



# *Government Gazette*

OF THE STATE OF

NEW SOUTH WALES

**Week No. 50/2006**

**Friday, 15 December 2006**

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# *Government Gazette*

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**Friday, 8 December 2006**

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## **SPECIAL SUPPLEMENT**

### **HERITAGE ACT, 1977**

Direction pursuant to section 34(1)(a) to list an item on the state heritage register

‘Collingwood’

SHR No 1774

IN pursuance of Section 34(1)(a) of the Heritage Act, 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule “A” on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule “B”. The listing is subject to the exemptions from approval under Section 57(2) of the Heritage Act, 1977, described in Schedule “C” and in addition to the standard exemptions.

FRANK SARTOR, M.P.,  
Minister for Planning

Sydney, 6th Day of December, 2006.

#### **SCHEDULE “A”**

The item known as ‘Collingwood’ situated on the land described in Schedule “B”.

#### **SCHEDULE “B”**

All those pieces or parcels of land known as Lot 803 DP 244820; Lot 781 DP 244820; Lot 2 DP 730829; Lot 100 DP 788434; Lot 101 DP 788434; Lot 184 DP 241158; Lot 77 DP 27242; and Lot 3 DP 711240 in Parish of St Luke, County of Cumberland shown on the plan catalogued HC 2191 in the office of the Heritage Council of New South Wales.

#### **SCHEDULE “C”**

(a) General maintenance and repair (Area B only):

- (i) pruning 20 - 30% of the canopy of trees within a 2 year period as recommended by a qualified arborist for the tree’s health or public safety reasons;
- (ii) minor works to improve public access, provide disabled access and to eliminate or reduce risks to public safety;
- (iii) repair of damage caused by erosion and implementation of erosion control measures;
- (iv) maintenance, repair and resurfacing of existing roads, paths, fences and gates; and
- (v) routine horticultural maintenance, including lawn mowing, cultivation and pruning.

- (b) Maintenance of services and utilities (Area B only):
  - (i) maintenance and repair of existing services and public utilities including communications, gas, electricity, water supply, waste disposal, sewerage, irrigation and drainage;
  - (ii) upgrade of services and public utilities where the Liverpool Council is satisfied that the activity will not materially affect the heritage significance of the listed area as a whole (including archaeology) or the area in which they are to be undertaken;
  - (iii) installation, maintenance and removal of waste bins to implement the Liverpool Council's waste management policies; and
  - (iv) maintenance of safety clearances around power lines in accordance with current guidelines published by the Energy Authority of N.S.W;
- (c) Management of lawns, recreation areas and plantings (Area B only):
  - (i) removal and replacement of existing plantings other than trees;
  - (ii) removal of dead or dying trees where the applicant undertakes to replace them with the same species and in the same location; and
  - (iii) removal, construction or alteration of garden beds, hard landscaping and plantings to implement the Plan of Management for the Collingwood Precinct (as endorsed by the Heritage Council of NSW) and other policies for the parklands where Liverpool City Council is satisfied that the activity will not materially effect the heritage significance of the Collingwood Precinct as a whole or the area in which they are to be undertaken.
- (d) Management of interpretive, information and directional signage (Area B only):
  - (i) Installation, removal and alteration of interpretative, information and directional signage and labels in accordance with signage policies adopted by Liverpool City Council.
- (e) Management of artworks, statues and monuments (Area B only):
  - (i) Temporary installation of artworks, statues and monuments for temporary exhibitions or events; and
  - (ii) Installation, relocation and removal of artworks, statues and monuments to implement the Plan of Management for the Collingwood Precinct (as endorsed by the Heritage Council of NSW) and Liverpool City Council's policies.
- (f) Management of temporary events (Area B only):
  - (i) Temporary use of a section of the Collingwood Precinct, temporary road closures and the installation of temporary buildings, structures, fencing, facilities, exhibitions, artworks, crowd control barriers, stages, lighting, sound and public address equipment and signage for a period not exceeding 3 months where Liverpool Council is satisfied that the activity will not affect critical views to and from Collingwood House or materially affect the heritage significance of the listed area as a whole or the area in which the temporary events are to be undertaken.

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# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 177**  
**Friday, 8 December 2006**

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## RURAL FIRES ACT 1997

### NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, PHILLIP KOPERBERG, Commissioner of NSW Rural Fire Service, under delegation and dated 2 April 2003 from the Hon. Tony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00.00 hours to 23.59 hours on 8 December 2006.

Dated 8 December 2006.

PHIL KOPERBERG, A.O., A.F.S.M., B.E.M.,  
Commissioner

Schedule 1	Fire Fighting Activities
Schedule 2	Emergency Operations
Schedule 3	Fireworks
Schedule 4	Religious/Sacred Ceremonies
Schedule 5	Services and Utilities – Essential Repairs/ Maintenance
Schedule 6	Disposal of Waste/Putrescent Material
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Schedule 15	Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)
Schedule 16	Hot Air Balloons
Schedule 17	Olympic Cauldron
Schedule 18	Any Other Fire Approved by NSW RFS Commissioner

### SCHEDULE 1

#### Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

### SCHEDULE 2

#### Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

### SCHEDULE 3

#### Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
  - (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
  - (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
  - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

#### SCHEDULE 4

##### Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
  - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

#### SCHEDULE 5

##### Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

#### SCHEDULE 6

##### Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

#### SCHEDULE 7

##### Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

## SCHEDULE 8

## Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 9

## Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

## SCHEDULE 10

## Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

## SCHEDULE 11

## Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
    - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
    - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
      - the council of the area or;
      - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
      - if the land is within a state forest, State Forests of NSW.

## SCHEDULE 12

## Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 13

## Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 14

## Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

## SCHEDULE 15

## Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)

Fire lit, maintained or used to dispose of gaseous exhaust emitted through a chimney in connection with the refining, manufacture or purification of gas, oil, or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the refinery or manufacturing facility.

## SCHEDULE 16

## Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
    - (i) the NSW Rural Fire Service State Operations Centre on 1800 049 933 of the proposed flight; and
    - (ii) the NSW Rural Fire Service Zone or District Manager for each rural fire district on the proposed flight path,
- and comply with any direction or additional condition, which may be, imposed which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager may be obtained from the State Operations Centre;

- (b) at the time the balloon is launched:
  - (i) the ambient air temperature is less than 30 degrees Celsius; and
  - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (g) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (h) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (i) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

## SCHEDULE 17

## Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

## SCHEDULE 18

## Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

## SCHEDULE A

Southern Riverina  
South Western



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 178**  
**Saturday, 9 December 2006**

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## RURAL FIRES ACT 1997

### NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, PHILLIP KOPERBERG, Commissioner of NSW Rural Fire Service, under delegation and dated 2 April 2003 from the Hon. Tony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00.00 hours to 23.59 hours on 9 December 2006.

Dated 9 December 2006.

PHIL KOPERBERG, A.O., A.F.S.M., B.E.M.,  
Commissioner

Schedule 1	Fire Fighting Activities
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### SCHEDULE 1

#### Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

### SCHEDULE 2

#### Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

### SCHEDULE 3

#### Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
  - (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
  - (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
  - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

#### SCHEDULE 4

##### Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
  - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

#### SCHEDULE 5

##### Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

#### SCHEDULE 6

##### Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

#### SCHEDULE 7

##### Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

## SCHEDULE 8

## Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 9

## Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify;
  - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

## SCHEDULE 10

## Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

## SCHEDULE 11

## Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
    - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
    - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
      - the council of the area or;
      - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
      - if the land is within a state forest, State Forests of NSW.

## SCHEDULE 12

## Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 13

## Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 14

## Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

## SCHEDULE 15

## Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)

Fire lit, maintained or used to dispose of gaseous exhaust emitted through a chimney in connection with the refining, manufacture or purification of gas, oil, or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the refinery or manufacturing facility.

## SCHEDULE 16

## Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
    - (i) the NSW Rural Fire Service State Operations Centre on 1800 049 933 of the proposed flight; and
    - (ii) the NSW Rural Fire Service Zone or District Manager for each rural fire district on the proposed flight path,
- and comply with any direction or additional condition, which may be, imposed which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager may be obtained from the State Operations Centre;

- (b) at the time the balloon is launched:
  - (i) the ambient air temperature is less than 30 degrees Celsius; and
  - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (g) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (h) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (i) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

## SCHEDULE 17

## Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

## SCHEDULE 18

## Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

## SCHEDULE A

Southern Riverina  
Northern Riverina  
South Western



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 179**  
**Sunday, 10 December 2006**

Published under authority by Government Advertising

## RURAL FIRES ACT 1997

### NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, PHILLIP KOPERBERG, Commissioner of NSW Rural Fire Service, under delegation and dated 2 April 2003 from the Hon. Tony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00.00 hours to 23.59 hours on 10 December 2006.

Dated 10 December 2006.

PHIL KOPERBERG, A.O., A.F.S.M., B.E.M.,  
Commissioner

Schedule 1	Fire Fighting Activities
Schedule 2	Emergency Operations
Schedule 3	Fireworks
Schedule 4	Religious/Sacred Ceremonies
Schedule 5	Services and Utilities – Essential Repairs/ Maintenance
Schedule 6	Disposal of Waste/Putrescent Material
Schedule 7	Sugar Cane Harvesting
Schedule 8	Bitumen Roadworks
Schedule 9	Disposal of Diseased Animal Carcasses
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Schedule 16	Hot Air Balloons
Schedule 17	Olympic Cauldron
Schedule 18	Any Other Fire Approved by NSW RFS Commissioner

### SCHEDULE 1

#### Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

### SCHEDULE 2

#### Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

### SCHEDULE 3

#### Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
  - (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
  - (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
  - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

#### SCHEDULE 4

##### Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
  - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

#### SCHEDULE 5

##### Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

#### SCHEDULE 6

##### Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

#### SCHEDULE 7

##### Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

## SCHEDULE 8

## Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 9

## Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify;
  - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

## SCHEDULE 10

## Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

## SCHEDULE 11

## Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
    - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
    - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
      - the council of the area or;
      - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
      - if the land is within a state forest, State Forests of NSW.

## SCHEDULE 12

## Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 13

## Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 14

## Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

## SCHEDULE 15

## Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)

Fire lit, maintained or used to dispose of gaseous exhaust emitted through a chimney in connection with the refining, manufacture or purification of gas, oil, or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the refinery or manufacturing facility.

## SCHEDULE 16

## Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
    - (i) the NSW Rural Fire Service State Operations Centre on 1800 049 933 of the proposed flight; and
    - (ii) the NSW Rural Fire Service Zone or District Manager for each rural fire district on the proposed flight path,
- and comply with any direction or additional condition, which may be, imposed which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager may be obtained from the State Operations Centre;

- (b) at the time the balloon is launched:
  - (i) the ambient air temperature is less than 30 degrees Celsius; and
  - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (g) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (h) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (i) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

## SCHEDULE 17

## Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

## SCHEDULE 18

## Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

## SCHEDULE A

Monaro Alpine  
Southern Slopes  
Eastern Riverina  
Southern Riverina  
Northern Riverina  
South Western



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 180**  
**Monday, 11 December 2006**

Published under authority by Government Advertising

## RURAL FIRES ACT 1997

### NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, PHILLIP KOPERBERG, Commissioner of NSW Rural Fire Service, under delegation and dated 2 April 2003 from the Hon. Tony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00.00 hours to 23.59 hours on 11 December 2006.

Dated 11 December 2006.

PHIL KOPERBERG, A.O., A.F.S.M., B.E.M.,  
Commissioner

Schedule 1	Fire Fighting Activities
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### SCHEDULE 1

#### Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

### SCHEDULE 2

#### Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

### SCHEDULE 3

#### Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
  - (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
  - (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
  - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

#### SCHEDULE 4

##### Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
  - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

#### SCHEDULE 5

##### Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

#### SCHEDULE 6

##### Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

#### SCHEDULE 7

##### Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

## SCHEDULE 8

## Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 9

## Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify;
  - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

## SCHEDULE 10

## Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

## SCHEDULE 11

## Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
    - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
    - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
      - the council of the area or;
      - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
      - if the land is within a state forest, State Forests of NSW.

## SCHEDULE 12

## Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 13

## Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 14

## Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

## SCHEDULE 15

## Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)

Fire lit, maintained or used to dispose of gaseous exhaust emitted through a chimney in connection with the refining, manufacture or purification of gas, oil, or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the refinery or manufacturing facility.

## SCHEDULE 16

## Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
    - (i) the NSW Rural Fire Service State Operations Centre on 1800 049 933 of the proposed flight; and
    - (ii) the NSW Rural Fire Service Zone or District Manager for each rural fire district on the proposed flight path,
- and comply with any direction or additional condition, which may be, imposed which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager may be obtained from the State Operations Centre;

- (b) at the time the balloon is launched:
  - (i) the ambient air temperature is less than 30 degrees Celsius; and
  - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (g) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (h) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (i) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

## SCHEDULE 17

## Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

## SCHEDULE 18

## Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

## SCHEDULE A

Lower Central West Plains  
 Eastern Riverina  
 Southern Riverina  
 Northern Riverina  
 South Western  
 Far Western



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 181**

**Thursday, 14 December 2006**

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## RURAL FIRES ACT 1997

### NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, PHILLIP KOPERBERG, Commissioner of NSW Rural Fire Service, under delegation and dated 2 April 2003 from the Hon. Tony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00.00 hours to 23.59 hours on 14 December 2006.

Dated 14 December 2006.

PHIL KOPERBERG, A.O., A.F.S.M., B.E.M.,  
Commissioner

Schedule 1	Fire Fighting Activities
Schedule 2	Emergency Operations
Schedule 3	Fireworks
Schedule 4	Religious/Sacred Ceremonies
Schedule 5	Services and Utilities – Essential Repairs/ Maintenance
Schedule 6	Disposal of Waste/Putrescent Material
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Schedule 9	Disposal of Diseased Animal Carcasses
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### SCHEDULE 1

#### Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

### SCHEDULE 2

#### Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

### SCHEDULE 3

#### Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
  - (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
  - (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
  - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

#### SCHEDULE 4

##### Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
  - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

#### SCHEDULE 5

##### Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

#### SCHEDULE 6

##### Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

#### SCHEDULE 7

##### Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

## SCHEDULE 8

## Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 9

## Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify;
  - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

## SCHEDULE 10

## Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

## SCHEDULE 11

## Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
    - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
    - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
      - the council of the area or;
      - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
      - if the land is within a state forest, State Forests of NSW.

## SCHEDULE 12

## Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 13

## Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 14

## Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

## SCHEDULE 15

## Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)

Fire lit, maintained or used to dispose of gaseous exhaust emitted through a chimney in connection with the refining, manufacture or purification of gas, oil, or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the refinery or manufacturing facility.

## SCHEDULE 16

## Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
    - (i) the NSW Rural Fire Service State Operations Centre on 1800 049 933 of the proposed flight; and
    - (ii) the NSW Rural Fire Service Zone or District Manager for each rural fire district on the proposed flight path,
- and comply with any direction or additional condition, which may be, imposed which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager may be obtained from the State Operations Centre;

- (b) at the time the balloon is launched:
  - (i) the ambient air temperature is less than 30 degrees Celsius; and
  - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (g) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (h) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (i) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

## SCHEDULE 17

## Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

## SCHEDULE 18

## Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

## SCHEDULE A

Greater Sydney Region  
 Illawarra/Shoalhaven  
 Far South Coast  
 Monaro Alpine  
 Southern Ranges  
 Lower Central West Plains  
 Southern Slopes  
 Eastern Riverina  
 Southern Riverina  
 Northern Riverina  
 South Western  
 Far Western



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 182**

**Thursday, 14 December 2006**

Published under authority by Government Advertising

## RURAL FIRES ACT 1997

### NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, PHILLIP KOPERBERG, Commissioner of NSW Rural Fire Service, under delegation and dated 2 April 2003 from the Hon. Tony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 07.00 hours to 23.59 hours on 14 December 2006.

Dated 14 December 2006.

PHIL KOPERBERG, A.O., A.F.S.M., B.E.M.,  
Commissioner

Schedule 1	Fire Fighting Activities
Schedule 2	Emergency Operations
Schedule 3	Fireworks
Schedule 4	Religious/Sacred Ceremonies
Schedule 5	Services and Utilities – Essential Repairs/ Maintenance
Schedule 6	Disposal of Waste/Putrescent Material
Schedule 7	Sugar Cane Harvesting
Schedule 8	Bitumen Roadworks
Schedule 9	Disposal of Diseased Animal Carcasses
Schedule 10	Bee Hive “Smokers”
Schedule 11	Electric or Gas Barbeques
Schedule 12	Charcoal Production
Schedule 13	Mining Operations
Schedule 14	Building Construction/Demolition – Urgent and Essential
Schedule 15	Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)
Schedule 16	Hot Air Balloons
Schedule 17	Olympic Cauldron
Schedule 18	Any Other Fire Approved by NSW RFS Commissioner

### SCHEDULE 1

#### Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

### SCHEDULE 2

#### Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

### SCHEDULE 3

#### Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
  - (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
  - (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
  - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

#### SCHEDULE 4

##### Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
  - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
  - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

#### SCHEDULE 5

##### Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

#### SCHEDULE 6

##### Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

#### SCHEDULE 7

##### Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

## SCHEDULE 8

## Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 9

## Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify;
  - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

## SCHEDULE 10

## Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

## SCHEDULE 11

## Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
  - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
    - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
    - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
      - the council of the area or;
      - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
      - if the land is within a state forest, State Forests of NSW.

## SCHEDULE 12

## Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 13

## Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

## SCHEDULE 14

## Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
  - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
  - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

## SCHEDULE 15

## Gas Plants, Oil Refineries and Steel Works (Exhaust Stacks)

Fire lit, maintained or used to dispose of gaseous exhaust emitted through a chimney in connection with the refining, manufacture or purification of gas, oil, or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the refinery or manufacturing facility.

## SCHEDULE 16

## Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
    - (i) the NSW Rural Fire Service State Operations Centre on 1800 049 933 of the proposed flight; and
    - (ii) the NSW Rural Fire Service Zone or District Manager for each rural fire district on the proposed flight path,
- and comply with any direction or additional condition, which may be, imposed which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager may be obtained from the State Operations Centre;

- (b) at the time the balloon is launched:
  - (i) the ambient air temperature is less than 30 degrees Celsius; and
  - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (g) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (h) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (i) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

## SCHEDULE 17

## Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

## SCHEDULE 18

## Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

## SCHEDULE A

## Central Ranges



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 183**  
**Friday, 15 December 2006**

Published under authority by Government Advertising

## LEGISLATION

### Assents to Acts

#### ACT OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 13 December 2006

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

Act No 128, 2006 – An Act to amend various Acts and other legislation to make further provision with respect to police powers. [Police Powers Legislation Amendment Bill].

Russell D. Grove PSM,  
Clerk of the Legislative Assembly

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## Proclamations

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New South Wales

### Proclamation

under the

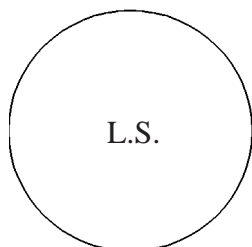
Companion Animals Amendment Act 2006 No 101

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Companion Animals Amendment Act 2006*, do, by this my Proclamation, appoint 1 January 2007 as the day on which that Act commences.

Signed and sealed at Sydney, this 13th day of December 2006.

By Her Excellency's Command,



KERRY HICKEY, M.P.,  
Minister for Local Government

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

Fisheries Management Amendment Act 2006 No 18

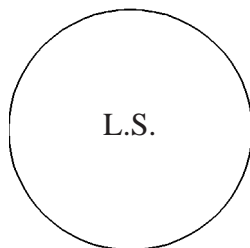
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Fisheries Management Amendment Act 2006*, do, by this my Proclamation appoint:

- (a) 5 February 2007 as the day on which the uncommenced provisions of that Act commence (except as provided by paragraph (b)), and
- (b) 30 June 2008 as the day on which Schedule 1 [20] and [37] to that Act commences.

Signed and sealed at Sydney, this 13th day of December 2006.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence:

- (a) the uncommenced provisions of the *Fisheries Management Amendment Act 2006* (***the amending Act***) (except as provided by paragraph (b)) with effect on 5 February 2007 (the provisions relate to, among other things, the nomination of fishers, endorsements on licences, management charges, annual contributions and record making), and
- (b) a provision of the amending Act that repeals the requirement that fishers pay an annual contribution to the cost of research and other industry costs with effect on 30 June 2008.



New South Wales

## Proclamation

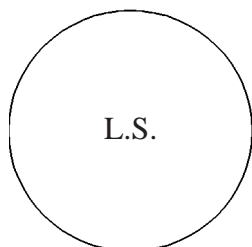
under the

Road Transport Legislation Amendment (Drug Testing) Act 2006  
No 79

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Road Transport Legislation Amendment (Drug Testing) Act 2006*, do, by this my Proclamation, appoint 15 December 2006 as the day on which that Act commences. Signed and sealed at Sydney, this 13th day of December 2006.

By Her Excellency's Command,



ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

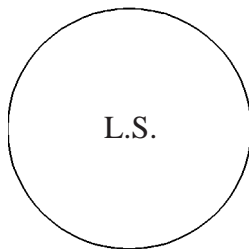
Road Transport (General) Amendment (Intelligent Access Program) Act 2006 No 86

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Road Transport (General) Amendment (Intelligent Access Program) Act 2006*, do, by this my Proclamation, appoint 18 December 2006 as the day on which that Act commences.

Signed and sealed at Sydney, this 13th day of December 2006.

By Her Excellency's Command,



ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

GOD SAVE THE QUEEN!

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## Regulations

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New South Wales

# Apprenticeship and Traineeship Amendment Regulation 2006

under the

Apprenticeship and Traineeship Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Apprenticeship and Traineeship Act 2001*.

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

### Explanatory note

The object of this Regulation is to allow an employer to employ a person under the age of 21 years as a hairdresser if the person has been awarded an authorised qualification (within the meaning of section 4 of the *Hairdressers Act 2003*) by a registered training organisation. This Regulation is made under the *Apprenticeship and Traineeship Act 2001*, including section 25 and section 81 (the general regulation-making power).

Clause 1 Apprenticeship and Traineeship Amendment Regulation 2006

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## **Apprenticeship and Traineeship Amendment Regulation 2006**

under the

Apprenticeship and Traineeship Act 2001

### **1 Name of Regulation**

This Regulation is the *Apprenticeship and Traineeship Amendment Regulation 2006*.

### **2 Amendment of Apprenticeship and Traineeship Regulation 2005**

The *Apprenticeship and Traineeship Regulation 2005* is amended as set out in Schedule 1.

Apprenticeship and Traineeship Amendment Regulation 2006

Amendment

Schedule 1

---

## Schedule 1      Amendment

(Clause 2)

### Clause 4A

Insert after clause 4:

**4A    Exempt juniors may be employed in recognised trade vocations:  
section 25**

The employment of a junior in the recognised trade vocation of hairdressing is exempted from the operation of section 25 of the Act if the junior has been awarded an authorised qualification (within the meaning of section 4 of the *Hairdressers Act 2003*) by a registered training organisation.



New South Wales

# Companion Animals Amendment (Registration Exemption) Regulation 2006

under the

Companion Animals Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Companion Animals Act 1998*.

KERRY HICKEY, M.P.,  
Minister for Local Government

## Explanatory note

The objects of this Regulation are as follows:

- (a) to exempt working dogs (i.e. dogs used primarily for the purpose of droving, tending, working or protecting stock) from the registration and identification requirements of the *Companion Animals Act 1998* (*the Principal Act*) if they are ordinarily kept in the unincorporated area of the Western Division (i.e. the area that is not within a local government area) or on rateable land that is categorised as farmland (**Schedule 1 [2]**),
- (b) to update a reference to the legislation under which racing greyhounds are registered (greyhounds are currently exempt from the registration and identification requirements of the Principal Act if they are registered under the relevant greyhound racing legislation) (**Schedule 1 [1]**),
- (c) to ensure that if a dog is declared under Division 6 of Part 5 of the Principal Act to be a restricted dog, the registration information for that dog will indicate that the dog is a restricted dog (**Schedule 1 [3]**).

This Regulation is made under the *Companion Animals Act 1998*, including section 96 (the general regulation-making power (in particular, section 96 (2) (b))).

Clause 1            Companion Animals Amendment (Registration Exemption) Regulation 2006

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## **Companion Animals Amendment (Registration Exemption) Regulation 2006**

under the

Companion Animals Act 1998

### **1    Name of Regulation**

This Regulation is the *Companion Animals Amendment (Registration Exemption) Regulation 2006*.

### **2    Commencement**

This Regulation commences on 1 January 2007.

### **3    Amendment of Companion Animals Regulation 1999**

The *Companion Animals Regulation 1999* is amended as set out in Schedule 1.

## Companion Animals Amendment (Registration Exemption) Regulation 2006

Amendments

Schedule 1

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**Schedule 1      Amendments**

(Clause 3)

**[1]    Clause 17 Exemptions from registration requirement**

Omit “under the *Greyhound Racing Authority Act 1985*” from clause 17 (f).

Insert instead “in accordance with the rules made in relation to greyhound racing under the *Greyhound and Harness Racing Administration Act 2004*”.

**[2]    Clause 17 (j) and (k)**

Insert after clause 17 (i):

- (j) a working dog that is ordinarily kept in a part of the Western Division of the State that is not within a local government area,
- (k) a working dog that is ordinarily kept on land categorised as farmland for the purposes of Part 3 of Chapter 15 of the *Local Government Act 1993*.

**[3]    Clause 21 Registration information**

Insert after clause 21 (n):

- (o) in the case of a dog, whether the animal has been declared under Division 6 of Part 5 of the Act to be a restricted dog and, if so, the date on which the declaration took effect,



New South Wales

# Fisheries Management (Supporting Plan) Regulation 2006

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## Explanatory note

The object of this Regulation is to give effect to a share management fishery supporting plan for all share management fisheries. The supporting plan has effect only in respect of those share management fisheries that adopt the supporting plan in their individual share management plans.

The supporting plan provides for the following matters:

- (a) dealings in shares,
- (b) nominations of fishers,
- (c) endorsements,
- (d) management charges and community contributions,
- (e) general requirements in relation to taking fish, including provisions that ensure that certain requirements of the *Fisheries Management (General) Regulation 2002* continue to apply to share management fisheries.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 57A, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

Fisheries Management (Supporting Plan) Regulation 2006

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Fisheries Management (Supporting Plan) Regulation 2006

Clause 1

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## **Fisheries Management (Supporting Plan) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (Supporting Plan) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Share Management Fishery Supporting Plan**

The *Share Management Fishery Supporting Plan* set out in the Appendix to this Regulation has effect.

## Fisheries Management (Supporting Plan) Regulation 2006

## Appendix

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**Appendix**

(Clause 3)

**Part 1 Preliminary****1 Name of Plan**

This is the *Share Management Fishery Supporting Plan*.

**2 Definitions**

## (1) In this Plan:

**approved** means approved by the Director-General.

**eligible fisher** means a person for the time being registered as an eligible fisher under Part 8A of the Regulation.

**endorsement** means an endorsement on a commercial fishing licence that authorises the taking of fish in a fishery.

**endorsement holder** means a person who holds a commercial fishing licence that has an endorsement.

**fishery** means a share management fishery (as described in Schedule 1 to the Act).

**fishing business card** has the same meaning as in the Regulation.

**the Act** means the *Fisheries Management Act 1994*.

**the Regulation** means the *Fisheries Management (General) Regulation 2002*.

## (2) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.

## (3) Notes in this Plan do not form part of the Plan.

**Note.** This Plan has effect only in respect of those share management fisheries that adopt this Plan in their individual share management plans.

**Part 2 Dealings in shares****3 Persons prohibited to hold shares**

Clause 134 of the Regulation continues to apply in respect of all fisheries.

**Note.** This clause prohibits foreign-owned bodies from holding shares in a share management fishery.

## Fisheries Management (Supporting Plan) Regulation 2006

## Appendix

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**4 Provisions relating to transfers**

For the purposes of section 71 (4) of the Act, a transfer, assignment, transmission, or mortgage of shares in a fishery is permitted only in accordance with the fishing business transfer rules made under section 34T of the Act.

**Part 3 Nomination of fishers****5 Nomination of fisher**

- (1) A shareholder may nominate a person to take fish on behalf of the shareholder in a fishery only if the person is an eligible fisher in respect of the fishing business of the shareholder.

**Note.** Eligible fishers are persons registered by the Director-General as eligible fishers in respect of a fishing business under Part 8A of the Regulation.

- (2) For the purposes of section 69 (6) (a) of the Act, the nomination of an eligible fisher who is the nominated fisher of another shareholder in the same fishery is authorised in all fisheries other than the abalone fishery and the lobster fishery.
- (3) For the purposes of section 69 (6) (b) of the Act, the nomination of an eligible fisher who is the nominated fisher of another shareholder in another fishery is authorised in all fisheries.
- (4) The nomination of an eligible fisher does not take effect until:
- (a) the nomination is given to the Director-General in the form and manner required by section 69 (3) of the Act, and
  - (b) if the shareholder has been issued with a fishing business card in respect of the fishing business to which the nomination applies, possession of the fishing business card is given to the nominated fisher.

**Note.** Section 69 (3) of the Act requires the nomination to be made in a form and manner approved by the Director-General.

- (5) A nomination has effect for a minimum period of 48 hours, or a lesser period approved by the Director-General.
- (6) If a nomination is revoked before the end of the period of 48 hours (or the lesser period approved by the Director-General), a further nomination cannot be made until the end of the relevant period.

**6 One nominated fisher per fishing business**

- (1) An eligible fisher nominated to take fish on behalf of a shareholder must be nominated in respect of all shares held by the shareholder that are a component of the same fishing business.

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- (2) A shareholder may nominate one (and not more than one) eligible fisher to take fish on behalf of the shareholder for each fishing business of which he or she is the owner.
  - (3) A nomination applies in respect of the fishing business indicated by the shareholder and operates to authorise an eligible fisher to take fish only in respect of those shares that are a component of the relevant business.
  - (4) A separate nomination must be made in respect of each separate fishing business.
  - (5) If shares held by a shareholder are components of more than one fishing business, either the same or a different eligible fisher may be nominated in respect of each separate fishing business, subject to this clause.
  - (6) If the shares held by a shareholder in the abalone fishery are components of 2 or more fishing businesses, a different eligible fisher is to be nominated in respect of each fishing business.
  - (7) If the shares held by a shareholder in the lobster fishery are components of 2 or more fishing businesses, a different eligible fisher is to be nominated in respect of each fishing business.
  - (8) This clause is subject to section 69 (2) of the Act.  
**Note.** Section 69 (2) prevents a shareholder from nominating a person to take fish on behalf of the shareholder unless the shareholder has the minimum shareholding in the fishery required.

**7 Revocation of nomination of commercial fisher**

- (1) A shareholder's nomination of a person to take fish on behalf of the shareholder may be revoked:
  - (a) by the shareholder, or
  - (b) by the Director-General, if revocation by the Director-General is authorised by this clause.
- (2) A revocation of a nomination by a shareholder is to be made in a form and manner approved by the Director-General.
- (3) The shareholder must inform the nominated fisher of the revocation of the nomination.
- (4) The Director-General is authorised to revoke a shareholder's nomination of a person to take fish on behalf of the shareholder (without the consent of the shareholder) if:
  - (a) the nominated fisher requests the revocation, in a form and manner approved by the Director-General, or

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- (b) the Director-General cancels the registration of the person as an eligible fisher in respect of the shareholder under the Regulation, or
  - (c) the shareholder is not entitled to nominate the person to take fish on behalf of the shareholder under section 69 (6) of the Act, this Plan or the share management plan for the fishery.
  - (5) The Director-General revokes a nomination by giving the shareholder notice in writing of the revocation.
  - (6) The Director-General must, by notice in writing, inform the person whose nomination has been revoked of that revocation.

## Part 4 Endorsements

### 8 Cancellation and suspension of endorsements

An endorsement may be suspended or cancelled if the endorsement holder:

- (a) is convicted, or found guilty, of an offence against the Act, or any regulations made under the Act or of an offence relating to commercial fishing operations under a law of the Commonwealth, another State, a Territory or New Zealand, or
- (b) is convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) has, in the opinion of the Minister, contravened a condition of the endorsement, or
- (d) is no longer eligible for an endorsement under the Act, this Plan or the share management plan for the fishery.

### 9 Fishing period

For the purposes of section 68 (2) of the Act, the relevant fishing period for a fishery is not to exceed the period of 5 years.

## Part 5 Management charges and community contributions

### 10 Management charge

- (1) For the purposes of section 76 (2) of the Act, the following costs of management are attributed to industry:
  - (a) the costs of developing, reviewing, implementing and ensuring compliance with strategies, policies and legislation relating to a

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- fishery (including for the purpose of promoting ecologically sustainable development of a fishery),
- (b) the costs of providing administrative services in connection with the operation of a fishery,
  - (c) the costs incurred in connection with the establishment and operation of the Management Advisory Committee for a fishery,
  - (d) the costs incurred in connection with the following research (or such part of those costs as the Minister determines):
    - (i) ongoing research into the management and sustainability of a fishery or of commercial fisheries generally,
    - (ii) specific research projects relating to the management and sustainability of a fishery or of commercial fisheries generally,
  - (e) such other costs of management of a fishery as may be determined by the Minister after consultation with the Management Advisory Committee for the fishery.
- (2) The costs of management attributed to industry may be reduced in any manner the Minister considers appropriate to recognise any saving, or any public benefit or benefit to any other fishing sector, that is achieved in the management of a fishery.
- (3) The management charge may, with the approval of the Minister, be paid by instalments on such terms as the Minister approves.

**Note.** Section 76 of the Act provides that if an instalment is not paid by the due date, the balance then becomes due and payable (together with any interest for late payment chargeable under section 76).

**11 Community contribution**

- (1) For the purposes of section 77 of the Act, a community contribution is payable by a shareholder in a fishery, in respect of each fishing business of the shareholder, for each financial year.
- (2) The community contribution is payable 2 months after the end of each financial year, or on such later date as may be determined by the Minister.
- (3) No community contribution is payable for the financial year commencing on 1 July 2006.
- (4) The community contribution for each subsequent financial year is \$100 for each fishing business the components of which include shares in a fishery.
- (5) A shareholder is liable for only one community contribution under this clause in respect of a fishing business (even if the fishing business includes components in more than one fishery).

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- (6) If a community contribution is unpaid after the due date for its payment, the balance then becomes due and payable (together with any interest that may be charged on the overdue amount).
  - (7) Interest may be charged, at the discretion of the Minister, if a community contribution is unpaid after the due date for its payment, on the overdue amount at the rate payable from time to time in respect of judgments of the Supreme Court.
  - (8) In this clause, *financial year* means the period of 12 months commencing on 1 July and ending on 30 June in the following year.

## Part 6 General

### 12 Protected fish

An endorsement does not authorise an endorsement holder to take any species of fish that is declared to be protected fish (whether before or after the commencement of this Plan) under section 19 of the Act.

**Note.** Clause 6 of the Regulation lists species that are protected fish.

### 13 Fish protected from commercial fishing

- (1) An endorsement does not authorise an endorsement holder to take any species of fish which are protected from commercial fishing for the purposes of section 20 (1) of the Act.
- (2) The following Table sets out the species of fish that are currently protected from commercial fishing.

#### Table Fish protected from commercial fishing

##### Part 1 Marine or estuarine species

Common name	Species
Groper, blue, brown or red	<i>Achoerodus viridis</i>
Marlin, black	<i>Makaira indica</i>
Marlin, blue	<i>Makaira mazara</i>
Marlin, striped	<i>Tetrapturus audax</i>

##### Part 2 Freshwater species

Common name	Species
Atlantic salmon	<i>Salmo salar</i>

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Common name	Species
Australian bass	<i>Macquaria novemaculeata</i>
Catfish, eel-tailed	<i>Tandanus tandanus</i>
Estuary perch	<i>Macquaria colonorum</i>
Freshwater crayfish	All species of the genera <i>Euastacus</i> and <i>Cherax</i> except for the common yabby <i>Cherax destructor</i>
Golden perch	<i>Macquaria ambigua</i>
Murray cod	<i>Maccullochella peeli peeli</i>
Silver perch	<i>Bidyanus bidyanus</i>
Trout, brook	<i>Salvelinus fontinalis</i>
Trout, brown	<i>Salmo trutta</i>
Trout, rainbow	<i>Oncorhynchus mykiss</i>

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**14 Prohibited size fish**

- (1) The entitlement of an endorsement holder to take fish in a fishery is subject to the provisions of the Regulation with respect to the prohibited size for any fish that may be taken in the fishery.
- (2) An endorsement does not authorise an endorsement holder to take fish in a fishery in contravention of those provisions.

**15 Use of fishing gear**

An endorsement does not authorise an endorsement holder to take fish using a net, trap or other fishing gear in contravention of the requirements of Part 3 of the Regulation, unless a provision of the share management plan for the fishery expressly authorises a departure from those requirements.

**16 Priorities in the use of fishing gear**

An endorsement does not authorise an endorsement holder to take fish in contravention of any relevant rights of priority contained in Part 4 of the Regulation, unless a provision of the share management plan for the fishery expressly authorises a departure from those priority rights.

**17 Miscellaneous provisions relating to fisheries management**

An endorsement does not authorise a person to contravene the provisions of Part 5 of the Regulation, unless a provision of the share management plan for the fishery expressly authorises a departure from those provisions.

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**18 Threatened species conservation**

An endorsement does not authorise a person to contravene the provisions of Part 11A of the Regulation.

**19 Aquatic reserves regulation**

An endorsement does not authorise a person to contravene the provisions of any regulation relating to aquatic reserves made under section 197 of the Act.

**20 Fishing entitlements are subject to licence conditions**

- (1) An endorsement does not authorise an endorsement holder to take fish in a fishery in contravention of any conditions of his or her commercial fishing licence (whether those conditions are prescribed by the regulations or imposed by the Minister under section 104 of the Act).
- (2) Any endorsement conditions prescribed by this Plan or the share management plan for a fishery are in addition to any commercial fishing licence conditions prescribed by the Regulation or imposed by the Minister under section 104 of the Act.
- (3) An endorsement does not authorise the use of a fishing boat to take fish in a fishery in contravention of the conditions of the fishing boat licence (whether those conditions are prescribed by the regulations or imposed by the Minister under section 108 of the Act).
- (4) Any fishing boat licence conditions prescribed by this Plan or the share management plan for a fishery are in addition to any fishing boat licence conditions prescribed by the Regulation or imposed by the Minister under section 108 of the Act.

**21 Preservation of existing fishing closures**

The entitlement of an endorsement holder to take fish in a fishery specified in Column 3 of Schedule 1 is subject to a fishing closure made under the Act (before the commencement of this Plan) with the Gazette reference and subject matter set out in Column 1 and 2 of the Schedule next to that fishery.

**22 New fishing closures**

The entitlement of an endorsement holder to take fish in a fishery specified in Column 2 of Schedule 2 is subject to any fishing closure made under the Act (after the commencement of this Plan) with prohibitions of a kind referred to in Column 1 of the Schedule next to the fishery concerned.

**Note.** Schedule 2 refers to any fishing closures made after the commencement of the Supporting Plan which apply to a fishery.

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**23 Waters closed permanently to commercial fishing**

The entitlement of an endorsement holder to take fish in a fishery is subject to any prohibition made under section 20 (2) of the Act that prohibits, in the waters specified in the Column 1 of Schedule 3, all commercial fishing, or a class of commercial fishing, as indicated next to the waters concerned in Column 2 of the Schedule.

**24 Application of Plan—general**

The provisions of this Plan apply in relation to all share management fisheries, subject to section 57A (5) of the Act.

**25 Authorised amendments to Plan**

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

**Schedule 1 Preservation of existing fishing closures**

(Clause 21)

Table

Column 1	Column 2	Column 3
Gazette reference	Subject matter	Commercial fisheries affected
GG No 45 of 14.2.2003 at pages 1648–1651	South-East Trawl Fishery—Trip Limits	Ocean Trawl Ocean Trap and Line
GG No 135 of 10.11.2006 at pages 9540–9541	Commercial Fishing Catch Limits for Deep Water Species	Ocean Trawl Ocean Trap and Line
GG No 56 of 18.5.2005 at pages 1729–1730	Gemfish ( <i>Rexea Solandri</i> )	Ocean Trawl Ocean Trap and Line
GG No 87 of 21.5.2004 at pages 3041–3042	First Point of Sale Prawn Counts and Closure to Commercial Prawnning Nets—All waters other than the Clarence River, Hunter River, Hawkesbury River and Port Jackson	Estuary General Ocean Trawl
GG No 112 of 1.9.2006 at page 7862	Australian Salmon	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl

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Column 1	Column 2	Column 3
Gazette reference	Subject matter	Commercial fisheries affected
GG No 112 of 1.9.2006 at page 7861	Tailor	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl
GG No 55 of 16.5.2005 at page 1727	Southern Bluefin Tuna	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 30 of 3.3.2006 at page 1082	Bluefish ( <i>Girella cyanea</i> )	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 135 of 10.11.2006 at page 9542	Invertebrates—Intertidal Protected Areas County of Cumberland	Estuary General
GG No 121 of 1.8.2003 at page 7568	Estuary General Fishery—Eastern Sea Garfish	Estuary General
GG No 183 of 19.11.2004 at page 8526	Garfish NSW Tidal Waters	Estuary General
GG No 128 of 17.10.2005 at page 8837	Spanner crab fishery—Seasonal closure	Ocean Trap and Line
GG No 112 of 2.7.2004 at page 5620	Cook Island	Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 160 of 1.10.2002 at page 8500	Lady Denman Heritage Complex Fish Enclosure—Huskisson	Estuary General
GG No 8 of 17.1.2006 at pages 407–412	Caulerpa	Estuary General
GG No 116 of 15.9.2006 at page 8056	NSW Ocean Trawl Fleet (Bobbin Gear)	Ocean Trawl

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Column 1	Column 2	Column 3
Gazette reference	Subject matter	Commercial fisheries affected
GG No 147 of 17.9.2004 at pages 7576–7577	Nadgee River, Nadgee Lake, Merrica River and Little Creek	Estuary General
GG No 21 of 6.2.2004 at page 429	Pipis—All Ocean Beaches of New South Wales	Estuary General
GG No 134 of 13.8.2004 at page 6566	Port Kembla	Estuary General Ocean Trawl
GG No 131 of 6.8.2004 at page 6422	Coffs Harbour Entrance, Coffs Harbour and Coffs Harbour Creek	Ocean Trap and Line
GG No 135 of 10.11.2006 at page 9541	Crowdy Head Boat Harbour	Ocean Trap and Line
GG No 196 of 12.12.2003 at page 11213	Trial Bay South West Rocks	Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 201 of 1.11.2002 at page 9369	Fishing closure—Woody Bay	Ocean Trap and Line
GG No 194 of 8.12.2003 at pages 11161–11164	Hunter River and Tributaries	Estuary General Estuary Prawn Trawl
GG No 77 of 30.4.2004 at page 2255	Hunter River Prawning Closure—Recreational Prawn Nets—Hunter River and Tributaries	Estuary General Estuary Prawn Trawl
GG No 131 of 6.8.2004 at page 6423	Bellambi Point (Bellambi Harbour)	Ocean Trap and Line
GG No 131 of 6.8.2004 at page 6425	Shell Harbour	Ocean Hauling
GG No 111 of 1.9.2006 at page 7839	Section 8 Notification—Fishing Closures—Shark Fins	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 16 of 23.1.2004 at page 274	Estuary General Fishery—discard chutes	Estuary General

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Gazette reference</b>	<b>Subject matter</b>	<b>Commercial fisheries affected</b>
GG No 161 of 3.10.2003 at page 9924	Use of Live Birds and Mammals as bait	Estuary General Ocean Trap and Line
GG No 135 of 10.11.2006 at page 9543	OG1—Offshore Commercial Fishing	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 135 of 10.11.2006 at pages 9543–9545	Tweed River Parish of Terranora; County of Rous	Estuary General
GG No 149 of 24.9.2004 at page 7703	Cudgera Creek, Cudgen Creek and Cudgen Lake	Estuary General
GG No 149 of 24.9.2004 at page 7704	Mooball Creek	Estuary General
GG No 87 of 21.5.2004 at page 3041	Brunswick River and Tributaries	Estuary General
GG No 69 of 2.4.2004 at pages 1856–1857	Richmond River—Tatham Bridge to Norco Weir	Estuary General
GG No 112 of 2.7.2004 at pages 5621–5623	Richmond River, Wilsons River and their Tributaries, Prospect and Chickiba Lakes (Ballina's artificial lakes)	Estuary General
GG No 163 of 4.10.2002 at page 8573	Evans River	Estuary General Ocean Hauling
GG No 149 of 24.9.2004 at pages 7703–7704	Jerusalum Creek	Estuary General
GG No 30 of 4.3.2005 at pages 662–667	Clarence River, its Lakes, Lagoons, Inlets, Channels, Creeks and Tributaries—County of Clarence	Estuary General Estuary Prawn Trawl Ocean Hauling
GG No 112 of 2.7.2004 at pages 5617–5618	First Point of Sale Prawn Counts—Incidental Catch Ratios and Closure to Commercial Prawning Nets	Estuary General Estuary Prawn Trawl
GG No 147 of 17.9.2004 at page 7578	Lake Arragan	Estuary General

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Column 1	Column 2	Column 3
Gazette reference	Subject matter	Commercial fisheries affected
GG No 135 of 10.11.2006 at pages 9537–9538	Arrawarra Creek	Estuary General
GG No 149 of 24.9.2004 at page 7702	Boambee, Bonville and Pine Creeks	Estuary General
GG No 98 of 18.6.2004 at pages 3741–3742	Nambucca River and Warrell Creek	Estuary General
GG No 131 of 6.8.2004 at page 6420	Nambucca River and Warrell Creek	Estuary General
GG No 93 of 21.7.2006 at page 5799	Yarrahapinni Wetland Reserve	Estuary General
GG No 134 of 13.8.2004 at page 6565	Korogoro Creek, Hat Head	Estuary General
GG No 135 of 30.8.2002 at page 7694	Fishing closure—Belmore River	Estuary General
GG No 131 of 6.8.2004 at page 6424	Killick or Crescent Head Creek	Estuary General Ocean Hauling
GG No 38 of 1.4.2005 at pages 1004–1005	Macleay River and its Tributaries, including the Belmore River, South West Rocks Creek and Trial Bay Front Beach—Counties of Clark, Dudley, Macquarie, Sandon and Vernon	Estuary General Ocean Hauling
GG No 147 of 17.9.2004 at page 7578	Hastings River and Lake Innes	Estuary General
GG No 198 of 10.12.2004 at page 9108	Cathie Creek and Cathie Lake—County of Macquarie	Estuary General
GG No 135 of 10.11.2006 at pages 9538–9540	Camden Haven, Queens Lake and Watson Taylors Lake—County of Macquarie	Estuary General
GG No 196 of 12.12.2003 at pages 11212–11213	Manning River and Tributaries	Estuary General
GG No 38 of 1.4.2005 at page 1003	Khappinghat Creek—County of Gloucester	Estuary General
GG No 135 of 10.11.2006 at pages 9536–9537	Wallis Lake and tributaries and ocean waters (Forster), County of Gloucester	Estuary General Ocean Hauling

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Gazette reference</b>	<b>Subject matter</b>	<b>Commercial fisheries affected</b>
GG No 135 of 10.11.2006 at page 9548	Smiths Lake, County of Gloucester	Estuary General
GG No 118 of 9.7.2004 at pages 5869–5870	Myall Lake, Myall River, Boolambayte Lake and Boolambyte Creek	Estuary General
GG No 147 of 17.9.2004 at pages 7579–7580	Port Stephens and Tributaries	Estuary General
GG No 135 of 10.11.2006 at pages 9545–9546	Port Stephens and Tributaries—Set Mesh Nets	Estuary General
GG No 65 of 3.6.2005 at page 1949	Prawn Counts Incidental Catch Ratios and Closure to Commercial Prawnning Nets—Hunter River	Estuary General Estuary Prawn Trawl
GG No 113 of 5.9.2006 at pages 7863–7864	Line Fishing Stockton Beach (Stockton) to Big Gibber (Hawks Nest)	Ocean Trap and Line
GG No 95 of 11.6.2004 at pages 3507–3509	Tuggerah Lakes (including Munmorah and Budgewoi Lakes)	Estuary General
GG No 119 of 26.9.2006 at page 8437	Bouddi Fishing Closure	Estuary General Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 59 of 19.3.2004 at pages 1491–1496	Hawkesbury River, Brisbane Water and Pittwater and their Tributaries	Estuary General Estuary Prawn Trawl
GG No 61 of 27.5.2005 at page 1871	Prawn Counts Incidental Catch Ratios and Closure to Commercial Prawnning Nets—Hawkesbury River	Estuary General Estuary Prawn Trawl
GG No 147 of 17.9.2004 at page 7579	Longneck Lagoon	Estuary General
GG No 67 of 6.6.2005 at page 1973	Black Road Bait Ground (ocean waters adjacent to North Narrabeen Beach)	Ocean Hauling
GG No 135 of 10.11.2006 at page 9540	Clovelly Beach—Commercial Nets	Ocean Hauling Ocean Trawl

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Gazette reference</b>	<b>Subject matter</b>	<b>Commercial fisheries affected</b>
GG No 147 of 17.9.2004 at pages 7583–7584	Port Hacking	Estuary General Ocean Hauling
GG No 114 of 18.7.2003 at page 7396	Pipis, Cockles and Whelks—Simpson's Bay Beach to Costens Point	Estuary General
GG No 133 of 23.8.2002 at page 6453	Wattamolla Lagoon	Estuary General Ocean Trap and Line
GG No 147 of 17.9.2004 at pages 7582–7583	Lake Illawarra (including Macquarie Rivulet)	Estuary General
GG No 131 of 6.8.2004 at page 6424	Minamurra River	Estuary General
GG No 131 of 6.8.2004 at page 6425	Werri Creek	Estuary General
GG No 131 of 6.8.2004 at page 6421	Crooked River	Estuary General
GG No 135 of 10.11.2006 at pages 9546–9547	Shoalhaven and Crookhaven Rivers	Estuary General
GG No 118 of 9.7.2004 at pages 5867–5868	Jervis Bay (including Currumbene Creek)	Estuary General
GG No 147 of 17.9.2004 at pages 7580–7582	Butler's Creek, Willinga Lake, Canal Lagoon, Lake Wollumboola, Moona Moona Creek, Swan Lake and Tabourie Lake	Estuary General
GG No 19 of 30.1.2004 at page 334	Durras Lake	Estuary General
GG No 19 of 30.1.2004 at page 333	Clyde River	Estuary General
GG No 19 of 30.1.2004 at page 335	Tomaga River and Candlagan Creek	Estuary General
GG No 19 of 30.1.2004 at pages 336–337	Moruya (or Deua) River and Tributaries, and Willija (or 'Y') Swamp at Moruya Heads	Estuary General
GG No 19 of 30.1.2004 at page 332	Congo Creek	Estuary General

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Gazette reference</b>	<b>Subject matter</b>	<b>Commercial fisheries affected</b>
GG No 149 of 24.9.2004 at page 7703	Coila Lake	Estuary General
GG No 168 of 26.10.2004 at page 8203	Whittakers Creek, County of Dampier	Estuary General
GG No 149 of 24.9.2004 at page 7702	Wagonga River	Estuary General
GG No 135 of 10.11.2006 at pages 9548–9549	Wagonga Inlet, Narooma	Estuary General
GG No 149 of 24.9.2004 at pages 7701–7702	Nangudga Lake	Estuary General
GG No 157 of 8.10.2004 at pages 7926–7928	Wallaga Lake	Estuary General
GG No 149 of 24.9.2004 at page 7701	Cuttagee Lake and Little Lake	Estuary General
GG No 134 of 29.8.2003 at page 9076	Wapengo Lake	Estuary General
GG No 147 of 17.9.2004 at pages 7577–7578	Wallagoot Lake	Estuary General
GG No 147 of 17.9.2004 at page 7577	Sandy Beach Creek and Bournda Lagoon	Estuary General
GG No 198 of 10.12.2004 at pages 9106–9107	Merimbula Lake, Yowaka River, Pambula Lake/River, Twofold Bay, Merimbula Bay and Towamba River—County of Auckland	Estuary General Ocean Hauling Ocean Trawl
GG No 114 of 8.9.2006 at page 7935	Commercial Fishing Catch Limits for Shark Species	Ocean Trap and Line Ocean Trawl

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**Schedule 2      New fishing closures**

(Clause 22)

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Prohibitions of fishing closure</b>	<b>Commercial fisheries affected</b>

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**Schedule 3      Waters closed permanently to fishing**

(Clause 23)

<b>Column 1</b>	<b>Column 2</b>
<b>Waters</b>	<b>Class of commercial fishing prohibited</b>
Back Lake (also known as Back Lagoon): the whole of the waters of Back Lake, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.	All commercial fishing.
Bega River: the whole of the waters of Bega River, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.	All commercial fishing.
Bellinger River (including Kalang River): the whole of the waters of Bellinger River, from its confluence with the Pacific Ocean upstream to its source, including Kalang River and all their tributaries, creeks, bays, inlets and lagoons.	All commercial fishing.

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<b>Column 1</b>	<b>Column 2</b>
<b>Waters</b>	<b>Class of commercial fishing prohibited</b>
Bermagui River:  the whole of the waters of Bermagui River, from a line drawn between the eastern extremity of the northern breakwall south to Bermagui Point upstream to its source, including all its tributaries, creeks, bays and inlets.	All commercial fishing, except the carriage of stowed fishing gear by boat directly from Bermagui Harbour to ocean waters.
Botany Bay:  the whole of the waters of Botany Bay, together with all its tributaries, creeks, bays and inlets.	All commercial fishing, other than the taking of lobsters and abalone in accordance with the relevant share management plan.
Burrill Lake:  the whole of the waters of Burrill Lake and Burrill Lake Entrance Channel, together with all their tributaries, creeks, bays and inlets.	All commercial fishing.
Camden Haven River:  the whole of the waters of Camden Haven River from a line drawn between the eastern extremities of its northern and southern breakwalls upstream to North Haven Bridge and Dunbogan Bridge, which waters include the waters under those bridges, Gogleys Lagoon and all tributaries, creeks, bays and inlets.	All commercial fishing.

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Column 1	Column 2
Waters	Class of commercial fishing prohibited
Clarence River:	
(a) the waters enclosed within a line drawn across the river entrance from the eastern extremity of the northern breakwall to the eastern extremity of the southern breakwall, and then upstream to a line drawn from the Waterways Authority Front Lead Beacon No 122 at mean high water mark on the northern side of Hickey Island, then northwesterly to the Waterways Authority Navigation Aid No 097 located on the downstream side of the most easterly opening in Middle Wall, then northeasterly across to the western extremity of Moriartys Wall,	All commercial fishing, except the class of commercial fishing that consists of the use of a hauling net (general purpose) in accordance with clause 26 of the Regulation on and from 1 April in any year up to and including 31 August in that year in the waters adjacent to Wave Trap Beach located at the western end of the northern breakwall at the entrance of the Clarence River.
(b) the whole of the waters of Oyster Channel from a line drawn from the Department marker post RFH1, located on the southern shore adjacent to the intersection of Micalo and Yamba Roads, northeasterly to the Department marker post RFH2 located on the shore north of Whyna Island, then following the mean high water mark upstream to a Department marker post RFH3 beneath the second set of powerlines crossing Oyster Channel, located approximately 420 metres upstream of the Oyster Channel Road Bridge, then westerly following the powerlines to a Department marker post RFH4 on the shore of Micalo Island,	All commercial fishing.

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Column 1	Column 2
Waters	Class of commercial fishing prohibited
(c) the whole of the waters of Romiaka Channel south from a line drawn from the Department marker post RFH5, located on the shore of the northern extremity of Romiaka Island, northerly across to the Department marker post RFH6 on the shore at Palmers Island, west of Ungundam Island, and then upstream to a line drawn from the Department marker post RFH7 located on the shore of Romiaka Island at the southern end of the rock retaining wall on "Burn's farm", then westerly across Romiaka Channel to the Department marker post RFH8 on the shore of Palmers Island,	All commercial fishing.
(d) the whole of the waters of the North Arm of the Clarence River within the following boundaries, commencing at the Department marker post RFH9 located on the shore beneath the multiple overhead powerlines crossing the waters of the North Arm near Marandowie Drive, Iluka, then westerly directly beneath those powerlines for 100 metres, then upstream and parallel to the shore to a line parallel to the powerlines drawn from the Department marker post RFH10 located on the shore near the northern end of the rock retaining wall at the entrance to Saltwater Inlet.	All commercial fishing.
Deep Creek: the whole of the waters of Deep Creek, from its confluence with the Pacific Ocean upstream to its source, including all its tributaries, creeks, bays and inlets.	All commercial fishing.

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Column 1	Column 2
Waters	Class of commercial fishing prohibited
Hastings River: the whole of the waters of Hastings River from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to its source, including all its tributaries, creeks, bays and inlets.	All commercial fishing.
Lake Brunderee: the whole of the waters of Lake Brunderee, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Lake Conjola: the whole of the waters of Lake Conjola (and Berringer Lake), together with all their tributaries, creeks, bays and inlets.	All commercial fishing.
Lake Macquarie: the whole of the waters of Lake Macquarie, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Little Lake (also known as Little Tilba Lake and Hoyers Lake): the whole of the waters of Little Lake immediately south of Tilba Lake, including all its tributaries, creeks, bays and inlets.	All commercial fishing.
Manning River: the whole of the waters of Manning River, from its confluences with the South Pacific Ocean upstream to and including: (a) Ghinni Ghinni Creek, from a line drawn from a point on the south western shoreline at the mouth of Ghinni Ghinni Creek at 31° 52' 984"S, 152° 33' 565"E directly across the Manning River in a generally easterly direction to the eastern shoreline on Oxley Island at 31° 53' 066"S, 152° 34' 011"E, and	All commercial fishing.

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## Appendix

Column 1	Column 2
Waters	Class of commercial fishing prohibited
(b) Berady Creek, from a line drawn from the upriver bank of Berady Creek due east to the eastern side of the Manning River, in the south channel, which waters include Scotts Creek and all tributaries, creeks, bays and inlets.	
Meroo Lake:	
the whole of the waters of Meroo Lake, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Mummaga Lake (also known as Dalmeny Lake):	
the whole of the waters of Mummaga Lake, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Narrawallee Inlet:	
the whole of the waters of Narrawallee Inlet, together with all its tributaries, creeks and bays.	All commercial fishing.
Nelson Lagoon (also known as Nelson Lake):	
the whole of the waters of Nelson Lagoon, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.	All commercial fishing.
Nullica River:	
the whole of the waters of Nullica River, including all its tributaries, creeks, bays and inlets, from its confluence with Twofold Bay upstream to its source.	All commercial fishing.
Pambula River and Yowaka River:	
the whole of the waters of Pambula River and Yowaka River, including all their tributaries, creeks, bays and inlets, upstream of a line drawn from the southern end of Tea Tree Point and then due west to the boat ramp.	All commercial fishing.

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## Appendix

Column 1	Column 2
Waters	Class of commercial fishing prohibited
Richmond River:	
(a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to a line drawn across the River between the Burns Point Ferry ramps, including all the tributaries, creeks, bays, inlets and canal estates within those boundaries,	All commercial fishing.
(b) from a line drawn across the River between the Burns Point Ferry ramps upstream to a line drawn east across the River from the south-eastern corner of Portion 21 at the eastern end of Emigrant Point Lane, including Emigrant Creek and all other tributaries, creeks, bays, inlets and canal estates within those boundaries.	All commercial fishing, except the class of commercial fishing that consists of the use of a crab trap in accordance with clause 61 of the Regulation, or of an eel trap in accordance with clause 65 of the Regulation.
St Georges Basin:	
the whole of the waters of St Georges Basin, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Tabourie Lake:	
the whole of the waters of Tabourie Lake, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Tomaga River:	
the whole of the waters of Tomaga River, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Towamba River (also known as Kiah River):	
the whole of the waters of Towamba River, including all its tributaries, creeks, bays and inlets, from its confluence with Twofold Bay upstream to its source.	All commercial fishing.

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Column 1	Column 2
Waters	Class of commercial fishing prohibited
Tuross Lake (including Tuross River and Borang Lake):	
the whole of the waters of Tuross Lake, together with all its tributaries, creeks, bays, inlets and lagoons, including Tuross River and Borang Lake.	All commercial fishing.
Tweed River:	
the following waters of the Tweed River:	All commercial fishing.
(a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to Boyds Bay Bridge (including the waters under the bridge) and a line drawn from the southern point of Rocky Point due east to Fingal Road, including Jack Evans Boat Harbour, the Southern Boat Harbour and all the tributaries, creeks, bays, inlets and canal estates within those boundaries,	
(b) the canal estate off Bingham Bay known as Seagulls Canal, as well as its continuation on the other side of The Lakes Drive,	
(c) the canal estate off Cobaki Broadwater known as Tweed West Canals,	
(d) the tributary behind Caddy's Island known as Blue Water Canals,	
(e) the canal estate behind Crystal Waters Drive known as Crystal Waters Canal,	
(f) the canal estate west of Boyd's Island known as Endless Summer Canal Estate,	
(g) the canal estate generally north of Chinderah Island known as Oxley Cove,	
(h) Wommin Lagoon,	
(i) Wommin Lake.	

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## Appendix

Column 1	Column 2
Waters	Class of commercial fishing prohibited
Wonboyn River and Wonboyn Lake: the whole of the waters of Wonboyn River, including Wonboyn Lake, and all the tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.	All commercial fishing.
Wonboyn Beach: the whole of the waters adjacent to the shoreline and 500 metres seaward of the mean high water mark of the entire length of Wonboyn Beach between Green Cape Peninsula in the north and Greenglade in the south, including Bay Cliff Headland.	All methods of net fishing.



New South Wales

# Fisheries Management (Estuary General Share Management Plan) Regulation 2006

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## Explanatory note

The object of this Regulation is to give effect to the share management plan for the estuary general share management fishery.

The share management plan provides for the following matters:

- (a) objectives of the plan,
- (b) description of the fishery,
- (c) minimum and maximum shareholdings,
- (d) endorsement conditions,
- (e) species that may be taken,
- (f) other miscellaneous matters, including the adoption of the supporting plan.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 40, 57, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

Fisheries Management (Estuary General Share Management Plan) Regulation 2006

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Clause 1

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## **Fisheries Management (Estuary General Share Management Plan) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Estuary General Share Management Plan**

The *Estuary General Share Management Plan* set out in the Appendix to this Regulation has effect.

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## Appendix

(Clause 3)

### Part 1 Preliminary

#### 1 Name of Plan

This is the *Estuary General Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

**endorsement** means an endorsement on a commercial fishing licence that authorises the taking of fish in the fishery.

**endorsement holder** means a person who holds a commercial fishing licence that has an endorsement.

**estuarine waters** has the meaning given by Schedule 1 to the Act.

**estuary general fishing business** means a fishing business the components of which include shares in the fishery.

**fishery** means the estuary general fishery (as described in Schedule 1 to the Act).

**hand picking**, of fish, means any method of taking fish by hand (whether or not while wearing a glove) including taking fish by hand while diving or while using any of the following instruments:

- (a) a single blade knife with a blade longer than it is wide,
- (b) a pump or similar device having a barrel or cylinder with a diameter of not more than 85 millimetres,
- (c) a tube or cylinder (whether or not fitted with a cap at one end) with a length of not more than 250 millimetres and a diameter of not more than 85 millimetres,
- (d) a spade or fork (except in a seagrass bed, mangrove or saltmarsh area or for the taking of pipis),
- (e) pliers.

**permitted species** of fish has the meaning given by clause 16.

**Supporting Plan** means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

**the Act** means the *Fisheries Management Act 1994*.

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- (2) In this Plan, a reference to a region of the fishery is a reference to a region described in clause 4.
  - (3) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.
  - (4) Notes in this Plan do not form part of the Plan.

## Part 2 Objectives of Plan

### 3 Objectives, performance indicators and triggers for review

- (1) The objectives of this Plan are set out in Column 1 of the Table to this clause.
- (2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.
- (3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.
- (4) In the Table:
  - key secondary species* means a permitted species of fish that is designated as a key secondary species (as indicated in Column 3 of the Table to clause 16 next to the name of the species concerned).
  - primary species* means a permitted species of fish that is designated as a primary species (as indicated in Column 3 of the Table to clause 16 next to the name of the species concerned).
  - secondary species* means a permitted species of fish that is designated as a secondary species (as indicated in Column 3 of the Table to clause 16 next to the name of the species concerned).

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**Table**

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Objective</b>	<b>Performance indicator</b>	<b>Trigger for review</b>
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	Reduction in the estimated quantity of the estuary general catch (by method) which is discarded	The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys
		No new primary species or key secondary species with an exploitation status is classified as "overfished" or "recruitment overfished" by the Department	On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a primary species or key secondary species is changed to "overfished" or "recruitment overfished" by the Department
		Total annual landings of all secondary species taken in the fishery as a percentage of the total annual landings in the fishery remains at 15% or less	The Director-General is satisfied that the contribution of secondary species to total annual landings exceeds 15% in any 2 consecutive years

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Column 1 Objective	Column 2 Performance indicator	Column 3 Trigger for review
	No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community	Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish

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	Column 1	Column 2	Column 3
	Objective	Performance indicator	Trigger for review
2	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery	The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years

### Part 3 Description of fishery

**Note.** The fishery is described in Schedule 1 to the Act as consisting of:

- (a) the taking of fish from estuarine waters by any lawful method other than by use of an otter trawl net (prawns), and
- (b) the taking of fish from ocean beaches by the method of hand picking.

Estuarine waters do not include the waters of Port Jackson.

#### 4 Regions of fishery

- (1) For the purposes of this Plan, the fishery is divided into 7 regions, as specified in Column 1 of the Table to this clause.
- (2) A description of each region, and the estuarine waters within the region, is set out in Columns 2 and 3 of the Table to this clause next to the name of the region concerned.

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**Table Regions and estuarine waters**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Region</b>	<b>Description of region</b>	<b>Estuarine waters within region</b>
Upper North Coast—Region 1	That part of the State lying generally between the border between the States of Queensland and New South Wales and the parallel 29°15' south latitude	Tweed River Cudgen Lake Cudgera Creek Mooball Creek Brunswick River Richmond River Evans River Jerusalem Creek
Clarence—Region 2	That part of the State lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude	Clarence River Sandon River
North Coast—Region 3	That part of the State lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude	Wooli Wooli River Station Creek Corindi River Ararwarra Creek Darkum Creek Woolgoolga Lake Hearns Lake Moonee Creek Coffs Harbour Creek Boambee Creek Bonville Creek Dalhousie Creek Oyster Creek Nambucca River Macleay River South West Rocks Creek Saltwater Creek Korogoro Creek Killick Creek Lake Innes Lake Cathie Camden Haven River

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Column 1	Column 2	Column 3
Region	Description of region	Estuarine waters within region
Central—Region 4	That part of the State lying generally between the parallel 31°44' south latitude and the parallel 33°25' south latitude	Manning River Khappinghat Creek Wallis Lake Smiths Lake Myall Lakes Myall River Lake Boolambayte Port Stephens Karuah River Hunter River Tuggerah Lakes
Metropolitan—Region 5	That part of the State lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude	Hawkesbury River Pittwater Port Hacking
Upper South Coast—Region 6	That part of the State lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude	Towradgi Creek Lake Illawarra Minnamurra River Spring Creek Werri Lagoon Crooked River Shoalhaven River Lake Wollumboola Jervis Bay Swan Lake Berrara Creek Nerrindilah Creek

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Column 1	Column 2	Column 3
Region	Description of region	Estuarine waters within region
Lower South Coast— Region 7	That part of the State lying generally between the parallel 35°25' south latitude and the border between the States of New South Wales and Victoria	Termeil Lake Willinga Lake Durras Lake Batemans Bay Candlagan Creek Moruya River Congo Creek Meringo River Coila Lake Lake Brou Kiangra Lake Wagonga Inlet Nangudga Lake Corunna Lake Tilba Tilba Lake Wallaga Lake Barragoot Lake Cuttagee Lake Murrah Lake Bunga Lagoon Wapengo Lake Middle Lake (Bega) Wallagoot Lake Bournda Lagoon Merimbula Lake Pambula Lake Curalo Lake

## 5 Classes of share

There are 63 classes of share available in the fishery, being the following classes:

- (a) Estuary general—handline and hauling crew shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (b) Estuary general—meshing shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (c) Estuary general—prawning shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (d) Estuary general—trapping shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (e) Estuary general—eel trapping shares—Regions 1, 2, 3, 4, 5, 6 and 7,

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- (f) Estuary general—mud crab trapping shares—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (g) Estuary general—hand gathering shares—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (h) Estuary general—category one hauling shares—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (i) Estuary general—category two hauling shares—Regions 1, 2, 3, 4, 5, 6 and 7.

**Note.** The classes of share available correspond to the type of endorsement available in the fishery and the region in which that endorsement authorises the holder to take fish.

Under section 71A of the Act, it is possible for the management plan to provide for the creation and issue of further classes of shares in the fishery.

## 6 Types of endorsement

- (1) There are 63 types of endorsement available in the fishery, as follows:
  - (a) Handline and hauling crew endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (b) Meshing endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (c) Prawning endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (d) Trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (e) Eel trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (f) Mud crab trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (g) Hand gathering endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (h) Category one hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (i) Category two hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7.
- (2) **Handline and hauling crew endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**  
 A handline and hauling crew endorsement authorises the holder to take fish from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement using a handline or by assisting another commercial fisher who holds a category one or category two hauling endorsement (using hauling methods only).
- (3) Only shareholders who hold estuary general—handline and hauling crew shares for a region are eligible to be given, or to nominate a person to be given, a handline and hauling crew endorsement for that region.

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(4) **Meshing endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A meshing endorsement authorises the holder to take fish from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement using any of the following nets:

- (a) meshing net,
- (b) flathead net.

- (5) Only shareholders who hold estuary general—meshing shares for a region are eligible to be given, or to nominate a person to be given, a meshing endorsement for that region.

(6) **Prawning endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A prawning endorsement authorises the holder to take prawns from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement using any of the following nets:

- (a) prawn net (hauling),
- (b) prawn net (set pocket),
- (c) prawn running net,
- (d) seine net (prawns),
- (e) hand-hauled prawn net,
- (f) push or scissors net (prawns),
- (g) dip or scoop net (prawns).

- (7) Only shareholders who hold estuary general—prawning shares for a region are eligible to be given, or to nominate a person to be given, a prawning endorsement for that region.

(8) **Trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A trapping endorsement authorises the holder to take fish (other than eels and mud crabs) from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement using any of the following nets and traps:

- (a) fish trap,
- (b) hoop or lift net.

**Note.** This endorsement extends to the taking of blue swimmer crabs from estuarine waters using the trap or net referred to above.

- (9) Only shareholders who hold estuary general—trapping shares for a region are eligible to be given, or to nominate a person to be given, a trapping endorsement for that region.

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- (10) **Eel trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**  
An eel trapping endorsement authorises the holder to use an eel trap to take eels from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement.
- (11) Only shareholders who hold estuary general—eel trapping shares for a region are eligible to be given, or to nominate a person to be given, an eel trapping endorsement for that region.
- (12) **Mud crab trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**  
A mud crab trapping endorsement authorises the holder to use a crab trap or a hoop or lift net (or both) to take mud crabs from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement.
- (13) Only shareholders who hold estuary general—mud crab trapping shares for a region are eligible to be given, or to nominate a person to be given, a mud crab trapping endorsement for that region.
- (14) **Hand gathering endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**  
A hand gathering endorsement authorises the holder to take beachworm, pipi, cockle, cuttlefish, mussel and nippers from estuarine waters and ocean beaches, within a region of the fishery specified in the endorsement, by the method of hand picking.
- (15) Only shareholders who hold estuary general—hand gathering shares for a region are eligible to be given, or to nominate a person to be given, a hand gathering endorsement for that region.
- (16) **Category one hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**  
A category one hauling endorsement authorises the holder to take fish from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement using any of the following nets:
- (a) hauling net (general purpose),
  - (b) trumpeter whiting net (hauling),
  - (c) pilchard, anchovy and bait net (hauling),
  - (d) garfish net (hauling),
  - (e) garfish net (bullringing),
  - (f) bait net.
- (17) Only shareholders who hold estuary general—category one hauling shares for a region are eligible to be given, or to nominate a person to be given, a category one hauling endorsement for that region.

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(18) **Category two hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A category two hauling endorsement authorises the holder to take fish from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement using any of the following nets:

- (a) garfish net (hauling),
- (b) garfish net (bullringing),
- (c) bait net.

(19) Only shareholders who hold estuary general—category two hauling shares for a region are eligible to be given, or to nominate a person to be given, a category two hauling endorsement for that region.

(20) Any endorsement that authorises the taking of fish from the estuarine waters within Region 5 (as specified next to Region 5 in the Table to clause 4) is taken to also authorise the taking of fish from any part of the Hawkesbury River that lies outside Region 5 in the proximity of Wisemans Ferry and Mangrove Creek.

(21) Any endorsement that authorises the taking of fish from estuarine waters within one region is taken to also authorise the taking of fish from estuarine waters within another region, but only if those other waters are specified in the endorsement.

## **Part 4 Minimum and maximum shareholdings**

### **7 Minimum shareholding**

(1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.

**Note.** A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.

(2) The minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.

(3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if the shareholder transfers, assigns, forfeits or surrenders any shares of that class after the commencement of this Plan (in which case subclause (1) applies to the shareholder).

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- (4) For the purposes of this clause, an *original entitlement holder*, in relation to a class of shares, is a person who:
- (a) held shares of that class immediately before the commencement of this Plan, and
  - (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.
- (5) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.
- (6) The shares relied on to meet the minimum shareholding requirement must all be a component of the same estuary general fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Estuary general—handline and hauling crew shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—meshing shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—prawning shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—trapping shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—eel trapping shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—mud crab trapping shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—hand gathering shares (Region 1, 2, 3, 4, 6 or 7)	125
Estuary general—hand gathering shares (Region 5)	100
Estuary general—category one hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—category two hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)	125

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## 8 Maximum shareholding

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

## Part 5 Endorsement conditions

### 9 Use of traps and nets by trapping endorsement holders

- (1) This clause applies if a person holds a trapping endorsement (but not a mud crab trapping endorsement or eel trapping endorsement).
- (2) For the purposes of section 68 (6A) of the Act, it is a condition of a trapping endorsement that the fisher taking fish under the endorsement does not set or use a fish trap or hoop or lift net (or both) in any waters in contravention of this clause.
- (3) A fisher must not set or use in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) at any one time:
  - (a) a total of more than 20 fish traps, or
  - (b) a total of more than 10 hoop or lift nets.
- (4) A fisher must not set or use in any other waters at any one time:
  - (a) a total of more than 10 fish traps, or
  - (b) a total of more than 10 hoop or lift nets.
- (5) Without affecting subclauses (3) and (4), if fish traps or hoop or lift nets (or both) are set or used by a fisher in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) and in other waters, the fisher must not set or use at any one time:
  - (a) a total of more than 20 fish traps, or
  - (b) a total of more than 10 hoop or lift nets.

**Note.** See also clauses 48, 59 and 61 of the *Fisheries Management (General) Regulation 2002*. Any breach of those clauses is an offence under section 24 of the Act.

### 10 Use of traps and nets by mud crab trapping endorsement holders

- (1) This clause applies if a person holds a mud crab trapping endorsement (but not a trapping endorsement).
- (2) For the purposes of section 68 (6A) of the Act, it is a condition of a mud crab trapping endorsement that the fisher taking fish under the endorsement does not set or use a crab trap or hoop or lift net (or both) in any waters in contravention of this clause.

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- (3) A fisher must not set or use in any waters at any one time:
- (a) a total of more than 10 crab traps, or
  - (b) a total of more than 10 hoop or lift nets.
- (4) In addition, a fisher must not set or use in any waters at any one time a combined total of crab traps and hoop or lift nets that exceeds 10. Accordingly, for every one crab trap the fisher sets or uses, the maximum number of hoop or lift nets he or she is permitted to use at the same time is reduced by one.

**Note 1.** Accordingly, a fisher who uses 1 crab trap is permitted to use only 9 hoop or lift nets, a fisher who uses 2 crab traps is permitted to use only 8 hoop or lift nets, a fisher who uses 3 crab traps is permitted to use only 7 hoop or lift nets, and so on.

**Note 2.** See also clauses 48, 59 and 61 of the *Fisheries Management (General) Regulation 2002*. Any breach of those clauses is an offence under section 24 of the Act.

**11 Use of traps and nets by dual endorsement holders**

- (1) This clause applies if a person holds both a trapping endorsement and a mud crab trapping endorsement.
- (2) For the purposes of section 68 (6A) of the Act, it is a condition of a trapping endorsement and a mud crab trapping endorsement that the fisher taking fish under the endorsements does not set or use a fish trap, hoop or lift net or crab trap (or any combination of those traps and nets) in any waters in contravention of this clause.
- (3) A fisher must not set or use in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) at any one time:
  - (a) a total of more than 20 fish traps, or
  - (b) a total of more than 20 hoop or lift nets, or
  - (c) a total of more than 10 crab traps.
- (4) A fisher must not set or use in any other waters at any one time:
  - (a) a total of more than 10 fish traps, or
  - (b) a total of more than 20 hoop or lift nets, or
  - (c) a total of more than 10 crab traps.
- (5) Without affecting subclauses (3) and (4), if fish traps, hoop or lift nets or crab traps (or any combination of those traps or nets) are set or used by a fisher in the waters of Wallis Lake Broadwater or Port Stephens Broadwater (or both) and in other waters, the fisher must not set or use at any one time:
  - (a) a total of more than 20 fish traps, or
  - (b) a total of more than 20 hoop or lift nets, or

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(c) a total of more than 10 crab traps.

- (6) In addition, a fisher must not set or use in any waters, at any one time, a combined total of crab traps and hoop or lift nets that exceeds 20. Accordingly, for every one crab trap the fisher sets or uses, the maximum number of hoop or lift nets he or she is permitted to use at the same time is reduced by one.

**Note 1.** Accordingly, a fisher who uses 1 crab trap is permitted to use only 19 hoop or lift nets, a fisher who uses 2 crab traps is permitted to use only 18 hoop or lift nets, a fisher who uses 3 crab traps is permitted to use only 17 hoop or lift nets, and so on. A fisher who uses the maximum number of crab traps he or she is permitted to use (that is, 10 crab traps) is permitted to use only 10 hoop or lift nets.

**Note 2.** See also clauses 48, 59 and 61 of the *Fisheries Management (General) Regulation 2002*. Any breach of those clauses is an offence under section 24 of the Act.

**12 No more than one net to be used by holders of hauling endorsement**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of a category one hauling endorsement that the holder of the endorsement does not use or cause to be used more than one of the nets that the holder is authorised to use in the fishery by the endorsement at any one time.
- (2) For the purposes of section 68 (6A) of the Act, it is a condition of a category two hauling endorsement that the holder of the endorsement does not use or cause to be used more than one of the nets that the holder is authorised to use in the fishery by the endorsement at any one time.

**13 Boat capacity restrictions**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if it has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Maximum boat length</b>	<b>Exemption code</b>
10 metres	EG

- (2) Subclause (1) does not apply in respect of an original boat if:
- (a) it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and

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- (b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind specified in Column 2 of the Table to this clause.
  - (3) In this clause, an ***original boat*** means a boat that, immediately before the commencement of this Plan, was a component of an estuary general fishing business.
  - (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

**14 Taking fish with the assistance of other persons**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not take fish in the fishery with the assistance of any person, other than a person who holds the same type of endorsement to take fish as the endorsement holder.
- (2) This clause does not apply to the taking of fish in the fishery by use of a seine net (prawns).

**Part 6 Species that may be taken**

**15 Only permitted species may be taken**

For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not take fish by use of a net, trap or line or by the method of hand picking in the fishery unless the fish taken is a permitted species for the fishery.

**Note.** Size requirements for permitted species are set out in the *Fisheries Management (General) Regulation 2002*.

**16 Permitted species**

For the purposes of this Plan, a ***permitted species*** of fish is a species of fish listed in the following Table.

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**Table Species of fish permitted to be taken in the fishery**

Common name	Scientific name	Designation
Anchovy	<i>Engraulis australis</i>	Secondary species
Australian bonito	<i>Sarda australis</i>	Secondary species
Australian salmon	<i>Arripis trutta</i>	Secondary species
Beachworm spp.	various (Class: POLYCHAETA)	Key secondary species
Blue mackerel	<i>Scomber australasicus</i>	Secondary species
Bream		
• Black bream	<i>Acanthopagrus butcheri</i>	Secondary species
• Yellowfin bream	<i>Acanthopagrus australis</i>	Primary species
Catfish spp.	various (Family: ARIIDAE/ PLOTOSIDAE)	Secondary species
Cockle spp.	various (Family: ARCIDAE/ VENERIDAE)	Key secondary species
Crabs		
• Blue swimmer crab	<i>Portunus pelagicus</i>	Key secondary species
• Mud crab	<i>Scylla serrata</i>	Primary species
• Sand crab spp.	various (Family: PORTUNIDAE)	Secondary species
Cuttlefish spp.	various (Family: SEPIIDAE)	Secondary species
Eels		
• Longfin river eel	<i>Anguilla reinhardtii</i>	Primary species
• Pike eel	<i>Muraenesox bagio</i>	Secondary species
• Shortfin river eel	<i>Anguilla australis</i>	Primary species
• Short-finned conger eel	<i>Conger wilsoni</i>	Secondary species
• Southern conger eel	<i>Conger verreauxi</i>	Secondary species
Emperor	<i>Lethrinus</i> spp.	Secondary species

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Common name	Scientific name	Designation
Flathead		
• Dusky flathead	<i>Platycephalus fuscus</i>	Primary species
• Sand/ Bluespotted flathead	<i>Platycephalus caeruleopunctatus</i>	Secondary species
Flounder spp.	various (Family: PLEURONECTIDAE/ BOTHIDAE)	Secondary species
Garfish		
• Eastern sea garfish	<i>Hyporhamphus australis</i>	Secondary species
• River garfish	<i>Hyporhamphus regularis</i>	Key secondary species
• Shortbill garfish	<i>Arrhamphus sclerolepis</i>	Secondary species
Gurnard spp.	various (Family: TRIGLIDAE)	Secondary species
Hairtail	<i>Trichiurus lepturus</i>	Secondary species
Hardyhead spp.	various (Family: ATHERINIDAE)	Secondary species
John dory	<i>Zeus faber</i>	Secondary species
Leatherjacket spp.	various (Family: MONACANTHIDAE)	Secondary species
Longtom spp.	various (Family: BELONIDAE)	Secondary species
Luderick	<i>Girella tricuspidata</i>	Primary species
Mackerel tuna	<i>Euthynnus affinis</i>	Secondary species
Mangrove jack	<i>Lutjanus argentimaculatus</i>	Secondary species
Mantis shrimp spp.	various (Family: SQUILLIDAE)	Secondary species
Mullet		
• Flat-tail mullet	<i>Liza argentea</i>	Key secondary species
• Pink-eye mullet	<i>Myxus petardi</i>	Secondary species
• Red mullet	<i>Upeneichthys lineatus</i>	Secondary species
• Sand mullet	<i>Myxus elongatus</i>	Secondary species
• Sea mullet	<i>Mugil cephalus</i>	Primary species

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Common name	Scientific name	Designation
Mulloway	<i>Argyrosomus japonicus</i>	Key secondary species
Mussel spp.	various (Family: MYTILIDAE)	Secondary species
Nipper spp.	<i>Callinassa</i> spp.	Secondary species
Octopus spp.	various (Family: OCTOPODIDAE)	Secondary species
Old maid	<i>Scatophagus multifasciatus</i>	Secondary species
Pike spp.	<i>Sphyræna</i> spp.	Secondary species
Pilchard	<i>Sardinops neopilchardus</i>	Secondary species
Pipi	<i>Donax deltoides</i>	Primary species
Prawns		
• Eastern king prawn	<i>Melicertus plebejus</i>	Primary species
• Greasyback prawn	<i>Metapenaeus bennettæ</i>	Key secondary species
• School prawn	<i>Metapenaeus macleayi</i>	Primary species
• Tiger prawn	<i>Penaeus esculentus</i>	Secondary species
Red morwong	<i>Cheilodactylus fuscus</i>	Secondary species
Saucer scallop	<i>Amusium</i> spp.	Secondary species
Scallop	<i>Pecten fumatus</i>	Secondary species
Shell spp.	various (Class: GASTROPODA/PELECYPODA)	Secondary species
Silver biddy	<i>Gerres subfasciatus</i>	Key secondary species
Snapper	<i>Pagrus auratus</i>	Secondary species
Sole spp.	various (Family: SOLEIDAE)	Secondary species
Squid spp.	various (Class: CEPHALOPODA)	Secondary species
Stingray/stingaree spp.	various (Family: DASYATIDAE/UROLOPHIDAE)	Secondary species
Striped grunter spp.	<i>Pelates</i> spp.	Secondary species
Sweep	<i>Scorpi lineolata</i>	Secondary species

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Common name	Scientific name	Designation
Tailor	<i>Pomatomus saltatrix</i>	Secondary species
Tarwhine	<i>Rhabdosargus sarba</i>	Secondary species
Trevally		
• Black trevally	<i>Siganus nebulosus</i>	Secondary species
• Golden trevally	<i>Gnathanodon speciosus</i>	Secondary species
• Silver trevally	<i>Pseudocaranx dentex</i>	Secondary species
Whaler shark spp.	<i>Carcharhinus</i> spp.	Secondary species
Whitebait spp.	various (Family: CLUPEIDAE/ GALAXIIDAE)	Secondary species
Whiting		
• Sand whiting	<i>Sillago ciliata</i>	Primary species
• School whiting	<i>Sillago bassensis</i>	Secondary species
• Trumpeter whiting	<i>Sillago maculata</i>	Key secondary species
Yellowtail scad	<i>Trachurus novaezelandiae</i>	Secondary species
Yellowtail kingfish	<i>Seriola lalandi</i>	Secondary species

## Part 7 General

### 17 Adoption of Supporting Plan

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

### 18 Authorised amendments to Plan

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.



New South Wales

# Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## Explanatory note

The object of this Regulation is to give effect to a share management plan for the estuary prawn trawl share management fishery.

The share management plan provides for the following matters:

- (a) objectives of the plan,
- (b) description of the fishery,
- (c) minimum and maximum shareholdings,
- (d) species that may be taken,
- (e) trawl seasons and operating hours,
- (f) general requirements in relation to taking fish,
- (g) other miscellaneous matters, including the adoption of the supporting plan.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 40, 57, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

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Clause 1

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## **Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Estuary Prawn Trawl Share Management Plan**

The *Estuary Prawn Trawl Share Management Plan* set out in the Appendix to this Regulation has effect.

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## Appendix

(Clause 3)

### Part 1 Preliminary

#### 1 Name of Plan

This is the *Estuary Prawn Trawl Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

**by-product species** has the meaning given by clause 12.

**endorsement** means an endorsement on a commercial fishing licence that authorises the taking of fish in the fishery.

**endorsement holder** means a person who holds a commercial fishing licence that has an endorsement.

**estuary prawn trawl fishing business** means a fishing business the components of which include shares in the fishery.

**fishery** means the estuary prawn trawl fishery (as described in Schedule 1 to the Act).

**Supporting Plan** means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

**target species** has the meaning given by clause 11.

**the Act** means the *Fisheries Management Act 1994*.

(2) In this Plan, a reference to an area of the fishery is a reference to an area described in clause 4.

(3) Notes in this Plan do not form part of the Plan.

### Part 2 Objectives of Plan

#### 3 Objectives, performance indicators and triggers for review

(1) The objectives of this Plan are set out in Column 1 of the Table to this clause.

(2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.

(3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.

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**Table**

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Objective</b>	<b>Performance indicator</b>	<b>Trigger for review</b>
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	<p>Reduction in the estimated quantity of the estuary prawn trawl catch (by method) which is discarded</p> <p>No new target species or by-product species with an exploitation status is classified as “overfished” or “recruitment overfished” by the Department</p> <p>Total annual landings of each by-product species as a ratio of the total annual landings of target species in each estuary in the fishery remains within the limits specified in the fishery management strategy</p>	<p>The Director-General is satisfied that the estimated quantity of discards for any observed estuary increases between consecutive observer surveys</p> <p>On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a target species or by-product species is changed to “overfished” or “recruitment overfished” by the Department</p> <p>In the opinion of the Director-General, the ratio of the landings of any by-product species to total landings of target species exceeds the limits specified in the fishery management strategy in any 2 consecutive years</p>

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Column 1	Column 2	Column 3
Objective	Performance indicator	Trigger for review
	No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community	Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish

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	Column 1	Column 2	Column 3
	Objective	Performance indicator	Trigger for review
2	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery	The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years

### Part 3 Description of fishery

**Note.** The fishery is described in Schedule 1 to the Act as consisting of the use of an otter trawl net (prawns) to take fish from estuarine waters. Estuarine waters do not include the waters of Port Jackson.

#### 4 Areas of fishery

- (1) For the purposes of this Plan, the fishery is divided into 3 areas, as follows:
  - (a) the Clarence River (which includes Lake Wooloweyah),
  - (b) the Hunter River,
  - (c) the Hawkesbury River.
- (2) Schedule 1 has effect.

**Note.** Schedule 1 describes more precisely the waters of the Clarence River, Lake Wooloweyah, the Hunter River, and the Hawkesbury River.

#### 5 Classes of share

The following classes of share are available in the fishery:

- (a) Estuary prawn trawl—Clarence River shares,
- (b) Estuary prawn trawl—Hunter River shares,
- (c) Estuary prawn trawl—Hawkesbury River shares.

**Note.** Each class of shares corresponds to an area of the fishery and to the types of endorsements available in the fishery.

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## 6 Types of endorsement

- (1) There are 3 types of endorsements available in the fishery, as follows:
  - (a) Clarence River endorsement,
  - (b) Hunter River endorsement,
  - (c) Hawkesbury River endorsement.
- (2) **Clarence River endorsement**

A Clarence River endorsement authorises the holder to take fish using an otter trawl net (prawns) from the waters of the Clarence River, including Lake Wooloweyah.
- (3) Only shareholders who hold estuary prawn trawl—Clarence River shares are eligible to be given, or to nominate a person to be given, a Clarence River endorsement.
- (4) **Hunter River endorsement**

A Hunter River endorsement authorises the holder to take fish using an otter trawl net (prawns) from the waters of the Hunter River.
- (5) Only shareholders who hold estuary prawn trawl—Hunter River shares are eligible to be given, or to nominate a person to be given, a Hunter River endorsement.
- (6) **Hawkesbury River endorsement**

A Hawkesbury River endorsement authorises the holder to take fish using an otter trawl net (prawns) from the waters of the Hawkesbury River.
- (7) Only shareholders who hold estuary prawn trawl—Hawkesbury River shares are eligible to be given, or to nominate a person to be given, a Hawkesbury River endorsement.

## Part 4 Minimum and maximum shareholdings

### 7 Minimum shareholding

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.

**Note.** A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.

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- (2) The minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.
  - (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if the shareholder transfers, assigns, forfeits or surrenders any shares of that class after the commencement of this Plan (in which case subclause (1) applies to the shareholder).
  - (4) For the purposes of this clause, an *original entitlement holder*, in relation to a class of shares, is a person who:
    - (a) held shares of that class immediately before the commencement of this Plan, and
    - (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.
  - (5) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.
  - (6) The shares relied on to meet the minimum shareholding requirement must all be a component of the same estuary prawn trawl fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Estuary prawn trawl—Clarence River shares	150
Estuary prawn trawl—Hunter River shares	100
Estuary prawn trawl—Hawkesbury River shares	150

**8 Maximum shareholding**

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

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## Part 5 Species that may be taken

### 9 Only target species and by-product species may be taken

- (1) An endorsement holder must not use an otter trawl net (prawns) to take fish in an area of the fishery unless the fish taken is a target species for that area or a by-product species for that area.
- (2) For the purposes of section 24 of the Act, it is unlawful to use an otter trawl net (prawns) to take fish in an area of the fishery in contravention of this clause.

### 10 By-product species may be taken only when attempting to take target species

- (1) An endorsement holder must not use an otter trawl net (prawns) to take any by-product species of fish in an area of the fishery except while using the net to take a target species of fish for that area.
- (2) For the purposes of section 24 of the Act, it is unlawful to use an otter trawl net (prawns) to take fish in an area of the fishery in contravention of this clause.

### 11 Target species

For the purposes of this Plan, a *target species* of fish, in relation to an area of the fishery specified in Column 1 of the Table to this clause, is a species of fish listed next to that area in Column 2 of the Table.

**Table**

Area	Target species
Clarence River	School prawn ( <i>Metapenaeus macleayi</i> )
Hunter River	School prawn ( <i>Metapenaeus macleayi</i> ) Eastern king prawn ( <i>Melicertus plebejus</i> )
Hawkesbury River	School prawn ( <i>Metapenaeus macleayi</i> ) Eastern king prawn ( <i>Melicertus plebejus</i> ) Broad squid ( <i>Photololigo etheridgei</i> ) Slender squid ( <i>Loligo sp.</i> ) Bottle squid ( <i>Loliolus noctiluca</i> ) Bubble squid ( <i>Eupyrnmna stenodactyla</i> ) Candy striped squid ( <i>Sepioloida lineolate</i> )

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## 12 By-product species

For the purposes of this Plan, a **by-product species** of fish, in relation to an area of the fishery specified in Column 1 of the Table to this clause, is a species of fish listed next to that area in Column 2 of the Table.

**Table**

<b>Area</b>	<b>By-product species</b>
Clarence River	Eastern king prawn ( <i>Melicertus plebejus</i> ) Greasyback prawn ( <i>Metapenaeus bennettiae</i> ) Tiger prawn ( <i>Penaeus esculentus</i> ) Trumpeter whiting ( <i>Sillago maculata</i> ) Silverbidly ( <i>Gerres subfasciatus</i> ) Fork-tailed catfish ( <i>Arius</i> spp.) Estuary catfish ( <i>Cnidoglanis macrecephalus</i> ) Striped catfish ( <i>Plotosus lineatus</i> ) Blue swimmer crab ( <i>Portunus pelagicus</i> ) Mud crab ( <i>Scylla serrata</i> ) Arrow squid ( <i>Notodarus gouldi</i> ) Broad squid ( <i>Photololigo etheridgei</i> ) Slender squid ( <i>Loligo</i> sp.)
Hunter River	Greasyback prawn ( <i>Metapenaeus bennettiae</i> ) Tiger prawn ( <i>Penaeus esculentus</i> ) Arrow squid ( <i>Notodarus gouldi</i> ) Broad squid ( <i>Photololigo etheridgei</i> ) Slender squid ( <i>Loligo</i> sp.) Bottle squid ( <i>Loliolus noctiluca</i> )
Hawkesbury River	Greasyback prawn ( <i>Metapenaeus bennettiae</i> ) Tiger prawn ( <i>Penaeus esculentus</i> ) Trumpeter whiting ( <i>Sillago maculata</i> ) Large-toothed flounder ( <i>Pseudorhombus arsius</i> ) Small-toothed flounder ( <i>Pseudorhombus henynsii</i> ) Black sole ( <i>Brachirus nigra</i> ) Silverbidly ( <i>Gerres subfasciatus</i> ) Striped grunter ( <i>Pelates quadrilineatus</i> ) Whitebait spp. (Family: CLUPAIDAE)

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Area	By-product species
	Fork-tailed catfish ( <i>Arius</i> spp.)
	Striped catfish ( <i>Plotosus lineatus</i> )
	Bullseye spp. (Family: PEMPHERIDIDAE)
	Hairtail ( <i>Trichiurus lepturus</i> )
	Yellowtail scad ( <i>Trachurus novaezelandiae</i> )
	Blue swimmer crab ( <i>Portunus pelagicus</i> )
	Mud crab ( <i>Scylla serrata</i> )
	Octopus spp. (Family: OCTOPODIDAE)
	Mantis shrimp ( <i>Erugosquilla grahami</i> )
	Mantis shrimp ( <i>Harpisquilla harpex</i> )

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## Part 6 Trawl seasons and operating hours

### 13 Trawling not permitted outside trawl season or operating hours

- (1) An endorsement holder must not use an otter trawl net (prawns) to take fish in an area of a fishery outside of the trawl season for that area, or outside the operating hours for that area, as set out in this Part.
- (2) For the purposes of section 24 of the Act, it is unlawful to use an otter trawl net (prawns) to take fish in an area of the fishery in contravention of this clause.

### 14 Clarence River (except Lake Wooloweyah) trawl season and operating hours

- (1) The trawl season for the Clarence River area commences on the Monday nearest to 1 December each year, and finishes on the Friday nearest to 14 June in each succeeding year.
- (2) The operating hours for the Clarence River area are from 8am to 6pm on Mondays, and from 7am to 6pm on each of the days from Tuesday to Friday (inclusive), excluding public holidays.
- (3) This clause does not apply to the part of the Clarence River area that consists of Lake Wooloweyah.

### 15 Lake Wooloweyah trawl season and operating hours

- (1) The trawl season for the part of the Clarence River area that consists of the waters of Lake Wooloweyah commences on the first Tuesday on or after 1 October each year, and finishes on the Friday nearest to 14 June in each succeeding year.

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- (2) The operating hours for the part of the Clarence River area that consists of the waters of Lake Wooloweyah are from 8am to 6pm on Mondays, and from 7am to 6pm on each of the days from Tuesday to Friday (inclusive), excluding public holidays.

**16 Hunter River trawl season and operating hours**

- (1) The trawl season for the Hunter River area commences on the first Monday on or after 1 December each year, and finishes on the last Friday in May each succeeding year.
- (2) The operating hours for the Hunter River area are from 6am to 6pm, Monday to Friday, excluding public holidays.

**17 Hawkesbury River trawl season and operating hours**

- (1) The trawl season for the Hawkesbury River area commences on 1 July each year and finishes on 30 June in each succeeding year.
- (2) The operating hours for the Hawkesbury River area are, in relation to the waters specified in Column 2 of the Table to this clause, the hours of operation specified in Column 3.

**Table**

<b>Name</b>	<b>General description of waters</b>	<b>Hours of operation</b>
Broken Bay	The waters downstream of a line drawn from the south-eastern most corner of Juno Point to the north-eastern most corner of Eleanor Bluff that are not closed to trawling under a closure referred to in clause 21.	From midnight Sunday to midnight Friday in each week, excluding public holidays

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Name	General description of waters	Hours of operation
Juno Point upstream to the vehicular ferry at Lower Portland	The waters from a line drawn across the river from the south eastern most corner of Juno Point to the north eastern most corner of Eleanor Bluff, upstream to the vehicular ferry at Lower Portland (including Mooney Mooney Creek and Mangrove Creek), that are not closed to trawling under a closure referred to in clause 21.	From midnight Sunday to 6pm Friday in each week, excluding public holidays.
Marramarra Creek and Coba Bay	The waters of Marramarra Creek and Coba Bay, upstream (ie west) from a line drawn from the south-eastern extremity of Murron Point to the south-western extremity of Morgan Point and then to the north-eastern extremity of the entrance to Coba Bay.	From sunrise to sunset in each of the days from Monday to Thursday (inclusive) and from sunrise to 6pm Friday in each week, excluding public holidays.

## Part 7 General requirements in relation to taking fish

### 18 Boat capacity restrictions

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if it has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause.

Table

Column 1	Column 2
Maximum boat length	Exemption code
10 metres	EPT

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- (2) Subclause (1) does not apply in respect of an original boat if:
    - (a) it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and
    - (b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind specified in Column 2 of the Table to this clause.
  - (3) In this clause, an **original boat** means a boat that, immediately before the commencement of this Plan, was a component of an estuary prawn trawl fishing business.
  - (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

**19 Possession of fishing gear in Clarence River area outside of operating hours**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of a Clarence River endorsement that the endorsement holder is not in possession of an otter trawl net (prawns) in, on or adjacent to the waters in the Clarence River area (including Lake Wooloweyah) except during the operating hours for that area, or the part of the area concerned.
- (2) This clause does not prevent an endorsement holder from being in possession of an otter trawl net (prawns) in, on or adjacent to the waters in the Clarence River area (including Lake Wooloweyah) on any day during the trawl season for the area or part of the area concerned up to 1 hour before the start of the operating hours for the area or part of the area concerned if:
  - (a) the endorsement holder is travelling to a preferred fishing site and is not actually taking fish, and
  - (b) all parts of the otter trawl net (prawns) remain onboard the boat.

**20 Discarding fish in Hunter River area**

For the purposes of section 68 (6A) of the Act, it is a condition of a Hunter River endorsement that any fish taken in an otter trawl net (prawns) that are to be discarded:

- (a) are held by the endorsement holder in a holding tank or swim tub to keep them alive prior to release, and
- (b) are released below the surface of the water by the endorsement holder by use of a plastic tube with a diameter of at least 150 millimetres.

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**21 Waters permanently closed to commercial fishing**

Pursuant to section 20 (2) of the Act, it is declared that the waters specified in Tables 1 and 2 of Schedule 2 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the fishery is prohibited.

**Note.** See the Supporting Plan for section 20 (2) closures that apply to more than one share management fishery.

**Part 8 General**

**22 Adoption of Supporting Plan**

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

**23 Authorised amendments to Plan**

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

**Schedule 1 Areas of fishery**

(Clause 4)

**1 Clarence River**

For the purposes of this Plan, the Clarence River consists of all waters from the confluence of the Clarence River and the South Pacific Ocean (ie the eastern most extremity of the breakwalls), upstream to the vehicular ferry at Ulmarra, and including the waters of Lake Wooloweyah.

**2 Lake Wooloweyah**

For the purpose of this Plan, Lake Wooloweyah includes all waters of Lake Wooloweyah. The boundary between Lake Wooloweyah and Oyster Channel is determined by a line drawn from the south eastern extremity of Joss Island to the eastern extremity of Corokos Island, and the boundary between Lake Wooloweyah and Palmer's Channel is determined by a line drawn from the southern most extremity of the eastern and western banks of Palmer's Channel where it meets Lake Wooloweyah.

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### 3 Hunter River

For the purposes of this Plan, the Hunter River includes all waters from a line drawn south-westerly from the boat ramp adjacent to Punt Road, Stockton, to the eastern extremity of the State Dockyard (Dyke Point), upstream to its junction with the Williams River.

### 4 Hawkesbury River

For the purposes of this Plan, the Hawkesbury River includes all waters from the confluence of the Hawkesbury River and the South Pacific Ocean (ie a line drawn from the southern extremity of Box Head to the Northern Extremity of Barrenjoey Headland), upstream to the vehicular ferry at Lower Portland.

## Schedule 2 Waters permanently closed to fishing

(Clause 21)

### 1 Clarence River

Table 1

Column 1	Column 2
Name	Waters
Upper Oyster Channel	The whole of the waters of Oyster Channel from (the Oyster Channel recreational fishing haven) a line between the Department marker post RFH3 beneath the second set of powerlines crossing Oyster Channel, located approximately 420 metres upstream of the Oyster Channel Road Bridge, and the Department marker post RFH4 on the shore of Micalo Island, upstream to a line drawn from the south eastern extremity of Joss Island to the eastern extremity of Corokos Island.
Crystal Bay	The whole of the waters of Crystal Bay south and east of a line drawn from the centre of the turning circle of Westringa Place to the northern most point of Witonga Drive.

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Column 1	Column 2
Name	Waters
Yamba Bay	The whole of the waters of Yamba Bay enclosed by a line drawn from the NSW Maritime Authority Front Lead Beacon No 122 at mean high water mark on the northern side of Hickey Island, then northwesterly to the NSW Maritime Authority Navigation Aid No 097 located on the downstream side of the most easterly opening in Middle Wall (the south western boundary of the Middle Wall recreational fishing haven), then north west along Middle Wall to the south eastern most point on Freeburn Island, then transecting the remnants of the old viaduct on Rabbit Island directly onto the Public Reserve at Shores Drive, then generally south east along the high mean tide mark (past Yamba Marina and along the southern side of Hickey Island) to the point of commencement.
Broadwater	The whole of the waters of the Broadwater north and north west of a line drawn from a post marked FD1 on the foreshore of Emerald's Point generally west to a post marked FD2 located on Neddy's Point.
Sportsman's Creek	The whole of the waters of Sportsman's Creek together with its creeks, tributaries and inlets from the weir above Lawrence upstream to its source.
Esk River	The whole of the waters of the Esk River.

## 2 Hawkesbury River

Table 2

Column 1	Column 2
Name	Waters
Pittwater	The whole of the waters of Pittwater south of a line drawn from Shark (or Warners) Rock to the north eastern corner of West Head.
Brisbane Waters and Broken Bay	The whole of the waters of Brisbane Waters and its tributaries and the waters of Broken Bay north of a line drawn from Little Box Head to Green Point.

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Column 1	Column 2
Name	Waters
Patonga Creek	The whole of the waters of Patonga Creek upstream of its confluence with the Hawkesbury River, being a line drawn north easterly from the easternmost foreshore corner of Oyster Farm no 59-30 (section 2), on the western foreshore, to the southernmost extremity of the reserve on the opposite foreshore.
Cowan Creek, Smiths Creek, Coal and Candle Creek, Jerusalem Bay and America Bay	The whole of the waters of Cowan Creek and Smiths Creek south west of a line drawn between the north eastern most corner of Eleanor Bluffs and the north western most corner of Challenger Head adjacent to the Port Hand navigation marker on Challenger Head.
Dangar Island, Brooklyn	The whole of the waters from a line drawn from the most westerly point of Croppy Point to the most northerly point of Green Point, upstream to the rail bridge at Brooklyn.
Berowra Creek	The whole of the waters of Berowra Creek upstream of a line from the most south westerly point of Morgan Point to the north eastern point of Coba Point.
Mangrove Creek	The whole of the waters upstream of the Oyster Shell Road Bridge over Mangrove Creek.
Macdonald River	The whole of the waters of Macdonald River.
Webbs Creek	The whole of the waters of Webbs Creek.
Colo River	The whole of the waters of the Colo River upstream of the West Portland Road Bridge approximately 250 metres from its junction with the Hawkesbury River.



New South Wales

# Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## Explanatory note

The object of this Regulation is to give effect to the share management plan for the ocean hauling share management fishery.

The share management plan provides for the following matters:

- (a) objectives of the plan,
- (b) description of the fishery,
- (c) minimum and maximum shareholdings,
- (d) endorsement conditions,
- (e) species that may be taken,
- (f) areas and times of operation,
- (g) general requirements in relation to taking fish,
- (h) other miscellaneous matters, including the adoption of the supporting plan.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 40, 57, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

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Clause 1

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## **Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Ocean Hauling Share Management Plan**

The *Ocean Hauling Share Management Plan* set out in the Appendix to this Regulation has effect.

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## Appendix

(Clause 3)

### Part 1 Preliminary

#### 1 Name of plan

This is the *Ocean Hauling Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

**endorsement** means an endorsement on a commercial fishing licence that authorises the taking of fish in the fishery.

**endorsement holder** means a person who holds a commercial fishing licence that has an endorsement.

**fishery** means the ocean hauling fishery (as described in Schedule 1 to the Act).

**hauling net** means a hauling net (general purpose), garfish net (hauling) or pilchard, anchovy and bait net (hauling).

**ocean hauling fishing business** means a fishing business the components of which include shares in the fishery.

**ocean hauling operations** includes the following:

- (a) operating or stowing a hauling net or operating any motor vehicle or boat in relation to the operation of those nets while in, on or adjacent to the waters of the fishery,
- (b) removing any fish taken in the fishery from a hauling net,
- (c) placing any fish taken in the fishery by means of a hauling net into boxes, containers or any other receptacles while in, on or adjacent to the waters of the fishery.

**ocean waters** has the meaning given by Schedule 1 to the Act.

**Supporting Plan** means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

**the Act** means the *Fisheries Management Act 1994*.

**waters of the fishery** means the following waters (within the meaning of Schedule 1 to the Act):

- (a) ocean waters within 3 nautical miles of the natural coast line,
- (b) the waters of Jervis Bay,
- (c) the waters of Coffs Harbour.

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- (2) In this Plan, a reference to a region of the fishery is a reference to a region described in clause 4.
  - (3) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.
  - (4) Notes used in this Plan do not form part of the Plan.

## Part 2 Objectives of plan

### 3 Objectives, performance indicators and triggers for review

- (1) The objectives of this Plan are set out in Column 1 of the Table to this clause.
- (2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.
- (3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.
- (4) In the Table:  
*by-product species* means a species of fish that is retained in the fishery, and that is not a target species or conditional target species.  
*conditional target species* means a species of fish listed in the Table to clause 9 under the heading “conditional target species”.  
*target species* means a species of fish listed in the Table to clause 9 under the heading “target species”.

Table

	Column 1	Column 2	Column 3
	Objective	Performance indicator	Trigger for review
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	Reduction in the estimated quantity of the ocean hauling catch (by method) which is discarded	The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys

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Column 1 Objective	Column 2 Performance indicator	Column 3 Trigger for review
	No new target species or conditional target species with an exploitation status is classified as “overfished” or “recruitment overfished” by the Department	On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a target species or conditional target species is changed to “overfished” or “recruitment overfished” by the Department
	Total annual landings of all conditional target species and by-product species as a percentage of the total annual landings for each fishing method remains at 5% or less	The Director-General is satisfied that the contribution of conditional target species and by-product species to total annual landings for any method exceeds 5% in any 2 consecutive years
	No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community	Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts

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Column 1	Column 2	Column 3
Objective	Performance indicator	Trigger for review
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish
2 Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery.	The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years

### Part 3 Description of fishery

**Note.** The fishery is described in Schedule 1 to the Act as consisting of the use of a hauling net or purse seine net to take fish from any of the following waters:

- (a) ocean waters within 3 nautical miles of the natural coast line,
- (b) the waters of Jervis Bay,
- (c) the waters of Coffs Harbour.

The ocean hauling fishery extends to the use of any net by the method of hauling to take fish from any of the waters referred to above.

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#### 4 Regions of fishery

- (1) For the purposes of this Plan, the waters of the fishery are divided into 7 regions.
- (2) The 7 regions of the fishery are as follows:
  - (a) **Upper north coast (Region 1).** The waters of the fishery lying generally north of the parallel 29°15' south latitude.
  - (b) **Clarence (Region 2).** The waters of the fishery lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude.
  - (c) **North coast (Region 3).** The waters of the fishery lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude.
  - (d) **Central (Region 4).** The waters of the fishery lying generally between the parallel 31°44' south latitude and the parallel 33°25' south latitude.
  - (e) **Metropolitan (Region 5).** The waters of the fishery lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude.
  - (f) **Upper south coast (Region 6).** The waters of the fishery lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude.
  - (g) **Lower south coast (Region 7).** The waters of the fishery lying generally south of the parallel 35°25' south latitude.

#### 5 Classes of share

There are 29 classes of share available in the fishery, being the following classes:

- (a) Ocean hauling—general ocean hauling shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (b) Ocean hauling—hauling net (general purpose) shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (c) Ocean hauling—garfish net (hauling) shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (d) Ocean hauling—pilchard, anchovy and bait net (hauling) shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (e) Ocean hauling—purse seine net shares.

**Note.** The classes of share available correspond to the type of endorsement available in the fishery and the region in which that endorsement authorises the holder to take fish.

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## 6 Types of endorsement

- (1) There are 29 types of endorsement available in the fishery, as follows:
  - (a) General ocean hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (b) Hauling net (general purpose) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (c) Garfish net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (d) Pilchard, anchovy and bait net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (e) Purse seine net endorsement.
- (2) **General ocean hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A general ocean hauling endorsement authorises the holder to assist another person who holds an endorsement of a kind referred to in subclause (4), (6) or (8) to take fish, but only if the region specified in that other endorsement is the same as the region specified in the general ocean hauling endorsement.
- (3) Only shareholders who hold ocean hauling—general ocean hauling shares for a region are eligible to be given, or to nominate a person to be given, a general ocean hauling endorsement for that region.
- (4) **Hauling net (general purpose) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A hauling net (general purpose) endorsement authorises the holder to use a hauling net (general purpose) to take fish in the region of the fishery specified in the endorsement.
- (5) Only shareholders who hold ocean hauling—hauling net (general purpose) shares for a region are eligible to be given, or to nominate a person to be given, a hauling net (general purpose) endorsement for that region.
- (6) **Garfish net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A garfish net (hauling) endorsement authorises the holder to use a garfish net (hauling) to take fish in the region of the fishery specified in the endorsement.
- (7) Only shareholders who hold ocean hauling—garfish net (hauling) shares for a region are eligible to be given, or to nominate a person to be given, a garfish net (hauling) endorsement for that region.

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(8) **Pilchard, anchovy and bait net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7**

A pilchard, anchovy and bait net (hauling) endorsement authorises the holder to use a pilchard, anchovy and bait net (hauling) to take fish in the region of the fishery specified in the endorsement.

- (9) Only shareholders who hold ocean hauling—pilchard, anchovy and bait net (hauling) shares for a region are eligible to be given, or to nominate a person to be given, a pilchard, anchovy and bait net (hauling) endorsement for that region.

(10) **Purse seine net endorsement**

A purse seine net endorsement authorises the holder to use a purse seine net to take fish in any region of the fishery.

- (11) Only shareholders who hold ocean hauling—purse seine net shares are eligible to be given, or to nominate a person to be given, a purse seine net endorsement.

## Part 4 Minimum and maximum shareholdings

### 7 Minimum shareholding

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.

**Note.** A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.

- (2) The minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.
- (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if the shareholder transfers, assigns, forfeits or surrenders any shares of that class after the commencement of this Plan (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an *original entitlement holder*, in relation to a class of shares, is a person who:
- (a) held shares of that class immediately before the commencement of this Plan, and

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- (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.
  - (5) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.
  - (6) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean hauling fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Ocean hauling—general ocean hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)	40
Ocean hauling—hauling net (general purpose) shares (Region 1, 2, 3, 4, 5, 6 or 7)	40
Ocean hauling—garfish net (hauling) shares (Region 1 or 2)	10
Ocean hauling—garfish net (hauling) shares (Region 3, 4, 5, 6 or 7)	40
Ocean hauling—pilchard, anchovy and bait net (hauling) shares (Region 1, 2, 3, 4, 5, 6 or 7)	30
Ocean hauling—purse seine net shares	40

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**8 Maximum shareholding**

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

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## Part 5 Species that may be taken

### 9 At least 80% of each hauling shot must be comprised of target or conditional target species

- (1) An endorsement holder must not use a net specified in the Table to this clause to take fish unless at least 80% (by whole weight) of the catch taken from each haul is comprised of target species or conditional target species for that type of net.
- (2) In this clause:
  - (a) the target species for a net specified in the Table to this clause is any fish of a species listed next to the type of net concerned under the heading "target species", and
  - (b) the conditional target species (if any) for a net specified in the Table to this clause is any fish of a species listed next to the type of net concerned under the heading "conditional target species".
- (3) For the purposes of section 24 of the Act, it is unlawful to use a net specified in the Table to this clause to take fish in the fishery in contravention of this clause.

**Table**

Type of net	Target species	Conditional target species
Hauling net (general purpose)	Australian salmon ( <i>Arripis trutta</i> )	Blue mackerel ( <i>Scomber australasicus</i> )
	Dart ( <i>Trachinotus</i> spp.)	Australian bonito ( <i>Sarda australis</i> )
	Luderick ( <i>Girella tricuspidata</i> )	Leaping bonito ( <i>Cybiosarda elegans</i> )
	Sand whiting ( <i>Sillago ciliata</i> )	Oriental bonito ( <i>Sarda orientalis</i> )
	Sea mullet (or any other species of mullet included in the Family MUGILIDAE)	Mulloway ( <i>Argyrosomus japonicus</i> )
	Yellowfin bream ( <i>Acanthopagrus australis</i> )	Diamond fish ( <i>Monodactylus argenteus</i> )

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Type of net	Target species	Conditional target species
		Frigate mackerel ( <i>Auxis thazard</i> )
		Mackerel tuna ( <i>Euthynnus affinis</i> )
		Longtail tuna ( <i>Thunnus tonggol</i> )
		Silver trevally ( <i>Pseudocaranx dentex</i> )
		Spanish mackerel ( <i>Scomberomorus commerson</i> )
		Sweep ( <i>Scorpius lineolata</i> )
		Tarwhine ( <i>Rhabdosargus sarba</i> )
Garfish net (hauling)	Sea garfish ( <i>Hyporhamphus australis</i> )	Nil
Pilchard, anchovy and bait net (hauling)	Anchovy ( <i>Engraulis australis</i> )	Nil
	Blue mackerel ( <i>Scomber australasicus</i> )	
	Pilchard ( <i>Sardinops neopilchardus</i> )	
	Yellowtail scad ( <i>Trachurus novaezelandiae</i> )	
	Whitebait spp. (Family CLUPEIDAE/ GALAXIIDAE)	

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Type of net	Target species	Conditional target species
Purse seine net	Anchovy ( <i>Engraulis australis</i> ) Australian salmon ( <i>Arripis trutta</i> ) Whitebait spp. (Family CLUPEIDAE/GALAXIIDAE) Blue mackerel ( <i>Scomber australasicus</i> ) Australian bonito ( <i>Sarda australis</i> ) Oriental bonito ( <i>Sarda orientalis</i> ) Jack mackerel ( <i>Trachurus declivis</i> ) Pilchard ( <i>Sardinops neopilchardus</i> ) Silver trevally ( <i>Pseudocaranx dentex</i> ) Sweep ( <i>Scorpius lineolata</i> ) Yellowtail scad ( <i>Trachurus novaezelandiae</i> ) Skipjack tuna (also known as striped tuna) ( <i>Katsuwonus pelamis</i> )	Nil

## Part 6 Areas and times of operation

### 10 Waters permanently closed to ocean hauling

- (1) Pursuant to section 20 (2) of the Act, it is declared that the waters within 200 metres of the mean low water mark of the waters listed in Schedule 1 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the fishery is prohibited, subject to subclause (2).
- (2) The declaration under subclause (1) does not prohibit the use of any of the following nets, where those nets are cast from and hauled back to a boat, in waters that are adjacent to a headland that is at the end of a beach specified in Schedule 1:
  - (a) garfish net (hauling),

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(b) pilchard, anchovy and bait net (hauling).

**11 Beaches closed to ocean hauling on a seasonal basis**

Pursuant to section 20 (2) of the Act, it is declared that the beaches specified in Column 1 of Schedule 2 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the fishery is prohibited, during the period specified next to the beach concerned in Column 2 of the Schedule.

**Note.** See the Supporting Plan for section 20 (2) closures that apply to more than one share management fishery.

**12 Hauling net (general purpose) and pilchard, anchovy and bait net (hauling) restrictions**

(1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not carry out ocean hauling operations (other than operations in relation to use of a garfish net (hauling)) on weekends or on public holidays during the months of November, December, January and February.

(2) In this clause:

**public holiday** means a day that is observed as a public holiday throughout New South Wales.

**weekend** means the period between midnight on a Friday and midnight on the immediately following Sunday.

**13 Garfish net (hauling) restrictions**

(1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a garfish net (hauling) to take fish in the fishery on a weekend or a public holiday.

(2) In this clause:

**public holiday** means a day that is observed as a public holiday throughout New South Wales.

**weekend** means the period between midnight on a Friday and midnight on the immediately following Sunday.

**Part 7 General requirements in relation to taking fish**

**14 Taking of fish with the assistance of others**

(1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not take fish or otherwise engage in any ocean hauling operations in the fishery with the assistance of any other person, unless the other person holds a general ocean hauling endorsement and the region specified in that other

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person's endorsement is the same as the region specified in the first person's endorsement.

- (2) This clause does not apply to the taking of fish in the fishery from ocean waters (but not from the shore) by use of a purse seine net.

**15 Evidence of endorsement must be produced where fishing priority sought**

- (1) If an endorsement holder seeks to take priority over another fisher in ocean hauling operations in the fishery, including by taking a turn before that other fisher, the other fisher may request the endorsement holder seeking to take priority, before taking that turn, to produce evidence of his or her endorsement in the fishery to that other fisher.
- (2) The endorsement holder seeking to take priority may, before responding to such a request, require the fisher making the request to produce evidence of his or her endorsement in the fishery to the endorsement holder seeking priority.
- (3) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that an endorsement holder must not fail to comply with any reasonable request to produce evidence of an endorsement made in accordance with this clause.

**Note.** Clauses 83 and 84 of the *Fisheries Management (General) Regulation 2002* set out the general rules for rights of priority between fishers setting or hauling nets in the fishery.

**16 Display of identification information on motor vehicles**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not engage in any ocean hauling operations unless there is clearly displayed on any motor vehicle used in connection with the operations the following information:
- (a) the words "Ocean hauling fishery",
  - (b) the number of the fishing business of which the endorsement is a component (being the number allocated to the fishing business by the Director-General under the Act).
- (2) If a motor vehicle is being used by more than one endorsement holder, it is sufficient that the information referred to in subclause (1) is displayed as required in relation to only one of those endorsement holders.

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## 17 Use of nets in or near flagged swimming areas

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not shoot or retrieve a net, for the purpose of taking fish in the fishery, while in a flagged swimming area.
- (2) In this clause:  
*flagged swimming area* means any part of a beach used as a swimming area, the boundaries of which are indicated by flags.

## 18 Boat capacity restrictions

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement of a type specified in Column 1 of the Table to this clause that the endorsement holder does not use a boat to take fish in the fishery if the boat has a length exceeding the maximum boat length specified in Column 2 of the Table next to the endorsement concerned.

Table

Column 1	Column 2	Column 3
Types of endorsement	Maximum boat length	Exemption code
Hauling net (general purpose) endorsement	6 metres	N/A
Garfish net (hauling) endorsement, pilchard, anchovy and bait net (hauling) endorsement, and purse seine net endorsement	20 metres	OH

- (2) Subclause (1) does not apply in respect of an original boat if:
  - (a) it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and
  - (b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind (if any) specified in Column 3 of the Table to this clause next to the endorsement concerned.
- (3) In this clause, an *original boat* means a boat that, immediately before the commencement of this Plan, was a component of an ocean hauling fishing business.

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- (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

## **Part 8 General**

### **19 Adoption of Supporting Plan**

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

### **20 Authorised amendments to Plan**

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

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## Schedule 1 Waters closed to ocean hauling

(Clause 10)

### Table Waters in which ocean hauling is prohibited

#### Region 1—Upper North Coast

Location	Description of waters
Bogangar Beach	The whole of the waters adjacent to the beach from Norries Head generally northwest along the length of the beach for a distance of 400 metres (identified by a group of unnamed rocks).
Crabbes Creek Beach (also known as Golden Beach)	The whole of the waters adjacent to the beach from the intersection of the beach and an extension of Gloria Street, generally south along the beach for a distance of approximately 2.67km to that part of the beach adjacent to the northern end of North Head Road.
Brunswick River	The whole of the waters adjacent to the shoreline on both sides of the mouth of the Brunswick River for a distance of 1,000m, as indicated by the signposts on the breakwall.
Seven Mile Beach to Boulder Beach	The whole of the waters adjacent to the shoreline between the intersection of Seven Mile Beach and an extension of Rutherford St (indicated by the Lennox Head boat channel) and Whites Head, excluding the boat channel.
Shelly Beach	The whole of the waters adjacent to the shoreline between Black Head and Ballina Head.
Airforce Beach	The whole of the waters adjacent to the shoreline from the northern Evans River breakwall generally north for a distance of 400 metres (indicated by the 4WD access track onto the beach).

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**Region 2—Clarence**

<b>Location</b>	<b>Description of waters</b>
Woody Bay	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Woody Head and the post marked “NSWF” on the foreshore (near the western end of the Woody Head camping ground) approximately 300 metres along the shoreline.
Turners Beach to Pippi Beach	The whole of the waters adjacent to the shoreline between the southern breakwall of the Clarence River and the vehicle access track on Pippi Beach (approximately 700 metres south of Yamba Point), including Turners Beach, Yamba Beach and Pippi Beach. The waters adjacent to Convent Beach are excluded from this prohibition.
Angourie Bay to Rocky Point (Lake Arragan entrance)	The whole of the waters adjacent to the shoreline between Angourie Point and Rocky Point (directly north of Red Cliff Beach) including Angourie Bay, Little Shelley Beach, Shelley Beach and Plumbago Beach.

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**Region 3—North Coast**

<b>Location</b>	<b>Description of waters</b>
Park Beach	The whole of the waters adjacent to the shoreline between Macauleys Headland and a line drawn east from the shoreline passing through the northern-most point of Little Muttonbird Island (east of the entrance of Coffs Creek).
Hungry Head	The whole of the waters adjacent to the shoreline from the southern training wall of the Bellingen River for a distance of 1km travelling generally south along the shoreline.
Nambucca North Head	The whole of the waters adjacent to the shoreline between the northern end of Beilbys Beach and the southern end of Shelly Beach (Cliffy Point).

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Location	Description of waters
Forster Beach	The whole of the waters adjacent to the shoreline from the southern side of the mouth of the Nambucca River for a distance of 1km travelling generally southwesterly along the shoreline.
Middle Beach and Grassy Beach	The whole of the waters adjacent to the shoreline between Scotts Head and Grassy Head.
Smoky Cape	The whole of the waters adjacent to the shoreline between the northwesternmost extremity of Laggery Point, following the shoreline to a point on South Smoky Beach 3km generally southwest from Smoky Cape (that is, adjacent to Black Rocks), including Little Bay, Gap Beach and North Smoky Beach.
Hat Head	The whole of the waters adjacent to the shoreline from the northernmost extremity of Korogoro Point, following the shoreline to a point on Killick Beach 3km generally southwest of the Jew Bite, including Gap Beach, O'Connors Beach and Third Beach.
Crescent Head	The whole of the waters adjacent to the shoreline from Little Nobby at the southern end of Killick Beach for a distance along that beach of 1km.
North Shore Beach	The whole of the waters adjacent to the shoreline between the easternmost extremity of Point Plomer to a point on North Shore Beach 3.5km generally north of the wall travelling along the beach at Pelican Point.
Port Macquarie to Middle Rock Point	The whole of the waters adjacent to the shoreline between the southern wall of the entrance to the Hastings River and Middle Rock Point (south of Lighthouse Beach), including Town Beach, Oxleys Beach, Rocky Beach, Flynn's Beach, Nobbys Beach, Shelly Beach, Miners Beach and Lighthouse Beach.
Grants Beach	The whole of the waters adjacent to the shoreline between the northern wall of Camden Haven Inlet and a point on Grants Beach 1km along the beach.

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**Region 4—Central**

<b>Location</b>	<b>Description of waters</b>
Crowdy Head to Wallabi Point	The whole of the waters adjacent to the shoreline between the southwesternmost point of Crowdy Head and Wallabi Point, including the entrance to the Manning River and Old Bar Beach.
Shelly Beach	The whole of the waters adjacent to the shoreline of Shelly Beach (north of Red Head and Black Head Bay).
Wallis Lake entrance to Seven Mile Beach	The whole of the waters adjacent to the shoreline between the Wallis Lake entrance and the northern end of Seven Mile Beach, including Forster Beach, Pebbly Beach, One Mile Beach, Burgess Beach, Lobster Pot Beach and McBrides Beach.
Boomerang Beach to Blueys Beach	The whole of the waters adjacent to the shoreline between Pimply Rock and Blueys Beach.
Treachery Beach	The whole of the waters adjacent to the shoreline between Treachery Head and Yagon Gibber Headland.
Bennetts Beach	The whole of the waters adjacent to the shoreline for 500 metres on either side of Bennetts Beach Surf Club.
Fingal Beach	The whole of the waters adjacent to the shoreline between Fingal Beach Surf Club and a point 1km generally northeast along the beach.
Stockton Beach	The whole of the waters adjacent to the shoreline between the sewerage treatment works and a point 500 metres north of the Signa shipwreck (a distance of approximately 6.5km).
Nobbys Head to Nine Mile Beach	The whole of the waters adjacent to the shoreline between the southern breakwall at Nobbys Head and the Waste Water Treatment Works at Belmont on Nine Mile Beach, including Nobbys Beach, Newcastle Beach, Bar Beach, Dixon Park Beach, Merewether Beach, Dudley Beach, Redhead Beach and approximately 5km of Nine Mile Beach.

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<b>Location</b>	<b>Description of waters</b>
Deep Cave Bay	The whole of the waters adjacent to the shoreline between the northern end of Moonee Beach and Flat Rocks Point.
Frazer Beach	The whole of the waters adjacent to the shoreline between the easternmost point of Snapper Point and the easternmost point of Wybung Head. The area includes Bongon Beach, Frazer Beach, Gravelly Beach and Deadmans Beach.
Pebbly Beach	The whole of the waters adjacent to the shoreline between the easternmost point of Norah Head and the northernmost point of Soldiers Point.

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**Region 6—Upper South Coast**

<b>Location</b>	<b>Description of waters</b>
Coalcliff Beach	The whole of the waters adjacent to the beach (known as Coalcliff Beach) north of Coalcliff Harbour.
Scarborough Beach to Wombarra Beach	The whole of the waters adjacent to the shoreline between the rocks at the northern end of Scarborough Beach to the pool at the southern end of Wombarra Beach, including Noony's Gulf.
Austinmer Beach	The whole of the waters adjacent to the shoreline between the southeasternmost extremity of Bell's Point and the pool at the southern end of Austinmer Beach.
Boyds Beach	The whole of the waters adjacent to the shoreline between the southernmost extremity of Minnamurra Point and the northwesternmost extremity end of Cathedral Rocks.
Culburra Beach	The whole of the waters adjacent to the shoreline between the southern end of Greenwell Point and the southeastern end of Culburra Beach, including Tilbury Cove.
Cudmirrah Beach to Monument Beach	The whole of the waters adjacent to the shoreline between the northern end of Cudmirrah Beach and the northern end of Monument Beach.

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**Region 7—Lower South Coast**

<b>Location</b>	<b>Description of waters</b>
Pebbly Beach	The whole of the waters adjacent to Pebbly Beach in Murramarang National Park.
Wimbie Beach to Rosedale Beach	The whole of the waters adjacent to the shoreline between the southern extremity of Wimbie Beach and the northern extremity of Rosedale Beach, including Circuit Beach, Lilli Pilli Beach, Mosquito Bay, Garden Bay, Malua Bay, Pretty Point Bay and McKenzies Beach.
Bengello Beach	The whole of the waters adjacent to the shoreline between the Moruya River breakwall and a point 500 metres generally northeast along Bengello Beach.
Tarandore Point to Tuross Head	The whole of the waters adjacent to the shoreline between Tarandore Point and Tuross Head, including One Tree Beach.
Brou Beach (also known as Wilson Hall Beach)	The whole of the waters adjacent to the shoreline for 300 metres on each side of the first set of rocks south of the Lake Brou opening.
Mummaga Head to Glasshouse Rocks	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Mummaga Head (Dalmeny) and Glasshouse Rocks (south of Narooma Beach), including Joshs Beach, Yabbara Beach, Duesburys Beach, Kianga Beach (except between 1 May and 30 June in each year, both dates inclusive), Carters Beach, Bar Beach and Narooma Beach.
Corunna Point to Boat Harbour Point	The whole of the waters adjacent to the shoreline between the southeasternmost extremity of Corunna Point and the southeasternmost extremity of Boat Harbour Point, including Mystery Bay.
Blue Point to Breakaway Beach	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Blue Point and the southern end of Breakaway Beach, including Jack Common Beach and Beares Beach.

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Location	Description of waters
Armonds Bay Beach to Murrah Head	The whole of the waters adjacent to the shoreline between the northern extremity of Armonds Bay and the southeastern extremity of Murrah Head.
Goalen Head to Bunga Head	The whole of the waters adjacent to the shoreline between the eastern extremity of Goalen Head and the eastern extremity of Bunga Head, including Bunga Beach.
Bengunnu Point to Picnic Beach	The whole of the waters adjacent to the shoreline between the eastern extremity of Bengunnu Point and the northern end of Picnic Beach.
Merimbula Beach	The whole of the waters adjacent to the shoreline between the northern extremity of Merimbula Beach and a point 500 metres south along that beach.

## Schedule 2 Beaches closed to ocean hauling on a seasonal basis

(Clause 11)

Column 1	Column 2
Closed beaches	Period of closure
All ocean beaches bounded by Point Danger at Tweed Heads south to Goanna Headland (Evans Headland)	From 8am Good Friday to midnight on Easter Sunday
Bluff Beach (Iluka)	From 1 December to 31 January in the succeeding year
Brooms Head Beach—that section from Cakora Point or Brooms Head, north westerly to a line extending due east from the road bridge over the entrance to Cakora Lagoon	From 15 December to 15 January in the succeeding year
Station Creek Beach (North of Red Rock)	From 1 October to the last day in February in the succeeding year
Main Beach (Nambucca heads)	From 1 October to the last day in February in the succeeding year
Grassy Beach bounded by Grassy Head and Middle Head	From 1 October to the last day in February in the succeeding year

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<b>Column 1</b>	<b>Column 2</b>
<b>Closed beaches</b>	<b>Period of closure</b>
Smoky Cape—Laggers Point south to a point due west of Black Rocks (approximately 3,000 metres south from Smoky Cape)	From 1 October to the last day in February in the succeeding year
Town Beach (Port Macquarie)	From 1 October to the last day in February in the succeeding year
Flynns Beach	From 1 October to the last day in February in the succeeding year
Shelly Beach	From 1 October to the last day in February in the succeeding year
Miners Beach	From 1 October to the last day in February in the succeeding year
Lighthouse Beach—that part from the southern extremity of Tacking Point south to Watonga Rock	From 1 October to the last day in February in the succeeding year
Grants Beach (North Haven Beach)—that part from the northern breakwall to Camden Haven inlet for a distance of 1,000 metres	From 1 December to 31 January in the succeeding year
Hat Head Beach—that portion of Hat Head Beach for a distance of 1,000 metres from Korogoro Creek mouth, north to a pedestrian access no. 6	Between sunrise and sunset in the period from 15 December to 31 January in the succeeding year
Whale Beach	From 1 November to the last day in February in the succeeding year
Avalon Beach	From 1 November to the last day in February in the succeeding year
Bilgola Beach	From 1 November to the last day in February in the succeeding year
Bungan Beach	From 1 November to the last day in February in the succeeding year
Basin Beach	From 1 November to the last day in February in the succeeding year
Mona Vale Beach	From 1 November to the last day in February in the succeeding year
Warriewood Beach	From 1 November to the last day in February in the succeeding year
Turimetta Beach	From 1 November to the last day in February in the succeeding year

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<b>Column 1</b>	<b>Column 2</b>
<b>Closed beaches</b>	<b>Period of closure</b>
Narrabeen Beach	From 1 November to the last day in February in the succeeding year
Collaroy Beach	From 1 November to the last day in February in the succeeding year
Dee Why Beach	From 1 November to the last day in February in the succeeding year
Manly Beach	From 1 November to the last day in February in the succeeding year
All ocean beaches bounded by South Head and Cape Banks	From 1 November to the last day in February in the succeeding year

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New South Wales

# Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## Explanatory note

The object of this Regulation is to give effect to the share management plan for the ocean trawl share management fishery.

The share management plan provides for the following matters:

- (a) objectives of the plan,
- (b) description of the fishery,
- (c) minimum and maximum shareholdings,
- (d) general requirements in relation to taking fish,
- (e) other miscellaneous matters, including the adoption of the supporting plan.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 40, 57, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

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Clause 1

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## **Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Ocean Trawl Share Management Plan**

The *Ocean Trawl Share Management Plan* set out in the Appendix to this Regulation has effect.

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## Appendix

(Clause 3)

### Part 1 Preliminary

#### 1 Name of Plan

This is the *Ocean Trawl Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

**endorsement** means an endorsement on a commercial fishing licence that authorises the taking of fish in the fishery.

**endorsement holder** means a person who holds a commercial fishing licence that has an endorsement.

**fishery** means the ocean trawl fishery (as described in Schedule 1 to the Act).

**inshore waters** has the meaning given by Schedule 1 to the Act.

**ocean trawl fishing business** means a fishing business the components of which include shares in the fishery.

**ocean waters** has the meaning given by Schedule 1 to the Act.

**offshore waters** has the meaning given by Schedule 1 to the Act.

**Supporting Plan** means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

**the Act** means the *Fisheries Management Act 1994*.

(2) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.

(3) Notes used in this Plan do not form part of the Plan.

### Part 2 Objectives of Plan

#### 3 Objectives, performance indicators and triggers for review

(1) The objectives of this Plan are set out in Column 1 of the Table to this clause.

(2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.

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- (3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.
- (4) In the Table:
- key secondary species** means a species of fish listed as a key secondary species of fish in Table 2 to Schedule 1.
- primary species** means a species of fish listed as a primary species of fish in Table 1 to Schedule 1.
- secondary species** means a species of fish that are retained in the fishery but which is not a primary species or a key secondary species.

Table

	Column 1	Column 2	Column 3
	Objective	Performance indicator	Trigger for review
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	Reduction in the estimated quantity of the ocean trawl catch (by method) which is discarded	The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys
		No new primary species or key secondary species with an exploitation status is changed to “overfished” or “recruitment overfished” by the Department	On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a primary species or key secondary species is changed to “overfished” or “recruitment overfished” by the Department

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Column 1 Objective	Column 2 Performance indicator	Column 3 Trigger for review
	Total annual landings of all secondary species taken by the sector using an otter trawl net (prawns) or by the sector using an otter trawl net (fish) and a danish seine trawl net (fish), as a percentage of the total annual landings taken by those sectors remains at 5% or less	The Director-General is satisfied that the contribution of secondary species to total annual landings in the sector using an otter trawl net (prawns) or in the sector using an otter trawl net (fish) and a danish seine trawl net (fish), exceeds 5% in any 2 consecutive years
	No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community	Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts

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Column 1	Column 2	Column 3
Objective	Performance indicator	Trigger for review
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish
2	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery  The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years

### Part 3 Description of fishery

**Note.** The ocean trawl fishery, as described in Schedule 1 to the Act, consists of the following:

- (a) the use of an otter trawl net (prawns) to take fish from any of the following waters:
  - (i) inshore waters,
  - (ii) offshore waters,
  - (iii) the waters of Coffs Harbour,
- (b) the use of an otter trawl net (fish) to take fish from ocean waters that are north of a line drawn due east from Barrenjoey Headland (other than any waters in which use of an otter trawl net (fish) is prohibited under the regulations),

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- (c) the use of a danish seine trawl net (fish) to take fish from ocean waters that are north of a line drawn due east from Barrenjoey Headland (other than any waters in which use of an otter trawl net (fish) is prohibited under the regulations).

**4 Classes of share**

There are 4 classes of share available in the fishery, being the following classes:

- (a) Ocean trawl—inshore prawn shares,
- (b) Ocean trawl—offshore prawn shares,
- (c) Ocean trawl—deepwater prawn shares,
- (d) Ocean trawl—fish northern zone shares.

**Note.** The classes of share correspond to the types of endorsement available in the fishery.

**5 Types of endorsement**

- (1) There are 4 types of endorsement available in the fishery, as follows:

- (a) Inshore prawn endorsement,
- (b) Offshore prawn endorsement,
- (c) Deepwater prawn endorsement,
- (d) Fish northern zone endorsement.

(2) **Inshore prawn endorsement**

An inshore prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from inshore waters.

- (3) Only shareholders who hold ocean trawl—inshore prawn shares are eligible to be given, or to nominate a person to be given, an inshore prawn endorsement.

(4) **Offshore prawn endorsement**

An offshore prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from offshore waters that are west of the 280 metre (150 fathom) depth contour.

- (5) Only shareholders who hold ocean trawl—offshore prawn shares are eligible to be given, or to nominate a person to be given, an offshore prawn endorsement.

(6) **Deepwater prawn endorsement**

A deepwater prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from offshore waters that are east of the 280 metre (150 fathom) depth contour.

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- (7) Only shareholders who hold ocean trawl—deepwater prawn shares are eligible to be given, or to nominate a person to be given, a deepwater prawn endorsement.
- (8) **Fish northern zone endorsement**  
A fish northern zone endorsement authorises the holder to take fish using an otter trawl net (fish) or a danish seine trawl net (fish) from ocean waters that are north of a line drawn due east from Barrenjoey Headland (latitude 33°35' south).
- (9) Only shareholders who hold ocean trawl—fish northern zone shares are eligible to be given, or to nominate a person to be given, a fish northern zone endorsement.
- Note.** Schedule 2 prohibits the use of otter trawl net (fish) and danish seine trawl net (fish) in the waters north of a line drawn due east from the lighthouse at Smoky Cape (see clause 8).

## Part 4 Minimum and maximum shareholdings

### 6 Minimum shareholding

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.
- Note.** A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.
- (2) During the transitional period, the minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.
- (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if, after the commencement of this Plan and before the end of the transitional period, the shareholder transfers, assigns, forfeits or surrenders any shares of that class (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an **original entitlement holder**, in relation to a class of shares, is a person who:
- (a) held shares of that class immediately before the commencement of this Plan, and
  - (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.

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- (5) At the end of the transitional period, the minimum shareholding requirements under subclause (1) apply to all shareholders in the fishery.
  - (6) For the purposes of this clause, the *transitional period* is the period of 2 years and 6 months commencing on the commencement of this Plan.
  - (7) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.
  - (8) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean trawl fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Ocean trawl—inshore prawn shares	32
Ocean trawl—offshore prawn shares	32
Ocean trawl—deepwater prawn shares	20
Ocean trawl—fish northern zone shares	32

**7 Maximum shareholding**

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

**Part 5 General requirements in relation to taking fish**

**8 Waters closed to ocean trawling**

Pursuant to section 20 (2) of the Act, it is declared that the waters specified in Column 1 of Schedule 2 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers by use of the net specified next to those waters in Column 2 of the Schedule is prohibited, during the period specified in relation to those waters in Column 3 of the Schedule.

**Note.** See the Supporting Plan for section 20 (2) closures that apply to more than one share management fishery.

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**9 Boat capacity restrictions**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if the boat:
- (a) has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause, or
  - (b) has an engine with a continuous rating in excess of 300kW (being the rating for the boat as published by the manufacturer of the engine).

**Table**

Column 1	Column 2
Maximum boat length	Exemption code
20 metres	OT

- (2) Subclause (1) does not apply in respect of an original boat if:
- (a) it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and
  - (b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind specified in Column 2 of the Table to this clause.
- (3) In this clause, an *original boat* means a boat that, immediately before the commencement of this Plan, was a component of an ocean trawl fishing business.
- (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

**10 Boat restrictions—offshore prawn endorsement**

For the purposes of section 68 (6A) of the Act, it is a condition of an offshore prawn endorsement that the endorsement holder does not use a boat to take fish pursuant to that endorsement unless the fishing boat licence for the boat indicates the maximum units allocated by the Director-General to the boat in respect of the boat's hull, engine power and head rope length.

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## Part 6 General

### 11 Adoption of Supporting Plan

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

### 12 Authorised amendments to Plan

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

## Schedule 1 Primary and key secondary species

(Clause 3)

**Table 1 Primary species**

Common name	Scientific name
Eastern king prawn	<i>Melicertus plebejus</i>
School prawn	<i>Metapenaeus macleayi</i>
Royal red prawn	<i>Haliporoides sibogae</i>
Balmain bug	<i>Ibacus</i> spp.
Octopus spp.	various (Family: OCTOPODIDAE)
Cuttlefish	<i>Sepia</i> spp.
Southern calamari	<i>Sepioteuthis australis</i>
Eastern school whiting	<i>Sillago flindersi</i>
Stout whiting	<i>Sillago robusta</i>
Tiger flathead	<i>Neoplatycephalus richardsoni</i>
Sand/Bluespotted flathead	<i>Platycephalus caeruleopunctatus</i>
Silver trevally	<i>Pseudocaranx dentex</i>
Fiddler shark	<i>Aptychotrema rostrata</i>

**Table 2 Key secondary species**

Common name	Scientific name
Blue swimmer crab	<i>Portunus pelagicus</i>
Squid spp.	various (Class: CEPHALOPODA)

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Common name	Scientific name
Gurnard/Latchet	<i>Pterygotrigla andertoni</i> <i>Pterygotrigla polyomata</i> <i>Chelidonichthys kumu</i>
John dory	<i>Zeus faber</i>
Angel shark	<i>Squatina australis</i>
Flounder spp.	various (Family: PLEURONECTIDAE/BOTHIDAE)
Red mullet	various (Family: MULLIDAE)
Redfish	<i>Centroberyx affinis</i>
Leatherjacket spp.	various (Family: MONACANTHIDAE)
Ocean perch	<i>Helicolenus barathri</i> <i>Helicolenus percoides</i>
Mirror dory	<i>Zenopsis nebulosus</i>
Sole spp.	various (Family: SOLEIDAE)
Rubberlip morwong	<i>Nemadactylus douglasii</i>
Pink tilefish	<i>Branchiostegus wardi</i>
Boarfish	<i>Paristiopterus labiosus</i>
Shark spp.	various

## Schedule 2 Waters closed to ocean trawling

(Clause 8)

Column 1	Column 2	Column 3
Waters	Method	Time
<b>Tweed Heads</b>		
The whole of the waters within the area bounded by a line commencing at mean high water mark and 28°10.000' S, then north east to the point 28°08.100' S and 153°36.360' E, then south to 28°15.000' S and 153°36.360' E, then west to the mean high water mark, then generally north along the mean high water mark to the point of commencement (reference to north east is indicative only).	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
<b>Brunswick Heads</b>		
The whole of the waters within the area commencing 0.5 nautical miles offshore from mean high water mark, 2 nautical miles north of the northern breakwall of the Brunswick River, then east for 0.7 nautical miles, then generally southerly, parallel to and 1.2 nautical miles from mean high water mark for 7 nautical miles, then west to a point 0.5 nautical miles east from mean high water mark, then generally north parallel to and 0.5 nautical miles from mean high water mark back to point of commencement.	Otter trawl net (prawns).	All year.
<b>Ballina</b>		
The whole of the waters within the area bounded by a line commencing at the point 28°52.154' S and 153°36.252' E, then north east to the point 28°50.940' S and 153°36.910' E, then north to the point 28°49.930' S and 153°37.120' E, then north to the point 28°48.420' S and 153°37.100' E, then east to the point 28°48.432' S and 153°37.836' E, then south to the point 28°52.154' S and 153°37.836' E, then south west to the point 28°53.580' S and 153°37.360' E, then south west to the point 28°57.530' S and 153°33.420' E, then south west to the point 29°00.000' S and 153°30.988' E, then west to the point 29°00.000' S and 153°29.196' E, then north east to the point 28°53.258' S and 153°35.308' E, then east to the point 28°53.450' S and 153°35.596' E, then north east to the point 28°52.394' S and 153°36.156' E, then back to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.
<b>Evans Head River entrance</b>		
The whole of the ocean waters within the area bounded by a line commencing from the eastern most point of Joggly Point at 29°07.130' S and 153°27.090' E, then due north to a point 29°06.000' S and 153°27.090' E, then due west to the mean high water mark at Airforce Beach at 29°06.000' S and 153°25.970' E, then generally south along the mean high water mark to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
<b>Evans Head</b>		
The whole of the waters within the area bounded by a line commencing at the point 29°07.720' S and 153°28.600' E, then south east to the point 29°08.780' S and 153°31.040' E, then south west to the point 29°10.440' S and 153°30.300' E, then south east to the point 29°11.460' S and 153°31.400' E, then south west to the point 29°15.000' S and 153°28.920' E, then west to the point 29°15.000' S and 153°23.390' E, then north east to the point 29°08.370' S and 153°28.580' E, then back to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.
<b>Angourie Point</b>		
The ocean waters adjacent to Brooms Head, Clarence River and Woody Head, within the boundary, commencing at a point at Mean High Water Mark at Angourie Point, 29°29.180' S and 153°22.200' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 0.7 nautical miles north to a point adjacent to Yamba Point at 29°26.480' S and 153°23.120' E, then to a point 0.6 nautical miles east of the Iluka Breakwall at 29°25.600' S and 153°23.020' E, then north to a point 0.85 nautical miles from Woody Head at 29°22.400' S and 153°23.460' E, then east to a point 3 nautical miles from Woody Head at 29°22.400' S and 153°25.870' E, then south to a point 3 nautical miles east of Yamba Point at 29°26.480' E and 153°25.780' E, then south to a point 3 nautical miles east of Angourie Point at 29°29.200' S and 153°25.500' E, then south to a point 3 nautical miles east of Brooms Head at 29°36.800' S and 153°23.800' E, then west to Mean High Water Mark at Brooms Head at 29°36.800' S and 153°20.400' E, then bounded by Mean High Water Mark along the ocean shore north to the point of commencement at Angourie Point (references to directions are indicative only).	Otter trawl net (prawns).	All year.
<b>Coffs Harbour</b>		
The whole of the waters of Coffs Harbour, enclosed by a line drawn from the north eastern extremity of the southern breakwall to the eastern extremity of Muttonbird Island.	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
<b>Coffs Harbour deep sea ocean outfall pipeline</b>		
Ocean waters adjacent to Boambee Beach, within the boundary commencing at a point 30°19.096' S and 153°08.013' E on Boambee Beach (approximately 1 km south of Boambee Headland), then south south east 0.19 nautical miles to the point 30°19.232' S and 153°08.159' E, then south east 0.6 nautical miles to a point 30°19.570' S and 153°08.743' E, then south west approximately 100 metres to the point 30°19.616' S and 153°08.708' E, then north west 0.61 nautical miles to a point 30°19.274' S and 153°08.118' E, then north north west approximately 0.19 nautical miles to a point 30°19.134' S and 153°07.969' E on Boambee Beach, then approximately 100 metres generally north east along the beach to the point of commencement.	Otter trawl net (prawns).	All year.
<b>South West Rocks</b>		
The whole of the waters within the area bounded by a line commencing at the point 30°51.900' S and 153°02.700' E, then north east to the point 30°50.900' S and 153°04.000' E, then north west to the point 30°47.800' S and 153°03.600' E, then due west to the point 30°47.800' S and 153°00.500' E, then south east to the point 30°49.500' S and 153°01.000' E, then south east to the point 30°51.500' S and 153°02.000' E, then back to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	From official sunset 1 November to official sunrise 1 March each ensuing year.
<b>Crowdy Head</b>		
The ocean waters within the boundary, commencing at 32°02.650' S and 152°42.150' E, then north to 32°01.570' S and 152°42.420' E, then north north east to 31°58.840' S and 152°43.440' E, then east to 31°59.200' S and 152°44.340' E, then south south west to 32°01.030' S and 152°43.740' E, then south to 32°03.220' S and 152°43.200' E, then north west to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
<b>Forster</b>		
The whole of the waters within the area bounded by a line commencing at the intersection of the coordinates 32°26.400' S and 152°32.400' E, thence east to the intersection of the coordinates 32°26.400' S and 152°35.000' E thence north to the intersection of the coordinates 32°20.000' S and 152°35.000' E thence west to the intersection of the coordinates 32°00.000' S and 152°33.300' E thence south west to the intersection of the coordinates 32°24.400' S and 152°32.100' E thence back to the point of commencement.	Otter trawl net (prawns).	All year.
<b>Port Stephens</b>		
The whole of the waters within the area bounded by the line commencing at the south eastern extremity of Shark Island (Pt Stephens), thence east to the intersection of the coordinates 32°45.000' S and 152°14.200' E, thence north east to the intersection of the coordinates 32°33.000' S and 152°25.400' E, thence east north east to the intersection of the coordinates 32°28.300' S and 152°35.000' E, thence north west to the eastern most extremity of Sugarloaf Point (Seals Rocks), thence south along the mean high water mark to Yagon Gibber, thence due east from the eastern most extremity of Yagon Gibber to the 10 fathom depth contour, thence generally south along the 10 fathom depth contour (inside Broughton Island, Inner Island and Dry Rock etc) until due east of the most easterly extremity of Yacaaba Head, thence due west to the eastern most extremity of Yacaaba Head, thence generally south south west along the mean high water mark to the southern most extremity of Yacaaba Point, thence south to the Northern extremity of Tomaree Point, thence generally south south east along the mean high water mark to the point of commencement.	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
<b>Newcastle</b>		
All waters enclosed by a line commencing from the intersection of the 10 fathom depth contour and latitude 32°55.000' S, then generally in a south-easterly direction to a point latitude 32°57.300' S, longitude 151°52.000' E, then generally in a south-westerly direction along the 30 fathom depth contour to a point latitude 33°12.000' S, longitude 151°42.000' E, then due west to the intersection of the 10 fathom contour and latitude 33°12.000' S, then generally in a north-easterly direction along the 10 fathom depth contour to the point of commencement.	Otter trawl net (prawns).	All year.
<b>Smoky Cape</b>		
The waters north of a line drawn due east from the lighthouse at Smoky Cape.	Otter trawl net (fish) and danish seine trawl net (fish).	All year.
<b>Port Kembla (Red Point to Windang Island)</b>		
The whole of the waters west of a line drawn from the most eastern extremity of Red Point south to the most eastern extremity of Windang Island.	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
<b>Twofold Bay</b>		
The whole of the waters of Twofold Bay together with its bays and inlets west of a line drawn from Worang Point (North Head) southerly to Red Point (South Head).	Otter trawl net (fish) and danish seine trawl net (fish).	All year.
<b>Merimbula Bay</b>		
The whole of the waters of Merimbula Bay together with its bays and inlets west of a line drawn from the eastern extremity of Long Point southerly to the easternmost extremity of Haycock Point.	Otter trawl net (fish) and danish seine trawl net (fish).	All year.



New South Wales

# Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## Explanatory note

The object of this Regulation is to give effect to the share management plan for the ocean trap and line share management fishery.

The share management plan provides for the following matters:

- (a) objectives of the plan,
- (b) description of the fishery,
- (c) minimum and maximum shareholdings,
- (d) general requirements in relation to taking fish,
- (e) other miscellaneous matters, including the adoption of the supporting plan.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 40, 57, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

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Clause 1

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## **Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Ocean Trap and Line Share Management Plan**

The *Ocean Trap and Line Share Management Plan* set out in the Appendix to this Regulation has effect.

Fisheries Management (Ocean Trap and Line Share Management Plan)  
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## Appendix

(Clause 3)

### Part 1 Preliminary

#### 1 Name of Plan

This is the *Ocean Trap and Line Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

**endorsement** means an endorsement on a commercial fishing licence that authorises the taking of fish in the fishery.

**endorsement holder** means a person who holds a commercial fishing licence that has an endorsement.

**fishery** means the ocean trap and line fishery (as described in Schedule 1 to the Act).

**ocean trap and line fishing business** means a fishing business the components of which include shares in the fishery.

**ocean waters** has the meaning given by Schedule 1 to the Act.

**Supporting Plan** means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

**the Act** means the *Fisheries Management Act 1994*.

(2) Notes used in this Plan do not form part of the Plan.

### Part 2 Objectives of Plan

#### 3 Objectives, performance indicators and triggers for review

(1) The objectives of this Plan are set out in Column 1 of the Table to this clause.

(2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.

(3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.

(4) In the Table:

**key secondary species** means a species of fish listed as a key secondary species of fish in Table 2 to Schedule 1.

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*primary species* means a species of fish listed as a primary species of fish in Table 1 to Schedule 1.

*secondary species* means a species of fish that are retained in the fishery but which is not a primary species or a key secondary species.

**Table**

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Objective</b>	<b>Performance indicator</b>	<b>Trigger for review</b>
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	Reduction in the estimated quantity of the trap and line catch (by method) which is discarded	The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys
		No new primary species or key secondary species with an exploitation status is classified as “overfished” or “recruitment overfished” by the Department	On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a primary species or key secondary species is changed to “overfished” or “recruitment overfished” by the Department
		Total annual landings of all secondary species taken in the fishery as a percentage of the total annual landings in the fishery remains at 15% or less	The Director-General is satisfied that the contribution of secondary species to total annual landings exceeds 15% in any 2 consecutive years

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Column 1 Objective	Column 2 Performance indicator	Column 3 Trigger for review
	No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community	Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish

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	Column 1	Column 2	Column 3
	Objective	Performance indicator	Trigger for review
2	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery	The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years

### Part 3 Description of fishery

**Note 1.** The ocean trap and line fishery consists of the following (as described in Schedule 1 to the Act):

- (a) the use of a fish trap to take fish from ocean waters,
- (b) the use of a line with hooks attached to take fish from ocean waters,
- (c) the use of a spanner crab net to take spanner crabs from ocean waters that are north of a line drawn due east from Korogoro Point (Hat Head).

**Note 2. Ocean waters** is defined in Schedule 1 to the Act as waters east of the natural coast line. However, for the purposes of the fishery, ocean waters do not include the waters within 3 nautical miles of:

- (a) the high water mark on Lord Howe Island, or
- (b) Balls Pyramid.

A reference to ocean waters extends to ocean waters managed in accordance with the law of the State under an arrangement with the Commonwealth, but only while that arrangement has effect.

#### 4 Classes of share

The following classes of share are available in the fishery:

- (a) Ocean trap and line—line fishing western zone shares,
- (b) Ocean trap and line—line fishing eastern zone shares,
- (c) Ocean trap and line—demersal fish trap shares,
- (d) Ocean trap and line—school and gummy shark shares,
- (e) Ocean trap and line—spanner crab northern zone shares,
- (f) Ocean trap and line—spanner crab southern zone shares.

**Note.** The classes of share correspond to the types of endorsement available.

Fisheries Management (Ocean Trap and Line Share Management Plan)  
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**5 Types of endorsement**

- (1) There are 6 types of endorsement available in the fishery, as follows:

- (a) Line fishing western zone endorsement,
- (b) Line fishing eastern zone endorsement,
- (c) Demersal fish trap endorsement,
- (d) School and gummy shark endorsement,
- (e) Spanner crab northern zone endorsement,
- (f) Spanner crab southern zone endorsement.

(2) **Line fishing western zone endorsement**

A line fishing western zone endorsement authorises the holder to use a line to take fish from ocean waters that are west of the 183 metre (100 fathoms) depth contour.

**Note.** See clauses 8 and 9 for endorsement conditions.

- (3) Only shareholders who hold ocean trap and line—line fishing western zone shares are eligible to be given, or to nominate a person to be given, a line fishing western zone endorsement.

(4) **Line fishing eastern zone endorsement**

A line fishing eastern zone endorsement authorises the holder to use a line to take fish from ocean waters that are east of the 183 metre (100 fathoms) depth contour.

**Note.** See clause 8 for endorsement conditions.

- (5) Only shareholders who hold ocean trap and line—line fishing eastern zone shares are eligible to be given, or to nominate a person to be given, a line fishing eastern zone endorsement.

(6) **Demersal fish trap endorsement**

A demersal fish trap endorsement authorises the holder to take fish from ocean waters by means of a fish trap set or used on the sea bed.

- (7) Only shareholders who hold ocean trap and line—demersal fish trap shares are eligible to be given, or to nominate a person to be given, a demersal fish trap endorsement.

(8) **School and gummy shark endorsement**

A school and gummy shark endorsement authorises the holder to take school and gummy sharks using a line from ocean waters south of a line drawn due east from the northern point of the entrance to Moruya River.

- (9) Only shareholders who hold ocean trap and line—school and gummy shark shares are eligible to be given, or to nominate a person to be given, a school and gummy shark endorsement.

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(10) **Spanner crab northern zone endorsement**

A spanner crab northern zone endorsement authorises the holder to use a spanner crab net to take spanner crabs from ocean waters that are north of a line drawn due east from the southern breakwall at Yamba.

- (11) Only shareholders who hold ocean trap and line—spanner crab northern zone shares are eligible to be given, or to nominate a person to be given, a spanner crab northern zone endorsement.

(12) **Spanner crab southern zone endorsement**

A spanner crab southern zone endorsement authorises the holder to use a spanner crab net to take spanner crabs from ocean waters that are south of a line drawn due east from the southern breakwall at Yamba and north of Korogoro Point (Hat Head).

- (13) Only shareholders who hold ocean trap and line—spanner crab southern zone shares are eligible to be given, or to nominate a person to be given, a spanner crab southern zone endorsement.

## Part 4 Minimum and maximum shareholdings

### 6 Minimum shareholding

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.

**Note.** A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.

- (2) During the transitional period, the minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.
- (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if, after the commencement of this Plan and before the end of the transitional period, the shareholder transfers, assigns, forfeits or surrenders any shares of that class (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an *original entitlement holder*, in relation to a class of shares, is a person who:
- (a) held shares of that class immediately before the commencement of this Plan, and

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- (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.
  - (5) At the end of the transitional period, the minimum shareholding requirements under subclause (1) apply to all shareholders in the fishery.
  - (6) For the purposes of this clause, the *transitional period* is the period of 2 years and 6 months commencing on the commencement of this Plan.
  - (7) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.
  - (8) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean trap and line fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Ocean trap and line—line fishing western zone shares	40
Ocean trap and line—line fishing eastern zone shares	40
Ocean trap and line—demersal fish trap shares	40
Ocean trap and line—school and gummy shark shares	40
Ocean trap and line—spanner crab northern zone shares	40
Ocean trap and line—spanner crab southern zone shares	40

**7 Maximum shareholding**

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

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## Part 5 General requirements in relation to taking fish

### 8 Taking of school and gummy shark

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of a line fishing western zone endorsement and a line fishing eastern zone endorsement that the endorsement holder does not take school or gummy shark from ocean waters that are south of a line drawn due east from the northern point of the entrance to Moruya River.
- (2) This clause does not apply to an endorsement holder acting as authorised by a school and gummy shark endorsement.

### 9 Taking of deepwater species of fish

For the purposes of section 68 (6A) of the Act, it is a condition of a line fishing western zone endorsement that the endorsement holder does not take any of the following species of fish in the fishery:

- (a) blue eye trevalla (*Hyperoglyphe antarctica*),
- (b) ling (*Genypterus* spp.),
- (c) gemfish (*Rexea solandri*),
- (d) hapuka (*Polyprion oxygeneios*),
- (e) bass groper (*Polyprion americanus*).

### 10 Boat capacity restrictions

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if it has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause.

**Table**

Column 1	Column 2
Maximum boat length	Exemption code
16 metres	OTL

- (2) Subclause (1) does not apply in respect of an original boat if:
  - (a) it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and
  - (b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind specified in Column 2 of the Table to this clause.

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- (3) In this clause, an *original boat* means a boat that, immediately before the commencement of this Plan, was a component of an ocean trap and line fishing business.
  - (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

**11 Automated baiting machines prohibited**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use an on-board automatic baiting machine in connection with taking fish in the fishery.
- (2) In this clause, an *automated baiting machine* means a machine with a mechanical system that automatically affixes bait on hooks or snoods (or both) to a line, so that there is no need to affix bait by hand at the time of setting fishing gear.

**12 Taking of fish with the assistance of others**

For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery with the assistance of more than 4 persons who do not hold the same type of endorsement to take fish as the endorsement holder.

## **Part 6 General**

**13 Adoption of Supporting Plan**

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

**14 Authorised amendments to Plan**

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

Fisheries Management (Ocean Trap and Line Share Management Plan)  
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Primary and key secondary species

Schedule 1

## Schedule 1 Primary and key secondary species

(Clause 3)

**Table 1 Primary species**

Common name	Scientific name
Australian Bonito	<i>Sarda australis</i>
Banded Rockcod	<i>Epinephelus ergastularius</i>
Blue-eye trevalla	<i>Hyperoglyphe antarctica</i>
Gummy shark	<i>Mustelus antarcticus</i>
Leatherjacket spp.	various (Family: MONACANTHIDAE)
Rubberlip morwong	<i>Nemadactylus douglasii</i>
Silver trevally	<i>Pseudocaranx dentex</i>
Snapper	<i>Pagrus auratus</i>
Spanner crab	<i>Ranina ranina</i>
Yellowfin bream	<i>Acanthopagrus australis</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

**Table 2 Key secondary species**

Common name	Scientific name
Bass groper	<i>Polyprion americanus</i>
Dolphin fish	<i>Coryphaena hippurus</i>
Gemfish	<i>Rexea solandri</i>
Hapuku	<i>Polyprion oxygeneios</i>
Jackass morwong	<i>Nemadactylus macropterus</i>
Mulloway	<i>Argyrosomus japonicus</i>
Pearl perch	<i>Glaucosoma scapulare</i>
Pigfish	<i>Bodianus unimaculatus</i>
Shark spp.	various
Spanish mackerel	<i>Scomberomorus commerson</i>
Spotted mackerel	<i>Scomberomorus munroi</i>
Sweep	<i>Scorpiis lineolata</i>

Fisheries Management (Ocean Trap and Line Share Management Plan)  
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Schedule 1      Primary and key secondary species

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Common name	Scientific name
Teraglin	<i>Atractoscion aequidens</i>
Wobbegong sharks	<i>Orectolobus ornatus</i> <i>Orectolobus maculatus</i>

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New South Wales

# **Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006**

under the

**Fisheries Management Act 1994**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

## **Explanatory note**

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 2002* to make provision for:

- (a) the registration of persons eligible to be nominated fishers in respect of a fishing business ("eligible fishers"), and the cancellation of registration of those persons, and
- (b) the issuing of fishing business cards to fishing business owners, and the possession and return of those cards.

This Regulation is made under the *Fisheries Management Act 1994*, including section 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006

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## **Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 5 February 2007.

### **3 Amendment of Fisheries Management (General) Regulation 2002**

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

Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 3)

### Parts 8A and 8B

Insert after Part 8:

### Part 8A   Registration of persons eligible to be nominated fishers

#### 280A   Application to register eligible fishers

- (1) The owner of a fishing business may apply to the Director-General to register a person specified in the application as an eligible fisher in respect of the fishing business.

**Note.** Only persons registered as eligible fishers may be nominated to take fish on behalf of a person in respect of a fishing business.

- (2) An application under this clause:
- (a) is to be in a form approved by the Director-General, and
  - (b) is to be accompanied by evidence that the person to be registered as an eligible fisher consents to the registration.
- (3) A person may be registered as an eligible fisher only if the person holds a current Class 1 commercial fishing licence.
- (4) A fee may be charged by the Director-General in respect of an application under this clause.

#### 280B   Registration of eligible fisher

- (1) If an application for a person to be registered as an eligible fisher is duly made, the Director-General must accept the application or refuse the application.
- (2) The Director-General may refuse the application if:
- (a) the person proposed to be registered does not hold a current Class 1 commercial fishing licence, or
  - (b) the owner of the fishing business has not paid any fee or contribution due and payable under the Act or the regulations, or

Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006

Schedule 1      Amendment

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- (c) in the case of an application relating to a fishing business the components of which include shares in a share management fishery, the person proposed to be registered is not entitled to be registered as an eligible fisher under the share management plan for the fishery, or
  - (d) there are grounds for suspending or cancelling the commercial fishing licence of the person proposed to be registered, or an endorsement on that commercial fishing licence (whether or not the licence or endorsement is in fact suspended or cancelled).
- (3) If the Director-General accepts the application for a person to be registered as an eligible fisher in relation to a fishing business, the Director-General is to register the name of the person as an eligible fisher in respect of the fishing business.
- (4) Registration remains in force until it is cancelled by the Director-General.

**280C      Cancellation of registration of person as eligible fisher**

The Director-General may cancel the registration of a person as an eligible fisher in respect of a fishing business, by notice in writing to the owner of the fishing business, if:

- (a) the owner of the fishing business requests it by notice in writing to the Director-General in a form approved by the Director-General, or
- (b) the eligible fisher requests it, or
- (c) the eligible fisher ceases to be the holder of a current Class 1 commercial fishing licence, or
- (d) there are grounds for suspending or cancelling the commercial fishing licence of the eligible fisher, or an endorsement on that commercial fishing licence (whether or not the licence or endorsement is in fact suspended or cancelled), or
- (e) the owner of the fishing business transfers the fishing business or any component of the fishing business to another person, or
- (f) in the case of a person registered as an eligible fisher in respect of a fishing business the components of which include shares in a share management fishery, the person ceases to be entitled to be registered as an eligible fisher under the share management plan for the fishery.

Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006

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## Part 8B Fishing business cards

### 280D Definitions

In this Part:

***fishing business card*** means an endorsement issued in the form of a document that is separate from the commercial fishing licence of a person, under an arrangement referred to in section 68 (8C), 70 (6) or 112 (5) of the Act, and identified as a fishing business card.

***fishing business owner*** means the owner of a fishing business the components of which include an endorsement in a restricted fishery, or shares in a share management fishery.

***nominated fisher*** of a fishing business owner means a person who has been duly nominated by the fishing business owner to take fish in a fishery on behalf of the fishing business owner, pursuant to this Regulation or the share management plan for a fishery.

### 280E Possession of fishing business card

- (1) This clause applies if a fishing business owner is issued with a fishing business card.
- (2) A fishing business owner must not cause or allow physical possession of his or her fishing business card to be given to a person unless the person is the nominated fisher of the fishing business owner.

Maximum penalty: 100 penalty units.

### 280F Return of fishing business card

- (1) The Minister may at any time require a fishing business owner, by notice in writing to the fishing business owner, to return a fishing business card to the Minister within the period specified in the notice.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement made under subclause (1).

Maximum penalty: 100 penalty units.

- (3) This clause does not of itself authorise the Minister to cancel an endorsement.

**Note.** Other provisions of this Regulation and the share management plans for share management fisheries provide for the circumstances in which the Minister is authorised to cancel an endorsement. The Minister might require a fishing business card to be returned under this clause because an endorsement has been or is to be cancelled under those

Fisheries Management (General) Amendment (Eligible Fishers and Fishing Business Cards) Regulation 2006

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provisions. However, the Minister might also require a fishing business card to be returned merely to allow annotations on the card to be changed.

- (4) If the nomination of a person as a nominated fisher is revoked, that person must immediately return the fishing business card of the fishing business to which the revoked nomination relates to the fishing business owner or such other person as the fishing business owner directs.

- (5) A person must not, without reasonable excuse, fail to comply with subclause (4).

Maximum penalty: 100 penalty units.



New South Wales

# Home Building Amendment (Register) Regulation 2006

under the

Home Building Act 1989

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

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004* in relation to the information to be recorded on the register of licences and other authorities granted under the *Home Building Act 1989*. The Regulation will make it unnecessary to include the results of the following determinations and prosecutions on the register:

- (a) determinations under Part 4 of the *Home Building Act 1989* that no further action be taken,
- (b) prosecutions which do not result in a person being found guilty of an offence.

This Regulation is made under the *Home Building Act 1989*, including sections 120 (3) and 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Register) Regulation 2006

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## **Home Building Amendment (Register) Regulation 2006**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Register) Regulation 2006*.

### **2 Amendment of Home Building Regulation 2004**

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

Home Building Amendment (Register) Regulation 2006

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 80 Register**

Omit “any relevant determination under Part 4 of the Act” wherever occurring in clause 80 (a) (xii), (b) (ix), (c) (vii) and (d) (vi).

Insert instead “any relevant determination under Part 4 of the Act (other than any determination that no further action be taken)”.

**[2] Clause 80 (a) (xiii), (c) (viii) and (d) (vii)**

Omit “any prosecutions against the holder under the Act” wherever occurring.

Insert instead “any prosecutions against the holder under the Act (other than any prosecution which does not result in the holder being found guilty of an offence under the Act)”.

**[3] Clause 80 (b) (x)**

Omit “any prosecution against the holder under the Act”.

Insert instead “any prosecutions against the holder under the Act (other than any prosecution which does not result in the holder being found guilty of an offence under the Act)”.



New South Wales

# **Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006**

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

KERRY HICKEY, M.P.,  
Minister for Local Government

## **Explanatory note**

The object of this Regulation is to ensure that local government employees who change employment from one council to another council retain their accrued sick leave and long service leave entitlements.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and clause 15 of Schedule 6.

Clause 1      Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006

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## **Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006**

under the

Local Government Act 1993

### **1    Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006*.

### **2    Amendment of Local Government (General) Regulation 2005**

The *Local Government (General) Regulation 2005* is amended as set out in Schedule 1.

Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Part 13, Division 5, heading**

Omit “(sections 354A and 354E)”.

**[2] Clause 406A**

Insert after clause 406:

**406A Transfer of accrued leave entitlements**

- (1) In this clause:  
*award* means the *Local Government (State) Award 2004* as in force immediately before 27 March 2006.  
*employee* does not include a member of the senior staff of a council.
- (2) The provisions of the award relating to the transfer of an employee's accrued sick leave and long service leave entitlements when changing employment from one council to another (*the relevant award provisions*) apply, by force of this clause, in relation to an employee of a council who changes employment, in the circumstances referred to in the relevant award provisions, from one council to another.
- (3) Without limiting subclause (2), the relevant award provisions that apply by force of this clause include:
  - (a) the liability of the council by which the employee concerned was last employed to pay the council by which the employee is currently employed the cost of the employee's accrued long service leave entitlement, and
  - (b) the right of the employee concerned to elect to be paid the monetary value of the employee's accrued long service leave entitlement.
- (4) This clause applies to an employee of a council whether or not the employee was a person to whom the award applied.
- (5) Nothing in this clause affects any leave entitlement of a member of the senior staff of a council under the member's employment contract.

Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006

Schedule 1 Amendments

- (6) Nothing in this clause affects any entitlement of an employee of a council conferred by or under Part 6 of Chapter 11 of the Act.

**Note.** Clause 19, Part A of the award includes the following:

- (v) Accumulated sick leave shall be transferable on change of employment from council to council within New South Wales up to 13 weeks, provided that an employee shall only be entitled to transfer sick leave accumulated since the employee's last anniversary date on a pro-rata basis. Such accumulated sick leave shall only be transferable if the period of cessation of service with the council and appointment to the service of another council does not exceed three months. The sick leave entitlement transferred shall not exceed the maximum amount transferable as prescribed by the appropriate award at the time of transfer.

Clause 19, Part D of the award includes the following:

- (iii)
- (a) For the purpose of calculating long service leave entitlement in accordance with subclause (i) of this clause all prior continuous service with any other council within New South Wales shall be deemed to be service with the council by which the employee is currently employed.
- (b) Continuity of service shall be deemed not to have been broken by transfer or change of employment from one council to another provided the period between cessation of service with one council and appointment to the service of another council does not exceed three months and such period is covered by accrued annual and long service leave standing to the credit of the employee at the time of the transfer, provided further that the employee concerned does not engage in work of any kind during the period of paid leave between the cessation of service with one council and appointment to the service of another council.
- (iv) For the purpose of this clause, service shall include the following periods:-
- (a) Any period of service with any of Her Majesty's Forces provided that the employee enlisted or was called up direct from the service of a council.
- (b) In the case of an employee, transferred to the service of a council of a new or altered area - any period of service with the council from which such employee was transferred.
- (c) Service shall mean all service with a council irrespective of the classification under which the employee was employed.
- (v) There shall be deducted in the calculation of the employee's service all leave of absence without payment not specifically acknowledged and accepted by council as service at the time leave was taken.

Local Government (General) Amendment (Transfer of Accrued Leave Entitlements) Regulation 2006

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- (vi) When an employee transfers from one council to another, the former council shall pay to the newly employing council the monetary equivalent of all long service leave accruing to the employee at the time of transfer. However, an employee who at the time of transfer has completed at least five years continuous service may elect to be paid the monetary equivalent of the entitlement. Employees who at the time of transfer elect to be paid the monetary equivalent of their long service leave entitlement shall have that entitlement calculated by multiplying in completed years and months their period of continuous service with council(s). A statement showing all prior continuous service with the council(s) of the employee concerned shall be furnished together with details of the assessment of the amount of money that shall be paid into a Long Service Leave Reserve Account and appropriate notations made in the council's Long Service Leave Record.
- (vii) A council which has received under subclause (vi) of this clause a monetary equivalent of long service leave entitlement to cover an employee's period of service with a previously employing council(s) shall if the employee subsequently leaves the service of that employing council to seek employment outside New South Wales Local Government before a long service leave entitlement has become due, refund to such previously employing council(s) the amount paid.
- Clause 38 of the award includes the following:
- (v) Where an employee prior to 11 May 1995, had an entitlement to transfer accumulated sick leave from one council to another council in New South Wales, under the Local Government Senior Officers' Award the employee shall retain this entitlement.



New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Drug Testing) Regulation 2006

under the

Road Transport (Safety and Traffic Management) Act 1999

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

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

## Explanatory note

The *Road Transport Legislation Amendment (Drug Testing) Act 2006* makes various amendments to the *Road Transport (Safety and Traffic Management) Act 1999* and certain other Acts with respect to random roadside oral fluid drug testing, drug testing persons involved in fatal motor vehicle accidents, and offences relating to driving a motor vehicle with any presence of certain drugs in the driver's oral fluid, blood or urine.

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to make complementary amendments to that Regulation to enable the *Road Transport Legislation Amendment (Drug Testing) Act 2006* to commence.

The amendments to that Regulation deal with the following matters:

- (a) prescribing certain premises, institutions and establishments where persons may be detained for the purposes of providing blood or urine samples (such places include military hospitals and sick bays),
- (b) prescribing the laboratory at which oral fluid, blood and urine samples are to be analysed,
- (c) providing for the secure custody of oral fluid, blood and urine samples,
- (d) prescribing standards that oral fluid analysing instruments and oral fluid testing devices must meet before they may be approved by the Governor for use for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Drug Testing)  
Regulation 2006

Explanatory note

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This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including sections 18A, 18C, 18D, 18E, 24A, 24B and 71 (the general regulation-making power).

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Drug Testing) Regulation 2006

Clause 1

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## **Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Drug Testing) Regulation 2006**

under the

Road Transport (Safety and Traffic Management) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Drug Testing) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 15 December 2006.

### **3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Drug Testing) Regulation 2006

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 128 Premises, institutions and establishments prescribed for the purposes of sections 18C, 19, 24A and 26**

Omit “section 26 (b)”.

Insert instead “sections 18C (2) (c), 24A (3) (b) and (c) and 26 (b)”.

**[2] Clause 129 Analysis of oral fluid, blood and urine samples—prescribed laboratory**

Omit “23”. Insert instead “18D, 18E, 23, 24B”.

**[3] Clauses 130–130B**

Omit clause 130. Insert instead:

**130 Security of blood and urine samples taken under Divisions 3, 3A, 4, 4A and 5 of Part 2 of Act**

- (1) After a sample of blood or urine taken under Division 3, 3A, 4, 4A or 5 of Part 2 of the Act is dealt with in accordance with section 18 (3), 18E (3), 23 (1), 24B (3) or 27 (2A) of the Act (as the case may require), the sample must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in the security box until it is submitted to the laboratory in accordance with section 18 (4), 18E (4), 23 (2), 24B (4) or 27 (2B) of the Act.
- (2) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person’s blood or urine taken under Division 3, 3A, 4 or 5 of Part 2 of the Act except as follows:
  - (a) after the expiration of 12 months commencing on the day the sample was taken,
  - (b) in the case of a sample—by or at the direction of an analyst:
    - (i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 18 (5), 18E (5), 23 (3) or 27 (2C) of the Act, in an application made under the relevant section by the person from whom the sample was taken, or
    - (ii) in the course of, or on completion of, an analysis of the sample,

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Drug Testing) Regulation 2006

Amendments

Schedule 1

- 
- (c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 18 (5), 18E (5), 23 (3) or 27 (2C) of the Act by the person from whom the sample was taken.
  - (3) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's blood or urine taken under Division 4A of Part 2 of the Act except as follows:
    - (a) after the expiration of 13 months commencing on the day the sample was taken,
 

**Note.** Section 24B (11) of the Act provides that a blood or urine sample that has been provided under section 24B must be destroyed by or at the direction of the analyst who has custody of the sample without being analysed if, at the expiry of 13 months after the accident concerned, no police officer has made a notification relating to a death (as provided under section 24B (8)).
    - (b) in the case of a sample—by or at the direction of an analyst:
      - (i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 24B (5) of the Act, in an application made under the relevant section by the person from whom the sample was taken, or
      - (ii) in the course of, or on completion of, an analysis of the sample,
    - (c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 24B (5) of the Act by the person from whom the sample was taken.

Maximum penalty (subclauses (2) and (3)): 20 penalty units.

**130A Security of oral fluid samples taken under Division 3A of Part 2 of Act**

- (1) After a sample of oral fluid taken under Division 3A of Part 2 of the Act is dealt with in accordance with section 18D (4) (a)–(d) of the Act, the sample must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in the security box until it is submitted to the laboratory in accordance with section 18D (4) (e) of the Act.
- (2) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's oral fluid taken under Division 3A of Part 2 of the Act except as follows:

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Drug Testing) Regulation 2006

Schedule 1 Amendments

- 
- (a) after the expiration of 12 months commencing on the day the sample was taken,
  - (b) in the case of a sample—by or at the direction of an analyst:
    - (i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 18D (5) of the Act, in an application made under that section by the person from whom the sample was taken, or
    - (ii) in the course of, or on completion of, an analysis of the sample,
  - (c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 18D (5) of the Act by the person from whom the sample was taken.

Maximum penalty (subclause (2)): 20 penalty units.

**130B Standards for approved oral fluid analysing instruments and testing devices: section 18A**

- (1) For the purposes of the definition of *approved oral fluid analysing instrument* in section 18A of the Act, the following standard is prescribed:

The instrument (when calibrated and operated properly) must be capable of confirming the presence of a prescribed illicit drug in a sample of oral fluid where the concentration of the drug in the fluid is 25 ng/mL or greater.

- (2) For the purposes of the definition of *approved oral fluid testing device* in section 18A of the Act, the following standard is prescribed:

The device (when calibrated and operated properly) must be capable of indicating the presence of a prescribed illicit drug in oral fluid being tested where the concentration of the drug in the fluid is 150 ng/mL or greater.



New South Wales

# Road Transport (Driver Licensing) Amendment (Drug Testing) Regulation 2006

under the

Road Transport (Driver Licensing) Act 1998

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

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to increase the fee for the issue or renewal of a driver licence by \$2. This Regulation is to commence at the same time as the *Road Transport Legislation Amendment (Drug Testing) Act 2006*, and its associated subordinate legislation, commences. This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20 (Driver licensing system) and, in particular, section 20 (2) (f).

Clause 1      Road Transport (Driver Licensing) Amendment (Drug Testing) Regulation  
2006

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## **Road Transport (Driver Licensing) Amendment (Drug Testing) Regulation 2006**

under the

Road Transport (Driver Licensing) Act 1998

### **1    Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Drug Testing) Regulation 2006*.

### **2    Commencement**

This Regulation commences on 15 December 2006.

### **3    Amendment of Road Transport (Driver Licensing) Regulation 1999**

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

Road Transport (Driver Licensing) Amendment (Drug Testing) Regulation  
2006

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 3)

### Schedule 3 Fees

Omit item 1 of the matter in the Schedule (being the matter relating to the issue or renewal of driver licences).

Insert instead:

1	Issue or renewal of driver licence:	
(a)	1-year	43
(b)	3-year	103
(c)	5-year	137
(d)	provisional P1 licence	43
(e)	provisional P2 licence	68
(f)	learner licence	19



New South Wales

# Transport Administration (General) Amendment (State Taxes) Regulation 2006

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, and on the recommendation of the Minister for Transport and with the approval of the Treasurer, has made the following Regulation under the *Transport Administration Act 1988*.

JOHN WATKINS, M.P.,  
Minister for Transport

## Explanatory note

The object of this Regulation is to amend the *Transport Administration (General) Regulation 2005* to extend until 18 December 2007 the period for which RailCorp is not liable for certain State taxes and levies.

This Regulation is made under the *Transport Administration Act 1988*, including sections 17E (2) and 119 (the general regulation-making power).

Clause 1      Transport Administration (General) Amendment (State Taxes) Regulation  
2006

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## **Transport Administration (General) Amendment (State Taxes) Regulation 2006**

under the

Transport Administration Act 1988

### **1    Name of Regulation**

This Regulation is the *Transport Administration (General) Amendment (State Taxes) Regulation 2006*.

### **2    Amendment of Transport Administration (General) Regulation 2005**

The *Transport Administration (General) Regulation 2005* is amended by omitting from clause 40 (3) the matter “18 December 2006” and by inserting instead the matter “18 December 2007”.



New South Wales

## Workers Compensation Amendment (Miscellaneous) Regulation 2006

under the

Workers Compensation Act 1987

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

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

### Explanatory note

The object of this Regulation is to amend the *Workers Compensation Regulation 2003*:

- (a) to remove the requirement to have an accountant, registered tax agent or company auditor provide a report in relation to a wages declaration, and
- (b) to provide that employers must keep certain records in relation to apprentices.

This Regulation is made under the *Workers Compensation Act 1987*, including sections 174 and 280 (the general regulation-making power).

Clause 1            Workers Compensation Amendment (Miscellaneous) Regulation 2006

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## **Workers Compensation Amendment (Miscellaneous) Regulation 2006**

under the

Workers Compensation Act 1987

### **1    Name of Regulation**

This Regulation is the *Workers Compensation Amendment (Miscellaneous) Regulation 2006*.

### **2    Amendment of Workers Compensation Regulation 2003**

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

## Workers Compensation Amendment (Miscellaneous) Regulation 2006

## Amendments

## Schedule 1

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 130 Employer to supply insurer with return relating to wages**

Insert “by the employer” after “declaration” in clause 130 (2).

**[2] Clause 131 Declaration accompanying return**

Omit the clause.

**[3] Clause 133 Offence by employer**

Omit “or 131”.

**[4] Clause 196 Additional records to be kept by employers**

Insert after clause 196 (b):

- (c) in the case of a worker engaged as an apprentice—records sufficient to establish the existence of the apprenticeship, including:
  - (i) any documents required to be kept under the *Apprenticeship and Traineeship Act 2001* in relation to the apprentice, and
  - (ii) any apprenticeship contracts approved by the Department of Education and Training in relation to the apprentice.

**[5] Clauses 211A and 211B**

Insert after clause 211:

**211A Declarations by employers under clause 131**

Clause 131 (as in force immediately before its repeal by the *Workers Compensation Amendment (Miscellaneous) Regulation 2006*) continues to apply, despite that repeal, in relation to a notice supplied under clause 130 before the commencement of that Regulation.

**211B Amendment relating to records kept about apprentices**

The amendment to clause 196 made by the *Workers Compensation Amendment (Miscellaneous) Regulation 2006* applies only in relation to a policy of insurance that was issued or renewed so as to take effect on or after 4pm on 31 December 2006.

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# Orders

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New South Wales

## Order

under the

Road Transport (Safety and Traffic Management) Act 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 18A of the *Road Transport (Safety and Traffic Management) Act 1999*, do, by this my Order:

- (a) approve, with effect on and from 15 December 2006, the following oral fluid analysing instruments:
  - Applied Biosystems API 4000 LC/MS/MS,
  - Agilent 6890N/5973 Inert GC/MS,
  - Agilent 6890/5973 Network GC/MS,
  - Agilent 6890N/5975B Inert GC/MS,
  - Hewlett Packard 6890/5973 GC/MS,
  - Hewlett Packard 1100 Series LC/MS,
  - Waters Micromass ZQ LC/MS,
  - Varian Saturn 2000 GC/MS/MS,
  - Varian Saturn 4 GC/MS/MS,
  - Varian Saturn 4D GC/MS/MS,
  - Varian 1200 GC/MS/MS, and
- (b) approve, with effect on and from 15 December 2006, the following oral fluid testing devices:
  - Biomedic Cozart RapiScan,
  - Securetec Drugwipe II Twin.

Dated, this 13th day of December 2006.

By Her Excellency's Command,

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

**CONVEYANCERS LICENSING ORDER 2006**

## Erratum

THE Conveyancers Licensing Order 2006 published in the *Government Gazette* No. 175 on 8 December 2006 pages 10450 to 10456 contained an error. The dated line was left blank. The date on the order should be 6 December 2006. This erratum now amends that error and the gazettal date remains the 8 December 2006.

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## Rules

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New South Wales

# District Court Amendment (Uniform Civil Procedure) Rule 2006

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 November 2006.

Anthony Grew  
Secretary of the Rule Committee

### Explanatory note

The object of these Rules is to repeal certain provisions of the *District Court Rules 1973* that have been transferred to the *Uniform Civil Procedure Rules 2005*.

Clause 1            District Court Amendment (Uniform Civil Procedure) Rule 2006

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## **District Court Amendment (Uniform Civil Procedure) Rule 2006**

under the

District Court Act 1973

### **1    Name of Rule**

This Rule is the *District Court Amendment (Uniform Civil Procedure) Rule 2006*.

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

The *District Court Rules 1973* are amended by omitting Parts 24A, 24B and 51B.

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**OFFICIAL NOTICES**

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**Appointments**

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**TEACHER HOUSING AUTHORITY ACT 1975**

Teacher Housing Authority of New South Wales  
Appointment of Member

HER Excellency the Governor, with the advice of the Executive Council pursuant to sections 7(1)(a), 7(2)(a) and 7(2)(b) of the Teacher Housing Authority Act 1975, has approved the appointment of the following persons as members of the Teacher Housing Authority of New South Wales for a term commencing on 1 January 2007 and ceasing on 31 December 2011:

Jane Elizabeth CAVANAGH

Katrina Marie JAY \*

\*denotes re-appointment

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

**TEACHER HOUSING AUTHORITY ACT 1975**

Teacher Housing Authority of New South Wales  
Appointment of Member

HER Excellency the Governor, with the advice of the Executive Council pursuant to sections 7(1)(a) and 7(4) of the Teacher Housing Authority Act 1975, has approved the appointment of Owen Charles HASLER as a member of the Teacher Housing Authority of New South Wales for a term commencing on 1 January 2007 and ceasing on 31 December 2011.

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

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**TEACHER HOUSING AUTHORITY ACT 1975**

Teacher Housing Authority of New South Wales  
Appointment of Member

HER Excellency the Governor, with the advice of the Executive Council pursuant to sections 7(1)(a) and 7(2)(d) of the Teacher Housing Authority Act 1975, has approved the appointment of Mark Michael BYRNE as member and Deputy Chair of the Teacher Housing Authority of New South Wales for a term commencing on 1 January 2007 and ceasing on 31 December 2011.

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

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## Department of Lands

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### BOARD OF SURVEYING AND SPATIAL INFORMATION

**Panorama Avenue (PO Box 143), Bathurst NSW 2795**

**Phone: (02) 6332 8238      Fax: (02) 6332 8240**

#### SURVEYING ACT 2002

##### Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Craig Douglas COGGINS.	58A Gambah Road, Gwandalan NSW 2259.	12 December 2006.
Paul Norman CONNOLLY.	44 Macquarie Grove, Caves Beach NSW 2281.	12 December 2006.
Philip Neil McKENZIE.	3 Prindle Street, Oatlands NSW 2117.	17 November 2006.
Garth Alexander MOXON.	48 Culey Avenue, Cooma NSW 2630.	27 November 2006.
Jai Ram REDDY.	43 Armstein Crescent, Werrington NSW 2747.	20 November 2006.
Paul James REILLY.	3 Bruce Road, Fairy Meadow NSW 2519.	12 December 2006.
David Craig WALLACE.	28 Roberts Circuit, Lambton NSW 2299.	12 December 2006.

W. A. WATKINS, President

G. K. A. LEATHERLAND, Registrar

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#### SURVEYING ACT 2002

##### Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10A, the undermentioned Land Surveyors have been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
David John GRAY.	24 September 1982.	1 September 2006.	20 November 2006.
Geoffrey Allan SWALWELL.	14 September 1984.	1 September 2006.	28 November 2006.

W. A. WATKINS, President

G. K. A. LEATHERLAND, Registrar

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### GOULBURN OFFICE

**159 Auburn Street (PO Box 748), Goulburn NSW 2580**

**Phone: (02) 4824 3702      Fax: (02) 4822 4287**

#### ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* dated 24 November 2006, Folio 9916, under the heading "Revocation of Reservation of Crown land" is hereby withdrawn.

File No.: GB05 H 85.

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**

**DECLARATION OF LAND TO BE CROWN LAND**

PURSUANT to section 138 of the Crown Lands Act 1989, the land described in the Schedule hereunder, is declared land that may be dealt with as if it were Crown Land within the meaning of that Act.

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

**SCHEDULE**

*Land District – Bellingen;  
Local Government Area – Coffs Harbour City Council;  
Parish – Bonville; County – Raleigh.*

Lots 216, 223 and 224 in Deposited Plan 755536, of 2400 square metres at Sawtell, being land said to be in the possession of Coffs Harbour City Council.

File No.: GF00 R 56.

Note: It is intended to add this land to Reserve 1002970 for public recreation and coastal environmental protection.

**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>
Biala Support Services Inc	Ballina (R88423) Reserve Trust	Reserve No. 88423 Public Purpose: Sub-Normal Children School Notified: 10 December 1971 File Reference: GF81R79

**RESERVATION OF CROWN LAND**

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

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

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Land District: Grafton Local Government Area: Clarence Valley Council Locality: Angourie Parish: Yamba County: Clarence Lot: 7049 DP 1106980 Area: About 143.0 hectares File No: GF06R80 Note: Existing reservations under the Crown Lands Act are not revoked.	Reserve No.1012928 Public Purpose: Surfing Recreation

**DECLARATION OF A PUBLIC PURPOSE PURSUANT TO SECTION 3 OF THE CROWN LANDS ACT 1989**

PURSUANT to section 3 of the Crown Lands Act 1989, "surfing recreation," is declared to be a public purpose for the purposes of section 87 of the said Act.

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

**HAY OFFICE**  
**126 Lachlan Street (PO Box 182), Hay NSW 2711**  
**Phone: (02) 6990 1800      Fax: (02) 6993 1135**

**ROADS ACT 1993**

Order

Transfer of Crown Road to a Council

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

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

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**SCHEDULE 1**

*Parish – Barham; County – Wakool;  
Land District – Deniliquin; Shire – Wakool.*

The Crown public roads 20.115 metres wide and 40.235 metres wide north of Lot 16 and west of Lots 14, 15 and 16, DP 1039025 known as Eagle Street, Barham.

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**SCHEDULE 2**

Roads Authority: Wakool Shire Council.

File No.: HY06 H 143.

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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 PUBLIC ROAD**

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

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

**Description**

*Parish – Bunberrra; County – Camden;  
Land District – Nowra; L.G.A. – Shoalhaven.*

Lot 2, DP 1101549 at Berry Mountain.

File No.: NA05 H 89.

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

**ADDITION TO RESERVED CROWN LAND**

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

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

**SCHEDULE***Column 1*

Land District: Nowra  
 Local Government Area:  
     Shoalhaven  
 Parishes: Coolangatta,  
     Numbaa, Wollumboola,  
     Beecroft Currambene,  
     Bherwerre, Farnham,  
     Cudmirrah, Conjola,  
     Wandrawandian, Tomerong,  
     Jerrawangala, Boolijah,  
     Danjera, Buangla, Yerriyong  
     Ulladulla, Cambewarra,  
     Illaroo and Bunberrra  
 County: Camden and  
     St Vincent  
 Locality: Crown lands shown  
     on the plan held by the  
     Department of Lands.  
 Area: About 86,000 hectares  
 File No: NA06 R 17  
 Note: Existing reservations  
     under the Crown Lands Act  
     are not revoked.

*Column 2*

Reserve No: 1011528 for the  
 public purpose of access and  
 public requirements, tourism  
 purposes and environmental  
 and heritage conservation  
 Notified 9 June 2006

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

**AUTHORISATION OF ADDITIONAL PURPOSE**

IT is hereby notified pursuant to Section 161A of the Crown Lands Act, 1989, that the additional purpose specified in Column 1 of the Schedule hereunder is applied to the whole of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, MLC.,  
Minister for Lands

**SCHEDULE***Column 1*

Temporary Construction  
 Compound Resulting in  
 Reserve Improvements

*Column 2*

Reserve No.: R41681  
 Public Purpose:  
     Public Recreation  
 Notified: 15 May, 1907  
 File No: MN88R80

**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 roads hereunder specified are closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

**Description**

*Parish – Quirindi; County – Buckland;  
Land District – Quirindi;  
L.G.A. – Liverpool Plains Shire Council.*

Road being Lot 1, DP 1105204 at Quirindi.

File No.: TH06 H 35.

Note: On closing, the land within Lot 1, DP 1105204 remains vested in Liverpool Plains Shire Council as operational land for the purposes of the Local Government Act 1993.

**SCHEDULE***Column 1*

Stephen ASBURY  
(new member),  
Joseph FOLEY  
(new member),  
Warwick GADSDEN  
(new member),  
Marlene GILCHRIST  
(new member),  
John HETHERINGTON  
(new member),  
Kevin ROBINSON  
(new member),  
Dorothea VAUX  
(new member).

*Column 2*

Kootingal  
Community Hall  
Trust.

*Column 3*

Reserve No.: 1011408.  
Public Purpose: Community  
purposes.  
Notified: 17 March 2006.  
Locality: Kootingal.  
File No.: TH06 R 02.

**Term of Office**

For a term commencing this day and expiring on  
14 December 2011.

**APPOINTMENT OF TRUST BOARD MEMBERS**

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

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

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

THE notice appearing in the *New South Wales Government Gazette* (Week No. 49/2006), on 8 December 2006, Folio 10499, under the heading of 'Notification of Closing of Public Road' is hereby cancelled.

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

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

**NOTIFICATION OF CLOSING OF A ROAD**

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

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

Description

*Parish – Albury; County – Goulburn;*  
*Land District – Albury; City – Albury.*

Lot 1 in DP 1105552 at Albury.

File No.: WA06 H 302.

Note: On closing, the land within the former Council public road will remain vested in the Council of the City of Albury as operational land.

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

**REVOCATION OF RESERVATION OF  
CROWN LAND**

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

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

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Land District: Bourke	The whole being
Local Government Area: Bourke Shire Council	Lot 5, DP 756380,
Locality: Bourke	Parish Wanaaring,
Reserve No. 43839	County Ularara
Public Purpose: Police Purposes	of an area of 258.99ha
Notified: 5 May 1909	
File Reference: WL97 R 30/1	
Notes: Western Lands Lease has been created over the reserve	

**ALTERATION OF CORPORATE NAME OF  
RESERVE TRUST**

PURSUANT to section 92 (3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

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

**SCHEDULE 1**

Broken Hill Racecourse Board of Trustees

**SCHEDULE 2**

Dedication No. 630055  
 Public Purpose: Racecourse  
 Notified: 15 July 1949  
 File Reference: WL90 R 53/4

**SCHEDULE 3**

Broken Hill Regional Events Centre Reserve Trust

**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>
Dedication No: 630055	Public Recreation
Notified: 15 July 1949	Community Purposes
Public Purpose: Racecourse	
Locality: Broken Hill	
Local Government Area: Broken Hill	
Papers: WL86R69	

**ESTABLISHMENT OF RESERVE TRUST**

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

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

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Broken Hill Fire Brigade Reserve Trust	Reserve No. 51926
	Public Purpose: Fire Brigade Station
	Notified: 5 January 1917
	Reserve No. 81683
	Public Purpose: Fire Brigade Station
	Notified: 12 June 1959
	File Ref.: WL88 R 90/1

**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>
New South Wales Fire Brigades	Broken Hill Fire Brigade Reserve Trust	Reserve No. 51926
		Public Purpose: Fire Brigade Station
		Notified: 5 January 1917
		Reserve No. 81683
		Public Purpose: Fire Brigade Station
		Notified: 12 June 1959
		File Ref.: WL88 R 90/1

**APPOINTMENT OF TRUST BOARD MEMBERS**

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

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

**SCHEDULE**

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Michael Lance TAYLOR (new member)	Lightning Ridge Historical Society Trust	Reserve No. 95663 Public Purpose: Preservation of historical sites and buildings Notified: 6 November 1981 Reserve No. 96499 Public Purpose: Preservation of historical sites and buildings Notified: 10 December 1982 File Ref.: WL90 R 19/1

For a term commencing  
the date of this notice  
and expiring 16 June 2010.

**ADDITION TO RESERVED CROWN LAND**

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

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

**SCHEDULE**

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Willyama Local Government Area: Broken Hill City Council Locality: Broken Hill Lot 6112, DP 47361, Parish Picton, County Yancowinna Area: 8353m <sup>2</sup> File Reference: WL94 R 8/2	Reserve No. 230092 Public Purpose: Environmental Protection, Heritage Purposes, Public Recreation Notified: 7 October 1994 New Area: about 2400ha
Note: This addition automatically revokes reserve 86594.	

**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 1st April of each year.

The Conditions and Reservations annexed to such leases are those Conditions published in the *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.

IAN MACDONALD, MLC,  
Minister for Natural Resources

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

<i>WLL No.</i>	<i>Name of Lessee</i>	<i>Lot</i>	<i>Deposited Plan No.</i>	<i>Folio identifier</i>	<i>Area</i>	<i>Term of Lease</i>	
						<i>From</i>	<i>To</i>
WLL14725	Hendrik BOS	54	1057617	54/1057617	2413 m <sup>2</sup>	12-Dec-2006	11-Dec-2026
WLL14703	David Joseph BARCLAY	227	1076808	227/1076808	2450m <sup>2</sup>	12-Dec-2006	11-Dec-2026
WLL14647	Daniel Matthew BRADFORD	39	1073508	39/1073508	2492m <sup>2</sup>	12-Dec-2006	11-Dec-2026
WLL14683	Cheryl Tracey CLAUSS and Alan CLAUSS as Joint Tenants	40	1066289	40/1066289	2457m <sup>2</sup>	12-Dec-2006	11-Dec-2026
WLL14617	Allan JONES	158	1076808	158/1076808	2358m <sup>2</sup>	12-Dec-2006	11-Dec-2026
WLL14689	Melissa Gale JONES	193	1076808	193/1076808	2529m <sup>2</sup>	12-Dec-2006	11-Dec-2026

# Department of Natural Resources

## WATER ACT 1912

### Order under Section 5

Exclusion from 'Work to which this Part extends'  
Definition

PURSUANT to section 5 of the Water Act 1912, the Water Administration Corporation by this Order declares that any work or class of work set out in the Schedule to this Order is a work to which Part 2 of that Act does not extend.

This Order has the effect on the date of gazettal.

Dated this 6th day of December 2006.

Signed for the Water Administration Ministerial Corporation:

RICHARD SHELDRAKE,  
Director General,  
Department of Natural Resources

### SCHEDULE

Work to which Part 2 does not extend

Any work which is used, or is to be used, for water conservation, irrigation, water supply or drainage:

- (a) which is connected with, or which affects the quantity or use of water in, LAKE WYANGAN,
- (b) which affects the quantity of water flowing in, to or from, or contained in, LAKE WYANGAN
- (c) in or through which flows, or is contained or used, water taken from LAKE WYANGAN.

LAKE WYANGAN is as shown on Central Mapping Authority map entitled "Nericon" 8129-IV-S (1:25000 Topographic Series).

## WATER ACT 1912

### Notice under Section 22B of the Water Act 1912

THE Department of Natural Resources pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the Boomi River, unregulated Barwon River and unregulated Darling River (Barwon/Darling River System) all upstream of Lake Wetherell is insufficient to meet all requirements with respect of the taking of water therefrom, hereby gives notice to all holders of permits, authorities and licences issued under Part 2 of the Water Act 1912, that are denoted to be "A", "B" and "C" class water entitlements, that as from midday, 15 December 2006, extraction of water from those above named rivers is hereby suspended until further notice.

DENNIS MILLING,  
Manager,  
Licensing Northern,  
Compliance and Licensing Division,  
Department of Natural Resources

## WATER MANAGEMENT ACT 2000

### Order under Section 65

Controlled Allocation of Access Licences

Lower-Darling Regulated River Water Source

Murray Regulated River Water Source

PURSUANT to section 65 of the Water Management Act 2000, the Minister for Natural Resources, does, by this Order declare that the right to apply for the access licences specified in the Schedule is allocated to Anabranch Water.

This Order takes effect on the date it is published in the *New South Wales Government Gazette*.

Dated at Sydney this 5th day of December 2006.

DAVID HARRISS,  
Executive Director,  
Water Management,  
Department of Natural Resources  
(by delegation)

### SCHEDULE

<i>Water source</i>	<i>Category or sub category of access licence</i>	<i>Maximum value of share component</i>
Lower Darling Regulated River.	domestic and stock (stock).	565 ML per year.
Lower Darling Regulated River.	regulated river (high security).	250 unit shares.
New South Wales Murray Regulated River.	domestic and stock (stock).	565 ML per year.
New South Wales Murray Regulated River.	regulated river (high security).	623 ML per year.
New South Wales Murray Regulated River.	regulated river (general security).	627 ML per year.

## WATER ACT 1912

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

David Norman MATTHEW and Joy Elizabeth MATTHEW for two proposed earthen bywash dams (total capacity 13.0 megalitres) and a pump on a 2nd order unnamed watercourse being Lot 2, DP 1097329, Parish of Ulladulla, County of St. Vincent, for the conservation of water and water supply for stock and domestic purposes (new licence) (dams in excess of the MHRDC) (Reference: 10SL056742) (GA2:502427).

Any inquiries regarding the above should be directed to the undersigned (telephone: 4429 4442).

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

WAYNE RYAN,  
Natural Resource Project Officer,  
Compliance and Licensing Division

Department of Natural Resources,  
PO Box 309, Nowra NSW 2541.

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### **WATER ACT 1912**

AN application under Part 8, being within a proclaimed local area under section 5(4) of the Water Act 1912.

An application for Approval of a Controlled Work under section 167 within the proclaimed local area described hereunder has been received as follows:

*Liverpool Plains River Valley*

Warwick E. W. FISHER for controlled works consisting of levees, supply channels and water storages on the Liverpool Plains Floodplain on Lots 4, 5, 6, 7, 10, 11, 12, DP 134047; Lots 30, 152, 209, 210, 211, 212, DP 751022 and Lot 1, DP 44219, Parish of Mooki, County of Buckland, on the property known as "Denistone" for the prevention of inundation of land irrigation and/or drainage development on the floodplain conservation of water. (Reference: 90CW801540) (GA2: 472343).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area, whose interest may be affected must be lodged with the Department's Resource Access Manager at Tamworth by 16 January 2007.

Plans showing the location of the works referred to in the above applications may be viewed at the Tamworth or Narrabri Office of the Department of Natural Resources.

GEOFF CAMERON,  
Resource Access Manager

Department of Natural Resources,  
PO Box 550, Tamworth NSW 2340.

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## Department of Planning

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### **Blue Mountains Local Environmental Plan 1991 (Amendment No 31)**

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*. (P01/00453/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1                      Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

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## **Blue Mountains Local Environmental Plan 1991 (Amendment No 31)**

### **1    Name of plan**

This plan is *Blue Mountains Local Environmental Plan 1991 (Amendment No 31)*.

### **2    Aims of plan**

This plan aims to clarify and update Schedule 3 (Environmentally sensitive vegetation units) to *Blue Mountains Local Environmental Plan 1991*.

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

This plan applies to land within the City of Blue Mountains to which *Blue Mountains Local Environmental Plan 1991* applies.

### **4    Amendment of Blue Mountains Local Environmental Plan 1991**

*Blue Mountains Local Environmental Plan 1991* is amended as set out in Schedule 1.

Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

Amendment

Schedule 1

## Schedule 1 Amendment

(Clause 4)

### Schedule 3

Omit the Schedule. Insert instead:

### Schedule 3 Environmentally sensitive vegetation units

**Note.** This Schedule refers to Clause 10.

**Note.** In this Schedule, some scientific names appear in either italics or bold and italics. Bold italics are used to denote rare, endangered or dominant species.

Environmentally sensitive vegetation units (that is, significant vegetation communities), for the purposes of this plan, consist of the following naturally occurring plant communities in the City of Blue Mountains Council area. These communities are based not only on the plant species composition, but also upon specific topographic and edaphic (soil) qualities that make vegetation habitats important. The structural formation of the plant communities follows the classification of Specht *et al.* (1974), cited in clause 8 (References) of this Schedule. Descriptions of the vegetation communities in this Schedule have, in part, been adapted from Keith and Benson (1988), Smith and Smith (1998) and Douglas (2001), also cited in clause 8.

#### 1 Tall Closed-forest/Closed-forest/Low Closed-forest (Rainforest)

##### (1A) *Ceratopetalum apetalum*-*Doryphora sassafras* Rainforest

*Ceratopetalum apetalum*-*Doryphora sassafras* (Coachwood-Sassafras) Rainforest is found on sedimentary geology at upper and middle altitudes in the Blue Mountains. A variant, the 'Montane Rainforest' also occurs on more fertile soils on the slopes of the basalt-capped mountains in the far north of the City. The rainforest on basalt can be very similar both structurally and floristically to rainforest on sedimentary rock where there is significant influence from alluvium derived from the basalt up-slope. As the basalt influence decreases and

## Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

## Schedule 1

## Amendment

the sedimentary rock becomes more prominent due to erosion, the structure and floristics blend into typical Sydney Sandstone Gallery Rainforest, which tends to be less diverse than rainforest on basalt, particularly in the understorey.

These rainforest communities are replaced at lower altitudes by *Backhousia myrtifolia*-*Ceratopetalum apetalum* rainforest (described below). The upper and lower altitude communities intergrade in the Springwood area. *Ceratopetalum apetalum*-*Doryphora sassafras* rainforest occurs in sheltered, moist sites that are rarely, if ever, burnt.

The dominant tree species is usually *Ceratopetalum apetalum* (Coachwood) and/or *Doryphora sassafras* (Sassafras). Other trees that are common in some stands are *Acacia elata* (Mountain Cedar Wattle), *Acmena smithii* (Lilly Pilly), *Callicoma serratifolia* (Black Wattle), *Hedycarya angustifolia* (Native Mulberry) and *Quintinia sieberi* (Possumwood). *Backhousia myrtifolia* (Grey Myrtle) is usually absent, although sometimes a minor component of the community. The vegetation structure is usually a closed-forest or low closed-forest. There may be a layer of emergent eucalypts above the rainforest canopy in ecotonal or partly disturbed communities. Ferns, vines and epiphytes are usually prominent features of the community.

This community is generally characterised by the occurrence of *Ceratopetalum apetalum* or *Doryphora sassafras* with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia elata</i>	<i>Acmena smithii</i>	<i>Asplenium australasicum</i>
<i>Asplenium flabellifolium</i>	<i>Blechnum ambiguum</i>	<i>Blechnum cartilagineum</i>
<i>Blechnum gregsonii</i>	<i>Blechnum nudum</i>	<i>Blechnum patersonii</i>
<i>Blechnum wattsi</i>	<i>Bursaria spinosa</i>	<i>Callicoma serratifolia</i>

## Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

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<i>Calochlaena dubia</i>	<i>Carex appressa</i>	<i>Cassytha pubescens</i>
<i>Centella asiatica</i>	<i>Cephalalaria cephalobotrys</i>	<i>Ceratopetalum apetalum</i>
<i>Cissus antarctica</i>	<i>Cissus hypoglauca</i>	<i>Clematis aristata</i>
<i>Coprosma quadrifida</i>	<i>Cyathea australis</i>	<i>Cyathea leichhardtiana</i>
<i>Cynoglossum latifolium</i>	<i>Dendrobium teretifolium</i>	<i>Dicksonia antarctica</i>
<i>Doodia aspera</i>	<i>Doryphora sassafras</i>	<i>Dracophyllum secundum</i>
<i>Elaeocarpus holopetalus</i>	<i>Elaeocarpus reticulatus</i>	<i>Eucalyptus oreades</i>
<i>Eucalyptus piperita</i>	<i>Eucalyptus radiata subsp. radiata</i>	<i>Fieldia australis</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium homeanum</i>	<i>Gleichenia microphylla</i>
<i>Grammitis billardieri</i>	<i>Hakea salicifolia</i>	<i>Hedycarya angustifolia</i>
<i>Hydrocotyle peduncularis</i>	<i>Hymenanthera dentata</i>	<i>Hymenophyllum cupressiforme</i>
<i>Juncus planifolius</i>	<i>Lastreopsis acuminata</i>	<i>Leptopteris fraseri</i>
<i>Leptospermum polygalifolium</i>	<i>Libertia pulchella</i>	<i>Lomandra montana</i>
<i>Lomatia myricoides</i>	<i>Microsorium diversifolium</i>	<i>Microsorium scandens</i>
<i>Morinda jasminoides</i>	<i>Notelaea longifolia</i>	<i>Notelaea venosa</i>
<i>Pandorea pandorana</i>	<i>Parsonsia brownii</i>	<i>Parsonsia leichhardtii</i>
<i>Parsonsia straminea</i>	<i>Passiflora cinnabarina</i>	<i>Pellaea falcata</i>

## Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

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<i>Pittosporum revolutum</i>	<i>Pittosporum undulatum</i>	<i>Polystichum proliferum</i>
<i>Pyrrosia rupestris</i>	<i>Quintinia sieberi</i>	<i>Rubus hillii</i>
<i>Rubus rosifolius</i>	<i>Smilax australis</i>	<i>Smilax glyciphylla</i>
<i>Stellaria flacida</i>	<i>Stenocarpus salignus</i>	<i>Sticherus flabellatus</i>
<i>Sticherus lobatus</i>	<i>Syncarpia glomulifera</i>	<i>Tasmannia insipida</i>
<i>Todea barbara</i>	<i>Tristania neriifolia</i>	<i>Tristaniopsis collina</i>
<i>Tristaniopsis laurina</i>	<i>Tylophora barbata</i>	<i>Urtica incisa</i>
<i>Viola hederacea</i>		

**(1B) Backhousia myrtifolia-Ceratopetalum apetalum Rainforest**

*Backhousia myrtifolia*-*Ceratopetalum apetalum* (Myrtle-Coachwood) Rainforest refers to the community found on sedimentary geology at lower altitudes in the Blue Mountains. It is replaced at middle and upper altitudes by *Ceratopetalum apetalum*-*Doryphora sassafras* Rainforest. The two communities intergrade in the Springwood area. *Backhousia myrtifolia*-*Ceratopetalum apetalum* Rainforest occurs on relatively fertile soils in sheltered, moist sites that are rarely, if ever, burnt.

*Backhousia myrtifolia* (Grey Myrtle) is the dominant or co-dominant tree with *Ceratopetalum apetalum* (Coachwood) or *Acmena smithii* (Lilly Pilly) or both. Other trees that may be common are *Acacia elata* (Mountain Cedar Wattle), *Callicoma serratifolia* (Black Wattle) and *Syncarpia glomulifera* (Turpentine). *Doryphora sassafras* (Sassafras) is often present, but not as a dominant. The vegetation structure is usually a closed-forest or low closed-forest. There may be a layer of emergent eucalypts above the dense rainforest canopy in ecotonal or partly disturbed communities. Ferns, vines and epiphytes are usually prominent features of the community.

## Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

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This community is generally characterised by the occurrence of *Backhousia myrtifolia* and *Ceratopetalum apetalum* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia elata</i>	<i>Acmena smithii</i>	<i>Acrotriche divaricata</i>
<i>Adiantum aethiopicum</i>	<i>Adiantum hispidulum</i>	<i>Allocasuarina littoralis</i>
<i>Allocasuarina torulosa</i>	<i>Asplenium flabellifolium</i>	<i>Astrotricha latifolia</i>
<i>Backhousia myrtifolia</i>	<i>Blechnum cartilagineum</i>	<i>Boronia fraseri</i>
<i>Callicoma serratifolia</i>	<i>Calochlaena dubia</i>	<i>Ceratopetalum apetalum</i>
<i>Cissus hypoglauca</i>	<i>Cyathea australis</i>	<i>Dianella caerulea</i>
<i>Doodia aspera</i>	<i>Doryphora sassafras</i>	<i>Elaeocarpus reticulatus</i>
<i>Entolasia stricta</i>	<i>Eucalyptus piperita</i>	<i>Lepidosperma gunnii</i>
<i>Lepidosperma laterale</i>	<i>Lomandra longifolia</i>	<i>Lomandra montana</i>
<i>Morinda jasminoides</i>	<i>Notelaea longifolia</i>	<i>Ozothamnus diosmifolius</i>
<i>Pandorea pandorana</i>	<i>Parsonsia straminea</i>	<i>Persoonia mollis</i>
<i>Pittosporum revolutum</i>	<i>Pittosporum undulatum</i>	<i>Prostanthera violacea</i>
<i>Pultenaea flexilis</i>	<i>Pyrrosia rupestris</i>	<i>Rapanea variabilis</i>
<i>Schoenus melanostachys</i>	<i>Smilax australis</i>	<i>Smilax glyciphylla</i>

## Blue Mountains Local Environmental Plan 1991 (Amendment No 31)

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<i>Sticherus flabellatus</i>	<i>Syncarpia glomulifera</i>	<i>Tasmannia insipida</i>
<i>Todea barbara</i>	<i>Tylophora barbata</i>	<i>Zieria smithii</i>

**(1C) Megalong Granite Dry Rainforest (*Backhousia myrtifolia*)**

Within the southern parts of the Blue Mountains in the Megalong Valley are a few small remnants of granite dry rainforest. These communities are generally confined to narrow strips occurring in south-facing rocky slopes and gullies that have survived clearing and where grazing by livestock is minimal. It is evident that the dry rainforest on the granite is strongly allied with that in the Kowmung Wilderness on the Lambie Group.

The dominant species in this community is *Backhousia myrtifolia* (Myrtle) that occurs as a tall closed-scrub or low closed-forest. Infrequent emergents are mainly *Eucalyptus tereticornis* (Forest Red Gum) or *Brachychiton populneus* (Kurrajong). The small tree *Rapanea howittiana* (Brush Muttonwood) may also occur and it is likely that the larger or more protected sites also support *Toona australis* (Red Cedar). This community may grade into the Riparian Granite Slope Forest (see community (2O)).

The understorey is dominated by ferns and scattered herbs. Species include the ferns *Pellaea falcata* var. *falcata*, *P. falcata* var. *nana* and *Adiantum aethiopicum*, the vines *Aphanopetalum resinosum* and *Marsdenia flavescens*, the herbs *Parietaria debilis*, *Hydrocotyle geraniifolia*, *Sigesbeckia orientalis* and *Plectranthus parviflorus*, the grass *Oplismenus aemulus* and possibly *Ehretia acuminata*.

This community is generally characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia falciformis</i>	<i>Acacia implexa</i>	<i>Acacia obtusifolia</i>
<i>Acacia parramattensis</i>	<i>Acaena novae- zelandiae</i>	<i>Adiantum aethiopicum</i>

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<i>Ajuga australis</i>	<i>Angophora floribunda</i>	<i>Aphanopetalum resinosum</i>
<i>Asplenium flabellifolium</i>	<i>Austrostipa pubescens</i>	<i>Backhousia myrtifolia</i>
<i>Blechnum cartilagineum</i>	<i>Brachychiton populneus</i>	<i>Brachycome angustifolia</i> var. <i>angustifolia</i>
<i>Carex appressa</i>	<i>Cassinia arcuata</i>	<i>Centella asiatica</i>
<i>Cheilanthes distans</i>	<i>Desmodium varians</i>	<i>Dianella longifolia</i>
<i>Dianella revoluta</i>	<i>Dichelachne rara</i>	<i>Dichondra repens</i>
<i>Echinopogon ovatus</i>	<i>Ehretia acuminata</i>	<i>Entolasia stricta</i>
<i>Epilobium hirtigerum</i>	<i>Eucalyptus camphora</i>	<i>Eucalyptus eugenioides</i>
<i>Eucalyptus punctata</i>	<i>Eucalyptus tereticornis</i>	<i>Eucalyptus viminalis</i>
<i>Exocarpus strictus</i>	<i>Galium propinquum</i>	<i>Geitonoplesium cymosum</i>
<i>Geranium homeanum</i>	<i>Geranium retrorsum</i>	<i>Gonocarpus tetragynus</i>
<i>Helichrysum scorpioides</i>	<i>Hydrocotyle geraniifolia</i>	<i>Indigofera australis</i>
<i>Lepidosperma gunnii</i>	<i>Lepidosperma viscidum</i>	<i>Leucopogon lanceolata</i>
<i>Leucopogon virgatus</i>	<i>Libertia paniculata</i>	<i>Lomandra glauca</i>
<i>Lomandra gracilis</i>	<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i>
<i>Lomatia myricoides</i>	<i>Lomatia silaifolia</i>	<i>Luzula flaccida</i>
<i>Marsdenia flavescens</i>	<i>Marsdenia rostrata</i>	<i>Microlaena stipoides</i>

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<i>Oplismenus aemulus</i>	<i>Oplismenus imbecillis</i>	<i>Pandorea pandorana</i>
<i>Parietaria debilis</i>	<i>Pellaea falcata</i>	<i>Persoonia linearis</i>
<i>Plantago debilis</i>	<i>Plantago gaudichaudii</i>	<i>Plectranthus parviflorus</i>
<i>Poa sieberiana</i>	<i>Polystichum proliferum</i>	<i>Poranthera microphylla</i>
<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>	<i>Ranunculus lappaceus</i>
<i>Rapanea howittiana</i>	<i>Rubus parvifolius</i>	<i>Rumex brownii</i>
<i>Schoenus apogon</i>	<i>Senecio lautus</i> subsp. <i>dissectifolius</i>	<i>Senecio minimus</i>
<i>Sigesbeckia orientalis</i>	<i>Solanum cinereum</i>	<i>Stackhousia viminea</i>
<i>Stellaria flaccida</i>	<i>Stypandra glauca</i>	<i>Toona ciliata</i>
<i>Urtica incisa</i>	<i>Veronica plebeia</i>	<i>Viola betonicifolia</i>
<i>Wahlenbergia stricta</i>		

**2 Tall open-forest/open-forest****(2A) Moist Basalt Cap Forest (*Eucalyptus viminalis*-*E. blaxlandii*-*E. radiata* subsp. *radiata*)**

The basalt caps of Mt. Wilson, Mt. Tomah, Mt. Bell, Mt. Banks, Mt. Caley and Mt. Hay have weathered to a fertile clay-loam soil. At high altitudes (800–1,000 metres), the summits and slopes of these areas support a tall open-forest variously dominated by *Eucalyptus viminalis* (Ribbon Gum), *E. blaxlandii* (Brown Stringybark) and *E. radiata* subsp. *radiata* (Narrow-leaved Peppermint). Other canopy species that may be encountered include *E. cypellocarpa* (Monkey Gum), *E. oreades* (Blue Mountain Ash) and *E. fastigata* (Brown Barrel).

The understorey of the Moist Basalt Cap Forest generally has scattered shrubs including *Acacia melanoxylon*,

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*A. penninervis*, *Polyscias sambucifolia*, *Astrotricha floccosa*, *Davesia ulicifolia* and *Leucopogon lanceolatus* with occasional tree ferns, *Cyathea australis*. The ground cover includes numerous herbs and ferns.

The Moist Basalt Cap Forest community is generally characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia elata</i>	<i>Acacia falciformis</i>	<i>Acacia melanoxylon</i>
<i>Acacia obtusifolia</i>	<i>Acacia penninervis</i>	<i>Acaena novae-zelandiae</i>
<i>Ajuga australis</i>	<i>Angophora costata</i>	<i>Angophora floribunda</i>
<i>Astrotricha floccosa</i>	<i>Astrotricha latifolia</i>	<i>Blechnum cartilagineum</i>
<i>Blechnum nudum</i>	<i>Bursaria longisepala</i>	<i>Centella asiatica</i>
<i>Clematis aristata</i>	<i>Cyathea australis</i>	<i>Daviesia ulicifolia</i>
<i>Dianella caerulea</i>	<i>Dianella longifolia</i>	<i>Doodia aspera</i>
<i>Echinopogon ovatus</i>	<i>Entolasia stricta</i>	<i>Eucalyptus blaxlandii</i>
<i>Eucalyptus cypellocarpa</i>	<i>Eucalyptus fastigata</i>	<i>Eucalyptus oreades</i>
<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	<i>Eucalyptus viminalis</i>	<i>Eustrephus latifolius</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium homeanum</i>	<i>Geranium potentilloides</i>
<i>Glycine tabacina</i>	<i>Gonocarpus teucroides</i>	<i>Hymenanthera dentata</i>
<i>Indigofera australis</i>	<i>Leucopogon lanceolatus</i>	<i>Lomandra longifolia</i>

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<i>Microlaena stipoides</i>	<i>Polyscias sambucifolia</i>	<i>Pteridium esculentum</i>
<i>Pultenaea flexilis</i>	<i>Rapanea howittiana</i>	<i>Smilax australis</i>
<i>Stellaria flaccida</i>	<i>Stellaria pungens</i>	<i>Tylophora barbata</i>
<i>Veronica plebeia</i>	<i>Viola betonicifolia</i>	<i>Viola hederacea</i>

**(2B) Blue Mountains Shale Cap Forest (*Eucalyptus deanei*-*E. punctata*-*Syncarpia glomulifera*)**

This community includes the Blue Mountains Shale Cap Forest that is listed as an endangered ecological community in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

*Eucalyptus deanei*-*E. punctata*-*Syncarpia glomulifera* open to tall open-forest incorporates the vegetation communities found on deep, shale-rich soils on ridges and upper slopes. Within the City, such vegetation occurs only in the lower altitudes whereas it extends to the higher altitudes in the adjoining Hawkesbury City.

Within the City, this community is characterised by *Eucalyptus deanei* (Mountain Blue Gum), which is dominant or co-dominant with *E. punctata* (Grey Gum) *Syncarpia glomulifera* (Turpentine). The form of Blue Mountains Shale Cap Forest that occurs within the City is distinguished from the closely related Sydney Turpentine Ironbark Forest by the presence of *E. notabilis* (Mountain Mahogany).

Other tree species that may be present include *Angophora costata* (Sydney Red Gum), *A. floribunda* (Rough-barked Apple), *Eucalyptus piperita* (Sydney Peppermint) and *E. punctata* (Grey Gum). *E. piperita* is associated with the edge of this community and a relatively low influence from the shale. The typical vegetation structure is tall open-forest, although this may vary depending on site conditions and history. It is generally a wet sclerophyll forest, with soft-leaved plants prominent in the understorey.

This community is generally characterised by the occurrence of *Eucalyptus deanei*, *E. punctata* and *Syncarpia glomulifera* along with the following assemblage of native plant species. Other species also occur, and not all of the following species

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are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia elata</i>	<i>Acacia longifolia</i>	<i>Acacia parramattensis</i>
<i>Acianthus exsertus</i>	<i>Adiantum aethiopicum</i>	<i>Allocasuarina littoralis</i>
<i>Allocasuarina torulosa</i>	<i>Angophora costata</i>	<i>Angophora floribunda</i>
<i>Astrotricha latifolia</i>	<i>Backhousia myrtifolia</i>	<i>Blechnum cartilagineum</i>
<i>Blechnum nudum</i>	<i>Bracteantha bracteata</i>	<i>Breynia oblongifolia</i>
<i>Callicoma serratifolia</i>	<i>Calochlaena dubia</i>	<i>Cassytha pubescens</i>
<i>Ceratopetalum gummiferum</i>	<i>Cissus antarctica</i>	<i>Clematis aristata</i>
<i>Dianella caerulea</i>	<i>Dichelachne rara</i>	<i>Dichondra repens</i>
<i>Dodonaea triquetra</i>	<i>Doodia aspera</i>	<i>Echinopogon ovatus</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>	<i>Eucalyptus cypellocarpa</i>
<i>Eucalyptus deanei</i>	<i>Eucalyptus globoidea</i>	<i>Eucalyptus notabilis</i>
<i>Eucalyptus paniculata</i>	<i>Eucalyptus piperita</i>	<i>Eucalyptus punctata</i>
<i>Eustrephus latifolius</i>	<i>Geitonoplesium cymosum</i>	<i>Geranium solanderi</i>
<i>Glycine clandestina</i>	<i>Hakea dactyloides</i>	<i>Hardenbergia violacea</i>
<i>Hibbertia diffusa</i>	<i>Imperata cylindrica</i>	<i>Indigofera australis</i>
<i>Kennedia rubicunda</i>	<i>Lepidosperma laterale</i>	<i>Leucopogon lanceolatus</i>

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<i>Lomandra longifolia</i>	<i>Lomatia silaifolia</i>	<i>Microlaena stipoides</i>
<i>Oplismenus aemulus</i>	<i>Oplismenus imbecillis</i>	<i>Ozothamnus diosmifolius</i>
<i>Pandorea pandorana</i>	<i>Persoonia linearis</i>	<i>Phyllanthus hirtellus</i>
<i>Pittosporum revolutum</i>	<i>Pittosporum undulatum</i>	<i>Platysace lanceolata</i>
<i>Polyscias sambucifolia</i>	<i>Pratia purpurascens</i>	<i>Pseuderanthemum variabile</i>
<i>Pteridium esculentum</i>	<i>Pultenaea flexilis</i>	<i>Rubus parvifolius</i>
<i>Schoenus melanostachys</i>	<i>Smilax australis</i>	<i>Smilax glycyphylla</i>
<i>Stypana glauca</i>	<i>Syncarpia glomulifera</i>	<i>Telopea speciosissima</i>
<i>Themeda australis</i>	<i>Tristaniopsis collina</i>	<i>Tylophora barbata</i>

**(2C) Sydney Turpentine-Ironbark Forest (Syncarpia glomulifera-Eucalyptus fibrosa-E. crebra)**

Sydney Turpentine-Ironbark Forest listed as an endangered ecological community in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

Within the City, this community represents a drier and generally lower altitude variant of the Blue Mountains Shale Cap Forest. The primary difference is the general absence of *Eucalyptus deanei* and *E. notabilis* and the usual dominance of *Syncarpia glomulifera* (Turpentine), sometimes along with various ironbark species such as *E. fibrosa* (Broad-leaved Ironbark), *E. crebra* (Narrow-leaved Ironbark), and *E. beyeriana* (Beyer's Ironbark). The ironbarks can be absent or rare due to their extensive logging for fencing purposes. *E. punctata* (Grey Gum), *E. notabilis* (Mountain Mahogany), *E. paniculata* (Grey Ironbark), *E. globoidea* (White Stringybark) and *E. eugenioides* (Thin-leaved Stringybark) may also be present.

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The original distribution of this community and the boundary between it and the Blue Mountains Shale Cap Forest is unclear due to extensive clearing or modification of these vegetation types. The two communities are closely related and may intergrade extensively. In addition, this community intergrades with Shale/Sandstone Complex Forest (described below).

Sydney Turpentine-Ironbark Forest occurs on ridgetop caps of Wianamatta Shale. It may extend onto deeper areas of Hawkesbury Shale within the so-called Mittagong Formation.

Sydney Turpentine Ironbark Forest is characterised in the Blue Mountains by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia decurrens</i>	<i>Acacia falcata</i>	<i>Acacia implexa</i>
<i>Acacia longifolia</i>	<i>Acacia parramattensis</i>	<i>Allocasuarina torulosa</i>
<i>Angophora costata</i>	<i>Angophora floribunda</i>	<i>Billardiera scandens</i>
<i>Bursaria spinosa</i>	<i>Caesia parvifolius</i>	<i>Cheilanthes sieberi</i>
<i>Corymbia gummifera</i>	<i>Daviesia squarrosa</i>	<i>Dianella caerulea</i>
<i>Dichelachne rara</i>	<i>Dichondra repens</i>	<i>Echinopogon caespitosus</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>	<i>Eucalyptus beyeriana</i>
<i>Eucalyptus crebra</i>	<i>Eucalyptus eugenioides</i>	<i>Eucalyptus fibrosa</i>
<i>Eucalyptus globoidea</i>	<i>Eucalyptus notabilis</i>	<i>Eucalyptus paniculata</i>
<i>Eucalyptus punctata</i>	<i>Glycine clandestina</i>	<i>Goodenia hederacea</i>

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<i>Hardenbergia violacea</i>	<i>Lepidosperma laterale</i>	<i>Leucopogon juniperinus</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i>	<i>Microlaena stipoides</i>
<i>Oplismenus aemulus</i>	<i>Ozothamnus diosmifolius</i>	<i>Panicum simile</i>
<i>Pittosporum undulatum</i>	<i>Pomax umbellata</i>	<i>Poranthera microphylla</i>
<i>Pratia purpurascens</i>	<i>Pultenaea elliptica</i>	<i>Smilax glyciphylla</i>
<i>Stipa pubescens</i>	<i>Syncarpia glomulifera</i>	<i>Themeda australis</i>
<i>Tricoryne simplex</i>	<i>Veronica plebeia</i>	<i>Xanthorrhoea media</i>

**(2D) Shale Sandstone Transition Forest (Syncarpia glomulifera-Eucalyptus punctata)**

Shale Sandstone Transition Forest is listed as an endangered ecological community in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*. Within the City, Shale Sandstone Transition Forest is within the scope of, but not limited by the definition of Shale Sandstone Transition Forest in the Final Determination of the Scientific Committee to list the ecological community in Schedule 1 to the *Threatened Species Conservation Act 1995*.

This community is present primarily on ridgetops but may occur elsewhere on unmapped remnant shale caps or lenses or immediately downslope of shale caps where the soils have been enriched by colluvium. Within the City, it is restricted to the lower altitudes and transitions between or within the Wianamatta and Hawkesbury Group of sediments.

Because it represents a transition from shale-based vegetation to that associated with sandstone environments, this community is inherently highly variable and difficult to define. Variations occur depending on the relative influence of the different geologies as well as due to differences in shelter and rainfall. Any vegetation that is associated with a transition from shale to sandstone is considered to be within the scope of this community, irrespective of the structure or floristics unless it

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can be shown to be part of another vegetation type described in this Schedule.

The Shale Sandstone Transition Forest can have considerable affinities to Sydney Turpentine-Ironbark Forest but generally has a greater influence from sandstone-oriented species and less influence from those more affiliated with shale soils. Tree species that can occur in this Complex include *Syncarpia glomulifera* (Turpentine), *Eucalyptus punctata* (Grey Gum), *E. resinifera* (Red Mahogany), *E. notabilis* (Mountain Mahogany), *E. crebra* (Narrow-leaved Ironbark), *E. fibrosa* (Broad-leaved Ironbark), *E. paniculata* (Grey Ironbark), *E. beyeriana* (Beyer's Ironbark), *E. globoidea* (White Stringybark), *E. sparsifolia* (Narrow-leaved Stringybark), *E. eugenioides* (Thin-leaved Stringybark) and *Angophora costata* (Sydney Red Gum). The stringybarks *E. eugenioides* and *E. sparsifolia* are generally diagnostic of the more sandstone-influence form of this community.

The understorey can be highly variable depending on the extent of shale influence and proximity to the Cumberland Plain. Fire history and the effects of other forms of disturbance can also significantly affect both the structure and floristics of the understorey. It can range from grassy and herbaceous to densely scrubby. In areas close to the Cumberland Plain, the understorey may include species more typical of that environment such as *Melaleuca nodosa*, *M. erubescens* and *M. thymifolia*, especially in areas with slightly impeded drainage.

Shale Sandstone Transition Forest is characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia brownii</i>	<i>Acacia decurrens</i>	<i>Acacia falcata</i>
<i>Acacia hispidula</i>	<i>Acacia implexa</i>	<i>Acacia linifolia</i>
<i>Acacia myrtifolia</i>	<i>Acacia parramattensis</i>	<i>Acacia parvipinnula</i>

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<i>Acacia suaveolens</i>	<i>Acacia terminalis</i>	<i>Acacia trinervata</i>
<i>Acianthus exsertus</i>	<i>Adiantum aethiopicum</i>	<i>Allocasuarina littoralis</i>
<i>Allocasuarina torulosa</i>	<i>Alphitonia excelsa</i>	<i>Angophora bakeri</i>
<i>Angophora costata</i>	<i>Angophora floribunda</i>	<i>Aristida vagans</i>
<i>Arthropodium milleflorum</i>	<i>Arthropodium minus</i>	<i>Astrotricha latifolia</i>
<i>Baeckea ramosissima</i>	<i>Banksia serrata</i>	<i>Banksia spinulosa</i>
<i>Billardiera scandens</i>	<i>Bossiaea obcordata</i>	<i>Bossiaea prostrata</i>
<i>Bracteantha bracteata</i>	<i>Breynia oblongifolia</i>	<i>Bursaria spinosa</i>
<i>Calotis cuneifolia</i>	<i>Carex inversa</i>	<i>Cassytha glabella</i>
<i>Cassytha pubescens</i>	<i>Cheilanthes sieberi</i>	<i>Chenopodium carinatum</i>
<i>Corymbia eximia</i>	<i>Corymbia gummifera</i>	<i>Cryptandra amara</i>
<i>Cyathochaeta diandra</i>	<i>Cymbopogon refractus</i>	<i>Danthonia tenuior</i>
<i>Daviesia mimisoides</i>	<i>Daviesia squarrosa</i>	<i>Daviesia ulicifolia</i>
<i>Desmodium varians</i>	<i>Dianella caerulea</i>	<i>Dianella prunina</i>
<i>Dianella revoluta</i>	<i>Dichondra repens</i>	<i>Dillwynia retorta</i>
<i>Dodonaea triquetra</i>	<i>Doodia aspera</i>	<i>Echinopogon caespitosus</i>
<i>Echinopogon ovatus</i>	<i>Einadia hastata</i>	<i>Entolasia marginata</i>
<i>Entolasia stricta</i>	<i>Eragrostis brownii</i>	<i>Eremophila debilis</i>
<i>Eucalyptus agglomerata</i>	<i>Eucalyptus beyeriana</i>	<i>Eucalyptus crebra</i>

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<i>Eucalyptus deanei</i>	<i>Eucalyptus eugenioides</i>	<i>Eucalyptus fibrosa</i>
<i>Eucalyptus globoidea</i>	<i>Eucalyptus notabilis</i>	<i>Eucalyptus oblonga</i>
<i>Eucalyptus paniculata</i>	<i>Eucalyptus punctata</i>	<i>Eucalyptus resinifera</i>
<i>Eucalyptus sclerophylla</i>	<i>Eucalyptus sparsifolia</i>	<i>Eucalyptus squamosa</i>
<i>Euchiton sphaericus</i>	<i>Eustrephus latifolius</i>	<i>Exocarpos cupressiformis</i>
<i>Exocarpos strictus</i>	<i>Gahnia clarkei</i>	<i>Gahnia radula</i>
<i>Gallium binifolium</i>	<i>Gallium propinquum</i>	<i>Gastrodia sesamoides</i>
<i>Geranium homeanum</i>	<i>Glochidion ferdinandi</i>	<i>Glycine clandestina</i>
<i>Glycine tabacina</i>	<i>Gompholobium grandiflorum</i>	<i>Gompholobium huegelii</i>
<i>Gonocarpus humilis</i>	<i>Gonocarpus tetragynus</i>	<i>Gonocarpus teucrioides</i>
<i>Goodenia bellidifolia</i>	<i>Goodenia hederacea</i>	<i>Goodenia heterophylla</i>
<i>Grevillia longifolia</i>	<i>Grevillea mucronulata</i>	<i>Grevillea sericea</i>
<i>Hakea dactyloides</i>	<i>Hakea salicifolia</i>	<i>Hakea sericea</i>
<i>Hardenbergia violacea</i>	<i>Hibbertia aspera</i>	<i>Hibbertia diffusa</i>
<i>Hydrocotyle peduncularis</i>	<i>Hypericum gramineum</i>	<i>Hypolepis muelleri</i>
<i>Imperata cylindrica</i>	<i>Indigofera australis</i>	<i>Kennedia rubicunda</i>
<i>Kunzea ambigua</i>	<i>Lambertia formosa</i>	<i>Lasiopetalum parviflorum</i>

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<i>Laxmannia gracilis</i>	<i>Lepidosperma laterale</i>	<i>Leptospermum polygalifolium</i>
<i>Leptospermum trinervium</i>	<i>Leucopogon juniperinus</i>	<i>Leucopogon lanceolatus</i>
<i>Leucopogon microphyllus</i>	<i>Leucopogon muticus</i>	<i>Lindsaea microphylla</i>
<i>Logania pusilla</i>	<i>Lomandra cylindrica</i>	<i>Lomandra filiformis</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i>	<i>Lomatia ilicifolia</i>
<i>Lomatia silaifolia</i>	<i>Melaleuca thymifolia</i>	<i>Mentha satereioides</i>
<i>Microlaena stipoides</i>	<i>Mirbelia rubiifolia</i>	<i>Mitrasacme polymorpha</i>
<i>Morinda jasminoides</i>	<i>Notelaea longifolia</i>	<i>Olex stricta</i>
<i>Olearia microphylla</i>	<i>Opercularia varia</i>	<i>Oplismenus aemulus</i>
<i>Oplismenus imbecillis</i>	<i>Oxylobium ilicifolium</i>	<i>Oxylobium scandens</i>
<i>Ozothamnus diosmifolius</i>	<i>Pandorea pandorana</i>	<i>Panicum simile</i>
<i>Patersonia fragilis</i>	<i>Patersonia glabrata</i>	<i>Patersonia longifolia</i>
<i>Patersonia sericea</i>	<i>Persoonia lanceolata</i>	<i>Persoonia laurina</i>
<i>Persoonia levis</i>	<i>Persoonia linearis</i>	<i>Persoonia mollis</i>
<i>Persoonia myrtilloides</i>	<i>Persoonia pinifolia</i>	<i>Petrophile pedunculata</i>
<i>Petrophile pulchella</i>	<i>Phyllanthus gasstroemii</i>	<i>Phyllanthus hirtellus</i>
<i>Phyllota phyllicoides</i>	<i>Pimelea linifolia</i>	<i>Pittosporum revolutum</i>

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<i>Plantago varia</i>	<i>Platylobium formosum</i>	<i>Poa cheelii</i>
<i>Poa labillardieri</i>	<i>Poa sieberiana</i>	<i>Polyscias sambucifolia</i>
<i>Pomaderris ferruginea</i>	<i>Pomaderris intermedia</i>	<i>Pomax umbellata</i>
<i>Poranthera ericifolia</i>	<i>Poranthera microphylla</i>	<i>Pratia purpurascens</i>
<i>Prostanthera linearis</i>	<i>Pseuderanthemum variabile</i>	<i>Pteridium esculentum</i>
<i>Ptilothrix deusta</i>	<i>Pultenaea ferruginea</i>	<i>Pultenaea flexilis</i>
<i>Pultenaea retusa</i>	<i>Pultenaea scabra</i>	<i>Pultenaea villosa</i>
<i>Rubus parvifolius</i>	<i>Sigesbeckia orientalis</i>	<i>Solanum prinophyllum</i>
<i>Sporobolus creber</i>	<i>Stackhousia monogyna</i>	<i>Stackhousia muricata</i>
<i>Stackhousia viminea</i>	<i>Stellaria flaccida</i>	<i>Stipa pubescens</i>
<i>Stipa rudis</i>	<i>Styphelia laeta</i>	<i>Syncarpia glomulifera</i>
<i>Tephrosia brachyodon</i>	<i>Thelymitra pauciflora</i>	<i>Themeda australis</i>
<i>Thysanotus tuberosus</i>	<i>Tylophora barbata</i>	<i>Vernonia cinerea</i>
<i>Veronica plebeia</i>	<i>Wahlenbergia gracilis</i>	<i>Xylomelum pyriforme</i>

**(2E) Eucalyptus deanei-E. piperita Tall Open-forest**

*Eucalyptus deanei*-*E. piperita* Tall Open-forest refers to a vegetation community of mixed tree species composition, including *Eucalyptus piperita* (Sydney Peppermint), *E. deanei* (Mountain Blue Gum), *Syncarpia glomulifera* (Turpentine), *Angophora costata* (Sydney Red Gum), *A. floribunda* (Rough-barked Apple), *E. punctata* (Grey Gum) and *E. crebra*

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(Narrow-leaved Ironbark). Not all of these species occur in every stand, except for *E. deanei*, whose presence is characteristic of the community.

The community is found in moist, sheltered sites on the talus slopes below the sandstone escarpments of the Jamison, Kedumba and Grose Valleys. It is replaced further west in the Megalong and Kanimbla Valleys by *Eucalyptus cypellocarpa*-*E. piperita* Tall Open-forest. The community also occurs in some moist, sheltered sites away from the escarpments. The typical vegetation structure is tall open-forest, although this may vary depending on site conditions and history. It is a wet sclerophyll forest, with soft-leaved plants prominent in the understorey.

*Eucalyptus deanei*-*E. piperita* Tall Open-forest differs from *E. deanei*-*E. punctata*-*Syncarpia glomulifera* Tall Open-forest in that it occurs on different geology (Illawarra Coal Measures, Shoalhaven Group and Narrabeen Group) and *E. deanei* is less prominent.

This community is generally characterised by the occurrence of *Eucalyptus piperita* and *E. deanei* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia elata</i>	<i>Acacia falciformis</i>	<i>Acacia longifolia</i>
<i>Adiantum aethiopicum</i>	<i>Allocasuarina torulosa</i>	<i>Angophora costata</i>
<i>Angophora floribunda</i>	<i>Arthropodium minus</i>	<i>Astrotricha latifolia</i>
<i>Banksia spinulosa</i>	<i>Blechnum cartilagineum</i>	<i>Callicoma serratifolia</i>
<i>Calochlaena dubia</i>	<i>Carex longebrachiata</i>	<i>Cassytha pubescens</i>
<i>Ceratopetalum apetalum</i>	<i>Clematis aristata</i>	<i>Cyathea australis</i>

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<i>Desmodium varians</i>	<i>Dianella caerulea</i>	<i>Dichelachne rara</i>
<i>Dichondra repens</i>	<i>Doodia aspera</i>	<i>Elaeocarpus reticulatus</i>
<i>Entolasia stricta</i>	<i>Eucalyptus crebra</i>	<i>Eucalyptus deanei</i>
<i>Eucalyptus piperita</i>	<i>Eucalyptus punctata</i>	<i>Eustrephus latifolius</i>
<i>Exocarpos cupressiformis</i>	<i>Gahnia sieberiana</i>	<i>Galium propinquum</i>
<i>Geitonoplesium cymosum</i>	<i>Gleichenia microphylla</i>	<i>Glycine clandestina</i>
<i>Hakea dactyloides</i>	<i>Hakea salicifolia</i>	<i>Hibbertia scandens</i>
<i>Hydrocotyle peduncularis</i>	<i>Indigofera australis</i>	<i>Leptospermum polygalifolium</i>
<i>Leucopogon lanceolatus</i>	<i>Lomandra longifolia</i>	<i>Lomandra montana</i>
<i>Melaleuca styphelioides</i>	<i>Oplismenus aemulus</i>	<i>Pandorea pandorana</i>
<i>Platylobium formosum</i>	<i>Platysace lanceolata</i>	<i>Plectranthus parviflorus</i>
<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>	<i>Rubus parvifolius</i>
<i>Smilax australis</i>	<i>Sticherus lobatus</i>	<i>Syncarpia glomulifera</i>
<i>Todea barbara</i>	<i>Tristaniopsis collina</i>	<i>Tylophora barbata</i>

**(2F) Eucalyptus cypellocarpa-E. piperita Tall Open-forest**

*Eucalyptus cypellocarpa*-*E. piperita* Tall Open-forest is characterised by the presence of *E. cypellocarpa* (Monkey Gum), occurring in association with one or more of *E. piperita* (Sydney Peppermint), *E. oreades* (Blue Mountain Ash) and *E. radiata* subsp. *radiata* (Narrow-leaved Peppermint).

The community is found in moist, sheltered sites on the talus slopes below the sandstone escarpments of the western Blue Mountains (Megalong and Kanimbla Valleys). The community

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also occurs in some moist, sheltered sites away from the escarpments, and may occur as far east as Woodford. The typical vegetation structure is tall open-forest, although this may vary depending on site conditions and history. It is a wet sclerophyll forest, with soft-leaved plants prominent in the understorey.

This community is generally characterised by the occurrence of *Eucalyptus cypellocarpa* and *E. piperita* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia elata</i>	<i>Acacia longifolia</i>	<i>Banksia cunninghamii</i>
<i>Banksia spinulosa</i>	<i>Blechnum cartilagineum</i>	<i>Callicoma serratifolia</i>
<i>Callistemon citrinus</i>	<i>Calochlaena dubia</i>	<i>Cassytha pubescens</i>
<i>Chionochloa pallida</i>	<i>Comesperma ericinum</i>	<i>Cyathea australis</i>
<i>Dianella caerulea</i>	<i>Empodisma minus</i>	<i>Entolasia marginata</i>
<i>Entolasia stricta</i>	<i>Epacris pulchella</i>	<i>Eucalyptus cypellocarpa</i>
<i>Eucalyptus mannifera</i> subsp. <i>gullickii</i>	<i>Eucalyptus oreades</i>	<i>Eucalyptus piperita</i>
<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	<i>Gahnia sieberiana</i>	<i>Gleichenia microphylla</i>
<i>Gonocarpus teucrioides</i>	<i>Hakea dactyloides</i>	<i>Hydrocotyle peduncularis</i>
<i>Leptospermum grandifolium</i>	<i>Leptospermum polygalifolium</i>	<i>Leucopogon lanceolatus</i>
<i>Lomandra longifolia</i>	<i>Lomatia silaifolia</i>	<i>Microlaena stipoides</i>

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<i>Monotoca scoparia</i>	<i>Persoonia mollis</i>	<i>Persoonia myrtilloides</i>
<i>Petrophile pulchella</i>	<i>Platysace lanceolata</i>	<i>Polyscias sambucifolia</i>
<i>Pteridium esculentum</i>	<i>Pultenaea flexilis</i>	<i>Pultenaea scabra</i>
<i>Todea barbara</i>	<i>Tristaniopsis collina</i>	

**(2G) Eucalyptus oreades Open-forest/Tall Open-forest**

*Eucalyptus oreades* Open-forest/Tall Open-forest refers to those vegetation communities dominated by *E. oreades* (Blue Mountain Ash). A range of other Eucalypts may also occur, most commonly including, *E. piperita* (Sydney Peppermint), *E. cypellocarpa* (Monkey Gum) and *E. radiata subsp. radiata* (Narrow-leaved Peppermint).

The characteristic vegetation structure is tall open-forest, however this can vary depending on site conditions and history. In some places the understorey is shrubby, while in moister sites a ferny understorey can be present. Although typically found in gullies or on sheltered slopes in the upper mountains (Bell to Wentworth Falls), this community also occurs in relatively exposed sites eg ridgetops, where suitable depth of shale provides more fertile conditions and better soil moisture.

*Eucalyptus oreades* is extremely fire-sensitive, with individual trees readily killed in a major bushfire. Although the capacity of *E. oreades* to regenerate from seed after fire is indicated by even-aged stands of trees often found in this community, the species will be adversely affected or eliminated entirely by an inappropriate fire regime of frequent burning.

This community is relatively rare outside of the National Park estate and has apparently suffered significant loss due to urbanisation and associated infrastructure, as well as being degraded by weed invasion, changed fire regimes, and stormwater runoff.

*Eucalyptus oreades* open-forest/tall open-forest is characterised by the following assemblage of native plant species. Other

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species also occur, but the list is indicative of the species composition of the vegetation.

<i>Acacia brownii</i>	<i>Acacia obtusifolia</i>	<i>Acacia terminalis</i>
<i>Amperea xiphoclada</i>	<i>Arrhenechthites mixta</i>	<i>Austroanthonia longifolia</i>
<i>Banksia spinulosa</i>	<i>Billardiera scandens</i>	<i>Bossiaea heterophylla</i>
<i>Cassutha glabella</i>	<i>Conospermum tenuifolium</i>	<i>Dampiera stricta</i>
<i>Daviesia ulicifolia</i>	<i>Dianella caerulea</i>	<i>Dianella longifolia</i>
<i>Dianella prunina</i>	<i>Eucalyptus oreades</i>	<i>Eucalyptus piperita</i>
<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	<i>Eucalyptus sieberi</i>	<i>Goodenia bellidifolia</i>
<i>Hakea laevipes</i>	<i>Hibbertia aspera</i>	<i>Hibbertia rufa</i>
<i>Hovea linearis</i>	<i>Leptomeria acida</i>	<i>Leptospermum polygalifolium</i>
<i>Lindsaea microphylla</i>	<i>Lomandra gracilis</i>	<i>Lomandra longifolia</i>
<i>Lomandra obliqua</i>	<i>Lomatia silaifolia</i>	<i>Mitrasacme polymorpha</i>
<i>Monotoca scoparia</i>	<i>Olearia erubescens</i>	<i>Patersonia sericea</i>
<i>Persoonia chamaepitys</i>	<i>Persoonia laurina</i>	<i>Persoonia levis</i>
<i>Persoonia myrtilloides</i>	<i>Phyllota squarrosa</i>	<i>Platylobium formosum</i>
<i>Platysace linifolia</i>	<i>Poa sieberiana</i>	<i>Poranthera corymbosa</i>
<i>Pteridium esculentum</i>	<i>Stackhousia viminea</i>	<i>Symphionema montanum</i>

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*Telopea*  
*speciosissima*

*Xanthorrhoea media*

**(2H) Eucalyptus dalrympleana-E. piperita Tall Open-forest**

*Eucalyptus dalrympleana*-*E. piperita* Tall Open-forest is characterised by the presence of *E. dalrympleana* (Mountain Gum), occurring in association with *E. piperita* (Sydney Peppermint) and *E. radiata* subsp. *radiata* (Narrow-leaved Peppermint). In the City, this community appears to be restricted to one small stand at the upper end of Popes Glen Creek, Blackheath, where it occurs on a sheltered, south-facing slope of Narrabeen Group geology. The vegetation structure is variable within this disturbed stand, from tall open-forest to open-forest and woodland. It is a wet sclerophyll forest, with soft-leaved plants prominent in the understorey.

*Eucalyptus dalrympleana*-*E. piperita* Tall Open-forest is characterised by the following assemblage of native plant species. Other species also occur, but the list is indicative of the species composition of the community at Blackheath.

<i>Acacia longifolia</i>	<i>Acacia melanoxylon</i>	<i>Arrhenechthites mixta</i>
<i>Baumea rubiginosa</i>	<i>Billardiera scandens</i>	<i>Blechnum nudum</i>
<i>Chionochloa pallida</i>	<i>Cyathea australis</i>	<i>Daviesia ulicifolia</i>
<i>Deyeuxia parviseta</i>	<i>Dianella prunina</i>	<i>Dianella tasmanica</i>
<i>Empodisma minus</i>	<i>Epacris pulchella</i>	<i>Eucalyptus dalrympleana</i>
<i>Eucalyptus piperita</i>	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	<i>Gahnia sieberiana</i>
<i>Gleichenia dicarpa</i>	<i>Gonocarpus teucroides</i>	<i>Hakea dactyloides</i>
<i>Helichrysum scorpioides</i>	<i>Leptospermum polygalifolium</i>	<i>Lepyrodia scariosa</i>
<i>Leucopogon lanceolatus</i>	<i>Lomandra longifolia</i>	<i>Lomatia silaifolia</i>

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*Lycopodium  
deuterodensum**Microlaena  
stipoides**Olearia erubescens**Persoonia  
myrtilloides**Poa sieberiana**Polyscias  
sambucifolia**Pteridium  
esculentum**Pultenaea scabra***(21) Sun Valley Cabbage Gum Forest (*Eucalyptus amplifolia*)**

The Sun Valley Cabbage Gum Forest is listed as an Endangered Ecological Community in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

This community is dominated by *Eucalyptus amplifolia* (Cabbage Gum) that occurs on the diatrema at Sun Valley. An associated tree species is *E. eugenioides* (Thin-leaved Stringybark). Although there is still good tree cover in the area (remnant trees and regeneration), the understorey of this community has been grossly altered through clearing and grazing. Remaining native understorey species include *Acacia parramattensis*, *Imperata cylindrica*, *Lomandra longifolia* and *Pteridium esculentum*, but the original composition of the understorey is difficult to assess. Attempts to restore this community at Sun Valley are certainly warranted.

*Eucalyptus amplifolia* Tall Open-forest is characterised by the following assemblage of native plant species. Other species also occur, but the list is indicative of the species composition of the community at Sun Valley.

*Acacia  
parramattensis**Adiantum  
aethiopicum**Agrostis* sp.*Aristida* sp.*Arthropodium* sp.*Blechnum nudum**Bursaria spinosa**Centella asiatica**Cheilanthes sieberi**Daucus glochidiatus**Daviesia ulicifolia**Dianella* aff.  
*caerulea**Dianella caerulea**Dichondra repens**Dillwynia* sp.*Doodia aspera**Echinopogon  
caespitosus**Entolasia marginata*

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<i>Entolasia stricta</i>	<i>Eucalyptus amplifolia</i>	<i>Eucalyptus eugenioides</i>
<i>Gallium gaudichaudi</i>	<i>Geranium homeanum</i>	<i>Geranium solanderi</i>
<i>Glycine tabacina</i>	<i>Hakea salicifolia</i>	<i>Hardenbergia violacea</i>
<i>Hemarthria uncinata</i>	<i>Hibbertia diffusa</i>	<i>Hibbertia fasciculata</i>
<i>Hibbertia linearis</i>	<i>Hypericum gramineum</i>	<i>Indigofera australis</i>
<i>Juncus usitatus</i>	<i>Kunzea ambigua</i>	<i>Lindsaea linearis</i>
<i>Lomandra longifolia</i>	<i>Microlaena stipoides</i>	<i>Persoonia linearis</i>
<i>Persoonia oblongata</i>	<i>Pittosporum undulatum</i>	<i>Poa</i> sp.
<i>Poranthera microphylla</i>	<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>
<i>Ranunculus lappaceus</i>	<i>Themeda australis</i>	<i>Veronica plebeia</i>

**(2J) Montane Gully Forest (*Eucalyptus fastigata*-*E. cypellocarpa*-*E. dalrympleana*)**

This community is associated with moderate to steep slopes and narrow gorges on the Narrabeen Group and Illawarra Coal Measures below the escarpments around Mount York and north to Bell. There is substantial intergradation with vegetation typical of the sandstone plateau close to the escarpments and with the *Eucalyptus cypellocarpa* and *E. piperita* communities between Blackheath and Mount Victoria. The boundary of this community approximates the lower distribution of *E. fastigata*, *E. dalrympleana* and *E. blaxlandii*, and the upper distributional limits of *Angophora costata* and *Syncarpia glomulifera*.

Tree species include *Eucalyptus fastigata* (Brown Barrel), *E. cypellocarpa* (Monkey Gum), *E. dalrympleana* (Mountain Gum) with *E. oreades* (Blue Mountain Ash), *E. blaxlandii* (Blaxland's Stringybark), *E. radiata* subsp. *radiata*

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(Narrow-leaved Peppermint) and *E. sieberi* (Silver-top Ash). The understorey is moderately shrubby with *Acacia falciformis*, *A. terminalis*, *A. buxifolia*, *Oxylobium ilicifolium* and *Leptospermum flavescens* occurring, together with ferns such as *Culcita dubia*. *Acacia dealbata* was more common here than in any other parts of the study area. It appears that *E. fastigata* occurs primarily in the more sheltered sites with *E. dalrympleana* relatively common on the lower slopes where this unit blends into remnants of the vegetation found on the edge of the agricultural land around Little Hartley.

Montane Gully Forest is characterised by the following assemblage of native plant species. Other species also occur, but the list is indicative of the major diagnostic species composition.

<i>Acacia buxifolia</i>	<i>Acacia dealbata</i>	<i>Acacia falciformis</i>
<i>Acacia melanoxylon</i>	<i>Acacia terminalis</i>	<i>Acaena novae-zelandiae</i>
<i>Adiantum aethiopicum</i>	<i>Anisopogon avenaceus</i>	<i>Arrhenechthites mixta</i>
<i>Asperula conferta</i>	<i>Blechnum cartilagineum</i>	<i>Centella asiatica</i>
<i>Clematis aristata</i>	<i>Culcita dubia</i>	<i>Cymbonotus lawsonianus</i>
<i>Dianella caerulea</i>	<i>Echinopogon ovatus</i>	<i>Eucalyptus blaxlandii</i>
<i>Eucalyptus cypellocarpa</i>	<i>Eucalyptus dalrympleana</i>	<i>Eucalyptus fastigata</i>
<i>Eucalyptus oreades</i>	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	<i>Eucalyptus sieberi</i>
<i>Geranium</i> sp.	<i>Glycine clandestina</i>	<i>Gonocarpus tetragynus</i>
<i>Gonocarpus teucrioides</i>	<i>Helichrysum rutidolepis</i>	<i>Leptospermum flavescens</i>

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<i>Leptospermum morrisonii</i>	<i>Leucopogon lanceolatus</i>	<i>Lomandra longifolia</i>
<i>Microlaena stipoides</i>	<i>Oxylobium ilicifolium</i>	<i>Persoonia linearis</i>
<i>Polyscias sambucifolia</i>	<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>
<i>Pyrrosia repestis</i>	<i>Rubus parvifolius</i>	<i>Syncarpia glomulifera</i>
<i>Veronica calycina</i>	<i>Viola betonicifolia</i>	

**(2K) Blue Gum Riverflat Forest (*Eucalyptus deanei*)**

The Blue Gum Riverflat Forest in the Blue Mountains is included within the Sydney Coastal River-Flat Forest listed as an Endangered Ecological Community in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

This community is usually restricted to terraces of deep alluvium along larger watercourses of the lower Blue Mountains. *Eucalyptus deanei* (Mountain Blue Gum) is dominant and may be almost monospecific, with occasional *Angophora floribunda* (Rough-barked Apple) and a small tree layer which may contain large bipinnate wattles and infrequent *Allocasuarina torulosa* (She-oak). The understorey is open and often dominated by grasses or ferns (or both) with scattered mesic shrubs becoming denser in the immediate vicinity of the watercourse.

This community superficially resembles the Blue Mountains Shale Cap Forest but the two occur in different positions in the landscape.

This community is generally characterised by the almost monospecific occurrence of *Eucalyptus deanei* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

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<i>Acacia implexa</i>	<i>Acacia parramattensis</i>	<i>Adiantum aethiopicum</i>
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<i>Allocasuarina torulosa</i>	<i>Angophora floribunda</i>	<i>Backhousia myrtifolia</i>
<i>Blechnum nudum</i>	<i>Breynia oblongifolia</i>	<i>Callicoma serratifolia</i>
<i>Calochlaena dubia</i>	<i>Centella asiatica</i>	<i>Cynodon dactylon</i>
<i>Dichondra repens</i>	<i>Entolasia stricta</i>	<i>Eucalyptus deanei</i>
<i>Geitonoplesium cymosum</i>	<i>Glycine tabacina</i>	<i>Imperata cylindrica</i>
<i>Kunzea ambigua</i>	<i>Lomandra longifolia</i>	<i>Melaleuca linariifolia</i>
<i>Melia azedarach</i>	<i>Oplismenus</i> sp.	<i>Plectranthus parviflorus</i>
<i>Pratia purpurascens</i>	<i>Pseuderanthemum variabile</i>	<i>Pteridium esculentum</i>
<i>Rubus parvifolius</i>	<i>Sigesbeckia orientalis</i>	<i>Stellaria flaccida</i>
<i>Sticherus flabellatus</i>	<i>Trema aspera</i>	<i>Tylophora barbata</i>
<i>Veronica plebeia</i>		

**(2L) *Casuarina cunninghamiana* 'River Oak Forest'**

The *Casuarina cunninghamiana* River Oak Forest in the Blue Mountains is included within the Sydney Coastal River-Flat Forest listed as an Endangered Ecological Community in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

Narrow bands of River Oak Forest occur on the alluvial banks of the Coxs River. This community also occurs in small, unmapped occurrences along the Hawkesbury-Nepean River. The dominant canopy species is *Casuarina cunninghamiana* subsp. *cunninghamiana* (River Oak) with occasional subdominants being *Angophora floribunda* (Rough-barked Apple) *Eucalyptus viminalis* (Ribbon Gum) and *E. tereticornis* (Forest Red Gum), and rarely *A. subvelutina* (Broad-leaved Apple). *Backhousia myrtifolia* (Myrtle) can also occur on the sheltered fringes of this community. Along the

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larger tributaries to the east of the Coxs River, the understorey is often dominated by *Leptospermum* spp.. In these situations, *Lomandra longifolia* and several sedges can dominate the ground layer.

The understorey is generally sparse because of the mobile nature of the substrate (mobile gravels, sands and large areas of bare granite). The surrounding lands have often been cleared for agriculture and these communities are often highly prone to willow and other weed infestation.

*Casuarina cunninghamiana* River Oak Forest is characterised by the following assemblage of native plant species. Other species may also occur, but the list is indicative of the species most characteristic of this composition.

<i>Acacia floribunda</i>	<i>Acacia parvipinnula</i>	<i>Agrostis avenaceus</i>
<i>Alisma plantago-aquatica</i>	<i>Angophora floribunda</i>	<i>Angophora subvelutina</i>
<i>Backhousia myrtifolia</i>	<i>Blechnum nudum</i>	<i>Breynia oblongifolia</i>
<i>Bursaria spinosa</i>	<i>Callistemon citrinus</i>	<i>Callistemon paludosus</i>
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	<i>Cheilanthes distans</i>	<i>Clematis aristata</i>
<i>Commelina cyanea</i>	<i>Crassula sieberiana</i>	<i>Cynodon dactylon</i>
<i>Cyperus sphaeroideus</i>	<i>Eleocharis sphacelata</i>	<i>Entolasia stricta</i>
<i>Eucalyptus tereticornis</i>	<i>Eucalyptus viminalis</i>	<i>Geranium homeanum</i>
<i>Gnaphalium involucreatum</i>	<i>Hemarthria uncinata</i>	<i>Isolepis inundata</i>
<i>Juncus acuminatus</i>	<i>Juncus caespiticius</i>	<i>Juncus usitatus</i>

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<i>Leptospermum juniperinum</i>	<i>Leptospermum polygalifolium</i>	<i>Leptospermum morrisonii</i>
<i>Lomandra longifolia</i>	<i>Microlaena stipoides</i>	<i>Persicaria hydropiper</i>
<i>Persicaria praetermissa</i>	<i>Ranunculus inundatus</i>	<i>Rumex</i> sp.
<i>Tristaniopsis laurina</i>	<i>Wahlenbergia gracilis</i>	

**(2M) Eucalyptus radiata subsp. radiata-E. piperita Open-forest**

This community is only known from a small number of easterly-facing slopes in Katoomba and Leura but may occur elsewhere in the higher Blue Mountains. The dominant canopy trees are *Eucalyptus radiata* subsp. *radiata* (Narrow-leaved Peppermint) and *E. piperita* (Sydney Peppermint). *E. sieberi* is also present, particularly where this community grades into the common *E. sieberi*/*E. piperita* community which tends to occur upslope. *E. mannifera* subsp. *gullickii* can occur infrequently, particularly downslope towards adjoining swamp or riparian vegetation.

The understorey is a mix of dry and wet sclerophyll species and may contain species associated with Blue Mountains Swamps where these communities adjoin. The following list is indicative of some of the major diagnostic species.

<i>Acacia terminalis</i>	<i>Banksia cunninghamii</i>	<i>Banksia spinulosa</i>
<i>Boronia microphylla</i>	<i>Callicoma serratifolia</i>	<i>Chionochloa pallida</i>
<i>Dianella tasmanica</i>	<i>Entolasia marginata</i>	<i>Eucalyptus mannifera</i> subsp. <i>gullickii</i>
<i>Eucalyptus oblonga</i>	<i>Eucalyptus piperita</i>	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>
<i>Eucalyptus sclerophylla</i>	<i>Eucalyptus sieberi</i>	<i>Eucalyptus sparsifolia</i>

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*Lepidosperma  
laterale**Leptospermum  
trinervium**Persoonia acerosa**Persoonia  
chamaepitys**Persoonia  
myrtilloides**Platylobium  
formosum**Polyscias  
sambucifolia**Pteridium  
esculentum**Pultenaea glabra**Stellaria pungens***(2N) Melaleuca styphelioides-M. linariifolia Forest**

This community occurs at the base of the slopes below the escarpments surrounding the Megalong, Kanimbla, Jamison and Kedumba Valleys. It is restricted to small alluvial/colluvial deltas perpendicular to the escarpment or to alluvial deposits along ephemeral watercourses running parallel to the escarpment. It is a generally moist forest in which *Melaleuca* species are dominant and occur under an open canopy of tall *Eucalyptus cypellocarpa* (Monkey Gum) or less often, *E. viminalis* (Ribbon Gum), with *E. deanei* (Mountain Blue Gum) most common east of Narrow Neck Peninsula. Other emergents can include *E. crebra* (Narrow-leafed Ironbark) and *E. punctata* (Grey Gum). The understorey is generally depauperate because of shading from the often-dense strata of *Melaleuca*. In areas subject to or recovering from grazing, it tends to be dominated by unpalatable graminoids and shrubs including *Lomandra longifolia* and *Bursaria* species, while in less modified situations there are numerous small climber/twiners such as *Desmodium*, *Eustrephus* and *Glycine* species along with the woody vines *Marsdenia*, *Cissus* and *Parsonsia*, herbs such as *Dichondra*, *Centella* and *Viola*, and a sparse layer of grasses such as *Oplismenus* species. Occasionally, in sites with more impeded drainage, small sedgeland communities are present, and in particularly moist or sheltered (or both) locations, there can be some intergradation with rainforest assemblages.

This community is generally characterised by the occurrence of the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the range of species composition within this community type.

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<i>Acacia falciformis</i>	<i>Acacia obtusifolia</i>	<i>Acacia parramattensis</i>
<i>Adiantum aethiopicum</i>	<i>Austrostipa pubescens</i>	<i>Banksia spinulosa</i>
<i>Billardiera scandens</i>	<i>Blechnum cartilagineum</i>	<i>Bossiaea neo-anglica</i>
<i>Brachycome angustifolia</i>	<i>Bursaria spinosa</i>	<i>Centella asiatica</i>
<i>Choretrum candollei</i>	<i>Cissus sp.</i>	<i>Clematis aristate</i>
<i>Desmodium varians</i>	<i>Dianella caerulea</i>	<i>Dianella longifolia</i>
<i>Dichondra repens</i>	<i>Entolasia stricta</i>	<i>Eucalyptus blaxlandii</i>
<i>Eucalyptus crebra</i>	<i>Eucalyptus cypellocarpa</i>	<i>Eucalyptus deanei</i>
<i>Eucalyptus piperita</i>	<i>Eucalyptus punctata</i>	<i>Eucalyptus viminalis</i>
<i>Eustrephus latifolius</i>	<i>Gahnia melanocarpa</i>	<i>Galium propinquum</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium homeanum</i>	<i>Glycine tabacina</i>
<i>Gonocarpus tetragynus</i>	<i>Goodenia hederacea</i>	<i>Hardenbergia violacea</i>
<i>Helichrysum scorpioides</i>	<i>Hibbertia aspera</i>	<i>Hibbertia obtusifolia</i>
<i>Hypericum gramineum</i>	<i>Imperata cylindrica</i>	<i>Lagenifera stipitata</i>
<i>Leptospermum polygalifolium</i>	<i>Leucopogon lanceolata</i>	<i>Lomandra glauca</i>
<i>Lomandra longifolia</i>	<i>Lomatia myricoides</i>	<i>Marsdenia flavescens</i>

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<i>Melaleuca linariifolia</i>	<i>Melaleuca stypelioides</i>	<i>Microlaena stipoides</i>
<i>Oplismenus</i> spp.	<i>Pandorea pandorana</i>	<i>Parsonsia straminea</i>
<i>Phyllanthus hirtellus</i>	<i>Plantago debilis</i>	<i>Platylobium formosum</i>
<i>Poa labillardieri</i>	<i>Podolobium ilicifolium</i>	<i>Poranthera corymbosa</i>
<i>Poranthera microphylla</i>	<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>
<i>Rubus parvifolia</i>	<i>Scaevola ramosissima</i>	<i>Schoenus apogon</i>
<i>Stackhousia viminea</i>	<i>Veronica plebeia</i>	<i>Viola hederacea</i>

**(20) Riparian Granite Slopes Forest**

This community is present in the headwaters of ephemeral streams that drain the granite upland of the Megalong Valley down to the Coss River. The structure is generally an open-forest to woodland with a low, moist and herbaceous understorey in which *Stellaria flaccida* and *S. pungens* are prevalent. The small ferns, *Asplenium flabellifolium*, *Cheilanthes sieberi* and *C. distans* may be present with *Blechnum nudum* scattered along the watercourse. A moist grass layer can dominate the ground stratum and will often contain the herbs, *Dichondra repens*, *Centella asiatica*, the twiners *Desmodium varians* and *Glycine* species with various *Senecio* species scattered throughout. The canopy species include *Eucalyptus viminalis* (Ribbon Gum), *E. tereticornis* (Forest Red Gum) and *Angophora floribunda* (Rough-barked Apple) with an occasional subcanopy of *Allocasuarina torulosa*. A small number of rainforest species may be present, particularly along the watercourse or on the sheltered side of the slope. Examples include *Rapanea howittiana*, *Ficus coronata* and *Trema aspera*. This community can grade into Megalong Granite Dry Rainforest (see community (1C)).

This community is generally characterised by the occurrence of the following assemblage of native plant species. Other species also occur, and not all of the following species are present in

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every stand of the community, but the list is indicative of the range of species composition within this community type.

<i>Acacia falciformis</i>	<i>Acaena novae-zelandiae</i>	<i>Adiantum aethiopicum</i>
<i>Allocasuarina torulosa</i>	<i>Angophora floribunda</i>	<i>Asplenium flabellifolium</i>
<i>Blechnum nudum</i>	<i>Bulbine bulbosa</i>	<i>Bursaria longisepala</i>
<i>Calochlaena dubia</i>	<i>Carex appressa</i>	<i>Carex longebrachiata</i>
<i>Centella asiatica</i>	<i>Cheilanthes distans</i>	<i>Cheilanthes sieberi</i>
<i>Clematis glycinoides</i>	<i>Desmodium varians</i>	<i>Dichondra repens</i>
<i>Doodia aspera</i>	<i>Echinopogon ovatus</i>	<i>Entolasia marginata</i>
<i>Eucalyptus tereticornis</i>	<i>Eucalyptus viminalis</i>	<i>Eustrephus latifolius</i>
<i>Ficus coronata</i>	<i>Geitonoplesium cymosum</i>	<i>Geranium retrorsum</i>
<i>Glycine tabacina</i>	<i>Hypericum gramineum</i>	<i>Lomandra longifolia</i>
<i>Microlaena stipoides</i>	<i>Oxalis perennans</i>	<i>Pittosporum undulatum</i>
<i>Pratia purpurascens</i>	<i>Rapanea howittiana</i>	<i>Rubus parvifolius</i>
<i>Senecio linearifolius</i>	<i>Senecio minimus</i>	<i>Smilax glyciphylla</i>
<i>Solanum cinereum</i>	<i>Stellaria flaccida</i>	<i>Stellaria pungens</i>
<i>Stypandra glauca</i>	<i>Swainsona galegifolia</i>	<i>Trema aspera</i>
<i>Urtica incisa</i>	<i>Wahlenbergia communis</i>	<i>Wahlenbergia stricta</i>

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**(2P) Megalong Footslopes Forest**

This community is found on the footslopes below the escarpments, extending towards the centre of the Megalong Valley until displaced by the vegetation on the granite batholith. Some intergradation of these communities occurs and the outer margin of the Shoalhaven Group supports a community often dominated by *Eucalyptus sclerophylla* (Hard-leafed Scribbly Gum). Several variants of the forest form are recognised, with structure ranging from open-forest/woodland to open-forest and canopy species including *E. eugenioides* (Thin-leafed Stringybark), *E. globoidea* (White Stringybark) (and hybrids), *E. punctata* (Grey Ironbark), *E. sclerophylla* (Hard-leafed Scribbly Gum) and *Angophora costata* (Sydney Red Gum). At the interface with the adjoining forests that dominate the slopes below the cliffline, a taller variant occurs in which *E. cypellocarpa* (Monkey Gum) may be present. Such situations can be associated with the existence of *Melaleuca styphelioides*-*M. linariifolia* swamp forest.

This community is generally characterised by the occurrence of the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the range of species composition within this community type.

<i>Acacia floribunda</i>	<i>Acacia terminalis</i>	<i>Angophora costata</i>
<i>Banksia spinulosa</i>	<i>Billardiera scandens</i>	<i>Boronia parvifolia</i>
<i>Bossiaea obcordata</i>	<i>Calytrix tetragona</i>	<i>Cheilanthes distans</i>
<i>Dianella revoluta</i>	<i>Dillwynia retorta</i>	<i>Entolasia stricta</i>
<i>Epacris microphylla</i>	<i>Eucalyptus cypellocarpa</i>	<i>Eucalyptus eugenioides</i>
<i>Eucalyptus globoidea</i>	<i>Eucalyptus punctata</i>	<i>Eucalyptus sclerophylla</i>
<i>Eucalyptus sieberi</i>	<i>Goodenia hederacea</i>	<i>Hakea salicifolia</i>

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<i>Hardenbergia violacea</i>	<i>Hibbertia aspera</i>	<i>Hibbertia rufa</i>
<i>Isopogon anemonifolius</i>	<i>Lagenifera stipitata</i>	<i>Lepidosperma viscidum</i>
<i>Leptospermum polygalifolium</i>	<i>Leptospermum trinervium</i>	<i>Leucopogon virgatus</i>
<i>Lissanthe sapida</i>	<i>Lomandra cylindrica</i>	<i>Lomandra longifolia</i>
<i>Lomandra obliqua</i>	<i>Mirbelia rubioides</i>	<i>Monotoca scoparia</i>
<i>Notelaea ovata</i>	<i>Persoonia laurina</i>	<i>Persoonia levis</i>
<i>Persoonia linearis</i>	<i>Phyllanthus hirtellus</i>	<i>Pimelea linifolia</i>
<i>Poa sieberiana</i>	<i>Pomax umbellata</i>	<i>Poranthera microphylla</i>
<i>Schoenus imberbis</i>	<i>Stylidium graminifolium</i>	<i>Viola hederacea</i>

**(2Q) Megalong Granite Forest/Woodland (*Eucalyptus tereticornis*-*E. eugenioides*)**

Much of the undulating granite country supporting this community was cleared for agriculture in the nineteenth century. Fragmented remnants are found in the Coxs River valley at elevations between 250 metres and 850 metres on deep, well-drained sandy soils derived from carboniferous adamellite, granite and grandiorite. Much of the vegetation is now a “derived” woodland (*sensu* Keith and Benson, 1988) but was probably forest prior to modification by clearing, grazing, rabbits and an altered fire regime.

The most characteristic tree species are *Eucalyptus tereticornis* (Forest Red Gum) and *E. eugenioides* (Thin-leaved stringybark) together with *E. viminalis* (Ribbon Gum). *E. dalrympleana* subsp. *dalrympleana* (Mountain Gum) can be locally dominant, particularly on the higher elevations (which are often quite exposed). *E. bridgesiana*, *E. dives*, *E. rubida* and *E. camphora* are generally rare within this community and are not considered characteristic of it, however *Angophora floribunda* (Rough-barked Apple) is quite common and extends well beyond the lower slopes and

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watercourses. *E. macrorhyncha subsp. macrorhyncha* occurs mainly in the western areas of the granite vegetation but is occasionally a significant canopy component. *Acacia falciformis* can also be a locally significant canopy species and can be present in most variants of the granite communities. The less common eucalypts are generally associated with the complex ecotones on the eastern edges of the granite vegetation or with other very localised conditions.

The understorey of the Megalong Granite Forest/Woodland tends to be low and dominated by grasses, graminoids (particularly *Lomandraceae*) and herbs, in particular, *Astraceae*. Climbers such as *Desmodium*, *Glycine* and *Clematis* are often present. Shrubs are either relatively rare or else the shrub layer consists of a small number of common unpalatable species such as *Bursaria* species and *Lissanthe strigosa*. The understorey composition can vary greatly depending on the amount of exposure.

This community is generally characterised by the occurrence of the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the major diagnostic species.

<i>Acacia falciformis</i>	<i>Acacia implexa</i>	<i>Acacia obtusifolia</i>
<i>Acacia parramattensis</i>	<i>Acaena novae-zelandiae</i>	<i>Adiantum aethiopicum</i>
<i>Ajuga australia</i>	<i>Angophora floribunda</i>	<i>Asplenium flebellifolium</i>
<i>Austrostipa pubescens</i>	<i>Blechnum cartilagineum</i>	<i>Brachycome angustifolia</i> var. <i>angustifolia</i>
<i>Bursaria spinosa</i>	<i>Carex appressa</i>	<i>Cassinia arcuata</i>
<i>Centella asiatica</i>	<i>Cheilanthes distans</i>	<i>Clematis aristata</i>
<i>Cymbopogon refractus</i>	<i>Desmodium varians</i>	<i>Dianella longifolia</i>
<i>Dianella revoluta</i>	<i>Dichelachne rara</i>	<i>Dichondra repens</i>

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<i>Doodia aspera</i>	<i>Echinopogon caespitosus</i>	<i>Echinopogon ovatus</i>
<i>Entolasia stricta</i>	<i>Epilobium hirtigerum</i>	<i>Eucalyptus bridgesiana</i>
<i>Eucalyptus camphora</i>	<i>Eucalyptus dalrympleana</i>	<i>Eucalyptus dives</i>
<i>Eucalyptus eugenioides</i>	<i>Eucalyptus macrorhyncha</i>	<i>Eucalyptus punctata</i>
<i>Eucalyptus rubida</i>	<i>Eucalyptus tereticornis</i>	<i>Eucalyptus viminalis</i>
<i>Exocarpos cupressiformis</i>	<i>Exocarpos strictus</i>	<i>Galium propinquum</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium homeanum</i>	<i>Geranium retrorsum</i>
<i>Geranium solanderi</i>	<i>Glycine microphylla</i>	<i>Glycine tabacina</i>
<i>Gnaphalium</i> sp.	<i>Gonocarpus tetragynus</i>	<i>Helichrysum scorpioides</i>
<i>Hydrocotyle geraniifolia</i>	<i>Hypericum gramineum</i>	<i>Imperata cylindrica</i>
<i>Indigofera australis</i>	<i>Lepidosperma gunnii</i>	<i>Lepidosperma viscidum</i>
<i>Leucopogon lanceolata</i>	<i>Leucopogon virgatus</i>	<i>Libertia paniculata</i>
<i>Lissanthe strigose</i>	<i>Lomandra glauca</i>	<i>Lomandra gracilis</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i>	<i>Lomatia myricoides</i>
<i>Lomatia silaifolia</i>	<i>Luzula flaccida</i>	<i>Marsdenia rostrata</i>
<i>Microlaena stipoides</i>	<i>Oplismenus imbecillis</i>	<i>Pandorea pandorana</i>
<i>Pellaea falcata</i>	<i>Persoonia linearis</i>	<i>Plantago debilis</i>

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<i>Plantago gaudichaudii</i>	<i>Plectranthus parviflorus</i>	<i>Poa labillardieri</i>
<i>Poa sieberiana</i>	<i>Polystichum proliferum</i>	<i>Poranthera microphylla</i>
<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>	<i>Ranunculus lappaceus</i>
<i>Rapanea howittiana</i>	<i>Rubus parvifolius</i>	<i>Rumex brownii</i>
<i>Schoenus apogon</i>	<i>Senecio lautus</i> ssp. <i>dissectifolius</i>	<i>Senecio minimus</i>
<i>Sigesbeckia orientalis</i>	<i>Solanum cinereum</i>	<i>Stackhousia viminea</i>
<i>Stellaria flaccida</i>	<i>Stypandra glauca</i>	<i>Themeda australis</i>
<i>Urtica incisa</i>	<i>Veronica plebeia</i>	<i>Viola betonicifolia</i>
<i>Wahlenbergia stricta</i>		

**3 Low Open-forest****Melaleuca linariifolia Low Open-forest**

*Melaleuca linariifolia* Low Open-forest is found on sandy alluvial soils along certain creeks in the lower Blue Mountains, in which the low paperbark tree, *M. linariifolia* (Snow-in-summer), dominates the vegetation. This creekline vegetation is associated with creeks on deep alluvial sand deposits, rather than the sandstone substrates more typical of Blue Mountains creeks. The typical vegetation structure is a narrow band of low open-forest or low closed-forest along the creek. Occasional emergent *Eucalyptus* or *Angophora* trees may be present above the *Melaleuca* canopy.

This community is generally characterised by the occurrence of *Melaleuca linariifolia* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

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<i>Acacia longifolia</i>	<i>Acacia rubida</i>	<i>Adiantum aethiopicum</i>
<i>Blechnum nudum</i>	<i>Blechnum wattsii</i>	<i>Callicoma serratifolia</i>
<i>Callistemon citrinus</i>	<i>Calochlaena dubia</i>	<i>Cyathea australis</i>
<i>Cyperus polystachyos</i>	<i>Eleocharis sphacelata</i>	<i>Entolasia marginata</i>
<i>Entolasia stricta</i>	<i>Gahnia clarkei</i>	<i>Gleichenia dicarpa</i>
<i>Hydrocotyle peduncularis</i>	<i>Hypolepis muelleri</i>	<i>Imperata cylindrica</i>
<i>Isolepis inundata</i>	<i>Juncus continuus</i>	<i>Juncus planifolius</i>
<i>Juncus usitatus</i>	<i>Kennedia rubicunda</i>	<i>Leptospermum polygalifolium</i>
<i>Melaleuca linariifolia</i>	<i>Microlaena stipoides</i>	<i>Pittosporum undulatum</i>
<i>Pteridium esculentum</i>	<i>Schoenus melanostachys</i>	<i>Typha orientalis</i>

**4 Woodlands****(4A) *Eucalyptus mannifera* subsp. *gullickii* Alluvial Woodlands**

These woodlands are found on alluvial soils along certain creeks in the upper Blue Mountains, in which *Eucalyptus mannifera* subsp. *gullickii* (Brittle Gum) is the dominant tree species or co-dominant with *E. radiata* subsp. *radiata* (Narrow-leaved Peppermint). The association of the community with creekside alluvium is a critical feature in its definition, since *E. mannifera* subsp. *gullickii* and *E. radiata* subsp. *radiata* may also be common species in other communities in the upper Blue Mountains. The vegetation structure is woodland or open-forest. *E. mannifera* subsp. *gullickii* occurs in some sites as a sparse tree layer (an open-woodland) over swamp vegetation, but such stands are better classified within the Blue Mountains swamp communities rather than as *E. mannifera* subsp. *gullickii* Alluvial Woodland.

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Two forms of *Eucalyptus mannifera* subsp. *gullickii* Alluvial Woodland may be distinguished. At higher altitudes (Mount Victoria-Blackheath), *E. mannifera* subsp. *gullickii* is the main tree species and the community is termed *E. mannifera* subsp. *gullickii* woodland. At slightly lower altitudes (Katoomba-Leura), *E. mannifera* subsp. *gullickii* and *E. radiata* subsp. *radiata* are co-dominant and the community is termed *E. mannifera* subsp. *gullickii*-*E. radiata* subsp. *radiata* Woodland.

This community is generally characterised by the occurrence of *Eucalyptus mannifera* subsp. *gullickii* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acacia dealbata</i>	<i>Acacia melanoxydon</i>	<i>Acacia terminalis</i>
<i>Baeckea linifolia</i>	<i>Banksia cunninghamii</i>	<i>Banksia spinulosa</i>
<i>Blechnum nudum</i>	<i>Boronia microphylla</i>	<i>Caustis flexuosa</i>
<i>Chionochloa pallida</i>	<i>Dampiera stricta</i>	<i>Deyeuxia parviseta</i>
<i>Dillwynia retorta</i>	<i>Empodisma minus</i>	<i>Entolasia stricta</i>
<i>Epacris</i> spp.	<i>Eucalyptus blaxlandii</i>	<i>Eucalyptus mannifera</i> subsp. <i>gullickii</i>
<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	<i>Gahnia sieberiana</i>	<i>Gleichenia dicarpa</i>
<i>Gonocarpus teucroides</i>	<i>Grevillea acanthifolia</i>	<i>Hakea dactyloides</i>
<i>Helichrysum scorpioides</i>	<i>Hibbertia serpyllifolia</i>	<i>Lepidosperma laterale</i>
<i>Leptospermum continentale</i>	<i>Leptospermum grandifolium</i>	<i>Leptospermum juniperinum</i>

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*Leptospermum  
polygalifolium**Leptospermum  
trinervium**Lepyrodia scariosa**Leucopogon  
lanceolatus**Lomandra filiformis**Lomandra longifolia**Microlaena  
stipoides**Mirbelia  
platylobioides**Olearia erubescens**Persoonia  
myrtilloides**Pimelea linifolia**Poa sieberiana**Polyscias  
sambucifolia**Pteridium  
esculentum**Stipa pubescens**Stipa rudis**Styphelia tubiflora**Tetrarrhena turfosa***(4B) Eucalyptus sclerophylla Bench Woodland**

*Eucalyptus sclerophylla* Bench Woodlands occur on dry sandy alluvial benches along certain creek systems in the lower Blue Mountains. This community may also occur on higher benches on a mix of alluvial and colluvial soils. *E. sclerophylla* (Hard-leaved Scribbly Gum) is the dominant tree species sometimes co-dominant with *Angophora bakeri* (Narrow-leaved Apple). The typical vegetation structure is woodland, although this may vary depending on site conditions and history. The association between this community and alluvial or colluvial soils is a critical feature in its definition, since *E. sclerophylla* is also the dominant tree species in another, more common vegetation community, with a different understorey, that occurs on northern and western aspects on sandstone geology in the middle and upper Blue Mountains. The *E. sclerophylla* trees in the latter community tend to be smaller than those in the *E. sclerophylla* Bench Woodland.

This community is generally characterised by the occurrence of *Eucalyptus sclerophylla* along with the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

*Acacia brownii**Acacia rubida**Acacia ulicifolia*

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<i>Angophora bakeri</i>	<i>Aristida benthami</i>	<i>Aristida vagans</i>
<i>Baeckea virgata</i>	<i>Banksia oblongifolia</i>	<i>Banksia serrata</i>
<i>Banksia spinulosa</i>	<i>Bossiaea heterophylla</i>	<i>Bossiaea obcordata</i>
<i>Bossiaea rhombifolia</i>	<i>Cassytha glabella</i>	<i>Cassytha pubescens</i>
<i>Caustis flexuosa</i>	<i>Conospermum longifolium</i>	<i>Corymbia eximia</i>
<i>Corymbia gummifera</i>	<i>Cyathochaeta diandra</i>	<i>Dampiera stricta</i>
<i>Daviesia corymbose</i>	<i>Dillwynia floribunda</i>	<i>Entolasia stricta</i>
<i>Epacris pulchella</i>	<i>Eriostemon hispidulus</i>	<i>Eucalyptus notabilis</i>
<i>Eucalyptus piperita</i>	<i>Eucalyptus sclerophylla</i>	<i>Eucalyptus sparsifolia</i>
<i>Grevillea buxifolia</i>	<i>Grevillea mucronulata</i>	<i>Hakea dactyloides</i>
<i>Hakea sericea</i>	<i>Hovea linearis</i>	<i>Imperata cylindrica</i>
<i>Isopogon anemonifolius</i>	<i>Lambertia formosa</i>	<i>Lepidosperma laterale</i>
<i>Leptospermum arachnoides</i>	<i>Leptospermum parvifolium</i>	<i>Leptospermum polygalifolium</i>
<i>Leptospermum trinervium</i>	<i>Lepyrodia scariosa</i>	<i>Lomandra brevis</i>
<i>Lomandra filiformis</i>	<i>Lomandra glauca</i>	<i>Lomandra longifolia</i>
<i>Lomandra obliqua</i>	<i>Melaleuca linariifolia</i>	<i>Melaleuca thymifolia</i>
<i>Mirbelia rubiifolia</i>	<i>Monotoca scoparia</i>	<i>Panicum simile</i>
<i>Persoonia hirsuta</i>	<i>Persoonia laurina</i>	<i>Persoonia oblongata</i>

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<i>Petrophile pulchella</i>	<i>Phyllota phyllicoides</i>	<i>Pimelea linifolia</i>
<i>Platysace linearifolia</i>	<i>Pteridium esculentum</i>	<i>Ptilothrix deusta</i>
<i>Schoenus villosus</i>	<i>Stipa pubescens</i>	<i>Stylidium graminifolium</i>
<i>Themeda australis</i>	<i>Xanthorrhoea media</i>	

**(4C) Kowmung Wilderness Complex**

This Complex includes open-forest, open-forest/woodland and woodland communities. It has been included in the Woodland section because most of the vegetation is of a woodland structure.

Most of this Complex occurs in Kanangra-Boyd National Park with some areas in Blue Mountains National Park. A relatively small area occurs outside these reserves in the far south of the Megalong Valley. Small areas of dry rainforest and riparian complex are present within the Kowmung Wilderness Complex.

Indicative canopy species include *Eucalyptus crebra* (Narrow-leafed Ironbark), *E. tereticornis* (Forest Red Gum), *E. punctata* (Grey Gum), *E. viminalis* (Ribbon Gum), *E. melliodora* (Yellow Box), *E. eugenioides* (Thin-leafed Stringybark) and *Angophora floribunda* (Sydney Red Gum). The understorey can be very open and grassy/herbaceous or can sometimes have a relatively well developed shrub layer in which *Bursaria* species can be prevalent. Small twiners and *Cheilanthes* species (Poison Rock Ferns) can be characteristic of the ground stratum as can numerous *Senecio* species and other daisies.

This community is generally characterised by the occurrence of the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition.

<i>Acacia clunies-rossiae</i>	<i>Acacia falciformis</i>	<i>Acacia implexa</i>
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<i>Acacia parramattensis</i>	<i>Adiantum aethiopicum</i>	<i>Agrostis avenaceus</i>
<i>Angophora floribunda</i>	<i>Brachychiton populneus</i>	<i>Brachycome multifida</i>
<i>Breynia oblongifolia</i>	<i>Bursaria spinosa</i>	<i>Calotis hispidula</i>
<i>Carex appressa</i>	<i>Carex gaudichaudiana</i>	<i>Cayratia clematidea</i>
<i>Cheilanthes distans</i>	<i>Cheilanthes sieberi</i>	<i>Choretrum candollei</i>
<i>Clematis aristata</i>	<i>Clerodendrum tomentosum</i>	<i>Commelina cyanea</i>
<i>Crassula sieberiana</i>	<i>Desmodium brachypodium</i>	<i>Desmodium varians</i>
<i>Dianella laevis</i>	<i>Dianella revoluta</i>	<i>Dichelachne</i> sp.
<i>Dichondra repens</i>	<i>Echinopogon ovatus</i>	<i>Einadia</i> sp.
<i>Entolasia stricta</i>	<i>Eucalyptus crebra</i>	<i>Eucalyptus eugenioides</i>
<i>Eucalyptus fibrosa</i>	<i>Eucalyptus punctata</i>	<i>Eucalyptus tereticornis</i>
<i>Gahnia aspera</i>	<i>Gastrodia sesamoides</i>	<i>Geitonoplesium cymosum</i>
<i>Geranium homeanum</i>	<i>Glycine clandestina</i>	<i>Glycine tabacina</i>
<i>Gnaphalium involucreatum</i>	<i>Gonocarpus teucroides</i>	<i>Goodenia hederacea</i>
<i>Hardenbergia violacea</i>	<i>Helichrysum adnatum</i>	<i>Hypericum gramineum</i>
<i>Leucopogon lanceolata</i>	<i>Lissanthe sapida</i>	<i>Lissanthe strigosa</i>
<i>Lomandra glauca</i>	<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i>

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<i>Luzula flaccida</i>	<i>Microlaena stipoides</i>	<i>Notelaea longifolia</i>
<i>Notodanthonia</i> sp.	<i>Olearia viscidula</i>	<i>Opercularia hispida</i>
<i>Oplismenus imbecillis</i>	<i>Oxalis perennans</i>	<i>Pellaea falcata</i>
<i>Persoonia linearis</i>	<i>Plantago debilis</i>	<i>Plectranthus parvifolius</i>
<i>Poa sieberiana</i>	<i>Podolobium ilicifolium</i>	<i>Pomax umbellata</i>
<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>	<i>Rubus parvifolius</i>
<i>Schoenus apogon</i>	<i>Senecio diaschides</i>	<i>Senecio lautus</i>
<i>Senecio quadridentatus</i>	<i>Sigesbeckia orientalis</i>	<i>Solanum cinereum</i>
<i>Stackhousia viminea</i>	<i>Stellaria flaccida</i>	<i>Stephania japonica</i>
<i>Stypandra glauca</i>	<i>Themeda australis</i>	<i>Trema aspera</i>
<i>Urtica incisa</i>	<i>Veronica plebeia</i>	<i>Viola betonicifolia</i>
<i>Wahlenbergia gracilis</i>	<i>Wahlenbergia stricta</i>	

**(4D) Redgum Swamp Woodland (*Eucalyptus tereticornis*)**

This community is dominated by *Eucalyptus tereticornis* (Forest Redgum) and is known only from a small example between Megalong Creek and Nellies Glen Road in the central eastern Megalong Valley. This site is associated with a swamp ephemeral drainage line that generally defines the ecotone between the vegetation on the lower Shoalhaven Group of sediments and that on the Carboniferous Granite, which dominates the Megalong Valley. Adjoining communities include an example of Coxs River Swamp, the so-called Megalong Forest of Keith and Benson (1988) and the Megalong Granite Forest and woodland. The understorey has been modified by grazing and was probably cleared in the past to facilitate this use.

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The understorey has been modified by grazing and was probably cleared in the past to facilitate this use. *Leptospermum* species are dominant along the drainage line and in the more swampy sections which lack open water. Drier areas are dominated by grasses with little or no shrub layer and a relatively sparse tree canopy. This community is threatened by small size, grazing, weed invasion, rabbits and recreational vehicle use.

Redgum swamp woodland is broadly characterised by the following assemblage of diagnostic plant species. Other species may also occur, and not all of the following species are present in every stand of the community.

<i>Acacia floribunda</i>	<i>Agrostis avenaceus</i>	<i>Callistemon</i> sp. nov. Megalong Valley
<i>Carex inversa</i>	<i>Centella asiatica</i>	<i>Dichelachne</i> sp.
<i>Dichondra repens</i>	<i>Eucalyptus tereticornis</i>	<i>Grevillea acanthifolia</i>
<i>Hydrocotyle laxiflora</i>	<i>Hypericum gramineum</i>	<i>Juncus</i> sp.
<i>Juncus usitatus</i>	<i>Leptospermum juniperinum</i>	<i>Leptospermum obovatum</i>
<i>Leptospermum polygalifolium</i>	<i>Lomandra longifolia</i>	<i>Melaleuca linariifolia</i>
<i>Microlaena stipoides</i>	<i>Notodanthonia</i> sp.	<i>Pratia purpurascens</i>
<i>Schoenus apogon</i>	<i>Stackhousia viminea</i>	

## 5 Heath/scrub/sedgeland/fernland

### (5A) Blue Mountains Heath and Scrub

Blue Mountains Heath and Scrub consists of a well-developed shrub layer, with no tree layer or only a sparse layer of scattered low trees, sometimes with a mallee habit (low, multi-stemmed shrub eucalypts). It occurs primarily in exposed sites with very shallow soils on Narrabeen Group and Hawkesbury Sandstone geology. Typical situations are cliff

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tops and high, rocky ridges, especially on the westerly aspect and with skeletal soils. The vegetation structure is typically an open-heath, less often a closed-heath, and may be interspersed with patches of open-scrub or closed-scrub formed by stands of mallees or *Leptospermum* species. It is also typically interspersed with areas of bare rock. It can occur on the fringes of or within so-called hanging swamps and in such situations it can also intergrade with vegetation of the Riparian Complex. There is also considerable intergradation between forms of woodland to open-woodland with a *Eucalyptus sclerophylla* canopy with Blue Mountains Heath and Scrub forming the understorey in such communities.

Blue Mountains Heath and Scrub has a mixed and variable species composition. Common shrub species include *Allocasuarina distyla*, *A. nana*, *Banksia ericifolia*, *Epacris microphylla*, *Eucalyptus stricta*, *Hakea laevipes*, *H. teretifolia*, *Kunzea capitata*, *Leptospermum trinervium* and *Petrophile pulchella*. Common herb and sedge species include *Actinotus minor*, *Platysace linifolia*, *Lepidosperma filiforme*, *L. viscidum*, *Lepyrodia scariosa*, *Ptilothrix deusta* and *Schoenus villosus*.

Two forms of Blue Mountains heath have been distinguished (Keith and Benson 1988, Smith and Smith 1995 a–e): montane heath above about 850–900 metres elevation and lower Blue Mountains heath below this level. The two forms intergrade between Wentworth Falls and Katoomba. Montane heath is characterised by the presence of high altitude species such as *Allocasuarina nana*, *Darwinia taxifolia* and *Phyllota squarrosa*, while lower Blue Mountains heath is characterised by the presence of low altitude species such as *Allocasuarina distyla*, *Darwinia fascicularis* and *Phyllota phyllicoides*. However, most of the more common heath plants occur across the full altitudinal range.

It is also possible to distinguish two forms of lower Blue Mountains heath: a Hawkesbury Sandstone form at lower altitudes (chiefly in the Faulconbridge to Woodford area), and a Narrabeen Sandstone form at intermediate altitudes (Hazelbrook to Wentworth Falls). The Hawkesbury Sandstone

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form is characterised by species such as *Acacia oxycedrus*, *Baeckea brevifolia* and *Eucalyptus burgessiana* that are absent from heath on Narrabeen Sandstone.

In the prolonged absence of fires, the heath shrubs grow taller and thicker, transforming the vegetation from an open-heath to a closed-scrub, especially in relatively moist and sheltered sites. These communities may be floristically similar to the closed-heaths described above but are structurally unique. Shrubs including *Banksia ericifolia*, *B. serrata*, *B. spinulosa*, *Hakea laevipes*, *H. teretifolia* and a range of *Leptospermum* species may all attain heights of up to 8 metres over a generally grassy, herbaceous understorey. In locally moist areas, the fern *Gleichenia dicarpa* may become common in the ground stratum.

In the Megalong Valley, forms of heath occur which are floristically and geologically distinct from those others within the scope of the Blue Mountains Heath description. The majority of Megalong Valley Heath is associated with the Shoalhaven Group of sediments with a rare exception associated with the Carboniferous Granite. Dominant species of the heath include *Leptospermum trinervium*, *L. polygalifolium*, *L. juniperinum*, *Isopogon anemonifolius*, *Hakea salicifolia*, *H. sericea* and *Banksia spinulosa* while the locally uncommon shrub *Mirbelia pungens* may also be present.

Only one example is known of heath occurring on granite within the Megalong Valley, however other examples are likely to occur outside the City, west of the Coxs River. This example is dominated by a relatively low-growing shrubby *Acacia* which has not been able to be identified but is apparently related to *Acacia floribunda*.

Considered as a whole, Blue Mountains Heath and Scrub is characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of heath, but the list is indicative of the species composition of the vegetation.

*Acacia baueri*

*Acacia floribunda*

*Acacia oxycedrus*

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<i>Acacia suaveolens</i>	<i>Actinotus helianthi</i>	<i>Actinotus minor</i>
<i>Allocasuarina distyla</i>	<i>Allocasuarina nana</i>	<i>Angophora floribunda</i>
<i>Anisopogon avenaceus</i>	<i>Austrostipa pubescens</i>	<i>Baeckea brevifolia</i>
<i>Baeckea densifolia</i>	<i>Baeckea ramosissima</i>	<i>Banksia ericifolia</i>
<i>Banksia serrata</i>	<i>Banksia spinulosa</i>	<i>Bossiaea heterophylla</i>
<i>Bulbine semibarbata</i>	<i>Bursaria spinosa</i>	<i>Callistemon citrinus</i>
<i>Calytrix tetragona</i>	<i>Cassytha glabella</i>	<i>Caustis flexuosa</i>
<i>Cheilanthes sieberi</i>	<i>Chionochloa pallida</i>	<i>Correa reflexa</i>
<i>Corymbia gummifera</i>	<i>Cyathochaeta diandra</i>	<i>Dampiera purpurea</i>
<i>Dampiera stricta</i>	<i>Danthonia tenuior</i>	<i>Darwinia fascicularis</i>
<i>Daviesia corymbosa</i>	<i>Dianella caerulea</i>	<i>Dichelachne rara</i>
<i>Dillwynia floribunda</i>	<i>Dillwynia retorta</i>	<i>Diuris sulphurea</i>
<i>Dodonaea boroniifolia</i>	<i>Entolasia stricta</i>	<i>Epacris microphylla</i>
<i>Epacris obtusifolia</i>	<i>Epacris pulchella</i>	<i>Eriostemon obovalis</i>
<i>Eucalyptus apiculata</i>	<i>Eucalyptus burgessiana</i>	<i>Eucalyptus dalrympleana</i>
<i>Eucalyptus gregsoniana</i>	<i>Eucalyptus ligustrina</i>	<i>Eucalyptus mannifera</i> subsp. <i>gullickii</i>
<i>Eucalyptus moorei</i>	<i>Eucalyptus multicaulis</i>	<i>Eucalyptus rubida</i>

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<i>Eucalyptus sparsifolia</i>	<i>Eucalyptus stricta</i>	<i>Gahnia aspera</i>
<i>Galium propinquum</i>	<i>Gleichenia dicarpa</i>	<i>Gonocarpus teucroides</i>
<i>Goodenia bellidifolia</i>	<i>Goodenia hederacea</i>	<i>Grevillea arenaria</i>
<i>Hakea dactyloides</i>	<i>Hakea laevipes</i>	<i>Hakea propinqua</i>
<i>Hakea salicifolia</i>	<i>Hakea sericea</i>	<i>Hakea teretifolia</i>
<i>Helichrysum scorpioides</i>	<i>Hemigenia purpurea</i>	<i>Hypericum gramineum</i>
<i>Isopogon anemonifolius</i>	<i>Kunzea capitata</i>	<i>Lambertia formosa</i>
<i>Leionema lachnaeoides</i>	<i>Lepidosperma filiforme</i>	<i>Lepidosperma urophorum</i>
<i>Lepidosperma viscidum</i>	<i>Leptocarpus tenax</i>	<i>Leptospermum arachnoides</i>
<i>Leptospermum continentale</i>	<i>Leptospermum juniperinum</i>	<i>Leptospermum parvifolium</i>
<i>Leptospermum petraeum</i>	<i>Leptospermum polygalifolium</i>	<i>Leptospermum trinervium</i>
<i>Lepyrodia scariosa</i>	<i>Leucopogon esquamatus</i>	<i>Leucopogon microphyllus</i>
<i>Lindsaea linearis</i>	<i>Lomandra glauca</i>	<i>Lomandra longifolia</i>
<i>Lomandra multiflora</i>	<i>Micromyrtus ciliata</i>	<i>Mirbelia baueri</i>
<i>Mirbelia pungens</i>	<i>Mirbelia rubiifolia</i>	<i>Mitrasacme polymorpha</i>
<i>Monotoca ledifolia</i>	<i>Monotoca scoparia</i>	<i>Patersonia sericea</i>
<i>Petrophile pulchella</i>	<i>Phyllota phyllicoides</i>	<i>Phyllota squarrosa</i>

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<i>Platysace lanceolata</i>	<i>Platysace linearifolia</i>	<i>Pseudanthus divaricatissimus</i>
<i>Ptilothrix deusta</i>	<i>Pultenaea elliptica</i>	<i>Restio fastigiatus</i>
<i>Schoenus apogon</i>	<i>Schoenus ericetorum</i>	<i>Schoenus imberbis</i>
<i>Schoenus villosus</i>	<i>Stipa pubescens</i>	<i>Stylidium lineare</i>
<i>Thelionema caespitosum</i>	<i>Themeda australis</i>	<i>Tricoryne elatior</i>
<i>Velleia perfoliata</i>	<i>Woollsia pungens</i>	

**(5B) Blue Mountains Swamps**

A range of swamps occurs within the City. Swamp vegetation develops on poorly drained sites where the soil is waterlogged for prolonged periods. Several variants are recognised and are described below.

In the City, swamps occur, not only in low-lying sites on valley floors ('valley swamps'), but also in the headwaters of creeks and on steep hillsides ('hanging swamps'). Some swamps represent a combination of valley swamp and hanging swamp. The upper boundary of the swamp is often clearly defined by the outcropping of a layer of claystone. Groundwater seeps along the top of the impermeable claystone layer, reaching the surface where the claystone protrudes, thus forming a swamp on the hillside below. Other swamps receive their water supply from feeder streams rather than groundwater, or from a combination of the two.

Blue Mountains Swamps vary greatly in their structure and plant species composition, ranging from closed-sedgeland or closed-fernland to open-heath or closed-heath, sometimes open-scrub or closed-scrub. The shrub-dominated swamps are similar in vegetation structure to some of the forms of Blue Mountains Heath and Scrub, but they differ in species composition and ecological function, and are more appropriately classified with the sedge and fern-dominated

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swamps. However, in many instances the botanical boundary between Blue Mountains Swamp and Blue Mountains Heath and Scrub communities is unclear or can only be defined at a small scale as the two vegetation types can intergrade extensively.

Common shrubs in the Blue Mountains Swamps that occur on the sandstone plateaux include *Acacia ptychoclada*, *Baeckea linifolia*, *Banksia ericifolia*, *Callistemon citrinus*, *Epacris obtusifolia*, *Grevillea acanthifolia*, *Hakea teretifolia*, *Leptospermum grandifolium*, *L. juniperinum* and *L. polygalifolium*. Common sedges include *Empodisma minus*, *Gymnoschoenus sphaerocephalus*, *Lepidosperma limicola* and *Xyris ustulata*. The main fern species is *Gleichenia dicarpa*. The swamps of the plateaux include communities described by Keith and Benson (1988) and Benson and Keith (1990) as Blue Mountains Sedge Swamps and Newnes Plateau Shrub Swamps.

The Kurrajong Fault Swamps are valley swamps that occur in the lower Blue Mountains on sandy alluvial deposits associated with the Kurrajong Fault. Common shrubs are *Acacia rubida*, *Callicoma serratifolia*, *Callistemon citrinus*, *Leptospermum juniperinum* and *Melaleuca linariifolia*. Common species in the understorey are *Baumea rubiginosa*, *Gahnia clarkei*, *Gleichenia dicarpa* and *Schoenus melanostachys*.

The Coxs River Swamps are another variant encompassed by this community. These swamps occur on the clayey organic sediments derived from the Illawarra Coal Measures where creeks drain at the base of the escarpment. They support a simple flora dominated by *Leptospermum obovatum*, *L. juniperinum* and *Grevillea acanthifolia* with a dense ground cover of *Carex* and *Juncus* species.

The Megalong Swamps occur under much the same circumstances as the Coxs River Swamps but differ considerably in both structure and floristics. The Coxs River Swamps tend to occur as scrub, open-scrub and low open-scrub to wet heath with a prominent sedge layer, while the Megalong Swamps are closed to tall closed-scrub dominated by *Leptospermum juniperinum* and *L. polygalifolium* with an undescribed shrub *Melaleuca* sp. Megalong Valley, *C. citrinus*

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and infrequent emergents of *Eucalyptus camphora* and *Melaleuca linariifolia*.

Blue Mountains Swamps are characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every swamp, but the list is indicative of the species composition of the vegetation.

<i>Acacia ptychoclada</i>	<i>Acacia rubida</i>	<i>Actinotus minor</i>
<i>Almaleea incurvata</i>	<i>Baeckea linifolia</i>	<i>Banksia ericifolia</i>
<i>Banksia oblongifolia</i>	<i>Bauera rubioides</i>	<i>Baumea rubiginosa</i>
<i>Blandfordia cunninghamii</i>	<i>Blechnum cartilagineum</i>	<i>Blechnum nudum</i>
<i>Burnettia cuneata</i>	<i>Callicoma serratifolia</i>	<i>Callistemon citrinus</i>
<i>Carex</i> spp.	<i>Celmisia longifolia</i>	<i>Dampiera stricta</i>
<i>Dillwynia floribunda</i>	<i>Drosera binata</i>	<i>Drosera spatulata</i>
<i>Empodisma minus</i>	<i>Epacris microphylla</i>	<i>Epacris obtusifolia</i>
<i>Epacris paludosa</i>	<i>Eucalyptus camphora</i>	<i>Eucalyptus copulans</i>
<i>Eucalyptus mannifera</i> subsp. <i>gullickii</i>	<i>Eucalyptus moorei</i>	<i>Gahnia clarkei</i>
<i>Gahnia sieberiana</i>	<i>Gleichenia dicarpa</i>	<i>Gleichenia microphylla</i>
<i>Gonocarpus micranthus</i>	<i>Goodenia bellidifolia</i>	<i>Grevillea acanthifolia</i>
<i>Gymnoschoenus sphaerocephalus</i>	<i>Hakea dactyloides</i>	<i>Hakea teretifolia</i>
<i>Hibbertia cistiflora</i>	<i>Isopogon anemonifolius</i>	<i>Juncus</i> spp.

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<i>Kunzea capitata</i>	<i>Lepidosperma filiforme</i>	<i>Lepidosperma forsythii</i>
<i>Lepidosperma limicola</i>	<i>Leptocarpus tenax</i>	<i>Leptospermum continentale</i>
<i>Leptospermum grandifolium</i>	<i>Leptospermum juniperinum</i>	<i>Leptospermum obovatum</i>
<i>Leptospermum polygalifolium</i>	<i>Leptospermum squarrosus</i>	<i>Lepyrodia scariosa</i>
<i>Leucopogon esquamatus</i>	<i>Lindsaea linearis</i>	<i>Melaleuca linariifolia</i>
<i>Melaleuca</i> sp. <i>Megalong Valley</i>	<i>Mirbelia rubiifolia</i>	<i>Notochloe microdon</i>
<i>Olearia quercifolia</i>	<i>Patersonia sericea</i>	<i>Petrophile pulchella</i>
<i>Pimelea linifolia</i>	<i>Ptilothrix deusta</i>	<i>Pultenaea divaricata</i>
<i>Schoenus brevifolius</i>	<i>Schoenus melanostachys</i>	<i>Schoenus villosus</i>
<i>Selaginella uliginosa</i>	<i>Sprengelia incarnata</i>	<i>Symphionema montanum</i>
<i>Tetrarrhena juncea</i>	<i>Tetrarrhena turfosa</i>	<i>Xanthosia dissecta</i>
<i>Xyris juncea</i>	<i>Xyris ustulata</i>	

**(5C) Pagoda Rock Complex**

Within the City, this community occurs only in the far northwest near Bell. It occurs primarily outside the City on the Newnes Plateau where it is exemplified in Gardens of Stone National Park.

Benson and Keith (1990) list three structural divisions within this Complex: open-heath of *Allocasuarina nana*, *Leptospermum arachnoides*, *Lepidosperma viscidum*, *Platysace lanceolata* and *Banksia ericifolia*; open-mallee scrub of *Eucalyptus laophila* which is not known from the City of Blue Mountains; and woodland of *E. sieberi* (Silver-top Ash), *E. piperita* (Sydney Peppermint) and *E. oblonga* (Sandstone Stringybark). This mosaic of communities

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intergrades with the higher altitude variant of Blue Mountains Heath.

The following species typically occur within this complex. Other species may also occur, and not all of the following species are present in every stand of the community.

<i>Acacia dorothea</i>	<i>Acacia terminalis</i>	<i>Allocasuarina distyla</i>
<i>Allocasuarina nana</i>	<i>Banksia ericifolia</i>	<i>Boronia microphylla</i>
<i>Daviesia latifolia</i>	<i>Dillwynia retorta</i>	<i>Eucalyptus piperita</i>
<i>Eucalyptus sclerophylla</i>	<i>Eucalyptus sieberi</i>	<i>Eucalyptus sparsifolia</i>
<i>Hakea dactyloides</i>	<i>Lepidosperma viscidum</i>	<i>Leptospermum arachnoides</i>
<i>Platysace lanceolata</i>		

**(5D) Lagoon Vegetation (Glenbrook Lagoon)**

Lagoon Vegetation (Glenbrook Lagoon) is the wetland vegetation associated with Glenbrook Lagoon. This waterbody is the only naturally occurring upland lagoon in the City, although wetland vegetation has also developed around artificially created water bodies such as Wentworth Falls Lake and Woodford Lake. Glenbrook Lagoon consists of an area of open water with submerged aquatic vegetation, surrounded by extensive reedbeds dominated by the large sedges *Lepironia articulata* and *Eleocharis sphacelata*. Fringing the reedbeds is a narrow band of low paperbark trees *Melaleuca linariifolia*.

Native wetland plants recorded at Glenbrook Lagoon include the following species. Other species are also likely to be present.

<i>Acacia rubida</i>	<i>Agrostis avenacea</i>	<i>Baumea articulata</i>
<i>Callistemon citrinus</i>	<i>Callistemon linearis</i>	<i>Centella asiatica</i>
<i>Cynodon dactylon</i>	<i>Eleocharis sphacelata</i>	<i>Epilobium billardierianum</i>

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<i>Gratiola pedunculata</i>	<i>Gratiola peruviana</i>	<i>Hydrocotyle peduncularis</i>
<i>Isachne globosa</i>	<i>Juncus holoschoenus</i>	<i>Juncus usitatus</i>
<i>Lepidosperma longitudinale</i>	<i>Lepironia articulata</i>	<i>Leptospermum polygalifolium</i>
<i>Ludwigia peploides</i>	<i>Melaleuca linariifolia</i>	<i>Melaleuca thymifolia</i>
<i>Myriophyllum variifolium</i>	<i>Nymphoides geminata</i>	<i>Paspalum distichum</i>
<i>Persicaria decipiens</i>	<i>Persicaria strigosa</i>	<i>Philydrum lanuginosum</i>
<i>Phragmites australis</i>	<i>Rumex brownii</i>	<i>Schoenoplectus validus</i>
<i>Typha domingensis</i>	<i>Typha orientalis</i>	<i>Vallisneria gigantea</i>
<i>Viminaria juncea</i>		

**6 Blue Mountains Riparian complex**

Blue Mountains Riparian Complex refers to the narrow bands of vegetation found along perennial and non-perennial watercourses in the Blue Mountains. It applies to those sections of the creek where there are distinct differences between the creekside vegetation and the adjacent vegetation further from the creek. Riparian (creekline) vegetation can be diverse and variable in structure and composition. It typically consists of species that are restricted to the immediate creekside environment plus other species from the adjacent vegetation communities. Common shrubs and low trees characteristic of riparian vegetation in the Blue Mountains include *Acacia rubida*, *Baeckea linifolia*, *Bauera rubioides*, *Callicoma serratifolia*, *Callistemon citrinus*, *Leptospermum polygalifolium*, *Lomatia myricoides*, *Tristania nerifolia* and *Tristaniaopsis laurina*. Ferns tend to be a major component of the riparian vegetation, and include *Blechnum nudum*, *Calochlaena dubia*, *Gleichenia microphylla*, *Sticherus*

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*flabellatus* and *Todea barbara*. Common sedges and rushes include *Gahnia sieberiana*, *Juncus planifolius* and *Schoenus melanostachys*. Pockets of rainforest, swamp and moist cliffline (waterfall) vegetation are often present along the creeks and add to the floristic diversity of the riparian vegetation.

Blue Mountains Riparian Complex is characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present along every creek, but the list is indicative of the species composition of the vegetation. The list does not include *Eucalyptus* species. Although a variety of eucalypts may occur along the creeks, they generally reflect the composition of the adjacent vegetation community rather than the riparian vegetation itself.

<i>Acacia elata</i>	<i>Acacia linifolia</i>	<i>Acacia longifolia</i>
<i>Acacia obtusifolia</i>	<i>Adiantum aethiopicum</i>	<i>Austromyrtus tenuifolia</i>
<i>Backhousia myrtifolia</i>	<i>Baeckea linifolia</i>	<i>Bauera rubioides</i>
<i>Blechnum ambiguum</i>	<i>Blechnum cartilagineum</i>	<i>Blechnum nudum</i>
<i>Blechnum patersonii</i>	<i>Blechnum wattsii</i>	<i>Boronia fraseri</i>
<i>Bossiaea lenticularis</i>	<i>Callicoma serratifolia</i>	<i>Callistemon citrinus</i>
<i>Calochlaena dubia</i>	<i>Centella asiatica</i>	<i>Ceratopetalum apetalum</i>
<i>Cissus hypoglauca</i>	<i>Dodonaea multijuga</i>	<i>Drosera spathulata</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>	<i>Eriostemon myoporoides</i>
<i>Gahnia clarkei</i>	<i>Gahnia sieberiana</i>	<i>Gleichenia dicarpa</i>
<i>Gleichenia microphylla</i>	<i>Gonocarpus teucroides</i>	<i>Grevillea longifolia</i>

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<i>Grevillea sericea</i>	<i>Hibbertia saligna</i>	<i>Imperata cylindrica</i>
<i>Juncus planifolius</i>	<i>Leptospermum marginatum</i>	<i>Leptospermum polygalifolium</i>
<i>Lepyrodia scariosa</i>	<i>Lomandra fluviatilis</i>	<i>Morinda jasminoides</i>
<i>Notelaea longifolia</i>	<i>Persoonia mollis</i>	<i>Phebalium squamulosum</i>
<i>Pteridium esculentum</i>	<i>Schoenus melanostachys</i>	<i>Smilax glycyphylla</i>
<i>Sticherus flabellatus</i>	<i>Sticherus lobatus</i>	<i>Syncarpia glomulifera</i>
<i>Todea barbara</i>	<i>Triglochin procera</i>	<i>Tristania neriifolia</i>
<i>Tristaniopsis laurina</i>		

## 7 Blue Mountains Escarpment Complex

Blue Mountains Escarpment Complex refers to the distinctive vegetation communities associated with moist, sheltered rock faces, the escarpments and other extensive outcroppings of sandstones in the Blue Mountains. The habitat of this vegetation varies from rock crevices, ledges, caves and the talus at cliff bases through to isolated rock outcrops. The vegetation consists of a diverse mixture of moist cliffline vegetation, heath, swamp, rainforest, mallee and forest communities that can vary on a very small scale.

Species found in the moist sites include *Alania endlicheri*, *Baeckea linifolia*, *Blechnum ambiguum*, *B. wattsi*, *Callicoma serratifolia*, *Dracophyllum secundum*, *Drosera binata*, *Epacris reclinata*, *Gleichenia microphylla*, *G. rupestris*, *Leptospermum rupicola*, *Sprengelia monticola* and *Todea barbara*. Where a tree canopy is present, it can contain elements of various communities but *Eucalyptus oreades* (Blue Mountain Ash) is by far the most common. *E. piperita* (Sydney Peppermint), *E. sieberi* (Silvertop Ash) and a range of mallees, particularly the common *E. stricta* (Mallee Ash), can also be locally prevalent.

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Blue Mountains Escarpment Complex is characterised by the following assemblage of native plant species. Other species also occur, and not all of the following species are present in every stand of the community, but the list is indicative of the species composition of the vegetation.

<i>Acrophyllum australe</i>	<i>Adenochilus nortonii</i>	<i>Alania endlicheri</i>
<i>Baeckea linifolia</i>	<i>Bauera rubioides</i>	<i>Blechnum ambiguum</i>
<i>Blechnum gregsonii</i>	<i>Blechnum wattsi</i>	<i>Bossiaea lenticularis</i>
<i>Callicoma serratifolia</i>	<i>Dracophyllum secundum</i>	<i>Drosera binata</i>
<i>Empodisma minus</i>	<i>Entolasia marginata</i>	<i>Epacris coriacea</i>
<i>Epacris crassifolia</i>	<i>Epacris hamiltonii</i>	<i>Epacris muelleri</i>
<i>Epacris reclinata</i>	<i>Eucalyptus oreades</i>	<i>Eucalyptus piperita</i>
<i>Eucalyptus stricta</i>	<i>Euphrasia bowdeniae</i>	<i>Gahnia sieberiana</i>
<i>Gleichenia dicarpa</i>	<i>Gleichenia microphylla</i>	<i>Gleichenia rupestris</i>
<i>Goodenia decurrens</i>	<i>Goodenia rostrivalvis</i>	<i>Grammitis billardieri</i>
<i>Isopogon fletcheri</i>	<i>Lepidosperma evansianum</i>	<i>Leptopteris fraseri</i>
<i>Leptospermum polygalifolium</i>	<i>Leptospermum rupicola</i>	<i>Lepyrodia scariosa</i>
<i>Lindsaea microphylla</i>	<i>Lomandra montana</i>	<i>Lycopodium laterale</i>
<i>Melaleuca squamea</i>	<i>Microstrobos fitzgeraldii</i>	<i>Pterostylis pulchella</i>
<i>Rimicola elliptica</i>	<i>Rupicola apiculata</i>	<i>Rupicola sprengelioides</i>

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<i>Scaevola hookeri</i>	<i>Schoenus melanostachys</i>	<i>Smilax glyciophylla</i>
<i>Sprengelia monticola</i>	<i>Sticherus flabellatus</i>	<i>Sticherus lobatus</i>
<i>Sticherus tener</i>	<i>Stylidium productum</i>	<i>Todea barbara</i>

## 8 References

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New South Wales

## **Byron Local Environmental Plan 1988 (Amendment No 121)**

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*. (G97/00090/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Byron Local Environmental Plan 1988 (Amendment No 121)

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## **Byron Local Environmental Plan 1988 (Amendment No 121)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Byron Local Environmental Plan 1988 (Amendment No 121)*.

### **2    Aims of plan**

This plan aims:

- (a) to allow, with the consent of Byron Council, the subdivision of the land to which this plan applies into rural residential lots and common property, and
- (b) to allow, with the consent of the Council, the erection of dwellings on the rural residential lots and common buildings and facilities on the common property.

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

This plan applies to land within the local government area of Byron, being Lot 4, DP 608468, Old Bangalow Road, Byron Bay.

### **4    Amendment of Byron Local Environmental Plan 1988**

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

Byron Local Environmental Plan 1988 (Amendment No 121)

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 4)

### Schedule 8 Land referred to in clause 29

Insert after item 49 in the Schedule:

- 50      Lot 4, DP 608468, Old Bangalow Road, Byron Bay, for the purpose of a rural community title (town catchment) settlement that complies with the provisions of section 6.2 of the *Byron Rural Settlement Strategy 1998* adopted by the council, as in force at the commencement of *Byron Local Environmental Plan 1988 (Amendment No 121)*, but only if:
- (a)      the council is satisfied that:
    - (i)      the land is to be subdivided under the *Community Land Development Act 1989* to create a neighbourhood scheme under which a maximum of 13 neighbourhood lots and one lot that is neighbourhood property are created, and
    - (ii)      the neighbourhood lots are to be developed for rural residential purposes, and no more than one dwelling is to be erected on each of the neighbourhood lots, and
    - (iii)      the neighbourhood property is to be developed for the purpose of environmental repair and ancillary utilities or community facilities, and
    - (iv)      no part of the neighbourhood property is to be developed (including by further subdivision) for the purpose of holiday cabins or rural tourist facilities, and
    - (v)      development of the land is in accordance with a neighbourhood management statement that includes provision for environmental management and enhancement, and
  - (b)      an application for development consent pursuant to this item is made to the council within the period of 5 years immediately after the commencement of *Byron Local Environmental Plan 1988 (Amendment No 121)*.



New South Wales

## **Griffith Local Environmental Plan 2002 (Amendment No 4)**

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*. (QUE0000304/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Griffith Local Environmental Plan 2002 (Amendment No 4)

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## **Griffith Local Environmental Plan 2002 (Amendment No 4)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Griffith Local Environmental Plan 2002 (Amendment No 4)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone 6 (a) Open Space to Zone 3 (b) Highway Service Business under *Griffith Local Environmental Plan 2002*.

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

This plan applies to land in the City of Griffith, being part of Lot 2240, DP 821566, Parish of Jondaryan, County of Cooper, Griffith, as shown edged heavy black and lettered “3 (b)” on the map marked “Griffith Local Environmental Plan 2002 (Amendment No 4)” deposited in the office of Griffith City Council.

### **4 Amendment of Griffith Local Environmental Plan 2002**

*Griffith Local Environmental Plan 2002* is amended by inserting in appropriate order in Part 2 of Schedule 1 the following words:

Griffith Local Environmental Plan 2002 (Amendment No 4)



New South Wales

## Ku-ring-gai Local Environmental Plan No 208

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*. (9040747/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Ku-ring-gai Local Environmental Plan No 208

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## **Ku-ring-gai Local Environmental Plan No 208**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Ku-ring-gai Local Environmental Plan No 208*.

### **2    Aims of plan**

This plan aims to rezone the land to which this plan applies to Zone No 2 (c) Residential “C” under the *Ku-ring-gai Planning Scheme Ordinance*.

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

This plan applies to land known as 3–5 Water Street, 33–41 Billyard Avenue, 39 Chilton Parade and 34 Billyard Avenue, Wahroonga, as shown coloured light scarlet with dark red edging and lettered “2 (c)” on the map marked “Ku-ring-gai Local Environmental Plan No 208” deposited in the office of Ku-ring-gai Council.

### **4    Amendment of Ku-ring-gai Planning Scheme Ordinance**

The *Ku-ring-gai Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of ***Scheme map*** in clause 4 (1) the following words:

Ku-ring-gai Local Environmental Plan No 208



New South Wales

## **Maitland Local Environmental Plan 1993 (Amendment No 90)**

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*. (NEW0000205/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Maitland Local Environmental Plan 1993 (Amendment No 90)

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## **Maitland Local Environmental Plan 1993 (Amendment No 90)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 90)*.

### **2    Aims of plan**

This plan aims to amend *Maitland Local Environmental Plan 1993* to rezone the land to which this plan applies from Zone 1 (a) Prime Rural Land to Zone 2 (a) Residential.

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

This plan applies to Lot 1, DP 18562 and Lot B, DP 100440, Belmore Road, Lorn, as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No 90)” deposited in the office of Maitland City Council.

### **4    Amendment of Maitland Local Environmental Plan 1993**

*Maitland Local Environmental Plan 1993* is amended by inserting in appropriate order in the definition of “***The map***” in clause 5 (1) the following words:

Maitland Local Environmental Plan 1993 (Amendment No 90)



New South Wales

## **Liverpool Local Environmental Plan 1997 (Amendment No 100)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (SRW0000429/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1          Liverpool Local Environmental Plan 1997 (Amendment No 100)

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## **Liverpool Local Environmental Plan 1997 (Amendment No 100)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 100)*.

### **2 Aims of plan**

This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

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

This plan applies to Lot 8, DP 505943, Ash Road, Prestons, within the City of Liverpool.

### **4 Amendment of Liverpool Local Environmental Plan 1997**

*Liverpool Local Environmental Plan 1997* is amended by inserting after item 12 in Schedule 6 under the headings “**Item No**”, “**Address**” and “**Property Description**”, respectively, the following item:

- |    |  |                  |
|----|--|------------------|
| 13 | Ash Road between Kurrajong Road and<br>Camden Valley Way, Prestons | Lot 8, DP 505943 |
|----|--|------------------|



New South Wales

## **Parramatta Local Environmental Plan 2001 (Amendment No 12)**

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*. (SRW0000253/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1          Parramatta Local Environmental Plan 2001 (Amendment No 12)

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## **Parramatta Local Environmental Plan 2001 (Amendment No 12)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Parramatta Local Environmental Plan 2001 (Amendment No 12)*.

### **2    Aims of plan**

The aim of this plan is to amend *Parramatta Local Environmental Plan 2001* to clarify the standards that apply to exempt and complying development.

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

This plan applies to all land to which *Parramatta Local Environmental Plan 2001* applies.

### **4    Amendment of Parramatta Local Environmental Plan 2001**

*Parramatta Local Environmental Plan 2001* is amended as set out in Schedule 1.

Parramatta Local Environmental Plan 2001 (Amendment No 12)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 17 What is exempt development?**

Omit clause 17 (1). Insert instead:

- (1) Development of minimal environmental impact that is listed in section 6.3 of the *Parramatta Development Control Plan*, and that meets the standards for the development contained in that section, is exempt development.

**[2] Clause 17 (3)**

Insert at the end of clause 17 (2) (before the note):

- (3) Despite subclause (1), development is not exempt development if the development contravenes a condition of development consent applying to the land concerned.

**[3] Clause 18 What is complying development?**

Omit clause 18 (1). Insert instead:

- (1) Development that is listed in section 6.4 of the *Parramatta Development Control Plan*, and that meets the standards for the development contained in that section, is complying development, but only if it complies with the relevant provisions of the *Building Code of Australia*.

**[4] Clause 18 (2A)**

Insert after clause 18 (2):

- (2A) Despite subclause (1), development is not complying development if it is carried out on land on which an existing use is carried out.

**[5] Clause 18 (3)**

Omit “*Parramatta Development Control Plan 2001* adopted by the Council, as in force when the certificate is issued”.

Insert instead “*Parramatta Development Control Plan*”.

**[6] Dictionary**

Insert in alphabetical order:

***Parramatta Development Control Plan*** means *Parramatta Development Control Plan 2005*, as adopted by the Council on 31 October 2005.



New South Wales

## **Penrith Local Environmental Plan No 267**

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*. (SRW0000717)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Penrith Local Environmental Plan No 267

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## **Penrith Local Environmental Plan No 267**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Penrith Local Environmental Plan No 267*.

### **2 Aims of plan**

This plan aims to update references in several principal plans to development control plans that have now been incorporated into *Penrith Development Control Plan 2006*, which was recently adopted by Penrith City Council, and to effect minor law revision.

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

This plan applies to all land within the City of Penrith.

### **4 Amendment of Penrith Local Environmental Plan No 188**

*Penrith Local Environmental Plan No 188* is amended by omitting from clause 16 (1) (d) the words “the *Glenmore Park Eastern Hamlets Development Control Plan*” and by inserting instead the words “section 6.20 (Glenmore Park Eastern Hamlets) of Part 6 (Site and Area Specific Controls) of *Penrith Development Control Plan 2006* (as adopted by the council on 21 August 2006)”.

### **5 Amendment of Penrith Local Environmental Plan No 201 (Rural Lands)**

*Penrith Local Environmental Plan No 201 (Rural Lands)* is amended as set out in Schedule 1.

### **6 Amendment of Penrith Local Environmental Plan No 255—Exempt and Complying Development**

*Penrith Local Environmental Plan No 255—Exempt and Complying Development* is amended as set out in Schedule 2.

### **7 Amendment of Penrith Local Environmental Plan 1996 (Industrial Land)**

*Penrith Local Environmental Plan 1996 (Industrial Land)* is amended as set out in Schedule 3.

Penrith Local Environmental Plan No 267

Clause 8

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**8 Amendment of Penrith Local Environmental Plan 1998 (Lakes Environs)**

*Penrith Local Environmental Plan 1998 (Lakes Environs)* is amended by omitting paragraph (b) of the definition of **tree** from Schedule 1 and by inserting instead the following paragraph:

- (b) individual trees, gardens or native vegetation listed in Section 2.8 (Significant Trees and Gardens) of Part 2 (City Wide General Controls) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006.

**9 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)**

*Penrith Local Environmental Plan 1998 (Urban Land)* is amended as set out in Schedule 4.

**10 Amendment of Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)**

*Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)* is amended by omitting paragraph (b) of the definition of **tree** from Schedule 2 and by inserting instead the following paragraph:

- (b) individual trees, gardens or native vegetation listed in Section 2.8 (Significant Trees and Gardens) of Part 2 (City Wide General Controls) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006.

Penrith Local Environmental Plan No 267

Schedule 1      Amendment of Penrith Local Environmental Plan No 201 (Rural Lands)

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## **Schedule 1      Amendment of Penrith Local Environmental Plan No 201 (Rural Lands)**

(Clause 5)

**[1]      Clause 11 Subdivision within Zones Nos 1 (a), 1 (b), 1 (c), 5 (d) and 7**

Omit “the instrument entitled *Penrith City Rural Development Control Plan*, being a development control plan adopted by the Council on 6 August, 1991” from clause 11 (2) (c).

Insert instead “Section 4.9 (Rural Development) of Part 4 (Land Use Based Controls) of *Penrith Development Control Plan 2006*, as adopted by the council on 21 August 2006”.

**[2]      Clause 35 Development of certain land at Badgery’s Creek**

Omit “the *Luddenham Equestrian Estate Development Control Plan*” from clause 35 (5).

Insert instead “Section 6.1 (Luddenham Equestrian Estate (Twin Creeks)) of Part 6 (Site and Area Specific Controls) of *Penrith Development Control Plan 2006* (as adopted by the council on 21 August 2006)”.

Penrith Local Environmental Plan No 267

Amendment of Penrith Local Environmental Plan No 255—Exempt and  
Complying Development

Schedule 2

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## **Schedule 2      Amendment of Penrith Local Environmental Plan No 255—Exempt and Complying Development**

(Clause 6)

**[1]    Clause 7 What is exempt and complying development?**

Omit “*Penrith Development Control Plan—Exempt and Complying Development* as approved by the Council on 6 September 1999 and amended by the Development Control Plan approved by the Council on 1 March 2004” wherever occurring in clause 7 (1) and (2).

Insert instead “Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006,”.

**[2]    Clause 7 (3)**

Omit “*Penrith Development Control Plan—Exempt and Complying Development* as approved by the Council on 6 September 1999 and amended by the Development Control Plan approved by the Council on 1 March 2004”.

Insert instead “Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006”.

**[3]    Clause 7 (4)**

Omit “*Penrith Development Control Plan—Exempt and Complying Development*”.

Insert instead “Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006*”.

Penrith Local Environmental Plan No 267

Schedule 3      Amendment of Penrith Local Environmental Plan 1996 (Industrial Land)

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### **Schedule 3      Amendment of Penrith Local Environmental Plan 1996 (Industrial Land)**

(Clause 7)

**[1]      Clause 25 Development of land at Wolseley Street, Jamisontown**

Omit “*Penrith Landscape Development Control Plan (7 May 2002)*” from clause 25 (2) (b).

Insert instead “Section 2.6 (Landscape) of Part 2 (City Wide General Controls) of *Penrith Development Control Plan 2006* (as adopted by the council on 21 August 2006)”.

**[2]      Schedule 1 Definitions**

Omit paragraph (b) of the definition of *tree*. Insert instead:

- (b) individual trees, gardens or native vegetation listed in Section 2.8 (Significant Trees and Gardens) of Part 2 (City Wide General Controls) of *Penrith Development Control Plan 2006*, as adopted by the council on 21 August 2006.

Penrith Local Environmental Plan No 267

Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

Schedule 4

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

(Clause 9)

**[1]      Clause 35 Development of land at North Penrith**

Renumber paragraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of the definition of *Heritage Interpretation Strategy* in clause 35 (5) as paragraphs (a), (b), (c), (d), (e), (f) and (g), respectively.

**[2]      Clause 35 (5)**

Renumber paragraphs (i), (ii), (iii) and (iv) of the definition of *Heritage Management Plan* as paragraphs (a), (b), (c) and (d), respectively.

**[3]      Clause 35 (5)**

Omit “the *Development Control Plan—North Penrith Urban Investigation Area*” from paragraph (c) (as renumbered by item [2]) of the definition of *Heritage Management Plan*.

Insert instead “Section 6.28 (North Penrith) of Part 6 (Site and Area Specific Controls) of *Penrith Development Control Plan 2006*, as adopted by the council on 21 August 2006”.

**[4]      Clause 36 Thornton Hall and land in the vicinity**

Omit “the *Development Control Plan—North Penrith Urban Investigation Area*” from clause 36 (4) (d).

Insert instead “Section 6.28 (North Penrith) of Part 6 (Site and Area Specific Controls) of *Penrith Development Control Plan 2006*, as adopted by the council on 21 August 2006”.

**[5]      Schedule 2 Definitions**

Omit paragraph (b) of the definition of *tree*. Insert instead:

- (b) individual trees, gardens or native vegetation listed in Section 2.8 (Significant Trees and Gardens) of Part 2 (City Wide General Controls) of *Penrith Development Control Plan 2006*, as adopted by the council on 21 August 2006.



New South Wales

## **Pittwater Local Environmental Plan 1993 (Amendment No 85)**

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*. (9039439/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Pittwater Local Environmental Plan 1993 (Amendment No 85)

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## **Pittwater Local Environmental Plan 1993 (Amendment No 85)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 85)*.

### **2    Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies from partly Zone No 2 (a) (Residential “A”) and partly Zone No 6 (b) (Private Recreation “B”) to Zone No 2 (a) (Residential “A”) under *Pittwater Local Environmental Plan 1993 (the 1993 plan)*, and
- (b) to allow, with the consent of Pittwater Council, the erection of multi-unit housing on the land to which this plan applies and to show the land as within Area 3 on the Dual Occupancy Map for the purposes of the 1993 plan.

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

This plan applies to land within the local government area of Pittwater, being Lots 7–9, Section 1, DP 6392 and parts of Lots 1 and 2, DP 230607, known as 1825 and 1825A Pittwater Road, Mona Vale, as shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 85)” deposited in the office of Pittwater Council.

### **4    Amendment of Pittwater Local Environmental Plan 1993**

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

Pittwater Local Environmental Plan 1993 (Amendment No 85)

Amendments

Schedule 1

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## Schedule 1      Amendments

(Clause 4)

**[1]    Clause 5 Interpretation**

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

Pittwater Local Environmental Plan 1993 (Amendment No 85)—  
Sheet 2

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

Insert in appropriate order:

Pittwater Local Environmental Plan 1993 (Amendment No 85)—  
Sheet 3

**[3]    Clause 21M Definitions**

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

Pittwater Local Environmental Plan 1993 (Amendment No 85)—  
Sheet 4



New South Wales

## **Tweed Local Environmental Plan 2000 (Amendment No 58)**

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*. (G04/00141/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Tweed Local Environmental Plan 2000 (Amendment No 58)

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## **Tweed Local Environmental Plan 2000 (Amendment No 58)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 58)*.

### **2    Aims of plan**

This plan aims to amend *Tweed Local Environmental Plan 2000* to rezone the land to which this plan applies to Zone 2 (c) Urban Expansion so as to permit, with the consent of Tweed Shire Council, the erection of one dwelling house.

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

This plan applies to land in the local government area of Tweed, being so much of Lot 1, DP 828862, Castle Field Drive, Murwillumbah, as is shown coloured scarlet, edged heavy black and lettered “2 (c)” on the map marked “Tweed Local Environmental Plan 2000 (Amendment No 58)” deposited in the office of Tweed Shire Council.

### **4    Amendment of Tweed Local Environmental Plan 2000**

*Tweed Local Environmental Plan 2000* is amended inserting in appropriate order in Part 2 of Schedule 6 the following words:

Tweed Local Environmental Plan 2000 (Amendment No 58)



New South Wales

## **Tumbarumba Local Environmental Plan 1988 (Amendment No 9)**

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*. (Q02/00031/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Tumbarumba Local Environmental Plan 1988 (Amendment No 9)

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## **Tumbarumba Local Environmental Plan 1988 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Tumbarumba Local Environmental Plan 1988 (Amendment No 9)*.

### **2 Aims of plan**

This plan aims to amend *Tumbarumba Local Environmental Plan 1988*:

- (a) to rezone part of the land to which this plan applies, and
- (b) to correct zone boundary anomalies, and
- (c) to make minor drafting corrections.

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

This plan applies to land in the local government area of Tumbarumba under *Tumbarumba Local Environmental Plan 1988*, as shown edged heavy black on Sheets 1–6 of the map marked “Tumbarumba Local Environmental Plan 1988 (Amendment No 9)” kept in the office of Tumbarumba Shire Council.

### **4 Amendment of Tumbarumba Local Environmental Plan 1988**

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

Tumbarumba Local Environmental Plan 1988 (Amendment No 9)

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 4)

**[1] Clause 5 Interpretation**

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

Tumbarumba Local Environmental Plan 1988 (Amendment No 9)

**[2] Clause 35 Development on buffer land in the vicinity of Zone No 4 (c)**

Omit clause 35 (1). Insert instead:

- (1) This clause applies to land shown cross-hatched on Sheet 5 of the map marked “Tumbarumba Local Environmental Plan 1988 (Amendment No 9)”, being land within 750 metres of the boundaries of Lot A, DP 338630, Lots 532 and 702, DP 755892 and Lots 1–3, DP 1031033, Parish of Tumbarumba.

**[3] Clause 35 (3)**

Omit “Lots A and B, DP 338630 and Lots 532 and 702, DP 755892”.

Insert instead “Lot A, DP 338630, Lots 532 and 702, DP 755892 and Lots 1–3, DP 1031033”.



New South Wales

## **Wollongong Local Environmental Plan 1990 (Amendment No 239)**

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*. (WOL2000524/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Wollongong Local Environmental Plan 1990 (Amendment No 239)

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## **Wollongong Local Environmental Plan 1990 (Amendment No 239)**

under the

Environmental Planning and Assessment Act 1979

### **1    Name of plan**

This plan is *Wollongong Local Environmental Plan 1990 (Amendment No 239)*.

### **2    Aims of plan**

This plan aims:

- (a) to rezone part of the land to which this plan applies to Zone No 7 (c) (Environmental Protection Residential Zone) under *Wollongong Local Environmental Plan 1990 (the 1990 plan)* to facilitate the subdivision and residential development of that land, and
- (b) to rezone the remaining land to Zone No 7 (b) (Environmental Protection Conservation Zone) under the 1990 plan to facilitate the conservation of endangered ecological communities, a riparian corridor and steep slopes.

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

This plan applies to land situated in the City of Wollongong, being Lot 3, DP 227274, Cordeaux Road, Figtree, as shown edged heavy black and lettered “7 (b)” or “7 (c)” on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 239)” deposited in the office of the Council of the City of Wollongong.

### **4    Amendment of Wollongong Local Environmental Plan 1990**

*Wollongong Local Environmental Plan 1990* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Wollongong Local Environmental Plan 1990 (Amendment No 239)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Notice under State Environmental Planning Policy No. 7 – Port Kembla Coal Loader

I, the Minister for Planning, in pursuance of clause 8(3) of State Environmental Planning Policy No. 7 – Port Kembla Coal Loader notify that road-hauled coal may be received at the Port Kembla Coal Terminal from West Cliff and Appin Collieries 24 hours a day, seven days per week, excluding Public Holidays and 24 December for the period commencing immediately and ending at 6 PM on 11 March 2007 inclusive.

FRANK SARTOR, M.P.,  
Minister for Planning

Sydney, 9th December, 2006.

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## Department of Primary Industries

### FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2006 Number 2

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

Dated, this 11th day of December 2006.

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

#### Explanatory note

Southern bluefin tuna is listed as an endangered species under the Fisheries Management Act 1994 (the Act).

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

The object of this interim Order is to remake the Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2006 (which took effect on 30 June 2006 and ceases to have effect on 30 December 2006) to permit recreational fishers to take and possess southern bluefin tuna, for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[www.fisheries.nsw.gov.au/\\_\\_data/assets/pdf\\_file/10659/FR-26-SBT.pdf](http://www.fisheries.nsw.gov.au/__data/assets/pdf_file/10659/FR-26-SBT.pdf)

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

#### 1 Name of Order

This Order is the Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2006 Number 2.

#### 2 Commencement and repeal

This Order:

- (a) takes effect on 30 December 2006, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

#### 3 Continuation of existing activities

- (1) Recreational fishers may continue to take and possess *Thunnus maccoyii* (southern bluefin tuna), subject to compliance with any applicable fishing regulatory controls.
- (2) In this clause:  
applicable fishing regulatory controls means requirements imposed by or under the Fisheries Management Act 1994 that apply to or in respect of the activities concerned.

### FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2006 Number 2

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

Dated, this 11th day of December 2006.

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

#### Explanatory note

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

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

The object of this interim Order is to remake the Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2006 (which took effect on 1 July 2006 and ceases to have effect on 1 January 2007) to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[www.fisheries.nsw.gov.au/\\_\\_data/assets/pdf\\_file/5281/Darling-FR22.pdf](http://www.fisheries.nsw.gov.au/__data/assets/pdf_file/5281/Darling-FR22.pdf)

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

#### 1 Name of Order

This Order is the Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2006 Number 2.

#### 2 Commencement and repeal

This Order:

- (a) takes effect on 1 January 2007, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

#### 3 Continuation of existing activities

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.

- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
- Paratya australiensis* (freshwater shrimp),
  - Macrobrachium australiense* (freshwater prawn),
  - Caridina mcccullochi* (freshwater shrimp),
  - Cherax destructor* (yabby),
  - Tandanus tandanus* (freshwater catfish),
  - Gadopsis marmoratus* (river blackfish),
  - Maccullochella peelii peelii* (Murray cod),
  - Macquaria ambigua* (golden perch),
  - Bidyanus bidyanus* (silver perch),
  - Nematalosa erebi* (bony bream),
  - Leiopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
  - possess or sell yabby taken from the Lowland Darling River Catchment, or
  - carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:

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

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

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

## FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2006 Number 2

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

Dated, this 11th day of December 2006.

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

### Explanatory note

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

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

The object of this interim Order is to remake the Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2006 (which took effect on 9 June 2006 and ceases to have effect on 9 December 2006) to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[www.fisheries.nsw.gov.au/\\_\\_\\_data/assets/pdf\\_file/25245/fr\\_25\\_lachlan\\_eec.pdf](http://www.fisheries.nsw.gov.au/___data/assets/pdf_file/25245/fr_25_lachlan_eec.pdf)

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

### 1 Name of Order

This Order is the Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2006 Number 2.

### 2 Commencement and repeal

This Order:

- takes effect on the day that it is published in the Gazette, and
- has effect for 6 months, and
- is repealed at the end of the last day on which it has effect.

### 3 Continuation of existing activities

- The activities referred to in subclauses (2) and (3) may continue in the Lowland Lachlan River Catchment subject to compliance with any applicable fishing regulatory controls.
- A recreational fisher may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan River Catchment, or may carry out any routine activity in connection with any such taking or possession:
  - Paratya australiensis* (freshwater shrimp),
  - Macrobrachium australiense* (freshwater prawn),
  - Cherax destructor* (yabby),
  - Tandanus tandanus* (freshwater catfish),
  - Gadopsis marmoratus* (river blackfish),
  - Maccullochella peelii peelii* (Murray cod),
  - Macquaria ambigua* (golden perch),
  - Bidyanus bidyanus* (silver perch),
  - Nematalosa erebi* (bony bream),
  - Leiopotherapon unicolor* (spangled perch).

- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Lachlan River Catchment, or
  - (b) possess or sell yabby taken from the Lowland Lachlan River Catchment, or
  - (c) carry out any routine activities in connection with any such taking, possession or sale.

(4) In this clause:

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

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

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

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#### FERTILISERS ACT 1985

Appointment of Inspector

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 23(2) of the Fertilisers Act 1985 ("the Act") appoint Johanne Maree TAYLOR, as an inspector under the Act.

Dated this 16th day of November 2006.

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

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#### MINERAL RESOURCES

NOTICE is given that the following applications have been received:

##### EXPLORATION LICENCE APPLICATIONS

(06-4773)

No. 2940, DELLWORTH PTY LIMITED (ACN 002 998 192), area of 2112 hectares, for Group 9, dated 1 December 2006. (Singleton Mining Division).

(06-7080)

No. 2948, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), area of 100 units, for Group 1, dated 5 December 2006. (Broken Hill Mining Division).

(06-7081)

No. 2949, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), area of 200 units, for Group 1, dated 5 December 2006. (Cobar Mining Division).

(06-7082)

No. 2950, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), area of 113 units, for Group 1, dated 7 December 2006. (Orange Mining Division).

(06-7084)

No. 2952, RIMFIRE AUSTRALIA PTY LTD (ACN 121 382 554), area of 24 units, for Group 1, dated 8 December 2006. (Orange Mining Division).

(06-7085)

No. 2953, ICON RESOURCES LTD (ACN 115 009 106), area of 50 units, for Group 1, dated 8 December 2006. (Wagga Wagga Mining Division).

##### MINING LEASE APPLICATION

(06-33)

No. 293, BENGALLA MINING COMPANY PTY LIMITED (ACN 053 909 470), area of about 1.04 hectares, to mine for coal, dated 7 December 2006. (Singleton Mining Division).

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

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NOTICE is given that the following application has been granted:

##### EXPLORATION LICENCE APPLICATION

(06-247)

No. 2765, now Exploration Licence No. 6668, PLATSEARCH NL (ACN 003 254 395), County of Killara, Map Sheet (7636), area of 32 units, for Group 1, dated 21 November 2006, for a term until 20 November 2008.

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

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NOTICE is given that the following application has been refused:

##### EXPLORATION LICENCE APPLICATION

(06-145)

No. 2722, David HOBBY and Belinda Maree HOBBY, County of Montegale, Map Sheet (8530). Refusal took effect on 28 November 2006.

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

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NOTICE is given that the following application has been withdrawn:

##### EXPLORATION LICENCE APPLICATION

(06-7056)

No. 2925, ALLIANCE FUEL CELLS PEM PTY LTD (ACN 096 947 223), County of Farnell and County of Yancowinna, Map Sheet (7134, 7135). Withdrawal took effect on 6 December 2006.

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

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

(C96-0340)

Exploration Licence No. 5410, ENVIRO-MINING PTY LTD (ACN 081 017 192) and COLMINE CONSULTING PTY LIMITED (ACN 079 857 033), area of 1246 hectares. Application for renewal received 11 December 2006.

(T03-0891)

Exploration Licence No. 6365, AUGUR RESOURCES LTD (ACN 106 879 690), area of 81 units. Application for renewal received 12 December 2006.

(05-1558)

Consolidated Coal Lease No. 738 (Act 1973), HARTLEY VALLEY COAL COMPANY PTY LTD (ACN 000 185 697), area of 1116 hectares. Application for renewal received 6 December 2006.

(06-7742)

Mining Lease No. 1178 (Act 1973), ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232), area of 10.8 hectares. Application for renewal received 6 December 2006.

(05-1755)

Mining Purposes Lease No. 134 (Act 1973), Bruce Leslie HALLETT and Melissa HALLETT, area of 4.992 hectares. Application for renewal received 11 December 2006.

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

(05-163)

Exploration Licence No. 6422, LION PROPERTIES PTY LTD (ACN 000 983 611), County of Ewenmar and County of Gregory, Map Sheet (8435), area of 100 units. Cancellation took effect on 27 November 2006.

(05-164)

Exploration Licence No. 6423, LION PROPERTIES PTY LTD (ACN 000 983 611), County of Baradine, Map Sheet (8636, 8736), area of 80 units. Cancellation took effect on 27 November 2006.

(T96-260)

Mining Purposes Lease No. 286 (Act 1973), Edward Vincent COUNSELL, Parish of Mebea, County of Finch and Parish of Mebea, County of Finch, Map Sheet (8439-2-S, 8439-2-S), area of 5562 square metres. Cancellation took effect on 23 November 2006.

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

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### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T87-0419)

Exploration Licence No. 4192, NEWNES KAOLIN PTY LTD (ACN 065 564 794), County of Cook, Map Sheet (8931), area of 3 units, for a further term until 6 February 2008. Renewal effective on and from 4 December 2006.

(T99-0224)

Exploration Licence No. 5764, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), County of Yancowinna, Map Sheet (7134, 7234), area of 16 units, for a further term until 21 August 2008. Renewal effective on and from 30 November 2006.

(T03-0852)

Exploration Licence No. 6273, DRAKE RESOURCES LTD (ACN 108 560 069), Counties of Buller, Clive and Drake, Map Sheet (9340), area of 67 units, for a further term until 14 June 2008. Renewal effective on and from 7 December 2006.

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

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### TRANSFERS

(04-622)

Exploration Licence No. 6392, formerly held by BIG SKY HOLDINGS PTY LIMITED (ACN 108 476 384) has been transferred to STANNUM PTY LTD (ACN 121 771 695). The transfer was registered on 4 December 2006.

(05-186)

Exploration Licence No. 6442, formerly held by BIG SKY HOLDINGS PTY LIMITED (ACN 108 476 384) has been transferred to STANNUM PTY LTD (ACN 121 771 695). The transfer was registered on 4 December 2006.

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

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### CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T03-0085)

Exploration Licence No. 6153, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Blaxland, Map Sheet (8132), area of 3 units. Cancellation took effect on 3 December 2006.

(T03-0112)

Exploration Licence No. 6168, CULLEN EXPLORATION PTY LIMITED (ACN 077 371 165), County of Blaxland and County of Cunningham, Map Sheet (8231, 8232), area of 32 units. Cancellation took effect on 8 December 2006.

## Roads and Traffic Authority

### ROAD TRANSPORT (GENERAL) ACT 2005

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

ALBURY CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Mr LES TOMICH,  
General Manager,  
Albury City Council  
(by delegation from the Minister for Roads)  
20 November 2006

#### SCHEDULE

**1. Citation**

This Notice may be cited as the Albury City Council 4.6 metre High Vehicle Route Notice No. 1/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those 4.6 metre High Vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
	000	Racecourse Road	North Street	Dallinger Road/Union Road	
	000	Dallinger Road	Racecourse Road	To end	
	000	Union Road	Racecourse Road	Boronia Street	
	000	Titanium Court	Jelbart Road	To end	
	00	Fallon Street	Knights Road	Elizabeth Mitchell Drive	
	00	Catherine Crescent	Wagga Road	Dallinger Road	

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

Mr LES TOMICH,  
General Manager,  
Albury City Council  
(by delegation from the Minister for Roads)  
20 November 2006

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**SCHEDULE****1. Citation**

This Notice may be cited as the Albury City Council 25 metre B-Double vehicle route Notice No. 1/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those B-Doubles Vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	000	Racecourse Road	North Street	Dallinger Road/Union Road	
25	000	Dallinger Road	Racecourse Road	To end	
25	000	Union Road	Racecourse Road	Boronia Street	
25	000	Titanium Court	Jelbart Road	To end	

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

RICHARD COLLEY,  
General Manager,  
Bankstown City Council  
(by delegation from the Minister for Roads)  
4 December 2006

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**SCHEDULE****1. Citation**

This Notice may be cited as the Bankstown City Council 25 Metre B-Double Route Notice No 2/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	Edgar Street, Condell Park	Milperra Road	Ilma Street
25	Ilma Street	Edgar Street	Willfox Street
25	Willfox Street	Ilma Street	Exit via Ilma Street

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**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

RICHARD COLLEY,  
General Manager,  
Bankstown City Council  
(by delegation from the Minister for Roads)  
4 December 2006

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**SCHEDULE****1. Citation**

This Notice may be cited as the Bankstown City Council 25 Metre B-Double Route Notice No 3/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	Queen Street, Revesby	Milperra Road	Gordon Parker Street/Carrington Street
25	Gordon Parker Street	Carrington Street	Queen Street

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

General Manager,  
Bellingen Shire Council  
(by delegation from the Minister for Roads)  
28 August 2006

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**SCHEDULE****1. Citation**

This Notice may be cited as Bellingen Shire Council 25 Metre B-Double Vehicle Route Notice No 2/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those 25m B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road No</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
		Darkwood Road	Waterfall Way	Thora Sawmill. Approximately 1.1km from the intersection with Waterfall Way	Operation permitted only during daylight hours. Vehicles are restricted to a maximum speed of 40km/hr.

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**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

RON MOORE,  
General Manager,  
Blacktown City Council  
(by delegation from the Minister for Roads)  
29 November 2006

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**SCHEDULE****1. Citation**

This Notice may be cited as Blacktown City Council 25 Metre B-Double Route Notice No 2/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	Loftus Street, Riverstone	Riverstone Parade	Hamilton Street
25	Victoria Street, Riverstone	Riverstone Parade	Hamilton Street

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

G. A. J. TICKNER,  
General Manager,  
Gundagai Shire Council  
(by delegation from the Minister for Roads)  
9 November 2006

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**SCHEDULE****1. Citation**

This Notice may be cited as Gundagai Shire Council 25 Metre B-Double Notice No 04/2006

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
	000	Tumblong Road	Hume Highway at Lewins Lane	Hume Highway at Sylvias Gap Road	For incident management under detour signage only

## Other Notices

### DISTRICT COURT OF NEW SOUTH WALES

#### DIRECTION

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Broken Hill	10.00am	12 February 2007 (3 weeks)
		In lieu of 19 February 2007 (2 weeks)

Dated this 12th day of December 2006.

R. O. BLANCH,  
Chief Judge

### DISTRICT COURT OF NEW SOUTH WALES

#### DIRECTION

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Broken Hill	10.00am	12 February 2007 (1 week)
		Sittings Cancelled
Newcastle Mining	10.00am	3 December 2007 (2 weeks)
		In lieu of 19 November 2007 (2 weeks)

Dated this 12th day of December 2006.

R. O. BLANCH,  
Chief Judge

### FIRE BRIGADES ACT 1989

#### Order under Section 5 (2)

I, Professor MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the Fire Brigades Act 1989, do, by this my Order, vary the Orders published in *New South Wales Government Gazette* No. 37 of 4 March 1983 (Bourke), No. 143 of 18 October 1985 (Gulgong), No. 41 of 7 March 1986 (Lightning Ridge) and No. 86 of 1 August 1997 (Mudgee) and reconstitute the Fire Districts in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the areas described in the Schedule.

Signed at Sydney, this 6th day of December 2006.

By Her Excellency's Command,  
TONY KELLY, M.L.C.,  
Minister for Emergency Services

#### SCHEDULE

In this Schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the *New South Wales Government Gazette*.

#### Bourke Fire District

Comprising the existing Fire District in Bourke Shire Council, with additions and deletions as delineated on Map No. 233/06/1 kept in the office of the NSW Fire Brigades.

#### Gulgong Fire District

Comprising the existing Fire District in Mid-Western Regional Council, with additions as delineated on Map No. 312/06/1 kept in the office of the NSW Fire Brigades.

#### Lightning Ridge Fire District

Comprising the existing Fire District in Walgett Shire Council, with additions on Map No. 367/06/1 kept in the office of the NSW Fire Brigades.

#### Mudgee Fire District

Comprising the existing Fire District in Mid-Western Regional Council, with additions and deletions as delineated on Map No. 387/06/1 kept in the office of the NSW Fire Brigades.

### FIRE BRIGADES ACT 1989

#### Order under Section 5 (2)

I, Professor MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the Fire Brigades Act 1989, do, by this my Order, vary the Orders published in *New South Wales Government Gazette* No. 40 of 15 February 1985 (Coonamble) and reconstitute the Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 6th day of December 2006.

By Her Excellency's Command,  
TONY KELLY, M.L.C.,  
Minister for Emergency Services

#### SCHEDULE

In this Schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the *New South Wales Government Gazette*.

#### Coonamble Fire District

Comprising the existing Fire District in Coonamble Shire Council, with deletions as delineated on Map No. 265/06/1 kept in the office of the NSW Fire Brigades.

### FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1957

#### Notification of Approval of Addition of Fluorine to a Public Water Supply (Gosford)

PURSUANT to section 6 of the Fluoridation of Public Water Supplies Act 1957, I, Robyn Kruk, Director-General of the Department of Health, do hereby approve an application by the Gosford Shire Council to add fluorine to the public water supply under its control (in this notification referred to as the "Gosford Water Supply").

This approval is subject to the following terms and conditions:

1. The Gosford Shire Council may only add fluorine to the Gosford Water Supply in accordance with this approval and any provisions, directions or

approvals made or varied from time to time under the Fluoridation of Public Water Supplies Act 1957, the Code of Practice for the Fluoridation of Public Water Supplies made under that Act as in force from time to time, and the Fluoridation of Public Water Supplies Regulation 2002 or any subsequent Regulation made in its place; and

2. The Gosford Shire Council shall maintain the content of fluorine to the Gosford Water Supply at a target concentration level of 1.0 mg/L with an overall accuracy of +/-5% and within an operating range of not more than 1.5 mg/L and not less than 0.9 mg/L and generally in accordance with the provisions of Part 10 of the Code of Practice for the Fluoridation of Public Water Supplies; and
3. The Gosford Shire Council shall have commenced the upward adjustment of fluorine in the Gosford Water Supply by no later than 4 December 2008, unless otherwise approved by the Chief Dental Officer of NSW Health or that officer's approved representative.

Signed at Sydney this seventh day of December 2006.

ROBYN KRUK,  
Director-General

#### FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1957

##### Direction to Add Fluorine to a Public Water Supply

I, Robyn Kruk, Director-General of the Department of Health, with the advice of the Fluoridation of Public Water Supplies Advisory Committee, and pursuant to section 6A of the Fluoridation of Public Water Supplies Act 1957, do hereby direct the Guyra Shire Council to add fluorine to the Guyra water supply under its management and control.

This direction is subject to the following terms and conditions:

1. The Guyra Shire Council may only add fluorine to the Guyra water supply in accordance with any provisions, directions or approvals made under the Fluoridation of Public Water Supplies Act 1957, the Code of Practice for the Fluoridation of Public Water Supplies made under that Act as amended from time to time, and the Fluoridation of Public Water Supplies Regulations 2002.
2. The Guyra Shire Council shall maintain the content of fluorine in the Guyra water supplies at a target concentration level of 1.0 mg/L with an overall accuracy of +/- 5% and within an operating range of not more than 1.5 mg/L and not less than 0.9 mg/L and generally in accordance with the provisions of Part 10 of the Code of Practice for the Fluoridation of Public Water Supplies.
3. The Guyra Shire Council shall have commenced the upward adjustment of fluorine in the Guyra water supply by no later than 31 May 2008, unless otherwise approved by the Chief Dental Officer of NSW Health or that officer's approved representative.

Signed at Sydney this seventh day of December 2006.

ROBYN KRUK,  
Director-General

#### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name Port of Mildura for a port on the Murray River.

The position and the extent for this feature is described in the plan hereunder and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

———MAP———

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143  
Bathurst NSW 2795

#### GEOGRAPHICAL NAMES ACT 1966

##### Notice of Proposal to Define a New Address Locality in the Bega 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 amend address locality boundaries to enable the creation of a new Address Locality called "Mirador" in the Bega Valley Local Government Area as shown on map GNB3735-1-A.

Map GNB3735-1-A showing the proposed boundaries for the address locality of Mirador can be viewed at Bega Valley Council Offices and the Office of the Geographical Names Board of New South Wales, Panorama Avenue, Bathurst NSW 2795 from Wednesday 13 December 2006 until Monday 15 January 2007.

This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au) during the one month consultation period.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board,  
PO Box 143, Bathurst NSW 2795

#### GEOGRAPHICAL NAMES ACT 1966

##### Notice of proposal to Amend Address Locality Name Within the Port Macquarie Hastings 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 amend the address locality name Kings Creek in the Port Macquarie Hastings Local Government Area.

It is proposed that the name Kings Creek be amended to King Creek.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au) during the one month consultation period.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board,  
PO Box 143, Bathurst NSW 2795

### GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Amend Address Locality Boundaries  
Within the Burwood 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 amend address locality boundaries in the Burwood Local Government Area as shown on maps GNB3651-1-A.

The proposed amendments include adjustments to the boundaries between Croydon, Croydon Park and Burwood Heights address localities.

Map GNB3651-1-A may be viewed at Burwood Council Administration Offices at 2 Conder Street, Burwood and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 from 13 December 2006 until 15 January 2007.

This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au) during the one month consultation period.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board,  
PO Box 143, Bathurst NSW 2795

### GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Create a New Address Locality  
Within the Blacktown City Council Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend address locality boundaries in the Blacktown City Local Government Area as shown on map GNB3725-1-A.

The proposed boundary amendments will allow the creation of a new address locality to be called The Ponds which will be located adjacent to the suburbs of Schofields, Rouse Hill, Kellyville Ridge, Stanhope Gardens, Parklea and Quakers Hill.

The map GNB3725-1-A may be viewed at Blacktown City Council Administration Building and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 for a period of one month from 13 December 2006.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board,  
PO Box 143, Bathurst NSW 2795

### HERITAGE ACT 1977 (NSW)

Order under Section 57 (2) of the Heritage Act 1977  
(NSW)

I, the Minister for Planning, pursuant to section 57 (2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order grant exemptions from section 57 (1) of the Heritage Act 1977, described in Schedule "B" in relation to the land described in Schedule "A".

Sydney, 20th day of September 2006

FRANK SARTOR, M.P.,  
Minister for Planning

#### SCHEDULE "A"

All those pieces or parcels of land in the Parishes of Braidwood, Coghill, Boule and Percy, County of Saint Vincent shown to be within the State Heritage Register curtilage on the plan catalogued HC 2008 in the Office of the Heritage Council of New South Wales.

#### SCHEDULE "B"

#### EXEMPTIONS TO SUBSECTION 57 (1) OF THE HERITAGE ACT 1977

The following development does not require approval under section 57 (1) of the Heritage Act:

1. Integrated development for work to a private owner-occupied house for which consent has been granted by the consent authority which is consistent with the general terms of proposed approval which have been provided to the consent authority by the Heritage Council. The general terms of proposed approval issued by the Heritage Council may require the submission of an application under Section 60 of the Heritage Act which will prevail over this exemption.
2. Integrated development for which the consent has been modified by the consent authority pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 in a manner which is consistent with any comments provided by the Heritage Council to the consent authority.

Note 1: 'Integrated development' and 'consent authority' have the same meaning as in the Environmental Planning and Assessment Act 1979. 'General terms of approval' means the 'general terms of any approval proposed to be granted by the approval body in relation to the development', as used in Division 5 of Part 4 of the Environmental Planning and Assessment Act 1979.

Note 2: Integrated development which is exempt under 2 is not subject to the requirement in Section 65A of the Heritage Act in relation to modification of existing approvals.

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### HERITAGE ACT 1977

Direction Pursuant to Section 34 (1) (a)

To List an Item on the State Heritage Register  
Central Mine Manager's Residence (former),  
Piper Street, South Broken Hill  
SHR No. 1770

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

Sydney, 26th day of October 2006.

FRANK SARTOR, M.P.,  
Minister for Planning

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### SCHEDULE "A"

The item known as Central Mine Manager's Residence (former), Piper Street, South Broken Hill, situated on the land described in Schedule "B".

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### SCHEDULE "B"

All those pieces or parcels of land known as Part Lot 20, Section 25, DP 758018 in Parish of Picton, County of Yancowinna shown on the plan catalogued HC 2195 in the office of the Heritage Council of New South Wales.

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### HERITAGE ACT 1977

Direction Pursuant to Section 34 (1) (a)

To List an Item on the State Heritage Register  
The HMAS Parramatta Group,  
Queens Park Reserve, Parramatta  
SHR No 1676

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

Sydney, 9th day of November 2006.

FRANK SARTOR, M.P.,  
Minister for Planning

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### SCHEDULE "A"

The items known as the Former HMAS Parramatta Historic Shipwreck; Parramatta Stern Memorial, Queens Park Parramatta; and Parramatta Bow Memorial, Garden Island Naval Base, and the HMAS Parramatta (II) Memorial, Queens Park Reserve, Parramatta, situated on the land described in Schedule "B".

### SCHEDULE "B"

All those items and land comprising:

The Parramatta Historic Shipwreck site centred on Lat: 33° 30.083 S, Long: 151° 10.834 E WGS 84, comprising both the visible exposed structure and associated artefactual relics on site, together with the buried portions of same, and extending 5 metres around the remains (including land under the historic structure);

The Parramatta Stern memorial located in Queens Park Reserve, Parramatta, comprising the metal stern section, rudder, support structure and extending three (3) metres around it. The item being located in Part Lot 1, DP 128847, in Parish of St John, County of Cumberland, shown on the plan catalogued HC 2188 in the office of the Heritage Council of New South Wales.

The Parramatta Bow Memorial located at the Garden Island Naval Base, comprising The metal remains of the bow section of the former naval vessel, brick support structure and extending 0.5 metres (0.5) metres around these combined elements;

The item known as the HMAS Parramatta (II) Memorial, Queens Park Reserve, Parramatta, comprising the metal perimeter fence enclosing the stone memorial block, attached plaques and anchor fittings, and extending three (3) metres around same. The item being located in Part Lot 1, DP 224186, in Parish of St John, County of Cumberland, shown on the plan catalogued HC 2188 in the office of the Heritage Council of New South Wales.

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### HERITAGE ACT 1977

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

Ben Buckler Battery Site  
SHR No. 1742

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

Dated: Sydney, 20th day of February 2006.

FRANK SARTOR, M.P.,  
Minister for Planning

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### SCHEDULE "A"

The item known as the Ben Buckler Battery Site, situated on the land described in Schedule "B".

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### SCHEDULE "B"

All those pieces or parcels of land known as part Lot 1629, DP 752011 in Parish of Alexandra, County of Cumberland, shown on the plan catalogued HC 2095 in the office of the Heritage Council of New South Wales. A lower curtilage boundary of five (5) metres below mean ground level forms the lower limit of the curtilage.

**HERITAGE ACT 1977**

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

Our Lady of Pompeii Roman Catholic Church, Yoogali  
SHR No. 1746

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

Dated: Sydney, 22nd day of December 2005.

FRANK SARTOR, M.P.,  
Minister for Planning

**SCHEDULE "A"**

The item known as Our Lady of Pompeii Roman Catholic Church, Edon Street, Yoogali, situated on the land described in Schedule "B".

**SCHEDULE "B"**

All those pieces or parcels of land known as Lot 2194 of Deposited Plan 720524, Parish of Jondaryan, County of Cooper, shown on the plan catalogued HC 2010 in the office of the Heritage Council of New South Wales.

**HERITAGE ACT 1977**

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

The Fishwick house  
SHR No. 1751

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

Dated: Sydney, 19th day of February 2006.

FRANK SARTOR, M.P.,  
Minister for Planning

**SCHEDULE "A"**

The item known as the Fishwick house, situated on the land described in Schedule "B".

**SCHEDULE "B"**

All those pieces or parcels of land known as Lot 1, DP 389112 and Part Lot 331, DP 14804, in the Parish of Willoughby, County of Cumberland, shown on the plan catalogued HC2074 in the office of the Heritage Council of New South Wales.

**LEGAL PROFESSION ADMISSION RULES 2005****AMENDMENTS**

1. Amendments to Rule 58
  - (1) Amend subrule 58 (1) by deleting "1 April" and inserting "1 March" and
  - (2) Amend subrule 58 (2) by deleting "1 October" and inserting "1 September".
2. Amendment to First Schedule (Forms)
 

Insert Form 7A

Form 7A

**LEGAL PROFESSION ADMISSION BOARD****CERTIFICATE EVIDENCING  
ADMISSION-RELATED DISCLOSURE**

I, ..... of Sydney, in the State of New South Wales, in the Commonwealth of Australia, Executive Officer of the Legal Profession Admission Board of the said State, and being the Officer having ordinarily the custody of the records relating to the admission of Lawyers of the said State, DO HEREBY CERTIFY: that the attached document in ..... page(s), signed and dated by me, was part of an application for admission by ..... and was taken into account by the Admission Board in its determination of the applicant's application for admission as a Barrister, Solicitor, Legal Practitioner or Lawyer of the Supreme Court of New South Wales.

Given under my hand and the seal of the  
Legal Profession Admission Board at  
Sydney in the State of New South Wales this  
..... day of ....., two thousand  
and .....

Executive Officer

**MARITIME SERVICES ACT 1935**

Direction exempting certain persons from compliance with  
clause 22(1) of the management of waters and waterside  
lands regulations - NSW

I, Tony Middleton, General Manager Shipping, Security and Environment of the Maritime Authority of NSW (Trading as NSW Maritime), a Sub-Delegate of the Minister for Ports and Waterways, do pursuant to Section 38(4A) of the Maritime Services Act 1935 hereby direct that the persons identified in the SCHEDULE are Exempt from compliance with the maximum length of tow requirements specified in Clause 22(1) of the Management of Waters and Waterside lands Regulations - NSW.

**SCHEDULE****Persons to Whom This Direction Applies**

The persons to whom this Direction applies are the Master of any vessel which tows a vessel or floating object in the navigable waters in the boundaries of the ports as described in the Ports Corporatisation and Waterways Management Regulation 2002 of the following ports:

- Clarence River (Yamba)
- Eden

**REVOCATION**

This Direction may be revoked at any time by the Chief Executive of NSW Maritime.

Dated this 7th day of December 2006.

TONY MIDDLETON,  
General Manager  
Shipping Security and Environment

**NATIONAL PARKS AND WILDLIFE ACT 1974**

Woomargama National Park and Reserve and  
Mullengandra Nature Reserve and Reserve

**Draft Plan of Management**

A draft plan of management for Woomargama National Park, Woomargama Crown Reserve, Mullengandra Nature Reserve and Mullengandra Crown Reserve has been prepared and is available free of charge from the NPWS office at 7a Adelong Street, Tumut (ph 6947 7000). The plan may also be viewed at the Greater Hume Shire Holbrook Office, 39 Young Street, Holbrook and on the NPWS website: [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

Written submissions on the plan may be made using the on-line form or by writing to The Planner, Woomargama and Mullengandra Reserves, DEC, PO Box 472, Tumut NSW 2720 by 26 March 2007.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on this draft plan may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

Bondi Gulf Nature Reserve  
Coolumbooka Nature Reserve

**Draft Plans of Management**

DRAFT plans of management for Bondi Gulf Nature Reserve and Coolumbooka Nature Reserve have been prepared and are on public exhibition. Copies of the plans are available free of charge from the NPWS office, 153 Maybe Street, Bombala (telephone: 6458 4080). The plans are also on the NPWS website: [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

Written submissions on these plans must be received by The Ranger, NPWS, PO Box 245, Bombala NSW 2632, by 26 March 2007.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on these draft plans may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

**OCCUPATIONAL HEALTH AND SAFETY  
REGULATION 2001****EXEMPTION ORDER 2006 NO.18**

I, JOHN WATSON, General Manager, Occupational Health and Safety Division, WorkCover Authority of New South Wales, make the following Order under clause 348 of the Occupational Health and Safety Regulation 2001.

Dated this 13th day of December 2006.

JOHN WATSON,  
General Manager,  
Occupational Health and Safety Division  
WorkCover Authority of New South Wales

**Explanatory Note**

Clause 348 of the Occupational Health and Safety Regulation 2001 (the Regulation) provides that WorkCover may, by order published in the Gazette, exempt any class of persons or things from a specified provision of the Regulation.

This Order exempts persons from the requirement to be qualified to do scheduled work provided they are undergoing training for the work, perform the work under supervision, and keep and maintain a record of training in accordance with the requirements of clause 275 of the Regulation. This Order broadens the existing exemption for trainees set out in clause 271 of Regulation so that trainees need not be engaged in a recognised course of training within the meaning of that clause in order to attract the operation of the exemption.

**Occupational Health and Safety Regulation 2001  
Exemption Order 2006 No. 18****1. Name of Order**

This Order is the Occupational Health and Safety Regulation 2001 Exemption Order 2006 No 18.

**2. Commencement**

- (1) This Order commences on the date that it is published in the Gazette.
- (2) This Order has effect for a period of five years from its commencement, unless it is sooner withdrawn by WorkCover under clause 348 (5) of the Regulation.

**3. Exemption**

A person who is undergoing training to do scheduled work is exempt from the requirement in clause 270 (1) of the Regulation to hold a certificate of competency or recognised qualification in relation to work of that kind if the person:

- (a) does the work under the supervision of a supervisor; and
- (b) keeps and maintains a record of training in accordance with the requirements of clause 275 of the Regulation.

**4. Definitions**

In this Order:

**Regulation** means the Occupational Health and Safety Regulation 2001; and

**scheduled work** has the same meaning that it has in clause 266 of the Regulation.

**PIPELINES ACT 1967**

Licence No. 7 – Variation No. 8

Instrument of Grant of Variation of Licence Area

I, Joe Tripodi Minister for Energy in exercise of the powers conferred on me by section 19 of the Act do hereby grant the application for Variation No. 8 of the Licence Area specified in Licence No. 7 to Alinta AGN Limited (ABN 87 003 004 322) by excluding therein the lands described in the Schedule.

Signed at Sydney, this sixth day of December 2006.

JOE TRIPODI,  
Minister for Energy

**SCHEDULE****LANDS TO BE EXCLUDED**

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney office.

<i>Deposited Plan Number</i>	<i>Instrument Item Number</i>	<i>Description</i>
DP 499023	Sheet 5	Vide V 16428

**PIPELINES ACT 1967**

Alinta AGN Limited (ABN 87 003 004 322)

Pipeline Licence No. 7

Sydney to Newcastle Gas Pipeline

Notification of Extinguishments Under Section 21A

IT is hereby notified that, pursuant to section 21A of the Pipelines Act 1967, the easements over lands excluded from the Licence Area consequent to the grant of Variation No. 8 to Pipeline Licence No. 7, as specified in the Schedule, are extinguished and such restrictions as to user as may have applied, cease to have effect.

Signed at Sydney, this sixth day of December 2006.

JOE TRIPODI,  
Minister for Energy

**SCHEDULE****LANDS TO BE EXCLUDED**

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney office.

<i>Deposited Plan Number</i>	<i>Instrument Item Number</i>	<i>Description</i>
DP 499023	Sheet 5	Vide V 16428

**PUBLIC LOTTERIES ACT 1996****RULES – DRAW LOTTERY**

I, The Honourable GRANT McBRIDE, 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 Draw Lottery and Games of Promotional Draw Lottery as attached to this notice.

Dated this 6th day of November 2006.

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

**PUBLIC LOTTERIES ACT 1996****DRAW LOTTERY 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 Draw Lottery and Promotional Draw Lottery Games. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

**Rule 1 (a) (iii)**

Delete the words “as its agent” in the first line.

**Rule 1 (a) (viii)**

Add the following words at the end of the existing definition: “or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f)”

**Rule 3 (e)**

Renumber the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

“An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.”

**Rule 3 (f)**

Insert new Rule 3 (f):

“The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine.”

**Rule 3 (g)**

Insert a new Rule 3 (g):

“Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f).”

**Rule 5**

In the second sentence, delete the reference to “Rule 6 (e)” and replace with “Rule 6 (d)”

**Rule 6 (a)**

Add the following sentences after the existing sentence:

“A Player shall not Mark an Entry Form other than by hand unless the prior approval of the Licensee has been obtained. Without this approval such Entry Form will not be considered to be properly completed and a Player claiming a resultant Prize may not be entitled to payment of the Prize.”

## Rule 6 (b)

Add a new second sentence:

“It is the responsibility of the Player to check the accuracy of all details on the Entry Form or other approved form of Entry at the time of presentation to the Agent for processing.”

## Rule 6 (c)

Add the following at the end of the existing Rule:

“It is the responsibility of the Player to check the accuracy of all details on the Ticket at the time it is received by a Player from the Agent. No Entry Form shall have any validity or be of evidence for any purpose after the Ticket has been taken by the Player from the Agent.”

## Rule 6 (e)

Delete the existing Rule 6 (e) and replace it with the following:

“A Player may return a Ticket and request that it be cancelled by an Agent. The Agent shall cancel the Ticket on that day provided it is returned on the day of purchase, to the place of purchase and prior to the closure of the Draw Lottery Game entered. At the request of a Player, the Licensee may, in its absolute discretion and subject to the capability of its central processing computer equipment, at any time prior to the closure of the Draw Lottery Game entered effect a cancellation of a Ticket at the Licensee’s central processing computer equipment host site. When a Ticket has been cancelled the Player shall be refunded the Fee paid in respect of such Ticket. A cancelled Ticket shall be void and no Prize shall be payable by the Licensee in respect of such Ticket.”

## Rule 6 (f)

Renumber the existing Rule 6 (f) as Rule 6 (g)

Insert a new Rule 6 (f):

“A Ticket which is recorded as void or cancelled in the Licensee’s Computer Records shall be void regardless of whether such Ticket was cancelled in error by an Agent or the Licensee or otherwise, and no Prize shall be payable in respect of such Ticket. It is the responsibility of the Player to check the cancellation receipt provided by the Agent or the Licensee to the Player to ensure that the correct Ticket has been cancelled. It is the responsibility of the Player to inform the Agent or the Licensee if there has been an error in relation to cancellation of the Ticket. Neither the Agent nor the Licensee shall be liable to the Player in respect of an error in the cancellation of a Ticket if the Player has failed to inform the Agent or the Licensee, at the time of receiving the cancellation receipt, of the error in the cancellation of a Ticket.”

## Rules 6 (g)

Renumber the existing Rule 6 (g) as Rule 6 (k).

## Rule 6 (h)

Insert a new Rule 6 (h):

“The Licensee shall not be liable for any errors or omissions in respect of a Registered Player’s selections as recorded on the Computer Records. It is the responsibility of the Registered Player to check that the Numbers and other details shown on a Ticket are correct.”

## Rule 6 (i)

Insert a new Rule 6 (i):

“A Direct Mail Agent has no authority to verify the accuracy or completion by a Player of any part of an Entry Form or a Ticket. Entry into a Draw Lottery Game by a Player with a Direct Mail Agent does not exempt the Player from being bound by these Rules and a Player utilising a Direct Mail Agent to submit an Entry Form shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such Entry Form, the issue of any Ticket and the payment of any Prize.”

## Rule 6 (j)

Insert a new Rule 6 (j):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

## Rule 11 (h)

Change the reference in this Rule from “Rule 11 (e)” to Rule 11 (f)”.

## Rule 11 (l) (v)

Add the following words after the word “Ticket”:

“, which must be legible and be consistent with the details held by the Licensee’s Computer Records and must not be mutilated, altered, reconstituted, counterfeit or stolen.”

## Rule 11 (w)

Amend Rule 11 (w) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the second line.

## Rule 11 (v)

Delete the word “Officer;” at the end of Rule 11 (v) and replace with:

“Officer. A Prize claim form for a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct.”

## Rule 11 (x)

Renumber the existing Rule 11 (x) as 11 (aa).

Insert a new Rule 11 (x):

“No Prize shall be payable in respect of a Ticket which fails any confidential security test of the Licensee.”

## Rule 11 (y)

Insert a new Rule 11 (y):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

## Rule 11 (z)

Insert a new Rule 11 (z):

“The Licensee accepts no responsibility or liability for lost or stolen Tickets. Registration as a Registered Player shall not entitle a person to whom a winning Ticket is registered to be paid a Prize which has been

previously paid by the Licensee to the address of the Registered Player.”

Rule 13 (a)

Add a second sentence to Rule 13 (a):

“Any Ticket having issued in respect of an Entry in a Draw Lottery Game which is disqualified shall automatically be void and cancelled.”

Rule 13 (d)

Delete the word “agent” in the first line and replace with the word “contractor”.

Rule 13 (d) (ii)

- Delete the word “or” at the end of Rule 13 (d) (ii) (3).
- Add a new sub-clause as Rule 13 (d) (ii) (5): “the receipt and processing of a Prize claim form; or”
- Add a new sub-clause as rule 13 (d) (ii) (6): “the cancellation of a Ticket; and”

Rule 13 (d) (iii)

Insert a new Rule 13 (d) (iii):

“(iii) without prejudice to the generality of Rule 13 (d) (i) and Rule 13 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the processing of an Entry Form;
- (2) the issue of a Ticket;
- (3) the completion of a Prize claim form;
- (4) the receipt of a Prize claim form;
- (5) the processing of a Prize claim;
- (6) the payment of a Prize;
- (7) the cancellation of a Ticket; and”

Rule 13 (d) (iv)

Insert a new Rule 13 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

Rule 13 (j)

Renumber Rule 13 (i) as 13 (j).

Insert a new Rule 13 (i):

“In the cancellation of a Ticket, the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.”

Rule 13 (k)

- Renumber the existing Rule 13 (j) as 13 (k).
- In the second last line, replace the reference “to 13 (i)” with “to 13 (j)”.

**PUBLIC LOTTERIES ACT 1996**

**RULES – INSTANT LOTTERIES**

I, THE HONOURABLE GRANT McBRIDE MP, 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 Instant Lotteries and Games of Promotional Instant Lotteries as attached to this notice.

Dated this 6th day of November 2006.

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

**PUBLIC LOTTERIES ACT 1996**

**INSTANT LOTTERY 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 Instant Lotteries and Promotional Instant Lotteries Games. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

Rule 1 (a) (iii)

Delete the words “as its agent” in the first line.

Rule 1 (a) (v)

Delete all the words after the word “Licensee” in the second line.

Add the following words at the end of the amended definition: “or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f);”

Rule 3 (e)

Renumber the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

“An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.”

Rule 3 (f)

Insert new Rule 3 (f):

“The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine.”

Rule 3 (g)

Insert a new Rule 3 (g):

“Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f).”

Rule 7 (a)

Add a second and third sentence to Rule 7 (a):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

## Rule 21 (h)

Amend Rule 21 (h) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the third line.

## Rule 22 (a) (i)

Add the following words after the word “damaged” in the third line:

“altered, reconstituted or counterfeit.”

## Rule 22 (a) (vi)

Insert a new Rule 22 (a) (vi):

“in respect of a Ticket which fails any confidential security test of the Licensee.”

## Rule 22 (e)

Insert a new Rule 22 (e):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

## Rule 23 (d)

Delete the words “Agent or Direct Mail Agent” in the second line and replace with the word “Contractor”.

## Rule 23 (d) (ii)

- Delete the word “or” at the end of Rule 23 (d) (ii) (2).
- Add a new sub-clause as Rule 23 (d) (ii) (4): “the receipt and processing of a Prize claim form; and”

## Rule 23 (d) (iii)

Insert a new Rule 23 (d) (iii):

“(iii) without prejudice to the generality of Rule 23 (d) (i) and Rule 23 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the issue of a Ticket;
- (2) the completion of a Prize claim form;
- (3) the receipt of a Prize claim form;
- (4) the processing of a Prize claim;
- (5) the payment of a Prize; and”

## Rule 23 (d) (iv)

Insert a new Rule 23 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

## Rule 23 (i)

Re-number Rule 23 (i) as 23 (j).

Insert a new Rule 23 (i):

“In the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.”

## Rule 23 (k)

- Re-number the existing Rule 23 (j) as 23 (k).
- In the sixth line, replace the reference “to 23 (i)” with “to 23 (j)”.

**PUBLIC LOTTERIES ACT 1996****RULES – LOTTO**

I, The Honourable GRANT McBRIDE, 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.

Dated this 6th day of November 2006.

The Honourable GRANT McBRIDE, 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 Lotto and Promotional Lotto Games. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

## Rule 1 (a) (iii)

Delete the words “as its agent” in the first line.

## Rule 1 (a) (iv)

Insert a new Rule 1 (a) (iv):

“‘Agreement’ means any agreement for the time being made between the Licensee and interstate or overseas authorities in Participating Areas for the conduct by them of games of Lotto;”

Re-number the existing definitions for 1 (a) (iv) to 1 (a) (xxxvi) as:

“1 (a) (v) to 1 (a) (xxxvii)”

## Rule 1 (a) (vii)

Add the following words at the end of the existing definition (now Rule 1 (a) (viii)):

“or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f)”

## Rule 1 (a) (xxxviii)

Insert a new Rule 1 (a) (xxxviii):

“‘Participating Area’ means a State, Territory or Country in which a person is authorised to conduct games of Lotto under a corresponding law;”

Re-number the existing definitions 1 (a) (xxxviii) to 1 (a) (lxii) as:

“1 (a) (xxxix) to 1 (a) (lxiv)”

## Rule 3 (e)

Re-number the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

“An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.”

## Rule 3 (f)

Insert new Rule 3 (f):

“The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine.”

## Rule 3 (g)

Insert a new Rule 3 (g):

“Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f).”

## Rule 6 (a)

Add the following sentences after the existing sentence:

“A Player or Syndicate Player shall not Mark an Entry Form other than by hand unless the prior approval of the Licensee has been obtained. Without this approval such Entry Form will not be considered to be properly completed and a Player or Syndicate Player claiming a resultant Prize may not be entitled to payment of the Prize.”

## Rule 6 (e)

Add a new second sentence:

“It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Entry Form or other approved Entry at the time of presentation to the Agent for processing.”

## Rule 6 (f)

Add the following at the end of the existing Rule:

“It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Ticket at the time it is received by a Player or Syndicate Player from the Agent. No Entry Form shall have any validity or be of evidence for any purpose after the Ticket has been taken by the Player or Syndicate Player from the Agent.”

## Rule 6 (h)

Delete the existing Rule 6 (h) and replace it with the following:

“Subject to Rule 19 (f), a Player may return a Ticket and request that it be cancelled by an Agent. The Agent shall cancel the Ticket on that day provided it is returned on the day of purchase, to the place of purchase and prior to the Drawing of the Game of Lotto entered. At the request of a Player, the Licensee may, in its absolute discretion and subject to the capability of its central processing computer equipment, at any time prior to the Drawing of the Game of Lotto entered effect a cancellation of a Ticket at the Licensee’s central processing computer equipment host site. When a Ticket has been cancelled the Player shall be refunded the Fee paid in respect of such Ticket. A cancelled Ticket shall be void and no Prize shall be payable by the Licensee in respect of such Ticket.”

## Rule 6 (i)

Renumber the existing Rule 6 (i) as Rule 6 (j)

Insert a new Rule 6 (i):

“A Ticket which is recorded as void or cancelled in the Licensee’s Computer Records shall be void regardless of whether such Ticket was cancelled in error by an Agent or the Licensee or otherwise, and no Prize shall be payable in respect of such Ticket. It is the responsibility of the Player to check the cancellation receipt provided by the Agent or the Licensee to the Player to ensure that the correct Ticket has been cancelled. It is the responsibility of the Player to inform the Agent or the Licensee if there has been an error in relation to cancellation of the Ticket. Neither the Agent nor the Licensee shall be liable to the Player in respect of an error in the cancellation of a Ticket if the Player has failed to inform the Agent or the Licensee, at the time of receiving the cancellation receipt, of the error in the cancellation of a Ticket.”

## Rules 6 (j) and 6 (k)

Renumber the existing Rules 6 (j) and 6 (k) as Rules 6 (n) and 6 (o) respectively.

## Rule 6 (k)

Insert a new Rule 6 (k):

“The Licensee shall not be liable for any errors or omissions in respect of a Registered Player’s selections as recorded on the Computer Records. It is the responsibility of the Registered Player to check that the Numbers and other details shown on a Ticket are correct.”

## Rule 6 (l)

Insert a new Rule 6 (l):

“A Direct Mail Agent has no authority to verify the accuracy or completion by a Player of any part of an Entry Form or a Ticket. Entry into a Game of Lotto by a Player with a Direct Mail Agent does not exempt the Player from being bound by these Rules and a Player utilising a Direct Mail Agent to submit an Entry Form shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such Entry Form, the issue of any Ticket and the payment of any Prize.”

## Rule 6 (m)

Insert a new Rule 6 (m):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

## Rule 12 (d)

Delete the existing Rule and replace with:

“Subject to Rule 12 (c), the amount payable in respect of a Syndicate Entry Share shall be rounded up to the nearest five (5) cents. Monies required for rounding up shall be drawn from the Prize Reserve Fund”.

## Rule 12 (f) Division 1 (ii) (C)

In this Rule delete all references, where so appearing, to “tenth (10th)” and “eleventh (11th)” and replace respectively with “fourth (4th)” and “fifth (5th)”.

## Rule 14 (h)

Change the reference in this Rule from “Rule 14 (e)” to Rule 14 (f)”.

## Rule 14 (l) (v)

Add the following words after the word "Ticket":

“, which must be legible and be consistent with the details held by the Licensee's Computer Records and must not be mutilated, altered, reconstituted, counterfeit or stolen.”

## Rule 14 (w)

Amend Rule 14 (w) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the third line.

## Rule 14 (x)

Delete the word “Officer;” at the end of Rule 14 (x) and replace with:

“Officer. A Prize claim form for a Prize or a share of a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct.”

## Rule 14 (z)

Renumber the existing Rule 14 (z) as 14 (ac).

Insert a new Rule 14 (z):

“No Prize shall be payable in respect of a Ticket which fails any confidential security test of the Licensee.”

## Rule 14 (aa)

Insert a new Rule 14 (aa):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

## Rule 14 (ab)

Insert a new Rule 14 (ab):

“The Licensee accepts no responsibility or liability for lost or stolen Tickets. Registration as a Registered Player shall not entitle a person to whom a winning Ticket is registered to be paid a Prize which has been previously paid by the Licensee to the address of the Registered Player.”

## Rule 15 (a)

Add a second sentence to Rule 15 (a):

“Any Ticket having issued in respect of an Entry in a Game of Lotto which is disqualified shall automatically be void and cancelled.”

## Rule 16 (d)

Delete the word “agent” in the first line and replace with the word “contractor”.

## Rule 16 (d) (ii)

- Delete the word “or” at the end of Rule 16 (d) (ii) (3).
- Add a new sub-clause as Rule 16 (d) (ii) (5): “the receipt and processing of a Prize claim form; or”
- Add a new sub-clause as rule 16 (d) (ii) (6): “the cancellation of a Ticket; and”

## Rule 16 (d) (iii)

Insert a new Rule 16 (d) (iii):

“(iii) without prejudice to the generality of Rule 16 (d) (i) and Rule 16 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the processing of an Entry Form;
- (2) the issue of a Ticket;
- (3) the completion of a Prize claim form;
- (4) the receipt of a Prize claim form;
- (5) the processing of a Prize claim;
- (6) the payment of a Prize;
- (7) the cancellation of a Ticket; and”

## Rule 16 (d) (iv)

Insert a new Rule 16 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

## Rule 16 (i)

Renumber Rule 16 (i) as 16 (j).

Insert a new Rule 16 (i):

“In the cancellation of a Ticket, the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player or Syndicate Player and not the agent of the Licensee or the Chief Executive Officer.”

## Rule 16 (k)

- Renumber the existing Rule 16 (j) as 16 (k).
- In the last line, replace the reference “to 16 (i)” with “16 (j)”.

## PUBLIC LOTTERIES ACT 1996

### RULES – LOTTO STRIKE

I, The Honourable GRANT McBRIDE, 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 Strike and Games of Promotional Lotto Strike as attached to this notice.

Dated this 6th day of November 2006.

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

## PUBLIC LOTTERIES ACT 1996

### LOTTO STRIKE 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 Lotto Strike and Promotional Lotto Strike Games. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the

date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

Rule 1 (a) (iii)

Delete the words “as its agent” in the first line.

Rule 1 (a) (ix)

Add the following words at the end of the existing definition:

“or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f)”

Rule 3 (e)

Renumber the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

“An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.”

Rule 3 (f)

Insert new Rule 3 (f):

“The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine.”

Rule 3 (g)

Insert a new Rule 3 (g):

“Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f).”

Rule 5

In the second sentence, delete the reference to “Rule 6 (f)” and replace with “Rule 6 (g)”

Rule 6 (a)

Add the following sentences at the end of the existing Rule:

“A Player shall not Mark an Entry Form other than by hand unless the prior approval of the Licensee has been obtained. Without this approval such Entry Form will not be considered to be properly completed and a Player claiming a resultant Prize may not be entitled to payment of the Prize.”

Rule 6 (e)

Add a new second sentence:

“It is the responsibility of the Player to check the accuracy of all details on the Entry Form or other form of Entry at the time of presentation to the Agent for processing.”

Rule 6 (f)

Add the following at the end of the existing Rule:

“It is the responsibility of the Player to check the accuracy of all details on the Ticket at the time it is received by a Player from the Agent. No Entry Form shall have any validity or be of evidence for any purpose after the Ticket has been taken by the Player from the Agent.”

Rule 6 (h)

Delete the existing Rule 6 (h) and replace it with the following:

“A Player may return a Ticket and request that it be cancelled by an Agent. The Agent shall cancel the Ticket on that day provided it is returned on the day of purchase, to the place of purchase and prior to the Drawing of the Game of Lotto Strike entered. At the request of a Player, the Licensee may, in its absolute discretion and subject to the capability of its central processing computer equipment, at any time prior to the Drawing of the Game of Lotto Strike entered effect a cancellation of a Ticket at the Licensee’s central processing computer equipment host site. When a Ticket has been cancelled the Player shall be refunded the Fee paid in respect of such Ticket. A cancelled Ticket shall be void and no Prize shall be payable by the Licensee in respect of such Ticket.”

Rule 6 (i)

Renumber the existing Rule 6 (i) as Rule 6 (j)

Insert a new Rule 6 (i):

“A Ticket which is recorded as void or cancelled in the Licensee’s Computer Records shall be void regardless of whether such Ticket was cancelled in error by an Agent or the Licensee or otherwise, and no Prize shall be payable in respect of such Ticket. It is the responsibility of the Player to check the cancellation receipt provided by the Agent or the Licensee to the Player to ensure that the correct Ticket has been cancelled. It is the responsibility of the Player to inform the Agent or the Licensee if there has been an error in relation to cancellation of the Ticket. Neither the Agent nor the Licensee shall be liable to the Player in respect of an error in the cancellation of a Ticket if the Player has failed to inform the Agent or the Licensee, at the time of receiving the cancellation receipt, of the error in the cancellation of a Ticket.”

Rule 6 (j)

Renumber the existing Rule 6 (j) as Rule 6 (n).

Rule 6 (k)

Insert a new Rule 6 (k):

“The Licensee shall not be liable for any errors or omissions in respect of a Registered Player’s selections as recorded on the Computer Records. It is the responsibility of the Registered Player to check that the Numbers and other details shown on a Ticket are correct.”

Rule 6 (l)

Insert a new Rule 6 (l):

“A Direct Mail Agent has no authority to verify the accuracy or completion by a Player of any part of an Entry Form or a Ticket. Entry into a Game of Lotto Strike by a Player with a Direct Mail Agent does not exempt the Player from being bound by these Rules and a Player utilising a Direct Mail Agent to submit an Entry Form shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such Entry Form, the issue of any Ticket and the payment of any Prize.”

## Rule 6 (m)

Insert a new Rule 6 (m):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

## Rule 13 (l) (v)

Add the following words after the word “Ticket”:

“, which must be legible and be consistent with the details held by the Licensee’s Computer Records and must not be mutilated, altered, reconstituted, counterfeit or stolen.”

## Rule 13 (x)

Amend Rule 13 (x) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the second line.

## Rule 13 (y)

Delete the word “Officer;” at the end of Rule 13 (y) and replace with:

“Officer. A Prize claim form for a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct.”

## Rule 13 (aa)

Renumber the existing Rule 13 (aa) as 13 (ad).

Insert a new Rule 13 (aa): “No Prize shall be payable in respect of a Ticket which fails any confidential security test of the Licensee.”

## Rule 13 (ab)

Insert a new Rule 13 (ab):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

## Rule 13 (ac)

Insert a new Rule 13 (ac):

“The Licensee accepts no responsibility or liability for lost or stolen Tickets. Registration as a Registered Player shall not entitle a person to whom a winning Ticket is registered to be paid a Prize which has been previously paid by the Licensee to the address of the Registered Player.”

## Rule 14 (a)

Add a second sentence to Rule 14 (a):

“Any Ticket having issued in respect of an Entry in a Game of Lotto Strike which is disqualified shall automatically be void and cancelled.”

## Rule 15 (d)

Delete the word “agent” in the first line and replace with the word “contractor”.

## Rule 15 (d) (ii)

- Delete the word “or” at the end of Rule 15 (d) (ii) (3).

- Add a new sub-clause as Rule 15 (d) (ii) (5): “the receipt and processing of a Prize claim form; or”
- Add a new sub-clause as Rule 15 (d) (ii) (6): “the cancellation of a Ticket; and”

## Rule 15 (d) (iii)

Insert a new Rule 15 (d) (iii):

“(iii) without prejudice to the generality of Rule 15 (d) (i) and Rule 15 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the processing of an Entry Form;
- (2) the issue of a Ticket;
- (3) the completion of a Prize claim form;
- (4) the receipt of a Prize claim form;
- (5) the processing of a Prize claim;
- (6) the payment of a Prize;
- (7) the cancellation of a Ticket; and”

## Rule 15 (d) (iv)

Insert a new Rule 15 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

## Rule 15 (i)

Renumber Rule 15 (i) as 15 (j).

Insert a new Rule 15 (i):

“In the cancellation of a Ticket, the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.”

## Rule 15 (k)

- Renumber the existing Rule 15 (j) as 15 (k).
- In the second last line, replace the reference “to 15 (i)” with “to 15 (j)”.

## PUBLIC LOTTERIES ACT 1996

### RULES – OZ LOTTO

I, The Honourable GRANT McBRIDE MP, 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 Oz Lotto and Games of Promotional Oz Lotto as attached to this notice.

Dated this 6th day of November 2006.

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

**PUBLIC LOTTERIES ACT 1996****OZ 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 Oz Lotto and Promotional Oz Lotto Games. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

**Rule 1 (a) (iii)**

Delete the words "as its agent" in the first line.

**Rule 1 (a) (viii)**

Add the following words at the end of the existing definition:

"or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f)"

**Rule 3 (e)**

Renumber the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

"An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise."

**Rule 3 (f)**

Insert new Rule 3 (f):

"The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine."

**Rule 3 (g)**

Insert a new Rule 3 (g):

"Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f)."

**Rule 5**

In the second sentence, delete the reference to "Rule 6 (e)" and replace with "Rule 6 (d)"

**Rule 6 (a)**

Add the following sentences after the existing sentence:

"A Player or Syndicate Player shall not Mark an Entry Form other than by hand unless the prior approval of the Licensee has been obtained. Without this approval such Entry Form will not be considered to be properly completed and a Player or Syndicate Player claiming a resultant Prize may not be entitled to payment of the Prize."

**Rule 6 (b)**

Add a new second sentence:

"It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Entry Form or other approved form of Entry at the time of presentation to the Agent for processing."

**Rule 6 (c)**

Add the following at the end of the existing Rule:

"It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Ticket at the time it is received by a Player or Syndicate Player from the Agent. No Entry Form shall have any validity or be of evidence for any purpose after the Ticket has been taken by the Player or Syndicate Player from the Agent."

**Rule 6 (e)**

Delete the existing Rule 6 (e) and replace it with the following:

"Subject to Rule 19 (f), a Player may return a Ticket and request that it be cancelled by an Agent. The Agent shall cancel the Ticket on that day provided it is returned on the day of purchase, to the place of purchase and prior to the Drawing of the Game of OZ Lotto entered. At the request of a Player, the Licensee may, in its absolute discretion and subject to the capability of its central processing computer equipment, at any time prior to the Drawing of the Game of OZ Lotto entered effect a cancellation of a Ticket at the Licensee's central processing computer equipment host site. When a Ticket has been cancelled the Player shall be refunded the Fee paid in respect of such Ticket. A cancelled Ticket shall be void and no Prize shall be payable by the Licensee in respect of such Ticket."

**Rule 6 (f)**

Renumber the existing Rule 6 (f) as Rule 6 (g)

Insert a new Rule 6 (f):

"A Ticket which is recorded as void or cancelled in the Licensee's Computer Records shall be void regardless of whether such Ticket was cancelled in error by an Agent or the Licensee or otherwise, and no Prize shall be payable in respect of such Ticket. It is the responsibility of the Player to check the cancellation receipt provided by the Agent or the Licensee to the Player to ensure that the correct Ticket has been cancelled. It is the responsibility of the Player to inform the Agent or the Licensee if there has been an error in relation to cancellation of the Ticket. Neither the Agent nor the Licensee shall be liable to the Player in respect of an error in the cancellation of a Ticket if the Player has failed to inform the Agent or the Licensee, at the time of receiving the cancellation receipt, of the error in the cancellation of a Ticket."

**Rule 6 (g)**

Renumber the existing Rule 6 (g) as Rule 6 (k).

**Rule 6 (h)**

Insert a new Rule 6 (h):

"The Licensee shall not be liable for any errors or omissions in respect of a Registered Player's selections as recorded on the Computer Records. It is the responsibility of the Registered Player to check that the Numbers and other details shown on a Ticket are correct."

**Rule 6 (i)**

Insert a new Rule 6 (i):

"A Direct Mail Agent has no authority to verify the accuracy or completion by a Player of any part of

an Entry Form or a Ticket. Entry into a Game of OZ Lotto by a Player with a Direct Mail Agent does not exempt the Player from being bound by these Rules and a Player utilising a Direct Mail Agent to submit an Entry Form shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such Entry Form, the issue of any Ticket and the payment of any Prize.”

#### Rule 6 (j)

Insert a new Rule 6 (j):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

#### Rule 14 (h)

Change the reference in this Rule from “Rule 14 (e)” to Rule 14 (f)”

#### Rule 14 (l) (v)

Add the following words after the word “Ticket”:

“, which must be legible and be consistent with the details held by the Licensee’s Computer Records and must not be mutilated, altered, reconstituted, counterfeit or stolen.”

#### Rule 14 (w)

Amend Rule 14 (w) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the third line.

#### Rule 14 (x)

Delete the word “Officer;” at the end of Rule 14 (x) and replace with:

“Officer. A Prize claim form for a Prize or a share of a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct.”

#### Rule 14 (z)

Renumber the existing Rule 14 (z) as 14 (ac).

Insert a new Rule 14 (z):

“No Prize shall be payable in respect of a Ticket which fails any confidential security test of the Licensee.”

#### Rule 14 (aa)

Insert a new Rule 14 (aa):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

#### Rule 14 (ab)

Insert a new Rule 14 (ab):

“The Licensee accepts no responsibility or liability for lost or stolen Tickets. Registration as a Registered Player shall not entitle a person to whom a winning Ticket is registered to be paid a Prize which has been previously paid by the Licensee to the address of the Registered Player.”

#### Rule 15 (a)

Add a second sentence to Rule 15 (a):

“Any Ticket having issued in respect of an Entry in a Game of OZ Lotto which is disqualified shall automatically be void and cancelled.”

#### Rule 16 (d)

Delete the word “agent” in the first line and replace with the word “contractor”.

#### Rule 16 (d) (ii)

- Delete the word “or” at the end of Rule 16 (d) (ii) (3).
- Add a new sub-clause as Rule 16 (d) (ii) (5): “the receipt and processing of a Prize claim form; or”
- Add a new sub-clause as Rule 16 (d) (ii) (6): “the cancellation of a Ticket; and”

#### Rule 16 (d) (iii)

Insert a new Rule 16 (d) (iii):

“(iii) without prejudice to the generality of Rule 16 (d) (i) and Rule 16 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the processing of an Entry Form;
- (2) the issue of a Ticket;
- (3) the completion of a Prize claim form;
- (4) the receipt of a Prize claim form;
- (5) the processing of a Prize claim;
- (6) the payment of a Prize;
- (7) the cancellation of a Ticket; and”

#### Rule 16 (d) (iv)

Insert a new Rule 16 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

#### Rule 16 (i)

Renumber Rule 16 (i) as 16 (j).

Insert a new Rule 16 (i):

“In the cancellation of a Ticket, the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player or Syndicate Player and not the agent of the Licensee or the Chief Executive Officer.”

#### Rule 16 (k)

- Renumber the existing Rule 16 (j) as 16 (k).
- In the second last line, replace the reference “to 16 (i)” with “to 16 (j)”.

## PUBLIC LOTTERIES ACT 1996

### RULES – POWERBALL

I, The Honourable GRANT McBRIDE, 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 Powerball and Games of Promotional Powerball as attached to this notice.

Dated this 6th day of November 2006.

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

## **PUBLIC LOTTERIES ACT 1996**

### **POWERBALL 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 Powerball and Promotional Powerball. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

#### **Rule 1 (a) (iii)**

Delete the words "as its agent" in the first line.

#### **Rule 1 (a) (viii)**

Add the following words at the end of the existing definition:

"or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f)"

#### **Rule 3 (e)**

Renumber the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

"An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise."

#### **Rule 3 (f)**

Insert new Rule 3 (f):

"The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine."

#### **Rule 3 (g)**

Insert a new Rule 3 (g):

"Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f)."

#### **Rule 5**

In the second sentence, delete the reference to "Rule 6 (e)" and replace with:

"Rule 6 (d)"

#### **Rule 6 (a)**

Add the following sentences after the existing sentence:

"A Player or Syndicate Player shall not Mark an Entry Form other than by hand unless the prior approval of the Licensee has been obtained. Without this approval

such Entry Form will not be considered to be properly completed and a Player or Syndicate Player claiming a resultant Prize may not be entitled to payment of the Prize."

#### **Rule 6 (b)**

Add a new second sentence:

"It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Entry Form or other approved form of Entry at the time of presentation to the Agent for processing."

#### **Rule 6 (c)**

Add the following at the end of the existing Rule:

"It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Ticket at the time it is received by a Player or Syndicate Player from the Agent. No Entry Form shall have any validity or be of evidence for any purpose after the Ticket has been taken by the Player or Syndicate Player from the Agent."

#### **Rule 6 (e)**

Delete the existing Rule 6 (e) and replace it with the following:

"Subject to Rule 19 (f), a Player may return a Ticket and request that it be cancelled by an Agent. The Agent shall cancel the Ticket on that day provided it is returned on the day of purchase, to the place of purchase and prior to the Drawing of the Game of Powerball entered. At the request of a Player, the Licensee may, in its absolute discretion and subject to the capability of its central processing computer equipment, at any time prior to the Drawing of the Game of Powerball entered effect a cancellation of a Ticket at the Licensee's central processing computer equipment host site. When a Ticket has been cancelled the Player shall be refunded the Fee paid in respect of such Ticket. A cancelled Ticket shall be void and no Prize shall be payable by the Licensee in respect of such Ticket."

#### **Rule 6 (f)**

Renumber the existing Rule 6 (f) as Rule 6 (g)

Insert a new Rule 6 (f):

"A Ticket which is recorded as void or cancelled in the Licensee's Computer Records shall be void regardless of whether such Ticket was cancelled in error by an Agent or the Licensee or otherwise, and no Prize shall be payable in respect of such Ticket. It is the responsibility of the Player to check the cancellation receipt provided by the Agent or the Licensee to the Player to ensure that the correct Ticket has been cancelled. It is the responsibility of the Player to inform the Agent or the Licensee if there has been an error in relation to cancellation of the Ticket. Neither the Agent nor the Licensee shall be liable to the Player in respect of an error in the cancellation of a Ticket if the Player has failed to inform the Agent or the Licensee, at the time of receiving the cancellation receipt, of the error in the cancellation of a Ticket."

#### **Rule 6 (g)**

Renumber the existing Rule 6 (g) as Rule 6 (k).

## Rule 6 (h)

Insert a new Rule 6 (h):

“The Licensee shall not be liable for any errors or omissions in respect of a Registered Player’s selections as recorded on the Computer Records. It is the responsibility of the Registered Player to check that the Numbers and other details shown on a Ticket are correct.”

## Rule 6 (i)

Insert a new Rule 6 (i):

“A Direct Mail Agent has no authority to verify the accuracy or completion by a Player of any part of an Entry Form or a Ticket. Entry into a Game of Powerball by a Player with a Direct Mail Agent does not exempt the Player from being bound by these Rules and a Player utilising a Direct Mail Agent to submit an Entry Form shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such Entry Form, the issue of any Ticket and the payment of any Prize.”

## Rule 6 (j)

Insert a new Rule 6 (j):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

## Rule 14 (h)

Change the reference in this Rule from “Rule 14 (e)” to Rule 14 (f)”.

## Rule 14 (l) (v)

Add the following words after the word “Ticket”:

“, which must be legible and be consistent with the details held by the Licensee’s Computer Records and must not be mutilated, altered, reconstituted, counterfeit or stolen.”

## Rule 14 (w)

Amend Rule 14 (w) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the third line.

## Rule 14 (x)

Delete the word “Officer;” at the end of Rule 14 (x) and replace with:

“Officer. A Prize claim form for a Prize or a share of a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct.”

## Rule 14 (z)

Renumber the existing Rule 14 (z) as 14 (ac).

Insert a new Rule 14 (z):

“No Prize shall be payable in respect of a Ticket which fails any confidential security test of the Licensee.”

## Rule 14 (aa)

Insert a new Rule 14 (aa):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

## Rule 14 (ab)

Insert a new Rule 14 (ab):

“The Licensee accepts no responsibility or liability for lost or stolen Tickets. Registration as a Registered Player shall not entitle a person to whom a winning Ticket is registered to be paid a Prize which has been previously paid by the Licensee to the address of the Registered Player.”

## Rule 15 (a)

Add a second sentence to Rule 15 (a):

“Any Ticket having issued in respect of an Entry in a Game of Powerball which is disqualified shall automatically be void and cancelled.”

## Rule 16 (d)

Delete the word “agent” in the first line and replace with the word “contractor”.

## Rule 16 (d) (ii)

- Delete the word “or” at the end of Rule 16 (d) (ii) (3).
- Add a new sub-clause as Rule 16 (d) (ii) (5): “the receipt and processing of a Prize claim form; or”
- Add a new sub-clause as Rule 16 (d) (ii) (6): “the cancellation of a Ticket; and”

## Rule 16 (d) (iii)

Insert a new Rule 16 (d) (iii):

“(iii) without prejudice to the generality of Rule 16 (d) (i) and Rule 16 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the processing of an Entry Form;
- (2) the issue of a Ticket;
- (3) the completion of a Prize claim form;
- (4) the receipt of a Prize claim form;
- (5) the processing of a Prize claim;
- (6) the payment of a Prize;
- (7) the cancellation of a Ticket; and”

## Rule 16 (d) (iv)

Insert a new Rule 16 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

## Rule 16 (i)

Renumber Rule 16 (i) as 16 (j).

Insert a new Rule 16 (i):

“In the cancellation of a Ticket, the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player or Syndicate Player and not the agent of the Licensee or the Chief Executive Officer.”

## Rule 16 (k)

- Renumber the existing Rule 16 (j) as 16 (k).
- In the second last line, replace the reference “to 16 (i)” with “to 16 (j)”.

**PUBLIC LOTTERIES ACT 1996****RULES – SOCCER FOOTBALL POOLS**

I, The Honourable GRANT McBRIDE, 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 Soccer Football Pools and Games of Promotional Soccer Football Pools as attached to this notice.

Dated this 6th day of November 2006.

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

**PUBLIC LOTTERIES ACT 1996****SOCCER FOOTBALL POOLS 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 Soccer Football Pools and Promotional Soccer Football Pools Games. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from the date of gazettal. These Rules supersede the Rules notified previously in the Government Gazette.

**Rule 1 (a) (iii)**

Delete the words “as its agent” in the first line.

**Rule 1 (a) (ix)**

Add the following words at the end of the existing definition:

“or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f)”

**Rule 1 (a) (l)**

Delete the first sentence and replace it with:

“‘Results’ means the outcome of Matches as declared by the Licensee.”

**Rule 3 (e)**

Renumber the existing Rule 3 (e) as 3 (h).

Insert a new Rule 3 (e):

“An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.”

**Rule 3 (f)**

Insert new Rule 3 (f):

“The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine.”

**Rule 3 (g)**

Insert a new Rule 3 (g):

“Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f).”

**Rule 6 (a)**

Add the following sentences after the existing sentence:

“A Player or Syndicate Player shall not Mark an Entry Form other than by hand unless the prior approval of the Licensee has been obtained. Without this approval such Entry Form will not be considered to be properly completed and a Player or Syndicate Player claiming a resultant Prize may not be entitled to payment of the Prize.”

**Rule 6 (g)**

Add a new second sentence:

“It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Entry Form or other approved form of Entry at the time of presentation to the Agent for processing.”

**Rule 6 (h)**

Add the following at the end of the existing Rule:

“It is the responsibility of the Player or Syndicate Player to check the accuracy of all details on the Ticket at the time it is received by a Player or Syndicate Player from the Agent. No Entry Form shall have any validity or be of evidence for any purpose after the Ticket has been taken by the Player or Syndicate Player from the Agent.”

**Rule 6 (j)**

Delete the existing Rule 6 (j) and replace it with the following:

“Subject to Rule 19 (f), a Player may return a Ticket and request that it be cancelled by an Agent. The Agent shall cancel the Ticket on that day provided it is returned on the day of purchase, to the place of purchase and prior to the Drawing of the Game of Pools entered. At the request of a Player, the Licensee may, in its absolute discretion and subject to the capability of its central processing computer equipment, at any time prior to the Drawing of the Game of Pools entered effect a cancellation of a Ticket at the Licensee’s central processing computer equipment host site. When a Ticket has been cancelled the Player shall be refunded the Fee paid in respect of such Ticket. A cancelled Ticket shall be void and no Prize shall be payable by the Licensee in respect of such Ticket.”

**Rule 6 (k)**

Renumber the existing Rule 6 (k) as Rule 6 (l)

Insert a new Rule 6 (k):

“A Ticket which is recorded as void or cancelled in the Licensee’s Computer Records shall be void regardless of whether such Ticket was cancelled in error by an Agent or the Licensee or otherwise, and no Prize shall be payable in respect of such Ticket. It is the responsibility of the Player to check the cancellation receipt provided by the Agent or the Licensee to the Player to ensure that the correct Ticket has been cancelled. It is the responsibility of the Player to inform the Agent or the Licensee if there has been an error in relation to cancellation of the Ticket. Neither the Agent nor the Licensee shall be liable to the Player in respect of an error in the cancellation of a Ticket if the Player has failed to inform the Agent or the Licensee, at the time of

receiving the cancellation receipt, of the error in the cancellation of a Ticket.”

#### Rule 6 (l)

Renumber the existing Rule 6 (l) as Rule 6 (p).

#### Rule 6 (m)

Insert a new Rule 6 (m):

“The Licensee shall not be liable for any errors or omissions in respect of a Registered Player’s selections as recorded on the Computer Records. It is the responsibility of the Registered Player to check that the Numbers and other details shown on a Ticket are correct.”

#### Rule 6 (n)

Insert a new Rule 6 (n):

“A Direct Mail Agent has no authority to verify the accuracy or completion by a Player of any part of an Entry Form or a Ticket. Entry into a Game of Pools by a Player with a Direct Mail Agent does not exempt the Player from being bound by these Rules and a Player utilising a Direct Mail Agent to submit an Entry Form shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such Entry Form, the issue of any Ticket and the payment of any Prize.”

#### Rule 6 (o)

Insert a new Rule 6 (o):

“Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.”

#### Rule 14 (h)

Change the reference in this Rule from “Rule 14 (e)” to Rule 14 (f)”.

#### Rule 14 (l) (v)

Add the following words after the word “Ticket”:

“, which must be legible and be consistent with the details held by the Licensee’s Computer Records and must not be mutilated, altered, reconstituted, counterfeit or stolen.”

#### Rule 14 (w)

Amend Rule 14 (w) by:

- Deleting the words “in relation thereto” in the second line.
- Adding the word “, constructive” after the word “express” in the third line.

#### Rule 14 (x)

Delete the word “Officer;” at the end of Rule 14 (x) and replace with:

“Officer. A Prize claim form for a Prize or a share of a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct.”

#### Rule 14 (z)

Renumber the existing Rule 14 (z) as 14 (ac).

Insert a new Rule 14 (z):

“No Prize shall be payable in respect of a Ticket which fails any confidential security test of the Licensee.”

#### Rule 14 (aa)

Insert a new Rule 14 (aa):

“The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.”

#### Rule 14 (ab)

Insert a new Rule 14 (ab):

“The Licensee accepts no responsibility or liability for lost or stolen Tickets. Registration as a Registered Player shall not entitle a person to whom a winning Ticket is registered to be paid a Prize which has been previously paid by the Licensee to the address of the Registered Player.”

#### Rule 15 (a)

Add a second sentence to Rule 15 (a):

“Any Ticket having issued in respect of an Entry in a Game of Pools which is disqualified shall automatically be void and cancelled.”

#### Rule 16 (d)

Delete the word “agent” in the first line and replace with the word “contractor”.

#### Rule 16 (d) (ii)

- Delete the word “or” at the end of Rule 16 (d) (ii) (3).
- Add a new sub-clause as Rule 16 (d) (ii) (5): “the receipt and processing of a Prize claim form; or”
- Add a new sub-clause as Rule 16 (d) (ii) (6): “the cancellation of a Ticket; and”

#### Rule 16 (d) (iii)

Insert a new Rule 16 (d) (iii):

“(iii) without prejudice to the generality of Rule 16 (d) (i) and Rule 16 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:

- (1) the processing of an Entry Form;
- (2) the issue of a Ticket;
- (3) the completion of a Prize claim form;
- (4) the receipt of a Prize claim form;
- (5) the processing of a Prize claim;
- (6) the payment of a Prize;
- (7) the cancellation of a Ticket; and”

#### Rule 16 (d) (iv)

Insert a new Rule 16 (d) (iv):

“(iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any employee, servant or contractor of the Licensee to a Player.”

#### Rule 16 (i)

Renumber Rule 16 (i) as 16 (j).

Insert a new Rule 16 (i):

“In the cancellation of a Ticket, the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player or Syndicate Player and not the agent of the Licensee or the Chief Executive Officer.”

## Rule 16 (k)

- Renumber the existing Rule 16 (j) as 16 (k).
- In the second last line, replace the reference “to 16 (i)” with “to 16 (j)”.

### RAIL SAFETY (DRUG & ALCOHOL PROGRAMS AMENDMENT) GUIDELINE 2006 – NO 4

under The Rail Safety Act 2002

I CAROLYN WALSH, Chief Executive of the Independent Transport Safety and Reliability Regulator, pursuant to sections 42 and 116A of the Rail Safety Act 2002 make the amendments contained in Schedule 1 to the Rail Safety (Drug & Alcohol Programs) Guideline 2006 appearing in the *Government Gazette* dated 4 August 2006.

Dated, this 13th day of December 2006.

CAROLYN WALSH,  
Chief Executive Officer

Independent Transport Safety and Reliability Regulator

#### Explanatory Note

The object of this amendment is to amend clause 7.4(b) of the Rail Safety (Drug & Alcohol Programs) Guideline 2006 originally gazetted on 4 August 2006 to extend the deadline for accredited railway operators to train their drug and alcohol testing officers in accordance with the training requirements contained in the Guideline from 1 January 2007 to 31 March 2007.

#### Rail Safety (Drug & Alcohol Programs Amendment) Guideline 2006 – No 4

##### Part 1 – Preliminary

##### 1. Name of Guideline

This is the Rail Safety (Drug & Alcohol Programs Amendment) 2006 – No 4.

##### 2. Commencement

This Guideline Commences on 15 December 2006.

##### Schedule 1

The Rail Safety (Drug & Alcohol Programs) Guideline 2006 is amended as follows:

##### 1. Omit Guideline 7.4(b) and insert instead the following:

the training of testing officers in accordance with Schedule 1 of these Guidelines, by no later than 31 March 2007.

Practice and Procedure on Debt Management, including which valley(s) they are located in; and

- (b) the number of customers in receipt of assistance with paying bulk water bills under the Code of Practice and Procedure on Debt Management, including which valley(s) they are located in.

4.6.5 The report referred to in clause 4.6.4 must detail the types of assistance under the Code of Practice and Procedure on Debt Management that have been requested by and provided to customers.

Signed at Sydney, this 6th of December 2006.

Governor of New South Wales

### SYDNEY WATER ACT 1994

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Kellyville Ridge in the Local Government Area of Blacktown

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, that the land described in the First Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Sydney Water Act 1994.

Dated at Sydney this Twelfth day of December 2006.

Signed for Sydney Water Corporation by its Attorneys

ROSS ROLAND WYNN

JEFFREY FRANCIS COLENZO

who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 323 Book 4465 under the Authority of which this instrument has been executed.

#### SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Blacktown, Parish of Gidley, County of Cumberland, and State of New South Wales, being Lot 1 in Deposited Plan 1097188, having an area of 1982m<sup>2</sup>, said to be owned by P. R. Waite and J. D. Tyszyk.

[Sydney Water reference:2005/00035F]

### STATE WATER CORPORATION ACT 2004

#### Amendment of Operating Licence Issued Under the State Water Corporation Act 2004

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council and on the recommendation of the portfolio Minister, in pursuance of section 13 of the State Water Corporation Act 2004, hereby amend the operating licence of State Water Corporation granted on 22 June 2005 by inserting the following clauses after clause 4.6.3:

4.6.4 State Water must report to IPART and the Minister quarterly, no later than one month following the end of each quarter, commencing 1 January 2007, on:

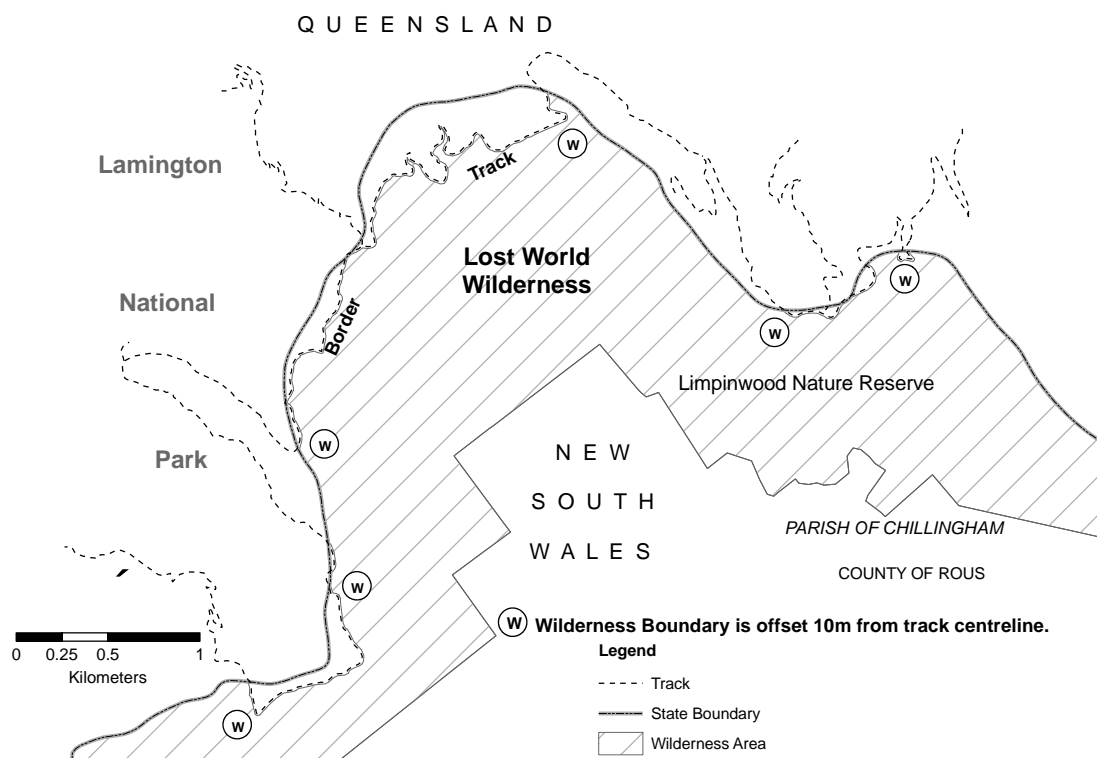
- (a) the number of requests by customers for assistance with paying bulk water bills under the Code of

## WILDERNESS ACT 1987

### Variation of Declaration of Wilderness Area

In pursuance of the powers vested in me under Section 8 (4A) of the Wilderness Act 1987, I hereby declare that the declaration of part of the Lost World Wilderness under the provisions of Section 8 (1A) of the Wilderness Act 1987, by notification in the *Government Gazette* of 14 September 1994, folio 5749, is varied by redefining part of the wilderness boundary to be offset 10 metres from the Border Track centreline, shown in the diagram following;

BOB DEBUS, M.P.  
Minister for the Environment



# 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

### ARMIDALE DUMARESQ COUNCIL

Roads Act 1993, Section 162

NOTICE is hereby given that the Armidale Dumaresq Council, in accordance with the abovementioned Act, has named the roads as shown hereunder:

<i>Location</i>	<i>New Name</i>
The Cul de sac at the western end of Rusden Street	Rusden Court
The road heading in a westerly direction 2.54Km along Castledoyle Road	Mays Road
The cul de sac heading south between Markham Street and Crest Road off Erskine Street	Illallangi Close
The road heading north 135m west of Oak Tree Drive intersecting with Ash Tree Drive	Golden Grove
The cul de sac heading east 160m along Golden Grove	Amber Close
The road that intersects with Middle Farm Road 900m from Grafton Road and heads in a westerly direction	Somerset Lane
The road that intersects with Stony Ridge Road 180m east of the New England Highway and heading north	Weaver Ridge
The road that intersects with Puddledock Road 3.4km from the New England Highway and heads in a south easterly direction	Hanlan Road
The renaming of Gostwyck Road to	Old Gostwyck Road
The renaming of Black Mountain Cemetery Road to	Elder Lane
The renaming of Rock Abbey Road to	Carndhu Road

Authorised under Delegated Authority of the General Manager. S. BURNS, General Manager, PO Box 75A, Armidale NSW 2350. [2816]

### BANKSTOWN CITY COUNCIL

Roads Act 1993, Section 16 (2)

Dedication of Land as Public Road

NOTICE is hereby given by the Council of the City of Bankstown that in pursuance of section 16 (2) of the Roads Act 1993, the land as described in the Schedule below is hereby dedicated as public road. Dated at Bankstown, 1 December 2006, Richard Colley, General Manager, Bankstown City Council, PO Box 8, Bankstown NSW 1885

#### SCHEDULE

Land left as residue of Certificate of Title Volume 972, Folio 119, in the name of New South Wales Land Company Limited shown in Deposited Plan 3495, as part of Cohors Road at Padstow, the part of Cohors Road being that part fronting Lot 1 in Deposited Plan 633266 and having a width of 14.1732 metres. [2817]

### BANKSTOWN CITY COUNCIL

Pesticide Use Notification Plan

BANKSTOWN CITY COUNCIL considered a Draft Pesticide Use Notifications Plan and in accordance with requirements placed the document on public exhibition for the prescribed 28 days period. No submissions were received and Council formally adopted the Plan on 12 December 2006.

A copy of the Plan is available for viewing, free of charge, at the Council's Customer Service Centre, 66-72 Rickard Road, Bankstown during business hours or maybe viewed on Council's website [www.bankstown.nsw.gov.au](http://www.bankstown.nsw.gov.au). RICHARD COLLEY, General Manager, Bankstown City Council, PO Box 8, Bankstown, NSW 1885 [2818]

### CESSNOCK CITY COUNCIL

Pesticide Act 1995 – Changes to the Regulation

Cessnock Pesticide Use Notification Plan

IN accordance with the Department of Environment and Conservation Guidelines, Cessnock City Council has developed a pesticide use notification plan which has completed its period of public exhibition and was adopted by Council on the 22 November 2006.

The Cessnock Pesticide Use Notification Plan can be viewed on the Cessnock City Council website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au). Enquiries to: Barry Shepherd, Vegetation Officer, tel.: 4993 4370. B. MORTOMORE, General Manager, Cessnock City Council, PO Box 152, Cessnock NSW 2325. [2819]

### COFFS HARBOUR CITY COUNCIL

Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named roads as follows:

Location

Lot 41, DP 1035881, new roads off Industrial Drive, Isles Industrial Park, North Boambee Valley.

New Name

- Forge Drive, and
- Engineering Drive.

Location

Lots 1002 to 1005, DP 787947, new roads off Lady Belmore Drive, Boambee East.

New Name

- Elderberry Way, and
- Jackwood Grove

Location

Extension of and renaming part of Split Solitary Road, Sapphire Beach.

New Name

- extension of Split Solitary Road along the existing right of carriage way to the beach foreshore;
- renaming part of the existing Split Solitary Road to Gumtree Glen.

S. SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450. [2820]

**GOSFORD CITY COUNCIL**

Roads Act 1993

Naming of Public Road - Grandbeach Lane

NOTICE is hereby given that Council has named a public road at Killcare, **GRANDBEACH LANE**. Authourised by Council Resolution on 28 November 2006. P. WILSON, General Manager, Gosford City Council, P.O Box 21, GOSFORD NSW 2250.

[2821]

**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 Mackenzie Street, north of Blanch Street, Bulahdelah.	Mackenzie Street North, Bulahdelah

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster, NSW 2428.

[2822]

**KOGARAH MUNICIPAL COUNCIL**

Pesticides Use Notification Plan

KOGARAH MUNICIPAL COUNCIL, in accordance with the Pesticides Regulation 1995, adopted the Pesticides Use Notification Plan at its meeting of 11 December 2006.

The plan which covers the Kogarah Local Government Area can be viewed at Council's Customer Service Centre, 84 Railway Parade, Kogarah, between 8:30 a.m. and 5:00 p.m., Monday to Friday and 9:00 a.m. and 12 noon, Saturday. It is also available on Council's web site at [www.kogarah.nsw.gov.au](http://www.kogarah.nsw.gov.au). PAUL WOODS, General Manager, Kogarah Municipal Council, Locked Bag 8, Kogarah NSW 2217.

[2823]

**LANE COVE MUNICIPAL COUNCIL**

Roads Act 1993, Section 16

PURSUANT to section 16 of the Roads Act 1993, Lane Cove Municipal Council hereby dedicates the following land as public road. PETER BROWN, General Manager, Lane Cove Municipal Council, 48 Longueville Road, Lane Cove NSW 2066.

**SCHEDULE**

Kelly's Esplanade - from the intersection of Bayview Street and Holden Street, west to foreshore reserve as shown edged in heavy black on the accompanying plan.



[2824]

**WOLLONGONG CITY COUNCIL**

Pesticides Notification Plan September 2006

IN accordance with the requirements of the Pesticides Amendment (Notification) Regulation 2003, Wollongong City Council has prepared a Pesticides Notification Plan which was placed on exhibition for 28 days and adopted by Council on 4 December 2006. Copies of the Plan may be downloaded from Council's website. Hard copies are available for viewing at Council's Burelli Street Administration Building on Level 5, the ground floor information desk and also Council's Reference Library.

[2825]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELLEN THERESA RACE, late of 2 Bluegum Avenue, Wingham, in the State of New South Wales, nurse, who died on 17 March 2006, must send particulars of the claim to the executor, Lawrence Henry Race, c.o. McKERNS, Lawyers, 12 Albert Street, Taree NSW 2430, 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 the trustees have notice. Probate was granted in New South Wales on 27 November 2006. McKERNS, Lawyers, The Parsonage, 12 Albert Street (PO Box 1434), Taree NSW 2430, tel.: (02) 6550 0922.

[2826]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAISIE PHYLLIS CECILIA O'BRIEN (also known as Maisie Phyllis Cecelia O'Brien), late of Yallambie Nursing Home, Carlingford, in the State of New South Wales, who died on 1 September 2006, must send particulars of his claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 7 December 2006. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685), (DX 27551, West Ryde), tel.: (02) 9858 1533.

[2827]

**COMPANY NOTICES**

NOTICE of winding up.—K HUMBLEY PTY LTD, ACN 000 350 943.—On 12 December 2006, a members' resolution was passed that the company be wound up voluntarily and that Paul de Maria be appointed as liquidator. PAUL DE MARIA, Liquidator, c.o. Hales Redden, Chartered Accountants, 24 Bay Street (PO Box 54), Rockdale NSW 2216, tel.: (02) 9567 0545. [2828]

NOTICE of final general meeting.—DYLFY PTY LIMITED, ACN 003 294 595 (in voluntary liquidation).—In accordance with section 509 of the Corporations Act, notice is hereby given that the final general meeting of the abovenamed company will be held on 23 January 2007, at 10:00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator and to authorise the liquidator to destroy all books and records of the company on completion of all duties. Dated 14 November 2006. LORETTA RABBITT, Liquidator, c.o. Shrubsole & Rabbitt Services Pty Limited, Suite 15, 838 Old Princes Highway, Sutherland NSW 2232, tel.: (02) 9521 2122. [2829]

NOTICE of final general meeting.—KIZNOT PTY LIMITED, ACN 003 219 690 (in voluntary liquidation).—In accordance with section 509 of the Corporations Act, notice is hereby given that the final general meeting of the abovenamed company will be held on 23 January 2007, at 11:00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator and to authorise the liquidator to destroy all books and records of the company on completion of all duties. Dated 14 November 2006. LORETTA RABBITT, Liquidator Shrubsole & Rabbitt Services Pty Limited, Suite 15, 838 Old Princes Highway, Sutherland NSW 2232, tel.: (02) 9521 2122 [2830]

NOTICE of final meeting.—COSMOPOLITAN DEVELOPMENT CORPORATION PTY LIMITED, ACN 000 323 204 (in voluntary liquidation).—Notice is hereby given that a general meeting of members of the abovenamed company will be held on Tuesday, 9 January 2007, at 23 Carrington Avenue, Mosman, at 10:00 a.m. Agenda: To hold the final meeting of the company and receive an account of how the winding up has been conducted. Dated 4 December 2006. By Order of the Board. EDWARD PEREZ DE LA SALA, Liquidator, c.o. MacDonald Honour & Co., Chartered Accountants, Suite 7, 1A Greengate Road, Killara NSW 2071 (PO Box 124, Roseville NSW 2069), tel.: (02) 9498 7511. [2831]

**OTHER NOTICES****COUNTRY ENERGY**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land for  
Voltage Regulator at Coolabah

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that

the Land described in Schedule 1 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995. Dated at Sydney, 15 December 2006. CRAIG MURRAY, Managing Director, Country Energy, PO Box 718, Queanbeyan NSW 2620.

**SCHEDULE 1**

*Locality – Coolabah; LGA - Bogan*  
*Title - Crown land contained in Lot 100 DP 1024769*  
*Parish – Vega; County - Canbelego*

The existing transmission line easement for the Nyngan – Bourke 66kV Transmission Line as notified in the *NSW Government Gazette* on 23 August 1968 is excepted from this acquisition in accordance with section 20 (2) Land Acquisition (Just Terms Compensation) Act 1991 (NSW).

In so far as any Native Title rights and interests may exist over any of the Land in Schedule 1, the “non-extinguishment principle” as defined in section 238 Native Title Act 1993 (Cth) applies to this acquisition. [2832]

**INTEGRAL ENERGY AUSTRALIA**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement at  
Ulladulla

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995. Dated at Huntingwood, 13 December 2006. JOHN WALLACE, General Manager Engineering Performance, Integral Energy Australia, 51 Huntingwood Drive, Huntingwood NSW 2148.

**SCHEDULE 1**

Easement for overhead power lines as set out in Memorandum No. 9262884 filed at Land and Property Information NSW. For the purposes of this notice, in Memorandum No. 9262884 “lot burdened” means:

- Closed road shown as ‘A’ in DP 1087855
- Crown land shown in DP 1087855
- Crown road 20.115 wide shown in DP 1087855

**SCHEDULE 2**

All that piece or parcel of land at Ulladulla, in the local government area of Shoalhaven, Parish of Ulladulla, and County of St Vincent, being the site of the proposed easement for overhead power lines 6 wide designated ‘B’ in DP 1087855 affecting:

- Closed road shown as ‘A’ in DP 1087855
- Crown land shown in DP 1087855
- Crown road 20.115 wide shown in DP 1087855

The land is said to be in the possession of the Crown.

[2833]





# *Government Gazette*

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## **PUBLIC SECTOR NOTICES**

### **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:

World Youth Day Authority

Roy WAKELIN-KING, Chief Executive Officer  
[4 December 2006].

The Hon. J. A. WATKINS, M.P.,  
Deputy Premier, Minister for Transport  
and Minister for Police

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