 and 67

Goulburn Mulwaree Council area

Dedication of Land as Public Road and Declaration as a  
Controlled Access Road of part of the Federal Highway at  
Yarra

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order:-

1. dedicate as public road the land described in Schedule 1 under;
2. declare to be a main road the said public road described in Schedule 1 and the public road described in Schedule 2 under;
3. declare to be a controlled access road the said main road described in Schedules 1 and 2;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 3 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC**  
**MINISTER FOR ROADS**

### SCHEDULE 1

ALL those pieces or parcels of land situated in the Goulburn Mulwaree Council area, Parish of Wologorong and County of Argyle shown as:

Lots 4, 5 and 6 Deposited Plan 1072073.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown in RTA Plan 0003 297 AC 4003.

### SCHEDULE 2

ALL those pieces or parcels of public road situated in the Goulburn Mulwaree Council area, Parish of Wologorong and County of Argyle shown as:

Lot 24 Deposited Plan 261591; and

Lot 200 in RTA Plan 0003 297 AC 4003.

The above Lots are shown in RTA Plan 0003 297 AC 4003.

### SCHEDULE 3

Between the points A2 and B2 shown in RTA Plan 0003 297 AC 4003.

(RTA Papers 3/297.112 Pt 5)

### ROADS ACT 1993

Order -Sections 46, 49, 54 and 67

Bega Valley Shire Council area

Dedication of Land as Public Road and Declaration as a  
Controlled Access Road of part of the Princes Highway  
between Frogs Hollow and Wolumla

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order:-

1. dedicate as public road the land described in Schedule 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a controlled access road the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC**  
**MINISTER FOR ROADS**

### SCHEDULE 1

ALL that piece or parcel of land situated in the Bega Valley Shire Council area, Parish of Kameruka and County of Auckland shown as:

Lot 3 Deposited Plan 1000509.

The above Lot comprises the whole of the land in the correspondingly numbered Certificate of Title and is shown in RTA Plan 0001 032 AC 4003\_1.

## SCHEDULE 2

ALL those pieces or parcels of land situated in the Bega Valley Shire Council area, Parishes of Kameruka and Wolumla and County of Auckland shown as:  
Lots 42, 43, 44, 47, 48 and 49 Deposited Plan 787823;

Lot 16 Deposited Plan 1000381;

Lots 57, 58 and 60 Deposited Plan 787824;

Lot 6 Deposited Plan 584801;

Lots 11 to 15 inclusive Deposited Plan 252441;

Lots 8, 9 and 10 Deposited Plan 252443;

Lots 9, 10 and 11 Deposited Plan 252442; and

Lots 2 and 4 to 13 inclusive Deposited Plan 250630.

The above Lots are all shown in RTA Plans 0001 032 AC 4003\_1 and\_2.

## SCHEDULE 3

ALL those pieces or parcels of public road situated in the Bega Valley Shire Council area, Parishes of Kameruka and Wolumla and County of Auckland shown as:

Lots 39 and 40 Deposited Plan 787823;

Lot 17 Deposited Plan 1000381;

Lots 100 and 101 in RTA Plan 0001 032 AC 4003\_1 (sheet 1);

Lot 1 Deposited Plan 552683;

Lot 5 Deposited Plan 584801;

Lots 102, 103 and 104 in RTA Plan 0001 032 AC 4003\_1 (sheet 2);

Lots 105 to 108 inclusive in RTA Plan 0001 032 AC 4003\_2 (sheet 1);

Lots 1 and 3 and 24 to 28 inclusive Deposited Plan 250630;

Lots 109 to 111 inclusive in RTA Plan 0001 032 AC 4003\_2 (sheet 2); and

Lots 3 to 24 inclusive Deposited Plan 250882.

The above Lots are all shown in RTA Plans 0001 032 AC 4003\_1 and\_2.

## SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H;

between the points J and K;

between the points L and M; and

between the points N and P, all shown in RTA Plans 0001 032 AC 4003\_1 and\_2.

(RTA Papers 1/32.1418 Pt 2)

## ROADS ACT 1993

## Order - Section 31

Fixing or Varying of Levels of part of the Pacific Highway north of Taree in the Kempsey Shire Council area

The Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of part of Highway No 10 – Pacific Highway between 112.68 km to 113.46 km north of Taree, as shown on Roads and Traffic Authority Plan No 0010.235MW6380.

Renae Elrington  
A/Project Services Manager  
Roads and Traffic Authority of New South Wales  
31 Victoria Street  
Grafton NSW 2460

(RTA Papers FPP 235.5357; RO PM A/00510.11/10)

## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977 to MidCoast Water to designate, advertise and recruit a position as a Trainee Water Industry Operator for a person of Aboriginal or Torres Strait Islander descent.

This exemption will remain in force for a period of five (5) years from the date given.

Dated this 18th day of April 2007.

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

### ASSOCIATIONS INCORPORATION ACT 1984

#### Cancellation of Incorporation Pursuant to Section 54

TAKE notice that the incorporation of the following associations are cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Gold Star Social Sports Club Incorporated  
Inc9875949

Islamic Youth Movement Incorporated Y2557312  
Bankstown Chamber of Commerce and Industry Inc  
Y1283529

Islamic Heritage Association of Australia  
Incorporated Y2109101

N.S.W. War Widows Association Incorporated  
Inc9885333

Marthoma Church Sydney Incorporated Y2797825

Dated: 27 April 2007.

COLIN CROSSLAND,  
General Manager,  
Registry of Co-operatives and Associations,  
Office of Fair Trading,  
Department of Commerce

### DISTRICT COURT CRIMINAL PRACTICE NOTE 6

#### Sexual Assault Case List

THE purpose of this Practice Note is to create separate lists for sexual assault cases coming before the District Court to ensure all such cases are kept under close management and are dealt with as expeditiously as possible.

1. Each Registry of the Court should maintain a separate list of cases involving sexual assault charges. The list should indicate when the matter was committed for trial. In the callovers to list trials and monitor the status of trials, these cases should be called over as a separate section of the general list. Matters involving a child complainant should be identified and given priority over matters involving adult complainants.
2. In fixing these cases for trial they should wherever possible be listed for trial within four months of the date of committal for trial but in no case later than six months

from committal. The longer period of six months is only to make allowance for country areas where the Court sits on a circuit basis. Generally the Court has the capacity to list cases within the four month period and if Registry Managers have difficulties in listing such cases within the specified time standards, they should communicate with the Manager, Criminal Listings and Judicial Arrangements, in Sydney because any appropriate cases can be transferred to Sydney or Sydney West where early dates are always available.

In sexual assault cases the impact on the complainant will be a primary consideration. Counsel accepting a brief to appear in these cases in committal proceedings should do so on the basis that they will be able to appear in the trial within four months after committal for trial.

3. If there should occur a situation where a particular Court has more trials listed in the week than can be accommodated, priority should be given to sexual assault cases being heard subject only to cases where an accused is in custody solely on some other charge. Care should be taken when listing country circuits not to over list sexual assault matters where this could result in the cases not being reached.
4. In the management of sexual assault cases every effort should be made to identify when a complainant will be required to give evidence in order to avoid unnecessary anxiety in the complainant.
5. In cases involving charges of sexual assault, complainants who are required to give evidence are often anxious about the trial process, the need to confront the accused, give evidence and be cross-examined. The level of that anxiety naturally increases as the trial approaches and can be expected to reach its highest level on the day of trial.

When the case is adjourned on the day of trial or the accused pleads guilty on the day of trial, that anxiety is not avoided.

Practitioners should notify the Court as soon as possible of an intention to seek to vacate the trial or to enter a plea of guilty. This can be done by listing the case for mention before the trial date (see Practice Note 5). It can also be done by letter, facsimile or email. This is to ensure there is a record of the notification. A copy of any such notification should also be sent to the prosecution.

Where no such notification is received prior to the trial date, the Court record will reflect this and if the plea is on the day of trial that will normally be taken into consideration when passing sentence.

6. During the course of sexual assault trials it is desirable to provide some certainty to complainants as to when they will give evidence and where possible the giving of evidence should be arranged accordingly.
7. Generally speaking it is not appropriate for a sexual assault trial to commence unless a daily transcript is available. Appropriate arrangements should be made with Reporting Services Branch to ensure in advance that a daily transcript will be available.

Dated 27 April 2007.

The Hon Justice R. O. BLANCH,  
Chief Judge

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Proposal to Determine Address Locality Names and Boundaries within the Richmond Valley Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to define the address locality names and boundaries in the Richmond Valley Local Government Area as shown on map GNB3746-1.

The following fifty three names are proposed for address localities as shown on map GNB3746-1:

Backmede, Banyabba, Bentley, Bora Ridge, Broadwater, Bungawalbin, Busbys Flat, Camira, Casino, Clearfield, Clovass, Coombell, Codrington, Coraki, Dobies Bight, Doonbah, East Coraki, Ellangowan, Esk, Evans Head, Fairy Hill, Gibberagee, Greenridge, Hogarth Range, Irvington, Kippenduff, Leeville, McKees Hill, Mongogarrie, Mount Marsh, Myrtle Creek, Naughtons Gap, New Italy, North Casino, Piora, Rappville, Rileys Hill, Shannon Brook, Six Mile Swamp, Spring Grove, Stratheden, Swan Bay, Tabbimoble, Tatham, Upper Mongogarrie, West Bungawalbin, West Coraki, Whiporie, Woodburn, Woodview, Wyan, Yorklea

Map GNB3746-1 may be viewed at the Richmond Valley Council Administration Centres at the corner of Walker Street and Graham Place, Casino and at the corner of Woodburn Street and School Lane, Evans Head, the Richmond Upper Clarence Regional Libraries at Graham Place, Casino, Oak Street, Evans Head, Union Street, Coraki and at the Community Hall, Broadwater from Thursday 3 May 2007 until Friday 8 June 2007.

A copy of map GNB3746-1 will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795 during the above dates.

Any person wishing to make comment upon this proposal may prior to 7 June 2007 write to the Secretary of the Geographical Names Board with that comment. This proposal may also be viewed and submissions lodged on the Geographical Names Board website at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au) during the one month consultation period.

WARWICK WATKINS,  
Chairperson

Geographical Names Board,  
PO Box 143, Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of section 7 (1) of the Geographical Names Act 1966, the Geographical Names Board has this day re-assigned the geographical names listed hereunder in the Sutherland Shire Local Government Area with the following designations.

<i>Name</i>	<i>Current Designation</i>	<i>Proposed New Designation</i>
Audley	Locality	Rural Place
Birniemere	Locality	Historical Place
Bonnie Vale	Locality	Rural Place
Calala	Locality	Rural Place
Caravan Head	Locality	Urban Place

<i>Name</i>	<i>Current Designation</i>	<i>Proposed New Designation</i>
Curracurrang	Locality	Rural Place
Curracurrong	Locality	Rural Place
Curra Moors	Locality	Moor
Deer Park	Locality	Rural Place
Fern Tree Flat	Locality	Flat
Fig Tree Flat	Locality	Flat
Flat Rock Crossing	Locality	Rural Place
Forest Island	Locality	Rural Place
Fosters Flat	Locality	Flat
Garie	Locality	Rural Place
Giles Junction	Locality	Rural Place
Gundamaian	Locality	Rural Place
Holtmere	Locality	Historical Place
Jersey Springs	Locality	Rural Place
Lady Carrington Bower	Locality	Rural Place
Little Forest	Locality	Rural Place
Lower Peach Trees	Locality	Rural Place
Mcdonald Flat	Locality	Flat
Morella Karong	Locality	Rural Place
Murphy Heights	Locality	Rural Place
Pass of Sabugal	Locality	Pass
Quibray	Locality	Rural Place
Reids Flat	Locality	Flat
Robertson Grove	Locality	Rural Place
Tall Timbers	Locality	Rural Place
The Cobblers	Locality	Rural Place
The Meadows	Locality	Rural Place
The Needles	Locality	Rural Place
The Waterrun	Locality	Rural Place
Thorps Forest	Locality	Rural Place
Upper Peach Trees	Locality	Rural Place
Walkers Garden	Locality	Rural Place
Warumbul	Locality	Rural Place
Wattamolla	Locality	Rural Place
Wattle Forest	Locality	Rural Place
White Poplars	Locality	Rural Place
Audley	Locality	Rural Place

Also pursuant to the provisions of section 14 (2) of the Geographical Names Act 1966, the Geographical Names Board has this day discontinued the geographical names listed hereunder in the Sutherland Shire Local Government Area:

Heathcote Heights, formally designated as a locality and Port Hacking, formally designated as a suburb.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards website at [www.lpi.nsw.gov.au/geog/](http://www.lpi.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairman

Geographical Names Board,  
PO Box 143, Bathurst 2795

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Determination of Address Locality Names and Boundaries within the Western Lands Unincorporated Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day determined address locality names and boundaries in the Western Lands Unincorporated Area as shown on map GNB5101.



The fourteen names assigned for address localities as shown on map GNB5101 are: Broken Hill, Broughams Gate, Fowlers Gap, Little Topar, Menindee, Milparinka, Mutawintji, Packsaddle, Poocarie, Scotia, Silvertown, Tibooburra, Wanaaring and White Cliffs.

The position and extent for these feature is shown in the Geographical Names Register which can be viewed on the Board's internet site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au).

WARWICK WATKINS,  
Chairperson

### GEOGRAPHICAL NAMES ACT 1966

Notice of Amendment of Address Locality Boundaries within the Shellharbour Local Government Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended the address locality boundaries of Tullimbar and Yellow Rock in the Shellharbour Local Government Area as shown on map GNB2535-1-A.

The position and extent for these feature is shown in the Geographical Names Register which can be viewed on the Board's internet site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au).

WARWICK WATKINS,  
Chairperson

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

### HOUSING ACT 2001

Dedication of Land as Public Resetrve

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 34 (3) and 34 (4) of the Housing Act 2001 that the lands described in the Schedule below are dedicated as Public Reserves and vested in the Council of the Shire of Wyong.

Dated this eighteenth day of April 2007.

KEN BONE,  
Acting Manager,  
Resitech

### SCHEDULE

The land shown as Lot 7234 on the plan of land at Tumbi-Umbi in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 812773.

The land shown as Lot 900 on the plan of land at Tumbi-Umbi in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 786123.

The land shown as Lot 204 on the plan of land at Tumbi-Umbi in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 777430.

The land shown as Lot 190 on the plan of land at Killarney Vale in the Shire of Wyong, Parish of Tuggerah, County of Northumberland, registered in the Land and Property Information Division, Department of Lands as Deposited Plan No. 794185.

## LOCAL GOVERNMENT REMUNERATION TRIBUNAL

2007 Annual Review

Preamble:

On 13 December 2006 the Governor of NSW appointed a new Local Government Remuneration Tribunal. The former Tribunal, the Hon Charles Cullen QC had held the office since the creation of the Tribunal under the Local Government Act 1993 and was the architect of the current classification and remuneration scheme. This Tribunal wishes to state publicly its appreciation for the work of Mr Cullen for the past 13 years in formalising the categorisation and remuneration arrangements for Local Councils and Shires in New South Wales. The Tribunal having read Mr Cullen's previous Reports and Determinations considers the scheme which he introduced to be flexible enough to require no significant change.

GENERAL:

1. Pursuant to Section 241 of the Local Government Act 1993 (the Act) the Local Government Remuneration Tribunal hereby determines the categories for Councils, County Councils and mayoral officers and the maximum and minimum amount of fees to be paid to mayors and Councillors of Councils, as well as chairpersons and members of County Councils.
2. On 17 January 2007 the Tribunal wrote to all Mayors advising the commencement of the 2007 annual review. In respect of this review the Tribunal stated that:

"...The Tribunal will be undertaking a review of the minimum and maximum fee levels for each Category. As in previous years the Tribunal will consider as part of this review the main economic indicators and any submissions you wish to make on the matter.

Categorisation

In accordance with Section 239 of the Act the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. Categories of councils and mayoral office were last determined by the Tribunal in 2006. As outlined in the report and determination of 19 April 2006, the Tribunal determined that Category 5 councils should be merged with Category 4 Councils and that Category 5 would be abolished. The Tribunal found that the remaining existing categories were still appropriate and determined no further changes.

The Tribunal does not intend to undertake a further review of categories during the 2007 review. The Tribunal will review the categories of Councils again as part of the 2009 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils."

3. The Tribunal also wrote to the Presidents of the Local Government and Shires Associations in similar terms, and subsequently met with the Presidents. The Tribunal wishes to place on record its appreciation to the Presidents for making time to see the Tribunal.
4. The LGSA has again provided a submission on fees and related matters. In addition the LGSA commissioned a survey of Councillors undertaken by consultants and has provided the recommendations arising from that survey. These are summarised hereunder:

- a. The Tribunal provide an appropriate increase in fees to reduce the impact of financial hardship.
  - b. The Tribunal increase fees to reflect the time commitment, increased complexity of issues, and Councils ability to attract and retain high calibre and experienced candidates for office.
  - c. That a mechanism be established to ensure that future determinations of fees for Mayors and Councillors are adjusted regularly and on an equitable basis.
  - d. To align with the practice of external boards of directors, Councillor fee be equivalent to 50% of total Mayor remuneration.
  - e. Mayoral fees be set as a percentage of MPs salaries. In the case of 1A and S2 Mayors to receive 80% of MPs salary.
  - f. An amendment to the Act to allow for an additional allowance for Councillors who act in the office of Mayor when the Mayor is on leave or otherwise.
  - g. An additional allowance for Councillors who take on the role of chairing one or more of the formal sub-committees of Council.
5. The LGSA also submitted that the Tribunal did not properly address its submission of 25 August 2005 regarding Category 3 Councils, particularly those which could be categorized as "regional centres."
  6. The Tribunal has examined its previous records concerning this matter and notes that the Tribunal has, in its 2006 Report, considered the issues raised in the LGSA's submission and those of other Category 3 Councils in making its assessment. The reference to the LGSA not addressing the criteria appears to have been misunderstood, as the questions referred to concerned Councils in Categories 1,1A and Special Category 2 whereas the thrust of the LGSA submission referred to Category 3 Councils.
  7. In respect of the recommendations arising from the Consultants survey the Tribunal provides the following comment.
  8. The Tribunal sets fees for Councillors and Mayors. These fees, as has been stated in previous reports, are not salaries: they are essentially to provide some compensation to Councillors for the time and effort they spend on Council business. Councillors and Mayors are elected. Applicants who aspire to such civic office do so voluntarily. The fees payable are published and are generally known when an applicant stands for office. The Tribunal does not, therefore, see a need to provide an increase in fees to alleviate financial hardship.
  9. As Council representation is voluntary and Councillors are elected to office, the Tribunal does not consider it is appropriate to equate the office of Councillor with a position in paid employment. The Survey itself confirmed, when dealing with responses to the question of reasons for becoming a Councillor, that 81 percent of respondents stated that it was to perform a civic duty whereas 1.4 percent responded that it was for remuneration and reward. The Tribunal does accept the proposition put by the LGSA that these responses do not mean that the fees are necessarily appropriate for the role and responsibilities of Councillors. However the Tribunal notes that fees were not the motivator for people wishing standing for election to Local Government.
  10. The Tribunal also considers the proposal to align fees based on the example of Company Boards to be inappropriate. Company Board representatives are individually selected for the particular skills they bring to the Board whereas Councillors are elected based on a particular platform or party allegiance. Given the large number of Councillors in Local Government and the wide variety of skills, attributes and abilities of Councillors the Tribunal is not convinced that the suggested approach to fee setting for Councillors is appropriate.
  11. The Tribunal is aware that the argument about the equity of the fee structure and its low base has been raised by the LGSA in the past and has been resisted by the Tribunal. The Tribunal is prepared to reexamine this matter but in the time available cannot do so under the current review.
  12. The Tribunal therefore will undertake a review of the fee levels as part of the 2008 review to determine whether the current arrangements are adequate or whether changes need to be made. The Tribunal notes that the 2004 LGSA submission dealt with the changing nature of the activities involved but that submission may need to be updated by LGSA for 2008.
  13. The LGSA's report has also recommended that the fees for Mayors be set at a percentage of the salary of a State Member of Parliament. For mayors in 1A and S2 the report recommends a fee set at 80 percent of a Member's salary. This issue of a nexus with MPs salaries also has been raised in the past and has been dismissed by the Tribunal.
  14. The Tribunal notes that there are 152 Mayors whereas there are 93 Members of the Legislative Assembly. The Tribunal also notes that Mayors are assisted by up to 12 Councillors as well as the General Manager and staff of the Council. The Tribunal cannot readily perceive any appropriate nexus between the fees of MPs and Mayors. However if this issue is presented again as part of the 2008 review, the Tribunal will look at it again.
  15. The Tribunal has also had regard to submissions received from other Councils in relation to fees but the issues they raise have to a greater or lesser extent been discussed in connection with the LGSA submission.
  16. Recommendations regarding allowances are beyond the statutory authority of the Tribunal. Any move to alter the Tribunal's jurisdiction would not properly come from the Tribunal.
  17. The Tribunal received a number of submissions seeking recategorisation. As noted above the Tribunal will again consider the issue of categorisation as part of the 2009 Annual Review and all Councils and the LGSA will be offered the opportunity to make submissions at that time. The Tribunal has noted that the 2005 LGSA submission dealt with this issue, but with the passage of time it may be that fresh submissions would be appropriate in 2009.
  18. The Tribunal has reviewed the current economic data including cost of living figures. The Tribunal has also noted that since the Tribunal's last determination, State public servants and other office holders have received annual increases of 4 percent and that Members of Parliament received an increase of 7 percent. The Tribunal, after considering the above and, after taking

the views of the Assessors into account, considers that an increase of four (4) percent in the fees for Councillors and Mayors is appropriate and so determines.

Local Government Remuneration Tribunal

HELEN WRIGHT

Dated: 30 April 2007

DETERMINATION PURSUANT TO SECTION 242  
OF CATEGORIES OF COUNCILS AND COUNTY  
COUNCILS EFFECTIVE FROM 1 JULY 2007

Category S1 (1 Council) Sydney

Category S2 (3 Councils) Newcastle  
Parramatta  
Wollongong

Category S3 County Councils

Category S4 County Councils  
(engaged in significant commercial activities)

Category 1A (2 Councils)  
Blacktown  
Penrith

Category 1. (16 Councils)

Bankstown Liverpool  
Baulkham Hills North Sydney  
Campbelltown Randwick  
Fairfield Ryde  
Gosford Sutherland  
Hornsby Warringah  
Hurstville Willoughby  
Lake Macquarie Wyong

Category 2. (21 Councils)

Ashfield Lane Cove  
Auburn Leichhardt  
Botany Manly  
Burwood Marrickville  
Camden Mosman  
Canada Bay Pittwater  
Canterbury Rockdale  
Holroyd Strathfield  
Hunters Hill Waverley  
Kogarah Woollahra  
Ku ring Gai

Category 3. (32 Councils)

Albury City Greater Taree  
Armidale Dumaresq Griffith  
Ballina Hastings  
Bathurst Regional Hawkesbury  
Bega Valley Kempsey  
Blue Mountains Lismore  
Broken Hill Maitland  
Byron Orange  
Cessnock Pt Stephens  
Clarence Valley Shellharbour  
Coffs Harbour Shoalhaven  
Dubbo Tamworth Regional  
Eurobodalla Tweed Heads  
Gt Lakes Wagga Wagga  
Goulburn Mulwaree Wingecarribee  
Queanbeyan Wollondilly

Category 4. (77 Councils)

Balranald Glen Innes Severn Narromine  
Bellingen Gloucester Palerang

Berrigen Greater Hume  
Bland Gundagai  
Blayney Gunnedah  
Bogan Guyra  
Bombala Gwydir  
Boorowa Harden  
Bourke Hay  
Brewarrina Inverell  
Cabonne Jerilderie  
Carrathool Junee  
Central Darling Kiama  
City of Lithgow Kyogle  
Cobar Lachlan  
Conargo Leeton  
Coolamon Liverpool Plains  
Cooma-Monaro Lockhart  
Coonamble Mid-Western Regional  
Cootamundra Moree Plains  
Corowa Murray  
Cowra Murrumbidgee  
Deniliquin Muswellbrook  
Dungog Nambucca  
Forbes Narrabri  
Gilgandra Narrandera

TOTAL GENERAL PURPOSE COUNCILS 152

Category S3 (10 Councils)

Castlereagh – Macquarie Richmond River  
Central Murray Southern Slopes  
Far North Coast Upper Hunter  
Hawkesbury River Upper Macquarie  
New England Weeds

Category S4 (6 Councils)

Central Tablelands Riverina Water  
Goldenfields Water Rous  
MidCoast

TOTAL COUNTY COUNCILS 14

DETERMINATION PURSUANT TO SECTION 242  
OF FEES FOR COUNCILLORS AND MAYORS

Pursuant to section 242 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, members and chairpersons of County Councils effective on and from 1 July 2007 are determined as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Category 4	6,610	8,715	7,020	19,035
Category 3	6,610	14,540	14,050	31,740
Category 2	6,610	14,540	14,050	31,740
Category 1	9,905	18,510	21,070	49,165
Category 1A	13,215	21,805	28,090	63,560
S4	1,320	7,270	2,815	11,940
S3	1,320	4,360	2,815	7,935
S2	13,215	21,805	28,090	63,560
S1	19,830	29,080	121,305	159,620

\* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (section 249 (2)).

Local Government Remuneration Tribunal

HELEN WRIGHT

Dated: 30 April 2007

**PUBLIC LOTTERIES ACT 1996**

## Rules – Lotto

I, The Honourable GRAHAM WEST, M.P., Minister for Gaming and Racing, being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as “the Act”), pursuant to section 23 of the Act DO HEREBY APPROVE the amendments to the Rules for the conduct by New South Wales Lotteries Corporation, a Corporation constituted under section 5 of the New South Wales Lotteries Corporatisation Act 1996, of Games of Lotto and Games of Promotional Lotto as attached to this notice. These amended Rules take effect on and from 5 May 2007.

Dated this 2nd day of May 2007.

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

**PUBLIC LOTTERIES ACT 1996**

## Lotto Rules

IT is hereby notified that the Minister administering the Public Lotteries Act 1996, has approved of the following amendments to the Rules for the conduct of the Game of Lotto and Promotional Lotto. In accordance with section 23(3)(b) of the Act, these Rules take effect on and from 5 May 2007.

Rule 12 (f), Division 1 (i):

Delete the number “27.2%” and replace with “28%”.

Rule 12 (f), Division 1 (ii)(A):

Delete the number “27.2%” and replace with “28%”.

Rule 12 (f), Division 2:

Delete the number “6.45%” and replace with the number “6.3%”.

Rule 12 (f), Division 3:

Delete the number “12.15%” and replace with the number “11.9%”.

Delete the number “18.6%” and replace with the number “18.2%”.

Rule 12 (f), Division 4:

Delete the number “20.85%” and replace with “20.6%”.

Rule 12 (f), Division 4(i):

Delete the number “33%” and replace with “32.5%”.

Rule 12 (f), Division 4(ii):

Delete the number “39.45%” and replace with “38.8%”.

Rule 12 (f), Division 5:

Delete the number “33.35%” and replace with “33.2%”.

Rule 12 (f), Division 5(i):

Delete the number “54.2%” and replace with “53.8%”.

Rule 12 (f), Division 5(ii):

Delete the number “66.35%” and replace with “65.7%”.

Rule 12 (f), Division 5(iii):

Delete the number “72.8%” and replace with “72.0%”.



# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

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

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

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BEGA VALLEY SHIRE COUNCIL

Road Naming Rilys Road, Coolagolite

NOTICE is hereby given that the Bega Valley Shire Council pursuant to section 162 (1) of the Roads Act 1993 has renamed:

The road previously known as Rileys Road in Coolagolite is known now as Rilys Road.

Authorised by Council on the 13 March 2007. DAVID JESSON, Bega Valley Shire Council, PO Box 492, Bega NSW 2550. [3199]

### GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder.

<i>Description</i>	<i>Name</i>
Section of the Old Pacific Highway, between Glenn Ora Road and Minimbah Road, Nabitac.	MacKinnon Road, Nabitac.

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428. [3200]

### MAITLAND CITY COUNCIL

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name/s for gazettal:

<i>Deposited Plan</i>	<i>Location</i>	<i>Road Name</i>
DP 703265	Off Cessnock Road, Gillieston Heights	Champion Crescent
DP 703265	Off Cessnock Road, Gillieston Heights	Peak Way

<i>Deposited Plan</i>	<i>Location</i>	<i>Road Name</i>
DP 703265	Off Cessnock Road, Gillieston Heights	Darcy's Circuit
DP 703265	Off Cessnock Road, Gillieston Heights	Boxer Street
DP 703265	Off Cessnock Road, Gillieston Heights	Legendary Circuit
DP 703265	Off Cessnock Road, Gillieston Heights	James Leslie Drive
DP 703265	Off Cessnock Road, Gillieston Heights	Hero Way
DP 703265	Off Cessnock Road, Gillieston Heights	Patriot Close
DP 703265	Off Cessnock Road, Gillieston Heights	Les Circuit
DP 703265	Off Cessnock Road, Gillieston Heights	Blacksmith Road

The above road names have been advertised and notified. No objections to the proposed name/s have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland NSW 2320. [3201]

### PARRAMATTA CITY COUNCIL

Roads Acts 1993, Section 162

Roads (General) Regulation 2000

Road Re-Naming

NOTICE is hereby given that the Council of the City of Parramatta, in pursuance of the above Act and Regulation, has renamed the road as described in the following table. Authorised by Council Resolution on 23 April 2007.

<i>Current Road Name</i>	<i>New Road Name</i>
Wright Street, Merrylands	Augustus Street, Merrylands

JOHN NEISH, General Manager, Parramatta City Council, PO Box 32, Parramatta NSW 2124. [3202]

**BLACKTOWN CITY COUNCIL**

Local Government Act 1993, Section 713

Sale of Land for Unpaid Rates and Charges

NOTICE is hereby given to the persons named hereunder that Blacktown City Council has resolved, in pursuance of section 713 of the Local Government Act 1993, as amended, to sell the lands described hereunder of which the persons named appear to be the owners or in which they appear to have an interest in the land, and on which the amount of rates stated in each case, as at 31 March 2007 is due:

<i>Owners or persons having an interest in the land</i>	<i>Description of land</i>	<i>Amount of rates overdue for more than five (5) years</i>	<i>Amount of all liable rates and charges due and in arrears</i>	<i>Total</i>
(a)	(b)	(c)	(d)	(e)
		\$	\$	\$
B. Doyle, PO Box 58, Westgate	Lot 17, DP 131137, 3 Schofields Road, Schofields	22,232.95	3,759.80	25,992.75
Estate C. Turner, Address Unknown	Lot 1, DP 115527, Lucas Road, Seven Hills	9,111.80	629.05	9,740.85
R. Wilkie, 24 Garfield Road East, Riverstone	Lot 2, DP 784511, Elizabeth Street, Riverstone	6,548.15	572.50	7,120.65
Walput Pty Ltd, C/- Barry Houley, Westpac Bank, Level 2, 130 Phillip Street, Sydney	Lot 23, DP 800205, Huntingwood Drive, Huntingwood	5,811.85	687.25	6,499.10
Liberty Holdings Pty Ltd, and Vanderburg Pty Ltd, PO Box 274, Crows Nest	Lot 24, DP 800812, Great Western Highway, Huntingwood	4,732.65	510.65	5,243.30
Insight Huntingwood Pty Ltd, C/- Mr David Cathorn, W D Marketing Pty Ltd, 9 Crown Lane, Wollongong	Lot 50, DP 814866, Huntingwood Drive, Huntingwood, off Huntingwood Drive, Huntingwood	4,228.15	492.20	4,720.35
F. Miller, PO Box 263, Penrith	Lot 12, DP 658118, Great Western Highway, Minchinbury	11,223.05	664.85	11,887.90
Y. El-Bayeh, PO Box 182, Top Ryde	Northern Section, Lot 51, DP 832175, Huntingwood Drive, Huntingwood	70,343.70	11,834.15	82,177.85
Y. El-Bayeh, PO Box 182, Top Ryde	Southern Section, Lot 51, DP 832175, Huntingwood Drive, Huntingwood	160,952.80	20,780.50	181,733.30
Estate B. Woods, Address Unknown	Lot 2, DP 1003554, Elizabeth Street, Riverstone	12,064.40	677.65	12,742.05

In default of payment to the Council of the amount stated in column (e) above and any other rates (including charges) becoming due and payable after publication of this Notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale by public auction at the Max Webber Function Centre, 1st Floor, Max Webber Library Building, Flushcombe Road, Blacktown, on Saturday 11 August 2007 at 10.30 a.m. RON MOORE, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

[3203]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GWENDOLINE CATHERINE DROBEK, late of Bondi, in the State of New South Wales, widow, who died on 21 February 2007, must send particulars of the claim to the executors, Deborah Thelma Heaven and Geoffrey Raymond Taylor, c.o. Ebsworth & Ebsworth, Solicitors, 126 Phillip Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 2 April 2007. EBSWORTH & EBSWORTH, Solicitors, 126 Phillip Street, Sydney NSW 2000, tel: (02) 9234 2366. [3203]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELSIE EUGENIE GREENFIELD, late of Botany, widow, in the State of New South Wales, who died on 15 September 2006, must send particulars of his claim to the executor, Norma Joan Bench, c.o. Pryor Tzannes & Wallis, Solicitors, 1005 Botany Road, Mascot NSW 2020, 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 4 April 2007. PRYOR TZANNES & WALLIS, Solicitors, 1005 Botany Road, Mascot NSW 2020, tel: (02) 9669 6333. [3204]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of THOMAS RICHARD MASON, late of Punchbowl, in the State of New South Wales, retired deceased, who died on 13 March 2007, must send particulars of their claim to the executors, Robyn Joy Heather Mae Himmelberg and David Leslie Scutts, c.o. Truman Hoyle Lawyers, Level 11, 68 Pitt Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors had notice. Probate was granted in New South Wales on 19 April 2007. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street Sydney NSW 2000 (DX 263, Sydney), tel: (02) 9226 9899. Reference: SR 5829. [3205]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ALVA NOEL RICKETTS, late of 5 Kitchener Road, Cherrybrook, in the State of New South Wales, who died on 19 October 2006, must send particulars of their claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from the 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 19 April 2007. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114, tel: (02) 9858 1533. [3206]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN LEWIS BEAVEN, late of Oatley, in the State of New South Wales, accounts payable supervisor, who died on 26 January 2007, must send particulars of his claim to the executors, Andrew John Beaven and John Peart, c.o. Peninsula Law, Solicitors, 36A George Street, Woy Woy NSW 2256, within one (1) calendar month from the publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 19 April 2007. PENINSULA LAW, Solicitors, 36A George Street (PO Box 162), Woy Woy NSW 2256 (DX 8806, Woy Woy), tel: (02) 4343 3000. [3207]



# *Government Gazette*

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## **PUBLIC SECTOR NOTICES**

### **PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT ACT 2002**

#### **CHIEF EXECUTIVE SERVICE**

Appointment Under Section 12

THE Director-General, Premier's Department, under delegation from the Premier and pursuant to the provisions of the Public Sector Employment and Management Act 2002, has appointed the officer listed below to the chief executive service position shown, effective from the date shown within the brackets:

*Department of Water and Energy*

MARK DUFFY, Director-General [27 April 2007].

The Hon. I. M. MCDONALD, M.L.C.,  
Minister for Primary Industries,  
Minister for Energy,  
Minister for Mineral Resources  
and Minister for State Development

The Hon. P. C. KOPERBERG, M.P.,  
Minister for Climate Change, Environment and Water

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