

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Proposal to Amend Several Address Locality Boundaries in the Wellington 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 several address locality boundaries in the Wellington Local Government Area as shown on map GNB3696-1-A.

The proposed amended boundaries shown on map GNB3696-1-A may be viewed at the Wellington Council Administration Centre, Wellington Library, Elong Elong Store, Geurie Post Office, Yeoval Post Office, Stuart Town Post Office, Goolma General Store and at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, from 5 September 2008 until 3 October 2008.

Any person wishing to make comment upon this proposal may prior to 3 October 2008 write to the Secretary of the Geographical Names Board with that comment. This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au) during the consultation period.

All submissions lodged in accordance with section 9 of the Geographical Names Act 1966 may be subject to a freedom of information application.

WARWICK WATKINS,  
Chairperson

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

**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 listed hereunder.

Assigned Name: MacCabe Corner.  
Designation: Boundary.  
L.G.A.: Wentworth Shire Council.  
Parish: Cal Lal.  
County: Tara.  
L.P.I. Map: Cal Lal.  
1:100,000 Map: Lindsay 7129.  
Reference: GNB 5106.  
Description: The junction of the prolongation of the South Australia – New South Wales State border with the southern high bank of the Murray River being the New South Wales – Victoria State border.

The position and the 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).

WARWICK WATKINS,  
Surveyor General of New South Wales,  
Chairperson

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

**GEOGRAPHICAL NAMES ACT 1966****Erratum**

1:25 000 topographic map Ravine 8526 2N,  
1:100 000 Yarrangobilly 8526

THE notice in *New South Wales Government Gazette* of 16 December 1977, Folio 1958, refers to the assignment of a geographical name McGeachs Creek. The correct name should be McGeochs Creek. This notice corrects that error.

W. WATKINS,  
Chairman

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

**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 name listed hereunder as geographical name.

Assigned Name: Muraban Creek  
Designation: Creek  
L.G.A.: Lake Macquarie City Council  
Parish: Kahibah  
County: Northumberland  
L.P.I. Map: Swansea  
1:100,000 Map: Lake Macquarie 9231  
Reference: GNB 5217

The position and the 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 website at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

WARWICK WATKINS,  
Chairperson

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

**HERITAGE ACT 1977**

Notice of Order Under Section 57 (2) of  
the Heritage Act 1977

I, the Minister for Planning, pursuant to subsection 57 (2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

1. revoke the Schedule of Exemptions to subsection 57 (1) of the Heritage Act made under subsection 57 (2) and published in the Government Gazette on 22 February 2008; and
2. grant standard exemptions from subsection 57 (1) of the Heritage Act 1977, described in the Schedule attached.

FRANK SARTOR,  
Minister for Planning  
Sydney, 11 July 2008

SCHEDULE OF EXEMPTIONS TO  
SUBSECTION 57 (1) OF THE HERITAGE ACT 1977  
MADE UNDER SUBSECTION 57 (2)

GENERAL CONDITIONS

1. These general conditions apply to all of the following Exemptions.
2. Anything done pursuant to the following Exemptions must be carried out in accordance with relevant Guidelines issued by the Heritage Branch including “The Maintenance of Heritage Assets: A Practical Guide” 1998, “Movable Heritage Principles” 2000 and “The Heritage Council Policy on Managing Change to Heritage Items”.
3. The following Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people.
4. The Director and Managers employed by the Heritage Branch – Department of Planning; the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority; the Executive Director Cultural Heritage employed by the Department of Environment and Climate Change and the General Manager, Sustainability employed by the Sydney Water Corporation may perform any of the functions of the Director-General of the Department of Planning (Director-General) under these exemptions.

The authorisation to the Executive Director, Tenant and Asset Management Services of the Sydney Harbour Foreshore Authority is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director, Tenant and Asset Management Services.

The authorisation to the Executive Director Cultural Heritage of the Department of Environment and Climate Change is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director Cultural Heritage.

The authorisation to the General Manager, Sustainability employed by the Sydney Water Corporation is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the General Manager, Sustainability.

5. In these Exemptions, words shall be given the same meaning as in the Heritage Act 1977 (“the Act”) unless the contrary intention appears from the context of the exemption.
6. Anything done pursuant to the following Exemptions must be specified, supervised and carried out by

people with knowledge, skills and experience appropriate to the work.

STANDARD EXEMPTION 1: MAINTENANCE AND  
CLEANING

1. The following maintenance and cleaning does not require approval under subsection 57 (1) of the Act:
  - (a) the maintenance of an item to retain its condition or operation without the removal of or damage to the existing fabric or the introduction of new materials;
  - (b) cleaning including the removal of surface deposits, organic growths or graffiti by the use of low pressure water (less than 100 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing.

NOTE 1: Traditional finishes such as oils and waxes must continue to be used for timber surfaces rather than modern alternative protective coatings such as polyurethane or acrylic which may seal the surface and can cause damage.

NOTE 2: Surface patina which has developed on the fabric may be an important part of the item's significance and if so needs to be preserved during maintenance and cleaning.

STANDARD EXEMPTION 2: REPAIRS

1. Repair to an item which is of the type described in (a) or (b) below does not require approval under subsection 57 (1) of the Act:
  - (a) the replacement of services such as cabling, plumbing, wiring and fire services that uses existing service routes, cavities or voids or replaces existing surface mounted services and does not involve damage to or the removal of significant fabric;
  - (b) the repair (such as refixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing and does not involve damage to or the removal of significant fabric.

NOTE 1: Repairs must be based on the principle of doing as little as possible and only as much as is necessary to retain and protect the element. Therefore replacement must only occur as a last resort where the major part of an element has decayed beyond further maintenance.

NOTE 2: Any new materials used for repair must not exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance.

NOTE 3: Repair must maximise protection and retention of fabric and include the conservation of existing detailing, such as vents, capping, chimneys, carving, decoration or glazing.

## STANDARD EXEMPTION 3: PAINTING

1. Painting does not require approval under subsection 57 (1) of the Act if the painting:
  - (a) does not involve the disturbance or removal of earlier paint layers other than that which has failed by chalking, flaking, peeling or blistering;
  - (b) involves over-coating with an appropriate surface as an isolating layer to provide a means of protection for significant earlier layers or to provide a stable basis for repainting; and
  - (c) employs the same colour scheme and paint type as an earlier scheme if they are appropriate to the substrate and do not endanger the survival of earlier paint layers.
2. Painting which employs a different colour scheme and paint type from an earlier scheme does not require approval under subsection 57 (1) of the Act, provided that:
  - (a) the Director-General is satisfied that the proposed colour scheme, paint type, details of surface preparation and paint removal will not adversely affect the heritage significance of the item; and
  - (b) the person proposing to undertake the painting has received a notice advising that the Director-General is satisfied.
3. A person proposing to undertake repainting of the kind described in paragraph 2 must write to the Director-General and describe the proposed colour scheme, paint type, details of surface preparation and paint removal involved in the repainting. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2
  - (a) the Director-General shall notify the applicant.

NOTE: Preference should be given to the re-establishment of historically significant paint schemes of the item that are appropriate to the significance of the building.

## STANDARD EXEMPTION 4: EXCAVATION

1. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57 (1) of the Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied that:
  - (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or
  - (b) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or
  - (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of

disturbance, indicates that the site has little or no archaeological research potential.

2. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57 (1) of the Act:
  - (a) the excavation or disturbance of land is for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;
  - (b) the excavation or disturbance of land is to carry out inspections or emergency maintenance or repair on underground utility services and due care is taken to avoid effects on any other relics;
  - (c) the excavation or disturbance of land is to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;
  - (d) the excavation or disturbance of land is to maintain or repair the foundations of an existing building which will not affect any associated relics;
  - (e) the excavation or disturbance of land is to expose survey marks for use in conducting a land survey
3. A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director-General and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), (b) or (c) the Director-General shall notify the applicant.

NOTE 1: Any excavation with the potential to affect Aboriginal objects must be referred to the Director-General of the Department of Environment and Climate Change.

NOTE 2: If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Department of Environment and Climate Change is to be informed in accordance with section 91 of the National Parks and Wildlife Act 1974.

NOTE 3: This exemption does not allow the removal of State significant relics.

NOTE 4: Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment, zoning plan, management plan or statement required by this exemption, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Act. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

NOTE 5: Archaeological research potential of a site is the extent to which further study of relics which are likely to be found is expected to contribute to improved knowledge about NSW History which is not demonstrated by other sites or archaeological resources.

#### STANDARD EXEMPTION 5: RESTORATION

1. Restoration of an item by returning significant fabric to a known earlier location without the introduction of new material does not require approval under subsection 57 (1) of the Act.
2. The following restoration does not require approval under subsection 57 (1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the restoration has received a notice advising that the Director-General is satisfied:
  - (a) the restoration of an item without the introduction of new material (except for fixings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.
3. A person proposing to undertake restoration of the kind described in paragraph 2 must write to the Director-General and set out why there is a need for restoration to be undertaken and the proposed material and method of restoration. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2 (a), the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 6: DEVELOPMENT ENDORSED BY THE HERITAGE COUNCIL OR DIRECTOR-GENERAL

1. Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director-General does not require approval under subsection 57 (1) of the Act.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH LITTLE OR NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE

1. Anything which in the opinion of the Director-General is of a minor nature and will have little or no adverse impact on the heritage significance of the item does not require approval under subsection 57 (1) of the Act.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed activity. If the Director-General is satisfied that the proposed

activity meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC

1. The following development does not require approval under subsection 57 (1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:
  - (a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 9: CHANGE OF USE

1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under subsection 57 (1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Director-General is satisfied:
  - (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions; and
  - (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users;
2. A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Director-General and describe the changes proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a) and (b), the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 10: NEW BUILDINGS

1. Subdivision under the Strata Scheme (Freehold Development) Act or Strata Scheme (Leasehold Development) Act of the interior of a building that has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under subsection 57 (1) of the Act.
2. Alteration to the interior of a building which has been constructed since the listing of the item on the State Heritage Register or the publication of

an interim heritage order in the Gazette which applies to the land does not require approval under subsection 57 (1) of the Act.

#### STANDARD EXEMPTION 11: TEMPORARY STRUCTURES

1. The erection of temporary structures does not require approval under subsection 57 (1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to erect the structure has received a notice advising that the Director-General is satisfied:
  - (a) the structure will be erected within and used for a maximum period of 4 weeks after which it will be removed within a period of 2 days and not erected again within a period of 6 months; and
  - (b) the structure is not to be located where it could damage or endanger significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items.
2. A person proposing to erect a structure of the kind described in paragraph 1 must write to the Director-General and set out the nature of the structure, the use for the structure and how long it will remain in place and the next occasion on which it is anticipated that the structure will be erected. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraphs 1 (a) and 1 (b) the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 12: LANDSCAPE MAINTENANCE

1. Landscape maintenance which is of the type described below does not require approval under subsection 57 (1) of the Act:
  - (a) weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features;
  - (b) pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material), not exceeding 10% of the canopy of a tree within a period of 2 years;
  - (c) pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) between 10% and 30% of the canopy of a tree within a period of 2 years;
  - (d) removal of dead or dying trees which are to be replaced by trees of the same species in the same location; or
  - (e) tree surgery by a qualified arborist, horticulturist or tree surgeon necessary for the health of those plants.
2. A person proposing to undertake landscape maintenance in the manner described in paragraph 1 (c) or 1 (d) must write to the Director-General and describe the maintenance proposed and provide

certification by a qualified or experienced arborist, horticulturist or tree surgeon that the maintenance is necessary for the tree's health or for public safety. If the Director-General is satisfied that the proposed maintenance meets these criteria, the Director-General shall notify the applicant.

NOTE 1: In relation to cemeteries, landscape features include monuments, grave markers, grave surrounds, fencing, path edging and the like.

NOTE 2: Other standard exemptions may apply to landscape maintenance such as #4 Excavation and #6 Development endorsed by the Heritage Council.

#### STANDARD EXEMPTION 13: SIGNAGE

1. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57 (1) of the Act:
  - (a) temporary signage which is located behind or on the glass surface of a shop window which is not internally illuminated or flashing and is to be removed within eight weeks; or
  - (b) a real estate sign indicating that the place is for auction, sale or letting and related particulars and which is removed within 10 days of the sale or letting of the place;
2. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57 (1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) respectively have been met and the person proposing to erect it has received a notice advising that the Director-General is satisfied:
  - (a) the erection of non-illuminated signage for the sole purpose of providing information to assist in the interpretation of the heritage significance of the item and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items; or
  - (b) signage which is in the form of a flag or banner associated with a building used for a purpose which requires such form of promotion such as a theatre or gallery, which is displayed for a maximum period of eight weeks and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage;
3. A person proposing to erect signage of the kind described in paragraph 2 must write to the Director-General and describe the nature and purpose of the advertising or signage. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) or 2(b), the Director-General shall notify the applicant.
4. Signage of the kind described in paragraphs 1 and 2 must:
  - (a) not conceal or involve the removal of signage which has an integral relationship with the significance of the item;

- (b) be located and be of a suitable size so as not to obscure or damage significant fabric of the item;
- (c) be able to be later removed without causing damage to the significant fabric of the item; and
- (d) reuse existing fixing points or insert fixings within existing joints without damage to adjacent masonry.

#### STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES

1. Development on land within a burial site or cemetery which is of the type described in (a), (b) or (c) below does not require approval under subsection 57 (1) of the Act:
  - (a) the creation of a new grave;
  - (b) the erection of monuments or grave markers in a place of consistent character, including materials, size and form, which will not be in conflict with the character of the place; or
  - (c) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers;

provided that there will be no disturbance to human remains, to relics in the form of grave goods, associated landscape features or to a place of Aboriginal heritage significance.

2. A person proposing to carry out development in the manner described in paragraph 1(b) or (c) must write to the Director-General and describe the development proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.
3. This exemption does not apply to the erection of above-ground chambers, columbaria or vaults, or the designation of additional areas to be used as a burial place.

NOTE 1: Other standard exemptions apply to the maintenance, cleaning and repair of burial sites and cemeteries.

#### STANDARD EXEMPTION 15: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

1. Development which is required for the purpose of compliance with the minimum standards set out in Part 3 of the Heritage Regulation 2005 or an order issued under either:
  - (a) section 120 of the Heritage Act 1977 regarding minimum standards of maintenance and repair; or
  - (b) section 121S of the Environmental Planning and Assessment Act 1979 regarding an order which is consistent with a submission by the Heritage Council under subsection 121S (6) of that Act;
 does not require approval under subsection 57 (1) of the Act.

#### STANDARD EXEMPTION 16: SAFETY AND SECURITY

1. The following development does not require approval under subsection 57 (1) of the Act,

provided that the Director-General is satisfied that the criteria in (a) or (b) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:

- (a) the erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the item including landscape or archaeological features of its curtilage; or
  - (b) development, including emergency stabilisation, necessary to secure safety where a building or work or part of a building or work has been irreparably damaged or destabilised and poses a safety risk to its users or the public.
2. A person proposing to undertake development of the kind described in paragraph 1 must write to the Director-General and describe the development and, if it is of the kind set out in 1 (b), provide certification from a structural engineer having experience with heritage items confirming the necessity for the development with regard to the criteria set out in 1 (b) and any adverse impact on significant fabric. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a) or (b), the Director-General shall notify the applicant.

#### STANDARD EXEMPTION 17: MOVABLE HERITAGE ITEMS

1. The temporary relocation of movable heritage items, including contents, fixtures and objects, to ensure their security, maintenance and preservation, for conservation or exhibition, to ensure health or safety, the need for a controlled environment for those heritage items, or to protect the place, and which are to be returned to their present location within six months, does not require approval under subsection 57 (1) of the Act.
2. A person proposing to relocate a movable heritage item as set out in paragraph 1 must advise the Director-General in writing of the proposed location and the reasons for its relocation. If the Director-General is satisfied that the temporary relocation meets the criteria set out in paragraph 1 the Director-General shall notify the applicant.

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### HERITAGE ACT 1977

#### Notice of Order Under Section 139 (4) of the Heritage Act 1977

I, Chair of the Heritage Council of New South Wales, pursuant to subsection 139 (4) of the Heritage Act 1977, in accordance with the resolution of the Heritage Council of New South Wales, do by this Order, revoke the schedules of exceptions to subsections 139 (1) and (2) of the Heritage Act 1977 published in the Government Gazette on 22 February 2008 and create exceptions to subsections 139 (1) and (2) of the Heritage Act 1977, described in the Schedule below.

GABRIELLE KIBBLE, A.O.,  
Chair, Heritage Council of New South Wales  
Parramatta, 6 August 2008

SCHEDULE OF EXCEPTIONS TO  
SUBSECTIONS 139 (1) AND (2) OF  
THE HERITAGE ACT 1977  
MADE UNDER SUBSECTION 139 (4)

GENERAL CONDITIONS

1. Any excavation with the potential to affect Aboriginal objects must be referred to the Director-General of the Department of Environment and Climate Change.
  2. If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Department of Environment and Climate Change is to be informed in accordance with section 91 of the National Parks and Wildlife Act 1974.
  3. These exceptions do not allow the removal of State significant relics.
  4. Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment, zoning plan, management plan or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Act. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.
- (b) the excavation or disturbance of land is to carry out inspections or emergency maintenance or repair on underground utility services and due care is taken to avoid effects on any other relics;
  - (c) the excavation or disturbance of land is to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;
  - (d) the excavation or disturbance of land is to maintain or repair the foundations of an existing building which will not affect any associated relics; or
  - (e) the excavation or disturbance of land is to expose survey marks for use in conducting a land survey.
3. A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director-General and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), (b) or (c) the Director-General shall notify the applicant.
  4. The Director and Managers employed by the Heritage Branch – Department of Planning; the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority; the Executive Director Cultural Heritage employed by the Department of Environment and Climate Change and the General Manager, Sustainability employed by the Sydney Water Corporation may perform any of the functions of the Director-General under this exception.

SCHEDULE

1. Excavation or disturbance of land of the kind specified below does not require an excavation permit under section 139 of the Heritage Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied that:
  - (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or
  - (b) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or
  - (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance, indicates that the site has little or no archaeological research potential.
2. Excavation or disturbance of land of the kind specified below does not require an excavation permit under section 139 of the Heritage Act:
  - (a) the excavation or disturbance of land is for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;

The authorisation to the Executive Director, Tenant and Asset Management Services of the Sydney Harbour Foreshore Authority is restricted to land for which the Sydney Harbour Foreshore Authority is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in this exception is satisfied, must not be carried out by the Executive Director, Tenant and Asset Management Services.

The authorisation to the Executive Director Cultural Heritage of the Department of Environment and Climate Change is restricted to land for which the Department of Environment and Climate Change is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in this exception is satisfied, must not be carried out by the Executive Director Cultural Heritage.

The authorisation to the General Manager, Sustainability employed by the Sydney Water Corporation is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in this

exception is satisfied, must not be carried out by the General Manager, Sustainability.

NOTE 1: Archaeological research potential of a site is the extent to which further study of relics which are likely to be found is expected to contribute to improved knowledge about NSW History which is not demonstrated by other sites or archaeological resources.

### LOCAL GOVERNMENT ACT 1993

#### PROCLAMATION

I, the Honourable JAMES JACOB SPIGELMAN, A.C., Lieutenant Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 397(2) of the Local Government Act 1993, do hereby amend the proclamations in force constituting or varying the constitution of Richmond River County Council, established by virtue of a proclamation that appeared in *New South Wales Government Gazette* No. 139 on 4 December 1959, by varying the constitution, in the manner described in the Schedule below.

Signed and sealed at Sydney, this 27th day of August 2008.

By His Excellency's Command,

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

GOD SAVE THE QUEEN!

#### SCHEDULE

1. Amend the constitution to reflect that the constituent membership of the County Council encompasses the local government areas of Lismore City, Ballina Shire, and Richmond Valley.
2. Amend the powers and duties of the County Council included in Clause (a) by the addition of "...and natural resource management issues arising there from".
3. Amend the constituent Membership numbers of the County Council to two Councillors from each of the three member councils.
4. Declaring that the changes shall come into effect immediately after the ordinary local government elections to be held on 13 September 2008.

### NATIONAL PARKS AND WILDLIFE ACT 1974

Araluen Nature Reserve  
Monkerai Nature Reserve  
Mulgoa Nature Reserve  
Narranderra Nature Reserves  
Goonawarra Nature Reserve  
Boginderra Hills Nature Reserve  
Plans of Management

PLANS of management for the above nature reserves were adopted by the Minister for Climate Change and the Environment on 21 July 2008.

Copies of the Araluen plan may be obtained from the NPWS office at the corner of Field Street and Princes

Highway, Narooma NSW 2546 (phone 4476 2888). Copies of the Monkerai plan may be obtained from the NPWS office at Level 1, 12 Teramby Road, Raymond Terrace NSW 2315 (phone 4984 8200). Copies of the Mulgoa plan may be obtained from the NPWS office at Level 1, 10 Valentine Street, Parramatta NSW 2150 (phone 9895 7420). Copies of the Narranderra, Goonawarra and Boginderra Hills plans may be obtained from the NPWS office at 200 Yambil Street, Griffith NSW 2680 (phone 6966 8100).

The plans are also available on the web site: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

### PESTICIDES ACT 1999

#### Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

COLIN RANARD,  
A/Manager,  
Dangerous Goods  
(by delegation)

#### SCHEDULE

##### Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
John STOKES, 12 Phoenix Place, Giralang ACT 2617.	28 August 2008.
Michael MEHRTENS, PO Box 323, Innisfail QLD 4860.	28 August 2008.

### PESTICIDES ACT 1999

#### Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,  
A/Manager,  
Dangerous Goods,  
Department of Environment and Climate Change  
(by delegation)

#### SCHEDULE

##### Aircraft (Pesticide Applicator) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
MIKE GRIBBLE PTY. LTD., PO Box 27, Benambra Vic 3900.	28 August 2008.