

1992

No. 185

NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

REPORT
FROM THE
SELECT COMMITTEE
UPON THE
TAMWORTH TOURIST
INFORMATION CENTRE BILL

TOGETHER WITH
THE MINUTES OF PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE AND APPENDICES



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(Cover photograph taken by the Clerk to the Committee on 7 November 1992
shows the northern portion of public reserve no. 88781
with the caravan park in the background)

MEMBERS OF THE COMMITTEE

Committee appointed Votes & Proceedings No. 44,
entry 3, 15 October 1992

Members of the Committee

Mr A.H.C. Windsor (Tamworth - Chairman)

* Mr W.J. Davoren (Lakemba) The Hon. M.R. Yabsley (Vaucluse)
Mr A.R.G. Fraser (Coffs Harbour) Mr A.C. Ziolkowski (Parramatta)

Clerk to the Committee

Mr L.E. Gönye Clerk-Assistant (Procedure)

* Appointed to replace Mr D.L. Page (Ballina) Votes and Proceedings No. 44, entry 24,
15 October 1992.

REPORT

The Select Committee of the Legislative Assembly, for whose consideration and report was referred the Tamworth Tourist Information Centre Bill on 15 October 1992, beg to report to your Honourable House:

That your Committee has received the eight submissions listed, has carried out an inspection of public reserve no. 88781 and has examined the witnesses named in the list (whose evidence is appended hereto) concerning the usage, the proposed new usage and related matters of the land being the subject of the Bill.

Your Committee notes the precedent of the Legislative Assembly Select Committee on the Canterbury Park Racecourse Company Limited Enabling Bill 1910 and House of Commons practice on private bills.

Your Committee in considering the evidence and material placed before it finds, as follows:

- That the preamble, as amended, is satisfactorily proved;
- That the area of Lot 10 in Deposited Plan 786997 is approximately 5.97 hectares;
- That for the purposes of the Bill Tamworth City Council only require the northern portion of the Lot being approximately 2.53 hectares in area (unsurveyed);
- That the said northern portion is subject to the Tamworth Local Environmental Plan 1985 (Amendment No. 32); and
- That Tamworth City Council propose to submit both Development and Building Applications, released together with a statement of environmental effects for public comment.

Notwithstanding earlier precedent your Committee then proceeded to consider the clauses and schedule of the Bill and recommends, as follows:

1. That the preamble to the Bill be amended by:

| | |
|--------------------|---|
| Recital 1, line 2 | omit "dedicated" insert instead "reserved". |
| Recital 2, line 23 | omit all words on that line and insert instead "centre, a coach interchange facility and ancillary facilities on the land". |

2. That the schedule be amended by authorising the works to within that portion of Lot 10 in Deposited Plan 786997 being an area of approximately 2.53 hectares (unsurveyed) bounded by the future extension of Murray Street, Peel Street for a distance of approximately 175 metres to the existing boundary of Paradise Caravan Park to the Peel River and downstream to the inner city bypass bridge.

3. That the sponsor of the Bill have the amendments drafted by Parliamentary Counsel to be moved in Committee of the Whole on the Bill.
4. That Standing Order 401 be suspended such that the promoter of the Bill be exempted from expenses attendant on the passage of the Bill through the Legislative Assembly on and after 13 November 1992.

Tony Windsor
Chairman

Legislative Assembly
Parliament House
13 November 1992

PETITION

TAMWORTH TOURIST INFORMATION CENTRE BILL

To the Honourable Speaker and Members of the Legislative Assembly of New South Wales in Parliament assembled.

This petition of certain citizens of Tamworth and New South Wales respectfully showeth that as the City of Tamworth has grown as a large regional city and popular tourist destination the current tourist facilities provided by the Council of the City of Tamworth have become outdated and inadequate. Accordingly, the undersigned petitioners desire the Council of the City of Tamworth to develop a tourist information, coach terminal and associated tourist facilities on land being a public reserve No. 88781 upon which Council currently operates the Paradise Caravan Park, described as Lot 10 in D.P. 786997.

This petition also showeth that within the 3 months prior to the presentation of this petition a public notice, of intention to apply for a Private Bill, required by Legislative Assembly Standing Order 396, has duly appeared in the Government Gazette of 14th, 21st, 28th August and 4th September, 1992, The Northern Daily Leader of 12th, 22nd, 26th August and 5th September, 1992, and The Sydney Morning Herald of 14th, 18th, 25th August and 1st September, 1992, extracts of which are attached.

The object of the Private Bill applied for is to authorise the Council of the City of Tamworth to construct on a public reserve the following:-

- *a tourist information centre;*
- *facilities ancillary to the tourist information centre; and*
- *an interchange/terminal facility for passenger coaches and buses.*

Your Petitioners therefore humbly pray that your Honourable House will give leave to the honourable member for Tamworth to bring in a bill to enable the Council of the City of Tamworth to construct a tourist information centre, coach interchange facility and associated tourist facilities on certain land at East Tamworth now constituted a public reserve.

Any your Petitioners, as in duty bound, will ever pray.

**PROCEEDINGS OF THE SELECT COMMITTEE UPON THE
TAMWORTH TOURIST INFORMATION CENTRE BILL**

No. 1

Thursday 15 October 1992
At 8.30 p.m., Parliament House

MEMBERS PRESENT

Mr Davoren
Mr Fraser

Mr Windsor
Mr Ziolkowski

An apology was received from The Hon. M.R. Yabsley.

The Clerk to the Committee, in the absence of the Clerk of the Legislative Assembly, opened the meeting and read the following:

"Portion of entry number 3, Votes and Proceedings of the Legislative Assembly, 15 October 1992:

- (2) Ordered, on motion of Mr Windsor (by leave),
- (1) That the Tamworth Tourist Information Centre Bill be referred to a select committee for consideration and report.
 - (2) That such committee consist of Mr Davoren, Mr D.L. Page, Mr Yabsley, Mr Ziolkowski and the mover.
 - (3) That the committee have leave to make a visit of inspection to Tamworth.";

and

"Entry number 24, Votes and Proceedings of the Legislative Assembly, 15 October 1992:

Ordered, on motion of Mr West (by leave), That Donald Loftus Page be discharged from attendance on the Select Committee upon the Tamworth Tourist Information Centre Bill and that Andrew Raymond Gordon Fraser be appointed to serve on such committee."

Election of Chairman

Resolved, on motion of Mr Fraser, seconded by Mr Davoren:

"That Mr Windsor be elected Chairman of the Committee".

And Mr Windsor having made his acknowledgements—

Background

The Clerk briefed the Committee on the various procedural aspects of private bills.

The Chairman then briefed the Committee on the background to the matters at issue in the bill.

Procedural Motions

Resolved, on motion (in globo) of Mr Davoren, seconded by Mr Fraser:

- (1) That arrangements for the calling of witnesses and visits of inspection be left in the hands of the Chairman and the Clerk to the Committee.
- (2) That, unless otherwise ordered, when the Committee is examining witnesses, the press and public (including witnesses after examination) be admitted to the sitting of the Committee.
- (3) That persons having special knowledge of the matters under consideration by the Committee may be invited to assist the Committee.
- (4) That press statements on behalf of the Committee be made only by the Chairman after approval in principle by the Committee or after consultation with Committee members.
- (5) That, unless otherwise ordered, access to transcripts of evidence taken by the Committee be determined by the Chairman and not otherwise made available to any person, body or organisation: provided that witnesses previously examined shall be given a copy of their evidence; and that any evidence taken in camera or treated as confidential shall be checked by the witness in the presence of the Clerk to the Committee or an Officer of the Committee.
- (6) That the Chairman and the Clerk to the Committee be empowered to advertise and/or write to interested parties requesting written submissions.
- (7) That upon the calling of a division or quorum in the House during a meeting of the Committee, the proceedings of the Committee shall be suspended until the Committee again has a quorum.
- (8) That the Chairman and the Clerk to the Committee make arrangements for visits of inspection by the Committee as a whole and that individual members wishing to depart from these arrangements be required to make their own arrangements.

Staffing

The Clerk informed the Committee of staffing arrangements.

Committee Timetable

The Committee discussed a work plan and timetable based on the closing date for submissions being Thursday 29 October 1992.

General Business

Mr Davoren requested that Committee Members be provided with a copy of the Report from the Select Committee of the Canterbury Park Racecourse Company Limited Enabling Bill together with the proceedings of the Committee, minutes of evidence and appendices.

The Committee adjourned at 8.57 p.m. until Thursday 29 October 1992.

No. 2

Thursday 29 October 1992
At 11.30 a.m., Parliament House

MEMBERS PRESENT

Mr Windsor (Chairman)

Mr Davoren
Mr Fraser

The Hon. M.R. Yabsley
Mr Ziolkowski

Minutes

The minutes of the meeting held on 15 October 1992, as circulated, were confirmed.

Reference Documents

The Committee noted as before it (having been previously circulated) the printed copies of the bill together with a copy of the original petition.

Other Documents

The Committee also noted the following documents:

- (i) the advertisement calling for submissions;
- (ii) editorial of "The Northern Daily Leader", dated 20 October 1992;
- (iii) report of the Select Committee on the Canterbury Park Racecourse Company Limited Enabling Bill.

Visit of Inspection

The Committee deliberated upon the arrangements for the visit of inspection to Tamworth on Saturday 7 November 1992.

The Committee adjourned at 11.53 p.m. until Saturday 7 November 1992.

No. 3

Saturday 7 November 1992

At 10.00 a.m.

Tamworth Community Centre

MEMBERS PRESENT

Mr Windsor (Chairman)

Mr Davoren
Mr Fraser

The Hon. M.R. Yabsley
Mr Ziolkowski

Site Inspection

The Committee proceeded to the intersection of Murray and Peel Streets, Tamworth and in the presence of Alderman David John (Mayor), Alderman Tom Hannah (Deputy Mayor), Mr Steve Bartlett (Deputy Town Clerk), Mr Brad Everett (Planning Services Manager) and Mr Chas Dunlop (Works and Technical Services Director) of Tamworth City Council proceeded to inspect public reserve no. 88781.

Inspection concluded and the Committee having returned to the Tamworth Community Centre—

Hearings

The press and public were admitted.

By direction of the Chairman, the Clerk read the Committee terms of reference and Legislative Assembly Standing Order 362 relating to the examination of witnesses.

Mr Stephen Matthew Bartlett (Deputy Town Clerk), Alderman David Phillip John (Mayor), Mr Bradley Stewart Everett (Planning Services Manager) and Alderman Thomas Hannah (Deputy Mayor) of Tamworth City Council all sworn and examined.

Evidence concluded the witness withdrew.

Mr Peter Bassett Macquarie Pulley, Development Co-ordinator of the Tamworth Development Corporation, sworn and examined.

Evidence concluded the witness withdrew.

The Committee adjourned at 12.32 p.m. until Friday 13 November 1992.

No. 4

Friday 13 November 1992
At 2.15 p.m. Parliament House

MEMBERS PRESENT

Mr Windsor (Chairman)

Mr Davoren
Mr Fraser

The Hon. M.R. Yabsley
Mr Ziolkowski

Minutes

The minutes of the meetings held on 29 October and 7 November 1992, as circulated, were confirmed.

Correspondence

The Committee noted the following correspondence:

- (i) a letter from Mrs Want, dated 8 November 1992.
- (ii) a letter from the Hon. G.B. West, Minister for Conservation and Land Management and Minister for Energy, dated 10 November 1992.
- (iii) a memorandum from the Parliamentary Counsel, dated 13 November 1992.

Consideration of the Report

The draft report having been previously circulated—

Question - That the findings be agreed to - put and passed.

Question - That recommendations 1-4 be agreed to - put and passed.

Question proposed - That this preamble stand part of the Bill.

Resolved, on motion of Mr Davoren, seconded by Mr Fraser:

"That the preamble be amended by:

Recital 1, line 2 omit "dedicated" insert instead "reserved"; and

Recital 5, line 23 omit all words on that line and insert instead "centre, a coach interchange facility and ancillary facilities on the land"."

Question - That this preamble, as amended, stand part of the Bill - put and passed.

Clause 1, as read, agreed to.

Clause 2, as read, agreed to.

Clause 3, as read, agreed to.

Schedule 1, as read, proposed.

Resolved, on motion of Mr Davoren, seconded by Mr Fraser:

"That the schedule be amended by authorising the works to within that portion of Lot 10 in Deposited Plan 786997 being an area of approximately 2.53 hectares (unsurveyed) bounded by the future extension of Murray Street, Peel Street for a distance of approximately 175 metres to the existing boundary of Paradise Caravan Park to the Peel River and downstream to the inner city bypass bridge."

Schedule 1, as to be amended, agreed to.

Title read and agreed to.

Report adopted.

The Committee deliberated.

The Committee adjourned at 3.41 p.m., sine die.

LIST OF SUBMISSIONS RECEIVED

| | | | |
|-----|-----------------------|---|--|
| S.1 | dated 27 October 1992 | - | anon. |
| S.2 | dated 30 October 1992 | - | Tamworth City Council. |
| S.3 | undated | - | Mrs Elizabeth Want (Tamworth). |
| S.4 | dated 2 November 1992 | - | Peel-Cunningham County Council. |
| S.5 | dated 3 November 1992 | - | Tamworth Development Corporation. |
| S.6 | dated 4 November 1992 | - | Northern Area Regional Organisation of Councils. |
| S.7 | dated 3 November 1992 | - | Nature Conservation Council. |
| S.8 | dated 6 November 1992 | - | Parry Shire Council. |

LIST OF WITNESSES

| | |
|------------------------|--|
| Mr Stephen Bartlett | Deputy Town Clerk Tamworth City Council |
| Mr Bradley Everett | Planning Services Manager Tamworth City Council |
| Alderman Thomas Hannah | Deputy Mayor Tamworth City Council |
| Alderman David John | Mayor Tamworth City Council |
| Mr Peter Pulley | Development Co-ordinator Tamworth Development Corporation |

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE UPON

**THE TAMWORTH TOURIST INFORMATION
CENTRE BILL**

—

At 11.00 a.m. Saturday, 7 November, 1992

—

Tamworth Community Centre

—

PRESENT

Mr A. H. C. Windsor (Chairman)

Mr W. J. Davoren
Mr A. R. G. Fraser

The Hon. M. R. Yabsley
Mr A. C. Ziolkowski

CHAIRMAN: As most of you would know, the transfer of usage of a public reserve, in this case known as Paradise Park, requires legislation. In this case by way of a private bill. The standing orders of the Parliament require that the bill be referred to a Select Committee. As such this Committee was formed by the Legislative Assembly and part of its deliberations is the process that we are going through today. Several procedural processes must be followed for reporting the business of this Committee. The purpose of today's meeting is to consider the issues raised in the submissions that have been made in writing to the Committee—there have been eight in all—and for members of the Committee to ask Tamworth City Council, in particular, a broad range of questions concerning the usage of the subject parcel of land and why Tamworth City Council proposes the land to be rezoned for other usages. The Committee, after its deliberations, will report back to the Legislative Assembly at which stage the private bill will be considered by the Parliament. It is very important that we, as a Committee, understand all the issues involved in this particular piece of legislation so that we can argue for or against the measures in the bill, as the case may be, when deliberating. There are a number of community issues that I am sure will be raised through questions from the Committee over the next hour and we will be able to record the answers from Council. That will be invaluable when the bill is debated in Parliament.

STEPHEN MATTHEW BARTLETT, Deputy Town Clerk, Tamworth City Council, Fitzroy Street, Tamworth,

DAVID PHILLIP JOHN, Mayor, Tamworth City Council, Fitzroy Street, Tamworth,

BRADLEY STEWART EVERETT, Planning Services Manager, Tamworth City Council, Fitzroy Street, Tamworth, and

THOMAS HANNAH, Deputy Mayor, Tamworth City Council, Fitzroy Street, Tamworth, all sworn and examined:

CHAIRMAN: Mr Bartlett, did you receive a summons issued under my hand to attend before this Committee?

Mr BARTLETT: Yes, I did.

CHAIRMAN: Mr John, did you receive a summons issued under my hand to attend before this Committee?

Mr JOHN: Yes, I did.

CHAIRMAN: Mr Everett, did you receive a summons issued under my hand to attend before this Committee?

Mr EVERETT: Yes, I did.

CHAIRMAN: Mr Hannah, did you receive a summons issued under my hand to attend before this Committee?

Mr HANNAH: I did.

CHAIRMAN: Mr Mayor, we have received a submission from your Council. Is it your wish that the submission be included as part of your sworn evidence?

Mr JOHN: It is.

**SUBMISSION BY TAMWORTH
CITY COUNCIL**

**TO THE PARLIAMENT OF
NEW SOUTH WALES
LEGISLATIVE ASSEMBLY SELECT**



**UPON THE TAMWORTH TOURIST
INFORMATION CENTRE BILL**

SUBMISSION BY TAMWORTH CITY COUNCIL TO THE PARLIAMENT OF
NEW SOUTH LEGISLATIVE ASSEMBLY SELECT COMMITTEE
UPON THE TAMWORTH TOURIST INFORMATION CENTRE BILL

1. INTRODUCTION:

Since March 1989, Council has endeavoured to obtain approval to develop a Tourist Information Centre/Coach Interchange and ancillary facilities on land declared to be a public reserve under the Local Government Act 1919, such land being described as Lot 10 in Deposited Plan 786997 and known as Public Reserve No 88781 for Public Recreation notified on 24 November 1972.

The subject land has been occupied by the Council since 1950, part of which is currently used and operated by the Council as a caravan park, known as the Paradise Caravan Park. The subject land was dedicated as a public reserve for the purposes of the Local Government Act by notification in the Government Gazette of 25 March 1977 at pages 1205 and 1207 and vested in the Council of the City of Tamworth for an estate in fee under Section 37AAA of the Crown Lands Consolidation Act 1913. The Lands Department ceased to have an interest in the public reserve as from that date.

2. BACKGROUND:

2.1 Resumption.

Council has pursued every opportunity available to secure approval to develop a Tourist Information Centre/Coach Interchange on the subject land. Council initially commenced action on 29 March 1989 under Section 532 of the Local Government Act to secure resumption of the subject land for the purpose of providing a site for a project for developing the Tourist Industry in the State or erecting on that land buildings to be made available for use for the purpose of the project and for providing, controlling and managing a Tourist Bureau as specifically authorised by Sections 475Q, 483 (1) and 518A of the Local Government Act.

Council was frustrated in its attempt to resume the subject land by virtue of an advising from the New South Wales Solicitor General dated 13 June 1990 that a Local Government Authority cannot resume land to itself under Section 532 of the Local Government Act where it already owns the land. The advising stated that it is inappropriate to resort to resumption powers under Section 532 of the Act merely to overcome perceived title difficulties consequent upon land being held subject to a "public purpose vesting" without there being some further local government purpose being facilitated by the resumption.

Following the advising that Council could not resume land from itself under the Local Government Act simply for the purpose of expunging a public reserve

dedication, Council made further representations to the then Minister for Local Government and Planning, David Hay, seeking direct Ministerial assistance to achieve the Council's purpose of developing a Tourist Information Centre/Coach Interchange on the subject public reserve. In a communication dated 22 May 1991 the Minister advised that Council could utilise the provisions of Section 28 of the Environmental Planning and Assessment Act 1979 as an alternative to resumption in certain circumstances. The Minister indicated that from examination of the several legal opinions at his disposal, it appeared that whilst Councils may not resume land which they already own, it is quite possible to resume an outstanding interest. It was stated that the opinions obtained place some restriction on purposes for which resumptions may proceed under the Local Government Act and that resumption may be for a proper Local Government purpose. The advice from the Minister indicated that whilst Tourist Industry Development is an authorised Local Government purpose, such development on a dedicated public reserve is specifically prohibited under the provisions of Section 475Q (1) (e) and (f) of the Act. Council was advised to utilise the provisions of Section 28 of the Environmental Planning and Assessment Act as an alternative to resumption in certain circumstances.

2.2 Suspension of the Provisions of the Local Government Act 1919.

Armed with this advice, Council submitted an application dated 19th June 1991 to the Minister for Planning seeking investigation and advice as to whether a draft Local Environmental Plan could be prepared to suspend the provisions of Sections 475Q (1) (e) and (f) of the Local Government Act using Section 28 of the Environmental Planning and Assessment Act.

In a letter dated 2 September 1991 from the Department of Planning, Council was advised that the use of Section 28 of the Environmental Planning and Assessment Act to allow commercial development on a public reserve is controversial and legal opinion is not conclusive. Council was advised that it is doubtful, however, but that the Minister has the power to make a plan to suspend the relevant provisions of the Local Government Act. The Department of Planning stated that even if it was appropriate to recommend that such a plan could be made, the Parliamentary Counsel could decline to give an opinion that the plan could legally be made.

The Department further advised it would seem that suspension of the abovementioned sections of the Local Government Act would not be sufficient to enable the construction of a Tourist Bureau on the subject land. Generally, the powers of a local council, under the Local Government Act, are construed strictly and unless the act expressly grants the local council power to construct a Tourist Bureau on a public reserve, this cannot be implied from other sections of the Act. So, notwithstanding a favourable zoning of the land, Tamworth City Council under its enabling legislation, that being the Local Government Act, could not construct a Tourist Information Centre on a public reserve.

Following this advice, Council made further representations to the current Minister for Local Government and Co-operatives, the Honourable Gerry Peacock, Member of Parliament. In a letter dated 11 November 1991 the Minister advised that whilst he appreciated the Council's concern about the difficulties concerning the development of a public reserve, the subject land is nonetheless a public reserve and

that he had no authority to agree to any development which is not in accordance with the provisions of the law relating to public reserves. The Minister stated that the situation in which the Council finds itself is largely attributable to the advice of the New South Wales Solicitor General to the effect that Council's resumption powers are not available in respect of land already owned by the Council. The Minister advised that consideration had been given to amending the resumption provisions of the Local Government Act with a view to overcoming the difficulties arising from the Solicitor General's advice, but after examining all issues involved, the Minister stated that having regard to current review of the entire Local Government Act, it was decided not to proceed with piecemeal legislative amendment at that time.

The Minister stated that unfortunately, the only avenue available to overcome the current situation involved either the introduction of a Private Members Bill in the Parliament to specifically extinguish the public reserve status of the land concerned, or an approach to the Minister for Planning to ascertain whether Section 28 of the Environmental Planning and Assessment Act would enable resolution of the difficulty by the issue of a Local Environmental Plan. This Minister stated that he had noted Council's action under Section 28 of the Environmental Planning and Assessment Act had been unsuccessful and stated that he could be of no further assistance to the Council.

2.3 Local Environmental Plan.

The subject land was originally zoned 6(a) under the Tamworth Local Environmental Plan 1985 which permitted the following uses with consent:

Any purpose authorised by Division 2 or 3 of Part XIII of the Local Government Act 1919; agriculture; camping areas; community centres; drainage; forestry; parking; racecourses; recreation facilities; roads, showgrounds; sports grounds; utility installations (other than gas holders or generating works).

Section 350 of the Local Government Act outlines the types of development and/or activities which Council may provide in any public reserve under its care, control and management:-

- (a) musical entertainments;**
- (b) chairs for hire to the public;**
- (c) public refreshment rooms;**
- (d) buildings for public entertainments conducted or authorised by the Council;**
- (e) public entertainments;**
- (f) boat sheds for the hire of boats to the public;**
- (g) boats for hire to the public; and**
- (h) grandstands, pavilions, seats, shelter sheds, picnic kiosks, privies and other buildings for the convenience of the public.**

Clearly, neither the Tamworth Local Environmental Plan 1985 or Section 350 of the Local Government Act specifically define a Tourist Information Centre/Coach Interchange and ancillary facilities as permitted uses.

Notwithstanding the fact that Council was prohibited from building a Tourist Information Centre by Section 475Q (1) (e) and (f) of the Local Government Act, Council resolved to prepare a draft Local Environmental Plan containing a specific clause to enable to the development of a Tourist Information Centre/Coach Interchange and associated facilities on the subject land. This provision would only apply to the subject land and NOT the remainder of land zoned 6(a) throughout the City of Tamworth.

In a communication dated 7 August 1992 from the Department of Planning, Council was advised that the Minister for Planning had made the Local Environmental Plan under Section 70 of the Environmental Planning and Assessment Act and that the plan would take effect when published in the Government Gazette, such date being 14 August 1992.

As from this date, the Tamworth Local Environmental Plan 1985 - Amendment No. 32 provides that the carrying out of development on Part Lot 10 in D.P. 786992, known as Public Reserve No. 88781 Peel Street, Tamworth for the purpose of a Tourist Information Centre/Coach Interchange and associated facilities is permitted with consent. However, Council still remains subject to the prohibition embodied in Section 475Q (1) (e) and (f) of the Local Government Act.

3. SITE SUITABILITY.

The City of Tamworth is served by two (2) Highways. The Oxley Highway, State Highway 11, connects the Mitchell Highway at Nevertire to the Pacific Highway at Port Macquarie, passing through Gilgandra, Coonabarabran and Tamworth enroute. The Oxley Highway joins the Newell Highway from Gilgandra to Coonabarabran and carries tourist traffic from southern New South Wales, South Australia and Victoria.

The New England Highway, National Highway 15, commences at its junction with the Pacific Highway at Hexham and passes through Muswellbrook, Tamworth and Armidale to the Queensland border near Tenterfield.

Both Highways become a single entity for approximately 40 kilometres before separating north of the City at Bendemeer. The New England Highway continues north to Queensland and the Oxley Highway continues east to Port Macquarie.

A new bridge has been constructed over the Peel River adjacent to the subject land. The bridge forms part of the New England Highway inner city bypass which is scheduled for completion in late 1993. The subject land is located adjacent to the northern entry of the inner city bypass within prominent view of New England Highway traffic and approximately 500 metres from the Oxley Highway.

The subject land has the added significant advantage of being located on the southern periphery of Central Business District of the City Tamworth and is approximately one (1) kilometre from the Tamworth Post Office.

Attached to this submission are two (2) maps and an aerial photograph for perusal by members of the Select Committee. Examination of both maps and the photograph provide a clear indication of the ideal location of the subject land for the development of a Tourist Information Centre/Coach Interchange and ancillary facilities.

Map 1 delineates the route of the proposed New England Highway inner city bypass and the location of the subject land.

Map 2, being a copy of the Tamworth Local Environmental Plan 1985, provides details of the Council's long term planning for the New England Highway inner city bypass.

The aerial photograph identifies:-

- (i) the route of the New England Highway inner city bypass;
- (ii) the convergence of the New England and Oxley Highways;
- (iii) the new Bridge over the Peel River;
- (iv) the main street of Tamworth - Peel Street;
- (v) the southern periphery of the Central Business District; and
- (vi) the subject public reserve with the development on the southern portion comprising part of the Paradise Caravan Park.

Council is firmly convinced that the subject land is an eminently suitable site for the development of a Tourist Information Centre/Coach Interchange and ancillary facilities. There is no other parcel of land in Tamworth, whether it be under the ownership of the Council or not, which rivals the subject land as a development site.

4. PUBLIC RESERVE NO. 88781.

Public Reserve No. 88781, which is the subject of a Private Members Bill to enable the Council to construct and operate a Tourist Information Centre, Coach Interchange and associated tourist facilities, has been under the care, control and management of the Council, in one form or another, since 1950 - a period of 42 years. The southern portion of the public reserve is occupied by part of the Council's Paradise Caravan Park. The residue of the Caravan Park is located on a separate and adjoining allotment which is also subject to a public reserve dedication.

The vacant portion of Public Reserve No. 88781 comprises an area of approximately 2.5 hectares. A cricket pitch of concrete construction is located on the vacant portion of the public reserve and due to its poor state of repair, has not been used in the local cricket competition for the past several seasons. The subject land is also occasionally used by travelling circuses and side shows. Other than cricket and travelling circuses, the public reserve is not used for active public recreation.

There are no current proposals for extension of the part of the Paradise Caravan Park located on the southern portion of the subject public reserve. The current size of this facility satisfies demand for caravan and tent sites, and associated facilities such as kiosk, toilets, showers, laundry and managers office.

The operation of the Paradise Caravan Park is currently subject to a management lease. Any development of the vacant portion of the subject public reserve upon which the Caravan Park is located will not in any way interfere with operation of the Caravan Park or the management lease.

5. DEVELOPMENT PROPOSAL.

The development and operation of a Tourist Information Centre is a lawful Local Government purpose, but surprisingly, Council is not empowered to develop such a facility on a dedicated public reserve - land which is ideal for this purpose - due to an anachronistic and outdated section of the current Local Government Act.

Section 350 (h) of the Local Government Act empowers the Council to provide grandstands, pavilions, seats, shelter sheds, picnic kiosks, privies, and other buildings for the convenience of the public in any public reserve under its care, control and management.

Council submits that any reasonable person would construe the literal interpretation of ".....buildings for the convenience of the public" to include a tourist information centre and coach interchange, albeit the buildings will be predominantly used by a designated section of the public, i.e., tourists, visitors and travellers.

Any reasonable person would hold the view that development of the public reserve for the purpose stated herein would be totally compatible with objectives for embellishment and use of a public reserve.

5.1 Existing Tourist Information Centre.

Council's existing Tourist Information Centre was originally constructed and designed to be used as a Baby Health Centre. Despite enlargement and modification of the building, it remains totally inadequate for use as a Tourist Information Centre.

During periods of high tourist visitation such as the Country Music Festival, Christmas, Easter and special cultural and sporting weekends the existing facility is not able to provide effective customer services due to the lack of physical space within the building and the adequate off-street parking. Council's current facility is unable to cater for coaches and vehicles towing caravans.

The site of Council's current Tourist Information Centre faces an acute problem with traffic management. Due to traffic light control, it is not possible for southbound traffic to make a right hand turn from the Highway into Kable Avenue where this facility is located.

The assent of special legislation to enable the Council to develop a Tourist Information Centre on Public Reserve No. 88781 will enable Council to significantly improve its delivery of services to visitors, tourists and travellers.

5.2 Coach Interchange.

Council's endeavour to encourage a developer to provide a coach interchange in Tamworth has a long history. Council originally held the view that it should actively encourage a private developer to construct and operate a coach interchange in Tamworth. This involved the Council identifying suitable locations for such a facility and thereafter, allow market forces to interact and determine the demand and financial viability for a facility of this nature.

However, with the passage of time it became patently obvious to the Council that such a facility was not singularly viable and that adjoining commercial development was vital to the viability of a coach interchange.

Council's planning for the development and operation of a Tourist Information Centre was modified to include a coach interchange as a prominent feature of the overall development. Council is of the opinion that both facilities are totally compatible with each and will present Council with the opportunity to provide visitors, tourists and coach travellers with a comprehensive, effective and efficient service.

Tamworth is currently devoid of a designated Coach Interchange facility. Commercial Coach Operators are not regulated to the extent that they are required to set-down and pick-up passengers at a nominated location. They are very much at liberty to set-down and pick-up passengers at any location they consider appropriate. Council is aware that two locations are currently used by Coach Operators for this purpose, neither of which provide any satisfactory facilities for coach passengers.

The demand for a Coach Interchange is currently so great that recently Council resolved to provide a temporary coach waiting facility at one of the locations currently used by Coach Operators to set-down and pick-up passengers. Council anticipates the temporary facility will be constructed by years end at a cost to Council of approximately \$15,000.00 and will comprise a transportable type structure with standard facilities such as air conditioning/heating and seating. Council is currently finalising negotiations with landowner.

The City of Tamworth is currently well serviced by commercial coaches. Seventy coaches (ten per night - 5 north and 5 south) pass through Tamworth weekly.

It is indisputable that a significant demand exists in Tamworth for a Coach Interchange. Perusal of Council's official file on the Coach Interchange would reveal many letters and several petitions requesting the Council to provide such a

facility and bear testimony to Council's claim that significant demand exists for this facility. In that respect, a copy of all complaints or requests received from members of the public in relation to the provision of a Tourist Information Centre/Coach Interchange complex have been included in a separate document for perusal by members of the Select Committee.

5.3 Ancillary Facilities.

In addition to the Tourist Information Centre and Coach Interchange, Council intends to provide ancillary facilities such as rest rooms, a food and refreshment retail outlet and other retail services, all of which are considered essential for the overall viability of the project and the convenience of visitors, tourists and coach passengers.

6. PUBLIC OPINION.

Action by the Council in March 1989 to resume the subject land under Section 532 of the Local Government Act required local advertising of the proposed resumption and invited and submissions, comments or objections from members of the public. The advertising also stated the purpose for which the Council required resumption and the expunging of the public reserve dedication.

Not one submission, objection or any comment was received by the Council in response to the statutory advertising of the resumption. Whilst no surveys have been carried out to gauge public opinion, it is the Council's view that development of the subject public reserve for the purpose stated herein has broad based community support.

7. ECONOMIC BENEFIT.

Council is firmly convinced that development of the subject public reserve for the purpose of a Tourist Information Centre/Coach Interchange and ancillary facilities will significantly enhance the Tourist Industry in Tamworth specifically, and the State of New South Wales generally. The development proposal has the potential to provide an unspecified number of employment opportunities during construction phase and upwards of fifteen (15) permanent employment positions when fully operational.

In recent years Council has undertaken a major management restructuring for the purpose of achieving greater efficiency, effectiveness and value for money. A prominent feature of Council's restructuring involved the introduction of a Tourism Development and Promotions Strategy to capitalise upon the significant economic benefit of tourism. Council's Tourism Structure and Strategies are now firmly in place, however, Council's efforts to promote the City and its tourism benefits have been detracted from by not having headquarters in the form of a building and facilities from which Council can execute its tourism strategies.

An attractive and functional Tourist Information Centre is viewed by the Council as a "welcome mat" to visitors, tourists and travellers. Unfortunately, due to an

anachronistic and outdated section of the Local Government Act Council is prohibited from fully realising its tourism development and promotion potential.

By way of statistical information, the City of Tamworth benefits to the extent of \$73,000,000.00 annually from tourism expenditure which sum includes expenditure of \$20,000,000.00 annually from the Country Music Festival as one single event. Council's current Tourist Information Centre provides visitor service and information to 32,500 persons annually. These figures clearly demonstrate the economic benefit from tourism to the City.

8. PROJECT FINANCE.

8.1 Loans.

Council currently has allocated loan funds in the sum of three hundred and twenty five thousand dollars (\$325,000.00) for the construction of a Tourist Information Centre/Coach Interchange and ancillary facilities.

8.2 Grants.

On 24 April 1991 Council received advice from the New South Wales Department of Transport of the success of an application for funding in the sum of one hundred thousand dollars (\$100,000.00) towards the construction of a bus bay on Public Reserve No. 88781 to be used in conjunction with the operation of a Tourist Information Centre and Coach Interchange. Funding for the bus bay has been extended over four (4) financial years with the final balance of \$50,000.00 being payable in the 1993/94 Financial Year. This grant is site specific and cannot be expended on an alternative without the express approval of the Department of Transport.

Council has also submitted an application to the Tourism Commission of New South Wales for a grant in the sum of one hundred thousand dollars (\$100,000.00) to provide capital financial assistance in respect of the construction of a proposed Tourist Information Centre on the subject public reserve. Council anticipates allocation of the grant in the 1993/94 Financial Year.

Whilst not yet formally approved, Council is confident the grant application will be approved. It should be noted that prior to the last State Government election, a meeting was held with the then Minister for Tourism, the Honourable Garry West, Member of Parliament, to discuss the then current status of the Council's action to win approval for development of a Tourist Information Centre on the subject public reserve. The then Minister for Tourism promised the Council the allocation of a grant up to a maximum of \$100,000.00 to assist with the construction of a Tourist Information Centre. Whilst Council has no written documentation to support this claim, any reference to the then Minister for Tourism would verify this claim.

8.3 Summary of Project Funds.

The following is a summary of funding available for the construction of a Tourist Information Centre/Coach Interchange and ancillary facilities:-

| | |
|--------------------|---------------------|
| * Loan Funds | \$325,000.00 |
| * Grant Funds | 200,000.00 |
| Total Funds | \$525,000.00 |

9. CONCLUSION:

Council trusts that members of the New South Wales Legislative Assembly Select Committee Upon the Tamworth Tourist Information Centre Bill 1992 are convinced of the good sense and economic benefit of developing a Tourist Information Centre/Coach Interchange and ancillary facilities on Public Reserve No. 88781. Council strongly encourages the Select Committee to recommend to the New South Wales Parliament that the Bill be assented as legislation.

Dated at Tamworth this 29th day of October, 1992.



.....
D. P. JOHN.
MAYOR.



.....
N. J. LETHLEAN.
TOWN CLERK.

**DOCUMENTARY PROOFS AS TO ITEMS 1 TO 6 INCLUSIVE OF THE
TAMWORTH TOURIST INFORMATION CENTRE BILL 1992**

1. Copies of the following Government Gazette Notices are attached hereto:
 - * R. 5482 for public recreation and baths, notified 23 September 1921;
 - * R. 65741 for public recreation, notified 10 January 1936;
 - * R. 67553 for public recreation, notified 29 April 1938 and 18 February 1966 (addition);
 - * R. 77258 for public recreation, notified 26 November 1954.

2. Copy of Government Gazette Notice for R. 88781 for public recreation, notified 24 November 1972 attached hereto.

3. Affidavit of Stephen Matthew Bartlett attached hereto.

4. See Government Gazette Notices attached hereto.

5. Affidavit of Stephen Matthew Bartlett attached hereto.

6. Refer to submission by Tamworth City Council and attached copy of Attorney-General v Cooma Municipal Council L.G.R.A. Vol.8 21.8.1962.

bounded thence by that street bearing 15 degrees 4 1/2 minutes 138 94/100 links; thence by lines parallel to and rectangularly distant 100 feet from the high-water mark of Cook's River, being also part of the southern boundary of the area comprised in Certificates of Title, registered volume 2,186, folios 59 and 60, bearing 115 degrees 39 1/2 minutes 242 64/100 links, 132 degrees 28 minutes 290 69/100 links, 140 degrees 5 minutes 235 links, 135 degrees 34 minutes 93 93/100 links, 91 degrees 24 minutes 145 5/100 links, 61 degrees 27 minutes 349 43/100 links, 71 degrees 55 minutes 379 74/100 links, 65 degrees 19 minutes 170 1/2 links, and 58 degrees 5 minutes 157 34/100 links to the eastern boundary of the land comprised in the Certificates of Title before mentioned; thence by part of that boundary bearing 172 degrees 6 minutes 169 23/100 links to the high-water mark of Cook's River before mentioned; and thence by that high-water mark south-westerly and north-westerly, to the point of commencement, as shown upon plan Ms. 4,294 Sy:—being part of the 100-foot reservation from high-water mark in portion 143, R. Campbell's 177 1/2 acres grant.
[Ms. 1921-8,008]

For Public Recreation and Public Baths.

LAND DISTRICT OF TAMWORTH, AND TAMWORTH MUNICIPALITY.

No. 54,864 from sale (54,865 from lease generally). County of Parry, parish of Nemingha, containing an area of about 3 roods 30 perches. The Crown Lands within the following boundaries: Commencing on the left bank of the Cockburn River, at the north-eastern corner of portion 1; then by part of the south-eastern boundary of that portion south-westerly to a line parallel to and 150 links in rectangular distance north-easterly from the north-eastern boundary of reserve 22,441 for water supply, notified 4th May, 1895; thence by that line north-westerly to the Cockburn River aforesaid; and by that river upwards, to the point of commencement.—being part of portion 1. Plan catalogued T. 5-1.393 R.
[Ms. 1921-9,083]

NOTE.—Includes the whole of reserve 22,440 for access, notified 4th May, 1895, which is hereby revoked.

LAND DISTRICT OF TAMWORTH, AND TAMWORTH MUNICIPALITY.

No. 54,862 from sale (54,863 from lease generally). County of Inglis, parish and town of Tamworth, containing an area of about 3 roods. The Crown Lands within the following boundaries: Commencing at the intersection of the north-eastern side of Peel-street with the right bank of the Cockburn River; and bounded on the north-west by a line parallel to East-street, on the north-east by the south-western side of Cockburn-street to the western boundary of portion 26; by that boundary southerly to the right bank of the Cockburn River aforesaid; thence by that river downwards, to the point of commencement.
[Ms. 1921-9,083]

NOTE.—Includes part (about 3 roods) of reserve 10,051 for crossing, notified 9th November, 1889, which part is hereby revoked.

[2009] Department of Lands,
Sydney, 23rd September, 1921.

RESERVES FROM SALE.

IT is hereby notified that, in pursuance of the provisions of the 28th section of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall be reserved from sale for the public purposes hereinafter respectively specified, and they are hereby reserved accordingly.

P. F. LOUGHLIN, Minister for Lands.

EASTERN DIVISION.

For Travelling Stock and Camping.

LAND DISTRICT OF TUMBARUMBA, AND TUMBARUMBA SHIRE.

No. 54,867. County of Selwyn, parish of Greg Greg, containing an area of 12 acres. The Crown Lands within the boundaries of portions 92 and 93. Plan P. 1,067-1,978.
[Ms. 1921-9,275]

[2008] Department of Lands,
Sydney, 23rd September, 1921.

RESERVE FROM SALE OR LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of section 25A of the Crown Lands Consolidation Act, 1913, the lands hereunder described shall be and are hereby temporarily reserved from sale or lease generally.

P. F. LOUGHLIN, Minister for Lands.

EASTERN DIVISION.

METROPOLITAN LAND DISTRICT, AND ENFIELD MUNICIPALITY.

No. 54,866. County of Cumberland, parish of Concord, containing an area of 15 acres 2 roods 13 1/2 perches. The Lands within the following boundaries:—

Firstly:—3 acres 3 roods 36 1/2 perches: Commencing at the intersection of the eastern side of Portland-street with the northern side of Ann-street; and bounded thence by the first-named street bearing 5 minutes 25 seconds 283 feet 7 1/2 inches; thence by lines bearing 90 degrees 23 minutes 27 seconds 142 feet 4 1/2 inches, and 3 minutes 37 seconds 145 feet 4 1/2 inches to Shelley-street; thence by that street bearing 100 degrees 56 minutes 7 seconds 337 feet 9 1/2 inches; thence by a line bearing 180 degrees 3 minutes 17 seconds 370 feet 64 inches to Ann-street before mentioned; and thence by that street bearing 270 degrees 48 minutes 47 seconds 474 feet 3 1/2 inches, to the point of commencement.

Secondly:—11 acres 2 roods 17 1/2 perches: Commencing at the intersection of the eastern side of Portland-street with the southern side of Ann-street; and bounded thence by the latter mentioned street bearing 90 degrees 48 minutes 47 seconds 473 feet 8 1/2 inches; thence by a line and the western boundaries of lots 1, and 4 to 8 of section 5 of deposited plan 671, and another line bearing 179 degrees 51 minutes 30 seconds—in all 435 feet 9 1/2 inches; thence by the western boundary of the land comprised in Certificate of Title, volume 2,773, folio 39, bearing 180 degrees 23 minutes 628 feet to Mitchell-street; thence by that street bearing 270 degrees 4 minutes 58 seconds 472 feet 1 1/2 inches to Portland-street before mentioned; and thence by that street bearing 5 minutes 25 seconds 1,060 feet 9 1/2 inches, to the point of commencement.

The above-described areas are shown on plan Ms. 5,349 Sy.
[Ms. 1921-6,190]

[2005] Department of Lands,
Sydney, 23rd September, 1921.

WITHDRAWAL FROM GURLEY 18TH SECTION LEASE, No. 140, FOR PUBLIC SCHOOL SITE.

IT is hereby notified, for public information, that, in pursuance of the provisions of the 233rd section of the Crown Lands Consolidation Act, 1913, the Crown Land hereunder described is hereby withdrawn for Public School Site from Gurley 18th section lease, No. 140, held by Robert James Phillip Simson, Lauchlan Kenneth Scobie MacKinnon, and Helen Archibald Luke Simson, executors and executrix and trustees of the interest of the late John Simson.

P. F. LOUGHLIN, Minister for Lands.

CENTRAL DIVISION.

LAND DISTRICT OF MOREE, AND BOOLOOROO SHIRE.

County of Courallie, parish of Boo Boo, containing an area of 3 acres. The Crown Lands within the boundaries of measured portion 109. Plan C. 2,501-1,890.
[Ms. 1920-11,766]

[1995] Department of Lands,
Sydney, 23rd September, 1921.

CANCELLATION OF DESIGN OF THE VILLAGE OF WARRATTA.

IT is hereby notified, for public information, that, under the provisions of section 23 of the Crown Lands Consolidation Act of 1913, the design of the village of Warratta is hereby cancelled. The streets and lanes within the village lands are hereby closed.

NOTE.—The village boundaries as notified 19th October, 1895, are cancelled by the above notification.
[Ms. 1921-3,153]

P. F. LOUGHLIN, Minister for Lands.

(80) Sydney, 10th January, 1936.

RESERVES FROM SALE.

IT is hereby notified that, in pursuance of the provisions of section 23 of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall be reserved from sale for the public purposes hereinafter specified, and they are hereby reserved accordingly.

E. A. BUTTENSHAW, Minister for Lands.

FOR PUBLIC RECREATION.

LAND DISTRICT—ARMIDALE; SHIRE—DUMARESQ.

No. 65,745. Parish Metz, county Sandon, about 167 acres; bounded by portions 205 and 209, the southerly prolongation of the western boundary of portion 209 and the left bank of Gyra River. P. 35-10,794.

FOR QUARRY.

LAND DISTRICT—COONABARRABRAN; SHIRE—COONABARRABRAN.

No. 65,746. Parish and town Coonabarrabran, county Gowen, 3 acres 1 rood 34 perches, portion 430. G. 2,629-1,797. S. 35-24,209.

(81) Sydney, 10th January, 1936.

RESERVES FROM SALE AND LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of sections 23 and 29 of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall be temporarily reserved from sale for the public purposes hereinafter specified, and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

E. A. BUTTENSHAW, Minister for Lands.

FOR TRAVELLING STOCK AND CAMPING.

LAND DISTRICT—ARMIDALE; SHIRE—GOSTWICK.

No. 65,727 from sale (65,728 from lease generally). Parish Lawrence, county Sandon, 30 acres, portion 4. Ms. 1,705 Ae. S. 35-25,324.

FOR PUBLIC HALL AND PUBLIC RECREATION.

LAND DISTRICT—CONDOLIN; SHIRE—LACHLAN.

No. 65,729 from sale (65,730 from lease generally). Parish Bimbella, county Cunningham, 13 acres 3 roods 30 perches, portion 61. C. 2,508-1,947. P. 35-10,809.

FOR PUBLIC RECREATION.

LAND DISTRICT—COONABARRABRAN; SHIRE—COONABARRABRAN.

No. 65,731 from sale (65,732 from lease generally). Parish and town of Coonabarrabran, county Gowen, about 2 acres 2 roods; bounded by John, Birch, Gordon and Charles streets and the northern side of the railway line. P. 35-10,680.

FOR WATER SUPPLY.

LAND DISTRICT—COWRA; SHIRE—WAGGOOLA.

No. 65,733 from sale (65,734 from lease generally). Parish Conimbla, county Forbes, 5 acres; bounded on the south by portion 99, on the west by Kangaroo Creek, on the north by boundary road south of portion 111 and on the east by boundary road along a west boundary of portion 99. P. 35-10,904.

FOR PUBLIC RECREATION AND SHOW GROUND.

LAND DISTRICT—GOSFORD; SHIRE—LAKE MACQUARIE.

No. 65,735 from sale (65,736 from lease generally). Parish Morrisset, county Northumberland, about 35 acres, portions 151 to 154 and 159 to 162 and strip of intervening Crown Lands. Morrisset 1, Large Flat. P. 35-9,589.

FOR PUBLIC RECREATION.

LAND DISTRICT—NEWCASTLE; MUNICIPALITY—STOCKTON.

No. 65,737 from sale (65,738 from lease generally). Parish Stockton, county Gloucester, about 20 perches; bounded by Griffith-street, approved Special Lease 34-110, area acquired for approach to ferry, Gazette 10th November, 1933, the high-water mark of Port Hunter and Reserve 61,986 for Public Recreation, notified 18th July, 1930. Ms. 2,077 Md. L. 35-7,626.

FOR PRESERVATION OF NATIVE FLORA.

LAND DISTRICT—NEWCASTLE; SHIRE—LAKE MACQUARIE.

No. 65,739 from sale (65,740 from lease generally) Parish Kahibah, county Northumberland, about 11 acres commencing at the north-west corner of portion 134 bounded on the north by the northern boundary of said portion, on the east by the western boundaries of design blocks "A" and "B," on the south by the northern side of a road 100 links wide, and on the west by the western boundaries of portions 133 and 134 to the point of commencement. P. 35-10,391.

FOR PUBLIC RECREATION.

LAND DISTRICT—TAMWORTH; MUNICIPALITY—TAMWORTH.

No. 65,741 from sale (65,742 from lease generally) Parish and town of Tamworth, county Inglis, about acre 2 roods; bounded by Peel, East and Cockburn street and Reserve 34,362 from sale (34,363 from lease generally) for Public Recreation and Public Baths, notified 23rd September, 1921. P. 35-10,671.

FOR CASUAL LABOUR FARM (ADDITION).

LAND DISTRICT—WINDSOR; MUNICIPALITY—WINDSOR.

No. 65,743 from sale (65,744 from lease generally) Parish Pitt Town, county Cumberland, about 12 acres; portion 248 together with closed road within Scheywill Training Farm (R. 24,290, 24,291 for Casual Labour Farm), extending from Cattai-road to north-east corner of portion 248, and closed reserved road within the said farm, bearing generally westerly and extending from the Windsor-Dural road to the south-west corner of portion 255. C. 1,681-2,030 and Ms. 819 Sy. R. 33-903.

FOR TRAVELLING STOCK.

LAND DISTRICT—COROWA; SHIRE—CORREN.

No. 65,747 from sale (65,748 from lease generally) Parish Mulwala, county Denison, 10 acres, being portion 327. D. 1,901-1,798 R. P. 35-10,888.

FOR RESTING PLACE.

LAND DISTRICT—MURWILLUMBAH; SHIRE—TWEED.

No. 65,749 from sale (65,750 from lease generally) Parish Nullum, county Rous, about 2½ acres; bounded by portion 214, Smith's Creek and main road from Uk to Murwillumbah. S. 35-7,548.

FOR RUBBISH DEPOT.

LAND DISTRICT—TAMWORTH; SHIRE—PEEL.

No. 65,753 from sale (65,754 from lease generally) Parish Currabubula, county Buckland, suburbs of Currabubula, 1 acre 3 roods 14 perches, portion 372 B. 4,324-1,786. P. 35-10,166.

FOR COMMONAGE.

LAND DISTRICT—WILLYAMA.

No. 65,755 from sale (65,756 from license and lease generally). Parish Victoria, county Yancoonina, about 800 acres within the suburban boundaries of the town of Burns, as proclaimed 2nd July, 1887, exclusive of the Burns Ride Range. P. 35-11,270.

FOR PUBLIC RECREATION.

LAND DISTRICT—YOUNG; MUNICIPALITY—YOUNG.

No. 65,757 from sale (65,758 from lease generally) Parish Young, county Monteagle, suburbs of town Young about 12 acres, contained in portions 2,357 to 2,371 inclusive, together with the roads on north of portions 2,367, and separating portions 2,357 to 2,365 from portions 2,367 to 2,371 and 2,376. P. 35-3,345.

FOR SANITARY AND RUBBISH DEPOT.

LAND DISTRICT—WOLLONGONG; SHIRE—CENTRAL ILLAWARRA.

No. 65,759 from sale (65,760 from lease generally) Parish Wollongong, county Camden, 1 acre 0 roods 22 perches, portion 91. C. 3,241-2,041. P. 35-10,356.

(1984) Sydney, 29th April, 1938.
RESERVES FROM SALE AND LEASE GENERALLY.
 IT is hereby notified that, in pursuance of the provisions of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall be temporarily reserved from sale for the public purposes hereinafter specified, and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

COLIN A. SINCLAIR, Minister for Lands.

FOR WATER SUPPLY.

LAND DISTRICT—BATHURST; SHIRE—TURON.

No. 67,539 from sale (67,540 from lease generally). Parishes Eskdale and Castleton, county Roxburgh, about 1,245 acres: Commencing at the westernmost south-western corner of portion 244, parish Castleton; and bounded thence by a line west to portion 39, parish Eskdale; by the eastern boundary of that portion and a line north to Winburndale Rivulet; by that rivulet upwards to a point north of the point of commencement, and by a line south to that point, but exclusive of an area of 30 acres 3 roads 12 perches (in two parts) appropriated for Storage Purposes. (Notified in Gazette, 28th February, 1936.) P 38-1,518

FOR RUBBISH DEPOT.

LAND DISTRICT—DENTILQUIN; SHIRE—WAKOOL.

No. 67,541 from sale (67,542 from lease generally). Parish Corry, county Wakool, 5 acres, within portion 95. W. 2,311-1,917. P. 38-1,108.

FOR TRAVELLING STOCK.

LAND DISTRICT—MOLONG; SHIRE BOREE.

No. 67,543 from sale (67,544 from lease generally). Parish Terrara, county Ashburnham, about 11 acres. The Crown lands included within the boundaries shown by green edging on plan Ms. 2,393 Oe. P. 38-2,537.

FOR PUBLIC SCHOOL (ADDITION).

LAND DISTRICT—NEWCASTLE; SHIRE—LAKE MACQUARIE.

No. 67,545 from sale (67,546 from lease generally). Parish Wallarah, county Northumberland, 2½ perches, portion 56. N. 7,115-2,111. P. 37-11,372.

FOR PUBLIC RECREATION.

LAND DISTRICT—NOWRA; MUNICIPALITY—NOWRA.

No. 67,547 from sale (67,548 from lease generally). Parish Nowra, county St. Vincent, about 41 acres; bounded by St. Ann's, Osborne and Kalandar streets, Nowra Creek, Jervis-street, the southerly prolongation of the eastern side of West-street, and the westerly prolongation of the southern side of St. Ann's street. town Nowra. N. 3-1,489 R.; Ms. 4,438 R. and 4,945 Sy. R. P. 38-557.

FOR PUBLIC RECREATION AND RESTING PLACE.

LAND DISTRICT—NOWRA; MUNICIPALITY—NOWRA.

No. 67,549 from sale (67,550 from lease generally). Parish Nowra, county St. Vincent, about 10 acres 2 roads; bounded by Jervis-street, Shoalhaven-street, the westerly prolongation of the southern side of St. Ann's street, and the southerly prolongation of the east side of West-street. N. 3-1,489 R. and Ms. 4,438 Syd. P. 38-557.

FOR RUBBISH DEPOT.

LAND DISTRICT—QUEANBEYAN; SHIRE—YARROWLUMLA.

No. 67,551 from sale (67,552 from lease generally). Parish Ballallaba, county Murray, 4 acres, portion 160, M. 6,096-1,956. P. 38-388.

FOR ACCESS AND PLANTATION.

No. 67,557 from sale (67,558 from lease generally). Parish Ballallaba, county Murray, 2 acres 1 road 14 perches, portion 161. M. 6,096-1,956. P. 38-388.

FOR PUBLIC RECREATION.

LAND DISTRICT—TAMWORTH; MUNICIPALITY—TAMWORTH.

No. 67,553 from sale (67,554 from lease generally). Parish Tamworth, county Inglis, about 10 acres, section 8, town Tamworth. P. 38-2,535.

FOR QUARANTINE.

LAND DISTRICT—TENTERFIELD; SHIRE—TENTERFIELD.

No. 67,555 from sale (67,556 from lease generally). Parish of Acacia, county of Buller, containing an area of 16 acres 3 roads 24 perches. The Crown lands within portions 84, 85, 86, 87 and 120. B. 995, 1,042-1 P. 38-2,724.

FOR TRAVELLING STOCK AND CAMPING.

LAND DISTRICT—INTERELI; SHIRE—BANNOCKBUR.

No. 67,528 from sale (67,529 from lease generally). Parish Auburn Vale, county Hardinge; 2 acres 0; 2 perches; portion 4 adjoining portion 67. Ms. Ae. P. 37-11,692.

FOR PUBLIC RECREATION.

LAND DISTRICT—PARRAMATTA; MUNICIPALITY—BANKSTOWN.

No. 67,411 from sale (67,412 from lease generally). Parish Bankstown, county Cumberland, 7 acres 3 r 39 perches, being portion broad-arrow (part of free portion 27). Ms. 9,318 Sy. P. 38-1,456.

(This notice is in lieu of that published in Government Gazette of 4th March, 1938.)

LAND DISTRICT—BLAYNKY; SHIRE—LYNDHURST.

No. 67,562 from sale (67,563 from lease generally). Parish Shaw, county Bathurst, 4 acres 1 road perches; being the whole of the lands in Certificate Title vol. 1,247, fol. 137 (within freehold portion P. 37-11,758).

LAND DISTRICT—NARRANDERA; SHIRE—BLAND.

No. 67,564 from sale (67,565 from lease generally). Parish Sandy Creek, county Cooper, 2 acres 3 roads perches within portion 49. C. 6,197-1,804. P. 38-55

(2000) Sydney, 29th April, 1938

RESERVE FROM SALE OR LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of section 29 of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall temporarily reserved from sale or lease generally.

COLIN A. SINCLAIR, Minister for Lands.

LAND DISTRICT—TAREE; SHIRE—MANNING.

No. 67,566. Parish Lansdowne, county Macquarie, about 2,350 acres, being that part of Lansdowne St Forest No. 291, revoked this day. M. 3,192, 3,193, 8, 8,614, 8,616, 8,618, 8,620, 8,622, 8,624, 8,626, 8,630, 8,632-866. P. 38-3,081.

(2001) Sydney, 29th April, 1938

RESERVES FROM SALE AND LEASE GENERALLY.

IT is hereby notified that, in pursuance of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, surface area of the Crown Lands hereunder described and 10 feet below the same and no more shall be reserved from sale for Public Recreation and reserved and exempted from lease generally, subject to the condition that neither the Crown nor any mining lessee shall be responsible or liable for any subsidence or damage caused by or in connection with mining or other operations carried on below the said depth, whether the operations are carried on beneath the area or otherwise and the said area and 10 feet below the same are hereby reserved and exempted accordingly.

COLIN A. SINCLAIR, Minister for Lands.

FOR PUBLIC RECREATION.

LAND DISTRICT—MAITLAND; MUNICIPALITY—CESSNOCK.

No. 67,536 from sale (67,537 from lease generally). Parish Cessnock, county Northumberland, 4 acres 1 r 27 perches, being portion 439. N. 7,060-2,111. P. 2,393.

LAND DISTRICT—NOWRA; SHIRE—SHOALHAVEN
No. 85,666. Parish Ulladulla, county St Vincent, about 2 roods 30 perches, being that part of section 12 south of allotments 5 and 6, town of Ulladulla. P. 65-198.

FOR SOIL CONSERVATION

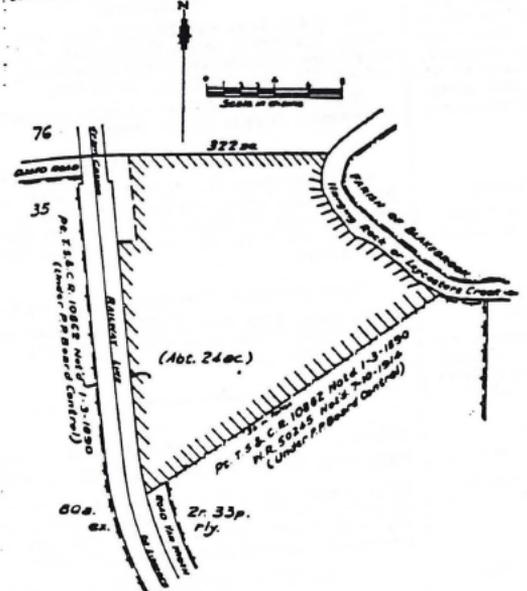
LAND DISTRICT—GLOUCESTER; SHIRE—GLOUCESTER
No. 85,667 from sale. Parish Fitzroy, county Gloucester, 186 acres 0 roods 34 perches, portions 66 and 93. Plans G. 5,776-1,497 roll and G. 4,622-1,497.

NOTE.—Notification of this reserve shall not have the effect of revoking the affected part of R. 33,839 for Mining Purposes, notified 1st February, 1902, or R. 15,624 for Drainage, notified 14th May, 1892. T. 66-362.

LAND DISTRICT—BOMBALA; SHIRE—BIBBENLUKE
No. 85,668. Parish Thoko, county Wellesley, 394 acres 2 roods, being portion 118. W. 5,283-1,584. Ten. 65-6,344.

FOR TRAVELLING STOCK

LAND DISTRICT—LISMORE; SHIRE—GUNDURIMBA
No. 85,669. Parish South Lismore, county Rous, about 24 acres, shown by hatched edging on diagram hereunder. R. 114-1,759. P. 65-3,146.



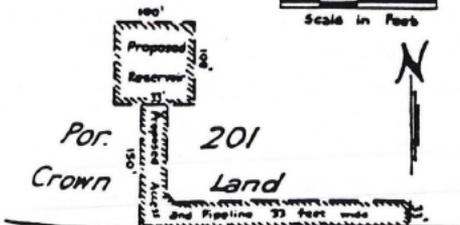
FOR WATER SUPPLY AND ACCESS

LAND DISTRICT—NOWRA; SHIRE—SHOALHAVEN
No. 85,670. Parish Ulladulla, county St Vincent, about 2 roods 13 perches. The part of portion 201 shown by hatched edging on diagram below. P. 65-887.

DIAGRAM

Parish Ulladulla County St Vincent

At BURRILL LAKE



| | | | | | | | | | | | | |
|-----------|----|----|----|----|-------|------|----|----|----|----|----|----|
| 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 |
| D.P. | | | | | 15648 | | | | | | | |
| Por | | | | | 200 | | | | | | | |
| CANNBERRA | | | | | | GRES | | | | | | |
| Freehold | | | | | | | | | | | | |

ADDITIONS TO RESERVES FROM SALE

IT is hereby notified that, in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913 (as amended) the Crown lands described hereunder shall be added to the existing reserves shown in parentheses, and are hereby added accordingly.

T. L. LEWIS, Minister for Lands.

FOR PUBLIC RECREATION

LAND DISTRICT—URANA; SHIRE—URANA
Parish Butherwa, county Urana, 2 roods, being portion 130 (R. 60,904 notified 18th January, 1929). U. 3695-1,881. P. 60-5,459.

FOR TRAVELLING STOCK

LAND DISTRICT—HAY; SHIRE—WINDOURAN
Parish Thalaka, county Wakool, about 2 roods, being part public road closed Gazette 3rd December, 1965, extending north-westerly from public road R. 6,170-1,603 within portion 32 to Main Road No. 319 from Maude to Moulamein (No. 1,216a, notified 4th April, 1881). R. 56-1,288.

FOR PUBLIC RECREATION (ADDITION)

LAND DISTRICT—TAMWORTH; CITY—TAMWORTH
Parish Tamworth, county Inglis, about 1 acre, closed road (part Murray Street) separating sections 7 and 8, town Tamworth (No. 67,553 notified 29th April, 1938). P. 65-1,651.

Sydney, 18th February, 1966.

WITHDRAWAL OF TRAVELLING STOCK AND CAMPING RESERVES, ETC., FROM THE CONTROL OF PASTURES PROTECTION BOARDS

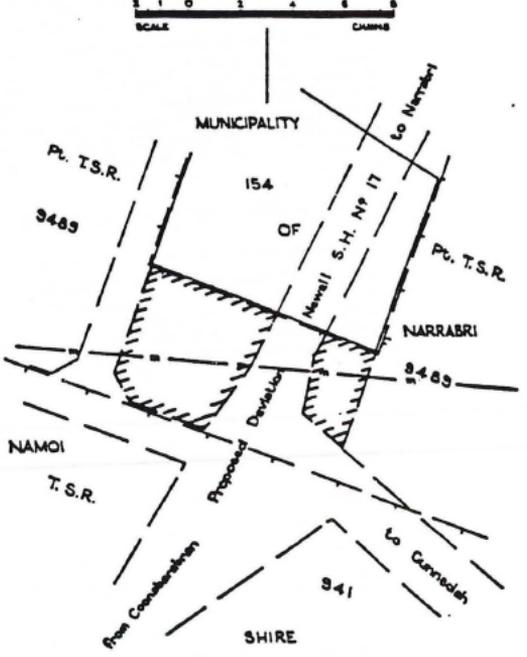
IT is hereby notified that, in pursuance of the provisions of section 42 of the Pastures Protection Act, 1934-1957, the parts of Travelling Stock and Camping Reserves, etc., particularised hereunder shall be and the same are hereby withdrawn from the control of the Pastures Protection Boards of the districts mentioned.

T. L. LEWIS, Minister for Lands.

LAND BOARD DISTRICT—MOREE; PASTURES PROTECTION DISTRICT—NARRABRI

Parish Cooma, county White; Reserve No. 9,489 for travelling stock. Part withdrawn—about 2 acres 3 roods (in two parts) shown by hatched edging on diagram hereunder. P. 65-3,464.

DIAGRAM



(Placed under control, Gazette, 9th September, 1932.)

(7751) REVOCATION OF DEDICATION AND PROCLAMATION.

WHEREAS, under section 25 of the Crown Lands Consolidation Act, 1913, power is given for the revocation of any dedication of Crown land dedicated by the Crown: Now, therefore, I do hereby declare that all preliminary action has been taken in connection with the revocation of the dedication and Proclamation for Public Recreation at Yass, area 46 acres, dedicated 8th January, 1873, and proclaimed a Public Park 12th May, 1936, in so far as it applies to or affects the area of 10 acres 3 roods described in the Schedule hereto; and I do hereby revoke the said dedication and Proclamation in so far as it applies to or affects the area of 10 acres 3 roods described in the Schedule hereto.

F. H. HAWKINS, Minister for Lands.

SCHEDULE.

LAND DISTRICT—YASS; MUNICIPALITY—YASS.

Parish and town of Yass, county of King, portion 59, 10 acres 3 roods. K. 7,406-1,995 R. P. 54-6,742.

(7055) RESERVES FROM SALE AND LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be temporarily reserved from sale for the public purpose hereinafter specified and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

F. H. HAWKINS, Minister for Lands.

FOR PUBLIC RECREATION, RACECOURSE AND SHOWGROUND.

LAND DISTRICT—FORBES; SHIRE—LACHLAN.

No. 77,252 from sale (77,253 from lease generally). Parish Cadow, county Gipps, about 57 acres excluding proposed reserved road 100 links wide, bounded by portions 103 and 107, Cadow State Forest No. 214, north-west boundary portion 106, proposed road 100 links wide adjoining west boundary portion 105 and by road 300 links wide from Forbes to Cadobolia. P. 54-6,692.

FOR PUBLIC RECREATION.

LAND DISTRICT—TAMWORTH; MUNICIPALITY—TAMWORTH.

No. 77,255 from sale (77,253 from lease generally). Town Tamworth, 2 roods 16 perches. Crown land comprised in road (part Peel-street) closed Gazette, 22nd May, 1942. R. 41-44.

(7686) Sydney, 26th November, 1954.

RESERVES FROM SALE.

IT is hereby notified that, in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purposes hereinafter specified, and they are hereby reserved accordingly.

F. H. HAWKINS, Minister for Lands.

FOR PUBLIC RECREATION.

LAND DISTRICT—COWRA; SHIRE—WAGGONIA.

No. 77,251 from sale. Parish Wattamondara, county Forbes, 2 roods 31½ perches, being portion 7, village of Wattamondara. Plan F. 3,329-1,787. P. 54-9,413.

FOR SOIL CONSERVATION.

LAND DISTRICT—GLOUCESTER; SHIRE—GLOUCESTER.

No. 77,254 from sale. Parish Barnard, county Hawes, about 3,913 acres, portions 46, 52 and 3, portions broad-arrow, surrendered from portions 27, 30, 32, 33 and 34, H. 521 and 1,481, R. 1,671, Ms. 4,656 Md.R. P. 54-1,762.

FOR DRAINAGE AND ACCESS.

LAND DISTRICT—PORT MACQUARIE; SHIRE—HASTINGS.

No. 77,257 from sale. Parish Koorae, county Macquarie, about 1 rood 11 perches, shown by blue tint on plan Ms. 4,939 Md.R. P. 54-7,436.

FOR PRESERVATION OF FAUNA AND NATIVE FLORA.

LAND DISTRICT—BEGA; SHIRE—MUMBULLA.

No. 77,260 from sale. Parish Berranguee, county Dampier, 27 acres 1 rood within the boundaries of Snake Island. Ms. 1,035 Gbn. P. 54-7,515.

(7748) Sydney, 26th November, 1954.

RESERVE FROM SALE OR LEASE GENERALLY.

IT is hereby notified that in pursuance of the provisions of the 29th section of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be and are hereby temporarily reserved from sale or lease generally.

F. H. HAWKINS, Minister for Lands.

LAND DISTRICT—BALRANALD; MUNICIPALITY—BALRANALD.

No. 77,255 from sale or lease generally. Parish of Balranald, county of Cairns, 5 acres, being section 23, town of Balranald. Plan B. 35-1,405. Papers W.L.C. 54-2,720.

(7769) Sydney, 26th November, 1954.

PROPOSAL under Section 25, Crown Lands Consolidation Act, 1913, in respect of Dedication for Public School Site at Dapper.

WHEREAS by notice in the Government Gazette of 18th September, 1955, it was notified that the land at Dapper, area 3 acres 0 roods 7 perches, had been duly dedicated for Public School Site; and whereas I am of opinion that it is expedient in the public interest to resume the said dedication of the area of 8 acres 0 roods 7 perches described in the Schedule hereto: Now, therefore, notice is hereby given in accordance with the 25th section of the Crown Lands Consolidation Act, 1913, that it is proposed to deal with the said land in the manner following, that is to say, to revoke the said dedication of the area of 3 acres 0 roods 7 perches described in the Schedule hereto.

F. H. HAWKINS, Minister for Lands.

SCHEDULE.

LAND DISTRICT—DUNEDON CENTRAL; SHIRE—GULFONG.

Parish Dapper, county Lincoln, 8 acres 0 roods 7 perches, being portion 113. L. 5,332-1,568. P. 53-9,894.

(7747) Sydney, 26th November, 1954.

RESERVES FROM SALE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of section 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be temporarily reserved and exempted from sale generally, and they are hereby reserved and exempted accordingly.

F. H. HAWKINS, Minister for Lands.

LAND DISTRICT—MURREE; SHIRE—MERRIWA.

No. 77,256 from sale generally. Parishes Cunna and Moan, county Bligh, about 3,462 acres, portion 46, parish Cunna, portion 57, and the part of portion 26 not within Warung State Forest No. 437, No. 3 Extension, or T.R. 57,309, parish Moan. B. 4,347, 4,385, 4,292-1,570. P. 54-8,107.

LAND DISTRICT—BRAIDWOOD; SHIRES—TALLGANDA AND CLYDE.

No. 77,261 from sale generally. Parishes Wog Wog and Corang, county St. Vincent, about 26,000 acres, being the unreserved Crown lands in these parishes (inclusive of portion 108, parish Wog Wog, and portions 8, 29, 30 and 70, parish Corang, but exclusive of Sp.L. 43-4, parish Wog Wog, and portions 89, 80 and 91, parish Corang). V. 922-737. V. 3,088-3,059, 3,174, 4,023-2,013. P. 54-3,770.

(7704) Sydney, 26th November, 1954.

PROPOSAL under Section 25, Crown Lands Consolidation Act, 1913, in respect of Dedication for Public School Site at Gamble Creek.

WHEREAS by notice in the Government Gazette of 16th January, 1951, it was notified that the land at Gamble Creek, area 2 acres, had been duly dedicated for Public School Site; and whereas I am of opinion that it is expedient in the public interest to resume the said dedication of the area of 2 acres described in the Schedule hereto: Now, therefore, notice is hereby given in accordance with the 25th section of the Crown Lands Consolidation Act, 1913, that it is proposed to deal with the said land in the manner following, that is to say, to revoke the said dedication of the area of 2 acres described in the Schedule hereto.

F. H. HAWKINS, Minister for Lands.

LAND DISTRICT—COONABARRABRAN; SHIRE—COOLAH.

Parish of Butheroo, county of Napier, 2 acres within portion 22. X. 1,450-1,932. L.B. 53-107. T. 54-9,359.

26 NOV - 1954

Parish Taggerah, County Northumberland, Land District Gosford, Shire Wyong
Road widening (splays) at corner of Bayhaven Street and Albatross Road, Berkeley Vale, vide plan R. 33472-1603. (Council's reference 99.236.) Rds 72-1209.

Janice Catherine Frost
Resumed land: 5 square metres, part C.T., vol. 9499, fol. 113, being part portion 23 (lot 88, D.P. 218003).

Alan Garvey Roe and Maria Sophia Roe
Resumed land: 5 square metres, part C.T., vol. 9499, fol. 111, being part portion 23 (lot 86, D.P. 218003).
NOTE: Declaration is limited to the surface and to a depth of 20 metres below thereof.

Parish Bywong, County Murray, Land District Queanbeyan, Shire Yarrawulmla
Widening of Federal Highway from Canberra to Goulburn within portion 260, vide plan R. 33478-1603. (Council's reference L 1/2.) Rds 72-1212.

William Rothwell Cochran and Anne Bernadette Cochran
Withdrawn land: 1650 square metres, part Special Lease 70-2, and being part portion 260.

Parish Wambianna, County Ewenmar, Land District Dubbo, Shire Timbreebongie
Widening of part Main Road No. 347, from Trangie to Collie, vide plan R. 33493-1603. (Council R.9.) Rds 72-1274.

Ewenmar Pty Limited
Resumed land: 3 490 square metres, part C.T., vol. 7093, fol. 89, being part portion 69.

Parish Frederick, County Cumberland, Land District Metropolitan, Shire Hornsby
Widening of road from Wiseman's Ferry to Singleton's Mill within R. 45642 for Public Recreation notified 24th August, 1910, and portions 20 and 40, vide plan R. 33499-1603. Rds 72-1277.

Helen Anne Tyssen
Resumed land: 5 000 square metres (in three parts), C.T., vol. 11334, fol. 208, and being parts portion 20 subdivided (parts lot 1, D.P. 540524).

Ernest George Ford
Resumed land: 6 100 square metres (in nine parts), parts C.T., vol. 6819, fol. 26, and being parts portions 20 subdivided (lot A, F.P. 385729) and 40.

Resumed land: 1 800 square metres (in four parts), parts C.G., vol. 7362, fol. 212, and being parts closed road grant.
NOTE: (1) The non-public roads included in the survey of the new road are declared to be public road. (2) Dedication is limited to the surface and to a depth of 20 metres below the surface.

Parish Gunnedah, County Pottinger, Land District and Municipality Gunnedah
Widening and extension of Little Beulah Street, Gunnedah, vide plan R. 33501-1603R. (Council's reference R. 5/13.) Rds 72-1309.

Geoffrey Alan Hayne
Resumed land: 5 square metres, part C.T., vol. 4699, fol. 221, being part portion 17 and being also part F.P. 185395.

Ronald Bruce McGregor and Beryl Louisa McGregor
Resumed land: 68 square metres, part C.T., vol. 4662, fol. 110, being part portion 17 and being also part F.P. 330377.

Gunnedah Municipal Council
Resumed land: 530 square metres, part C.T., vol. 7062, fol. 22, being part portion 17.

Margaret Constance Leys
Resumed land: 120 square metres, part C.T., vol. 7081, fol. 42, being part portion 17 and being also part lot 22. D.P. 6138.

Dulcie Christina Lightfoot
Resumed land: 88 square metres, part C.T., vol. 6090, fol. 129, being part portion 17 and being also part lot 21, D.P. 6138.

Violet Marjorie Finlay
Resumed land: 64 square metres, part C.T., vol. 4986, fol. 37, being part portion 17 and being also part F.P. 188257.

- 17 -
Irene Annie Pryor
Resumed land: 37 square metres, part C.T., vol. 4986, 36, being part portion 17 and being also part F.P. 188257.
Joyce Ellen Lane
Resumed land: 52 square metres, part C.T., vol. 6221, 231, being part portion 17 and being also part lot A, 447581.
NOTE: Declaration is limited to the surface and to a depth of 20 metres below the surface.

Parish Wambianna, County Ewenmar, Land District Dubbo, Shire Warren
Widening of road from Warren to Dubbo within portion vide plan R. 33554-1603. (Council's reference 6870/72.) 72-1406.

Wombianna Pty Limited
Resumed land: 2 700 square metres (in three parts), part C.T., vol. 7365, fol. 60, and being parts portion 14.
Resumed land: 2 100 square metres, part C.G., vol. 10722, fol. 32, and being part closed road grant within portion 14.

Parish Koukandowie, County Fitzroy, Land District Grafton, Nymboida Shire
Widening of road within portions 31, 33 and 61, vide plan R. 33572-1603. (Council's reference 72/2.) Rds 72-1485.

Eric Stanley Cowling
Resumed land: 1,005 hectares (in three parts), part C.T., vol. 4941, fol. 50, being part portion 61.
Resumed land: 2 025 square metres (in two parts), part C.G., vol. 3048, fol. 39, being part portion 33.
Resumed land: 330 square metres, part C.G., vol. 3048, fol. 38, being part portion 31.

Parish Currency, County Cook, Land District Windsor, Colo Shire
Widening of Slopes Road within portion 164, vide plan R. 33578-1603. (Council's reference 164T(4).) Rds 72-1514.

Maurice John Hunter
Resumed land: 25 square metres, part C.G., vol. 6116, fol. 154, being part portion 164.

(327) Sydney, 24th November, 1972.

RESERVES FROM SALE

IT is hereby notified that in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purpose hereinafter specified and are hereby reserved accordingly.

T. L. LEWIS, Minister for Lands.

FOR PUBLIC RECREATION

Land District and City—Tamworth

No. 88780, Parish Tamworth, County Inglis, about 5.261 hectares, being the whole of the area contained within the following reserves, which are hereby revoked, together with parts Macquarie and Darling Streets closed by Gazette notification of 21st April, 1972: R. 55941 for public recreation, notified 5th January, 1923; R. 55423 for public recreation, notified 19th May, 1922; R. 55421 for public recreation, notified 19th May, 1922; R. 55419 for public recreation, notified 19th May, 1922; R. 55417 for public recreation, notified 19th May, 1922. L.B. 71-227. Pks 71-3318.

No. 88781, Parish Tamworth, County Inglis, about 5.605 hectares, being the whole of the area contained within the following reserves which are hereby revoked: R. 54862 for public recreation and baths, notified 23rd September, 1921; R. 65244 for public recreation, notified 10th January, 1936; R. 67553 for public recreation, notified 29th April, 1938, and 18th February, 1966 (addition); R. 77258 for public recreation, notified 26th November, 1954. L.B. 71-227. Pks 71-3318.

Land District and Shire—Urana

No. 88779, Parish Urana, County Urana, 188.1 hectares, being portion 204. Pks 72-644.

(331) Sydney, 24th November, 1972.

ADDITIONS TO RESERVES FROM SALE

IT is hereby notified that, in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands described hereunder shall be added to the existing reserves shown in parentheses, and are hereby added accordingly.

T. L. LEWIS, Minister for Lands.

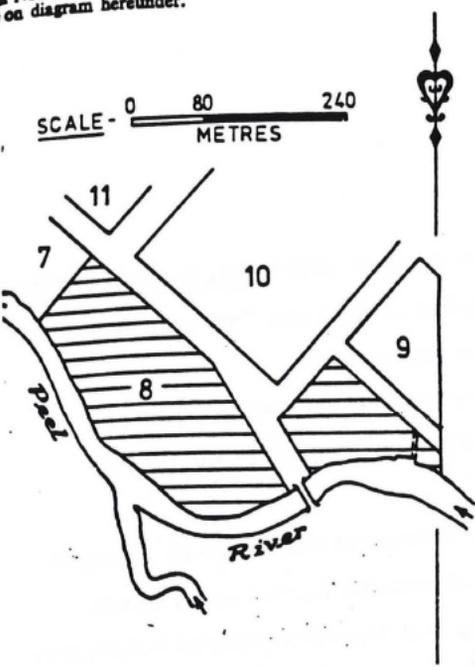
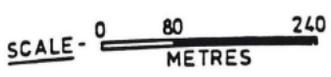
24 NOV 1972

Land District and City—Tamworth

Land District and City—Tamworth

Parish Tamworth, County Inglis, about 5.605 hectares at Tamworth, being Reserve 88781 for Public Recreation, notified 15 November, 1972, and being also the land shown by hatching on diagram hereunder.

Parish Tamworth, County Inglis, 3 882 square metres at Tamworth, being Reserve 61962 for Public Recreation, notified 11th July, 1930, and being also section 83. Plan T. 101-1393.



Part 7

Land District and City—Tamworth

Parish Murroon, County Parry, 2 023 square metres at Westdale, being Reserve 53169 for Public Recreation, notified 7th February, 1919, and being also portion 119. Plan P. 2600-1764.

Part 8

Land District and City—Tamworth

Parish Murroon, County Parry, 5.698 hectares at Westdale, being Reserve 44636 for Public Recreation, notified 17th November, 1909, and being also portion 70. Plan P. 2552-1764.

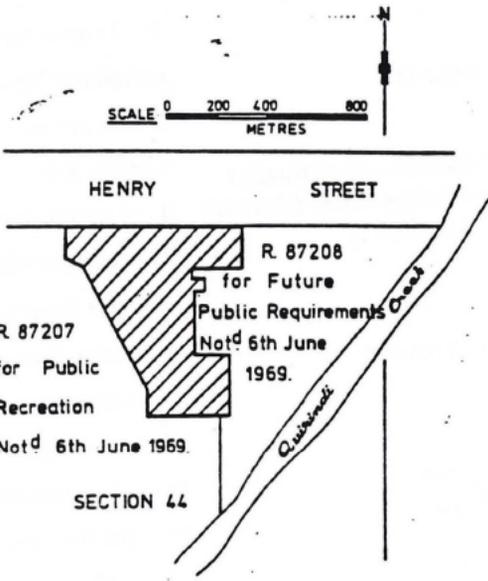
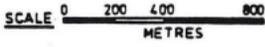
The lands in this Schedule are vested in The Council of the City of Tamworth.

SEVENTEENTH SCHEDULE

Part 1

Land District and Municipality—Quirindi

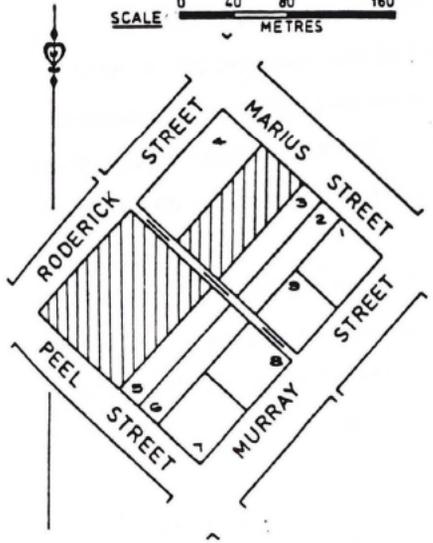
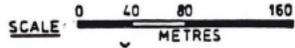
Parish Quirindi, County Buckland, about 3 288 square metres at Quirindi, being Reserve 87209 for Public Baths, notified 6th June, 1969, and being also the land shown by hatching on diagram hereunder. Plans Ms 836, 838 Th.



Part 3

Land District and City—Tamworth

Parish Tamworth, County Inglis, about 1.113 hectares at Tamworth, being Reserve 1956 for Public Recreation, notified June, 1884, and being also the land shown by hatching on diagram hereunder. Plan T. 24-1393.



Part 2

Land District and Municipality—Quirindi

Parish Coeypolly, County Buckland, 7 525 square metres at Quirindi, being Reserve 84647 for Children's Playground and Public Recreation, notified 29th November, 1963, and being also portion 217. Plan B. 4487-1788.

Part 3

Land District and Municipality—Quirindi

Parish and County Quirindi, 1.922 hectares at Quirindi, being Reserve 88077 for Public Recreation, notified 8th January, 1971, and being also section 23.

Part 4

Land District and Municipality—Quirindi

Parish Quirindi, County Buckland, about 2.023 hectares in the Town of Quirindi, being Reserve 49583 for Public Recreation, notified 14th January, 1914, and being also the land bounded by Nelson Street, Loder Street, allotment 7 of section 63, the northeasterly prolongation of the northwestern boundary of allotment 7, Quirindi Creek and Whittaker Street, exclusive of road 30.175 metres wide and variable width. Plan Ms 863 Th.

The lands in this Schedule are vested in The Council of the Municipality of Quirindi.

Part 4

Land District and City—Tamworth

Parish Tamworth, County Inglis, 7 164 square metres at Tamworth, being Reserve 67222 for Public Recreation, notified December, 1937, and being also allotments 1, 2, 21 and section 63. Plan T. 47-1393.

Part 5

Land District and City—Tamworth

Parish Tamworth, County Inglis, 2.023 hectares at Tamworth, being Reserve 55126 for Public Recreation, notified 27th May, 1922, and being also section 24.

25 - march - 1977.

NEW SOUTH WALES

**LEGISLATIVE
ASSEMBLY SELECT
COMMITTEE**

INQUIRY

**TAMWORTH TOURIST
INFORMATION CENTRE
BILL 1992**

AFFIDAVIT

Deponent:
SM Bartlett

Sworn:
30 October 1992

EVERINGHAM
SOLOMONS
Solicitors
424 Peel Street
TAMWORTH NSW 2340
(DX 6103)
Phone 662455
Ref: EJJ:39830

On the 30th day of October 1992 I STEPHEN MATTHEW BARTLETT of 24 Craighnds Lane Tamworth in the State of New South Wales say on oath:

1. I am the Deputy Town Clerk and Director of Corporate Services for the Council of the City of Tamworth.
2. I have had the carriage of the matter of Council's proposed Tourist Information Centre and a Coach Interchange Facility and Tamworth Tourist Information Centre Bill.
3. I crave leave to refer to the draft Tourist Information Centre Bill 1992 and in particular the Preamble Recital (3) and Recital (5) on Page two of the draft Bill.
4. I say that in respect of the said Recital (3) that I have caused searches to be made of Council's records and inquiries of long serving staff of Council and those searches and inquiries have confirmed the correctness of the Recital, ie,
"The land has been occupied by the Council of the City of Tamworth since 1950 and part of the land is currently used and operated by the Council as a Caravan Park (known as the Paradise Caravan Park)."
5. In reference to Recital (5) it is to my knowledge that such Recital is correct. Annexed hereto and marked with the letter "A" is a copy of a Recommendation from the Planning and Development Control Committee of

Council which was adopted at a Meeting of the Tamworth City Council (Committee of the Whole) held on the 28th day of March 1989. It is to my knowledge that Council has not received or passed a Rescission Motion or evidenced any intention to depart from its wish to construct and operate a Tourist Information Centre and Coach Interchange Facility on the land and as referred to in the said draft Bill.

6. Annexed hereto and marked with the letter "B" is a printout of a Result of Computer Folio Search provided by Lawpoint on 30th October 1992 in respect of Lot 10 in DP 786997, the land referred to in the said Bill.

7. Annexed hereto and marked with the letter "C" is a Statement of documents comprising documentary proof of Recitals in the Preamble to the said Bill and submissions to the Committee herein on behalf of Council. To the best of my knowledge and belief the facts stated therein are true and correct and the copies of documents are true copies of original documents.



SWORN at Tamworth

before me:



Town Clerk's Report No 89/39 - Planning and Development Control

- 1 RECOMMENDED that, in relation to the resumption of land known as the "Paradise" Caravan Park, Council: -
- (i) Endorse action by the Chief Town Planner to prepare a Local Environmental Plan in respect of the "Paradise" Caravan Park to rezone the land to permit development for tourist facilities.
 - (ii) Dispense with the requirement that Council serve Notice of the Resumption upon itself as the owner in fee simple of the "Paradise" Caravan Park.
 - (iii) Pursuant to Section 536 of the Local Government Act, 1919, as amended, an Application for Resumption of Lots 10 and 11 in DP 786997, Reserve No 88781, Parish of Tamworth, County of Inglis, be made seeking the approval of the Governor to acquisition of such land for the purpose of -
 - (a) providing a site for a project for developing the Tourist Industry in the State or erecting on that land buildings to be made available for use for the purpose of the project (vide Section 475Q);
 - (b) providing, controlling and managing a Tourist Bureaux (vide Section 483(1));
 - (c) making the land and building available for the development of the Tourist Industry (vide Section 518A),
as authorised by Section 475Q, 483(1) and 518A of the Local Government Act, 1919, as amended.
 - (iv) Any necessary legal documents be executed under the Common Seal of the Council.

At this juncture, the time being 10.00 pm Ald Walsh left the meeting.

POINT has searched against Computer Folio 10/786997 in the
 base maintained by the Registrar General for the purpose of providing
 tificates under Sec 96D of the Real Property Act, 1900. The result of the
 rch is as follows:

Lawpoint LTD No.

Folio Identifier

B176

10/786997

Date

Time

Edition

Date of Issue

30.10.1992

9.00AM

1

16. 2.1989

LAND

LOT 10 IN DEPOSITED PLAN 786997
 AT EAST TAMWORTH
 CITY OF TAMWORTH
 PARISH OF TAMWORTH COUNTY OF INGLIS
 TITLE DIAGRAM: DPT86997

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF TAMWORTH

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS -SEE GOV. GAZ. 25-3-1977 FOLIO 1250
2. THE PROPRIETOR HOLDS SUBJECT TO THE PROVISIONS OF PART 110,
 CROWN LANDS CONSOLIDATION ACT, 1913

NOTATIONS

UNREGISTERED DEALINGS: NIL

30.10.1992

B176

As to the other part of the premises comprised in the lease, I agree entirely with the conclusion reached by my brother *Sugerman*. They are not prescribed premises. In the present case it would appear that access to the part not prescribed can only be had through that part which is prescribed, in which admission is charged to the former. For the business conducted on the premises the two elements are inseparable. I would think that severance is impossible; but pending determination of the issues of fact relating to the prescribed portion I would certainly not exercise the power given by r. 26 of Order XXI to enable the claimant to enter judgment for part of the land claimed.

In my opinion the summons should be dismissed with costs.

SUGERMAN J. The order of the Court will be in accordance with the opinion of the majority; that the defence be ordered to be struck out, that leave be granted to the claimant to enter judgment for the recovery of the whole of the land and that the defendants do pay the costs of the claimant of this application.

Appearance and particulars of defence struck out with costs. Leave to enter judgment for the plaintiff.

Solicitors for the plaintiff: *Denis Solari (Janalli) by Harold Rich.*

Solicitors for the defendants: *Gregg & Milne.*

A.M.C.

[SUPREME COURT OF N.S.W.]

ATTORNEY-GENERAL, APPELLANT;

AND

COOMA MUNICIPAL COUNCIL, RESPONDENT.

[HERRON A.C.J., BRERETON AND MANNING JJ.]

May 29, 30; August 21, 1962.

User of land—Trust—Purposes of public recreation—Tourist information centre—Injunction—Motive and purpose—Crown Lands Act, 1884, s. 104.

The respondent was trustee of land known as Centennial Park at Cooma, which had been dedicated for the purposes of public recreation, pursuant to s. 104 of the *Crown Lands Act, 1884*. Erected in the park were a band shell and toilet facilities. The respondent erected on the land a further building, which was proposed to be used, amongst other purposes, as a tourist information centre.

Jacobs J. dismissed a suit by the Attorney-General to prohibit such use of the land.

Held, on appeal, *Herron A.C.J.* dissenting, that the dedication of land, "for purposes of public recreation" necessarily involves the use of such land by the

public for their recreation ; and that the effect of the proposed use of the building by the respondent as a tourist information centre, upon a consideration of the nature of the activities intended to be carried on therein, would be to deprive the public of access to a part of the land for the purpose of recreation thereon, and accordingly that such a use would be outside the powers of the respondent as trustee. Per *Herron A.C.J.* The facts revealed an intention to use the building for providing information to tourists, that there was evidence of user by the public for public recreation and that the decision of *Jacobs J.* should not be disturbed.

APPEAL.

The facts are set out in the judgment of the members of the Court.

R. W. Fox, for the appellant.

F. J. D. Officer, for the respondent.

HERRON A.C.J. This is an appeal by the Attorney-General against a judgment and decree of *Jacobs J.*, sitting in Equity on 9th October, 1961, when his Honour dismissed with costs a suit brought on the information of the Attorney-General. By his suit the Attorney-General sought a declaration against the defendant council that the erection of a certain building and its use for certain intended purposes were beyond the powers of the defendant as trustee of certain land, and in breach of the powers and duties of the defendant as such trustee. The Attorney-General also sought an injunction restraining the defendant from erecting or using the building for the purposes of a tourist information centre, and sought other ancillary orders.

The defendant is a body corporate under the *Local Government Act, 1919*, and is a trustee of an area of 2½ acres of land in the Municipality of Cooma, more particularly described hereafter, which was on 10th January, 1888, dedicated by the Crown. The dedication was made under s. 104 of the *Crown Lands Act, 1884*. This section, so far as is relevant, is in the following terms :

"The Governor may by notice in the Gazette reserve or dedicate Crown Lands in such manner as may seem best for the public interest for any railway or railway station—public road canal or other means of internal communication—public quay or landing-place—public reservoir aqueduct or watercourse—the preservation of water supply—any purpose of defence—hospital asylum or infirmary public market or slaughter-house—college school mechanics' institute public library museum or other institution for public instruction or amusement—town-hall court-house or gaol—permanent common—public health or recreation convenience or enjoyment—cricket ground—or racecourse—interment of the dead—use and general purposes of pastoral and agricultural associations—public baths—or for any other public purpose".

The dedication on 10th January, 1888, was made by a notification in the Government Gazette, the land being dedicated for the purposes of public recreation. Since that date the defendant council has had the care, control and management of the land, and has administered it as trustee for the purposes of public recreation ; in fact, the land has been used as a park under the name Centennial Park, Cooma. It is situate in the centre of the town.

It is laid out as a park and on it a band shell and toilet facilities are erected. At the time when these proceedings were commenced the council was proposing to erect a further building on the land which it was describing as a tourist information centre. This building, which has now been erected, is located at the southern corner of Centennial Park adjacent to a shop building just off the area. The toilets are also adjacent. The building is a single storey structure built around three large boulders which were brought in to form, as it were, the central feature around which the building was built. There are walls of glass facing the park and it is proposed to have chairs and tables in the building for the purpose of rest, reading and writing.

In the area which may be described as behind the three boulders, it is proposed to have what has been described as a tourist information centre. It is necessary to consider in some detail precisely what is proposed to be done in this area described as a tourist information centre. This appears first in a letter written by the council to the District Surveyor, Goulburn, on 3rd August, 1960. That letter refers to Cooma's position as the headquarters of the "Snowy Scheme" and to the number of tourists who have visited and who might be expected in years to come to visit the town. The letter refers to the importance of tourists in providing a revenue to the townspeople and then sets out various steps which the council has planned in order to increase the tourist trade. This letter then refers to the fact that the council had itself conducted a tourist bureau in conjunction with a library but it was found that the selling of tours and the general operations of the tourist bureau was a "specialised business that did not fit in with the operation of a library". The letter then states that the rights to the tourist bureau were given to Trans-Australia Airlines with payment of £250 per year to the latter in consideration of that office providing the service of an information centre. The letter then states:

"That arrangement has worked very well. However, there is one weakness which has been experienced . . . there is no profit to the tourist bureau in the giving of free information and therefore, when the giving of the free information interfered with the selling of a profitable tour to, say, Rome, or Japan, etc., it has been necessary to neglect the person requiring the free information. Then again it has not been possible for the privately run tourist bureau to prepare and collate information upon the town and history.

There is no profit to be gained from the provision of an information centre which specializes solely in the giving of information upon the town and district. In fact, the giving of information upon the town and district could be better described as the selling of the town, from which profit does not accrue to anyone individually, nor is there a commission to be gained from the giving of that information . . .

It was for these reasons that council decided that its first step in its tourist development programme must be the provision of a tourist information centre . . .".

The letter then goes on to describe the location of the building and the nature of it.

It is proposed that the area behind the three boulders in the building to be used for the giving of information concerning the town and the sur-

rounding district free to persons who ask for it, and for the preparation of information so to be given. It is proposed that this activity be carried on by a small department of the council, which it is apparently proposed to call the Public Relations Department, consisting of a senior person with experience in public relations and a junior typist. It is also envisaged that the person in charge at the centre should see that there is no damage or vandalism in the area. Mr. Walsh, the town clerk, in his evidence states:

"The attendant would be the person there to prevent damage, vandalism and that type of thing, and also to disseminate information, to answer questions orally and hand out literature that would answer questions asked by visitors. The attendant would have other duties because that duty would not occupy his or her full time . . . The other duties envisaged would be the preparation of material to disseminate—not only to disseminate in there, of course, but also by mail in answer to mail inquiries".

The Attorney-General contends that the use of the building having as a major purpose a tourist information centre is a breach of trust, whereas the defendant contends that the use of such building for the purposes of a tourist information centre and other ancillary uses, as described, is a purpose for which portion of the park may lawfully be used by the defendant in accordance with its trust. The obligation of the council as a trustee is not to use the land for the purposes of a public park, a not unimportant factor in considering the application of the term public recreation as applied to the proposed user.

A summary of the evidence discloses that the tourist information centre in question means a place where the council, through a staff of two, will collect information, geographical and historical, about the town and its surrounding area, which will be supplied in the form of literature, or oral communications to persons, particularly tourists, who seek that information at the building. The short point of this appeal is that his Honour was in error in holding that the use of portion of the area for these purposes was for a purpose of public recreation. In my opinion, his Honour's decision was correct, and since I agree with the conclusions reached by the learned primary Judge and with his reasons, my reasons may be set out shortly. In particular I will refrain from subjecting the evidence again to a maximum of analysis, a task already performed by *Jacobs J.*

At the outset I mention that the various purposes mentioned in s. 104 of the Act of 1884 must each be given separate consideration. Although the categories overlap, the meaning of each must be separated out. The words are used largely with distinct meanings and are not to be governed or qualified by reference to the other stated purposes which are not to be construed according to the *ejusdem generis* rule. It is to be observed that the Act couples several purposes, namely "public health or recreation convenience or enjoyment" in one phrase. This composite phrase is not uncommon in statutes dealing with public purposes; e.g. s. 348 of the *Local Government Act, 1919*, which appears in Part XIII, dealing with public recreation, and which exemplifies the width of the term. The words public recreation as used in the Act of 1884 are words of wide import and, in my opinion, are not to be construed too narrowly. Public recreation suggests a variety of activities, and is not confined to diversions by games or activities having a physical background. It can convey different meanings to a variety of

persons and minds. To one it may suggest refreshment by means of food, to others refreshment of the mind or spirits by some pleasant occupation, diversion or amusement. The council is a trustee, and the broad question is whether in the building and user of an information centre and rest rooms it is improperly executing the trust. Its use need not be confined to open spaces as distinct from buildings. The object of the trust is to use the land either *per se* for or the provision on it of a place of recreation. Nothing is improper which conduces to that object. While the obligation of the trustee as to user is enforceable in Equity and its alleged breach requires serious attention, none the less a court ought not to be over astute to seek for reasons for holding that activities which the council considers are conducive to it in a reasonable exercise of its discretion, are in breach of the trust. Part of the building is intended for use as a covered rest and writing area, as a place where tourists can sit, rest or write letters, or just sit, whilst other parts are intended to be used for the dissemination of information to tourists. The erection of the building for the former would be clearly allowable as a purpose of public recreation, even taking the narrow view that it was ancillary to the enjoyment of the park as a park. Such part of the place could be used by persons enjoying the facilities of the park and for shelter from the weather, and rest from their immediate enjoyment. I would not put a narrow or strict construction on the words public recreation as applied to the use of the area between the three boulders. It is the duty of the Court to see whether the council in what they are proposing to do are bona fide carrying out the object of the trust, a view taken by the Court of Appeal in a somewhat analogous case, *Attorney-General v. The Corporation of Sunderland* (1).

The phraseology of s. 104 justifies a somewhat broad approach to the meaning of the purposes there set out. One argument for the appellant as to incidental or collateral user tended to overshadow the use of the land itself for public recreation. For the argument for the appellant stressed the fact that tourists will also find recreation from activities incidental or ancillary to the immediate use of the land. But even conceding this to be so, it is not a reason for holding that the land itself is not used for recreation. Tourists may well be engaged in recreation when sight-seeing or in their discovery or enjoyment of places of historical or scenic interest, such as the absorbingly interesting works created by the Snowy Mountains Authority. But, in my opinion, the use of the land in the manner described none the less answers the description of purposes of recreation. Persons who have the inclination and leisure time to indulge in recreation as tourists are often satisfied with simple measures to satisfy their pleasure. The obtaining of historical, geographical or topographical information of places visited or to be visited is to many a pleasant occupation and a recreation to some. Amongst the reasons given by *Jacobs J.*, the following appears :

“ However, it is still necessary to determine whether the obtaining of information about a district in which one lives or which one is visiting can be placed in the same category as the obtaining of information from a public library or the cultural benefit of an art gallery or a public concert hall. I do not think that because the appeal of local knowledge is not as intellectually or culturally stimulating as the appeal of music, art or literature,

(1) (1876) L.R. 2 Ch. 634.

thereby it ceases to serve a purpose of public recreation. The purpose of the information centre is to satisfy the desire of persons for knowledge, a desire which takes the form not of an employment or a task, but of a recreational activity".

In his judgment *Jacobs J.*, divided the uses of the area in question into three categories: Firstly, to provide information of an historical, topographical and geographical nature, and not as a booking bureau; secondly, to collate and reproduce information; thirdly, the dissemination of the information not only to persons who actually call at the premises, but also by posting it to persons who have made written inquiries therefor. In respect of each of these headings, his Honour reached the conclusion that they formed part of a purpose of public recreation. The third category might be open to some question, but it is a minor part of the proposed user and, broadly speaking, I agree with the reasons which *Jacobs J.*, has given as to these categories.

There is nothing in the evidence which suggests that the area is to become a tourist bureau on a commercial basis, or having a motive of profit-making behind it. If these fears, which appear groundless at the moment, should arise in the future, the courts or the Governor, on the advice of the Executive Council, will afford ample protection to the public. As I have said, the use of the term public recreation does not suggest that the council is compelled to use the land for the purposes of a public park. It is within the authority of the council as a trustee to use portion of the area as a park and the remainder for some other purpose of public recreation. In my opinion, the decision to which his Honour came was correct, and I would propose that the appeal be dismissed with costs.

BREBETON J. The respondent council, which was the defendant in the Court below, is the trustee of certain land in the Municipality of Cooma which was dedicated "for the purpose of public recreation". It was alleged by the Attorney-General and found to be the fact that the respondent intended to erect upon portion of that land a building to be used amongst other purposes for a tourist information centre. An interlocutory injunction was granted, and thereafter the building was completed but not used for the purpose of a tourist information centre so as to infringe the injunction. Upon the suit coming on for hearing it was dismissed, and from that decision this appeal is brought.

That it is the respondent's intention to use the building in part as a tourist information centre unless restrained from so doing is admitted, and the question is whether such a use of the relevant part of the building is "for the purpose of public recreation". With the remainder of the building now completed we are in no way concerned. It is to be used as a rest room and reading room and this is a legitimate purpose, even though the provision of it is an accidental result of the plan to build a tourist information centre.

It appears from the evidence that for some time past the respondent council had been concerned with the development of industry in Cooma and had concluded that the only industry which the town could hope to encourage was the tourist industry. It therefore planned to "create a public relations centre within its administrative set up to sell Cooma and

district as a tourist centre", to enlarge accommodation and to take other appropriate action. A tourist bureau had been conducted for many years in conjunction with a library. "The idea was to provide a place where tourists could obtain information, book tours and obtain details of available accommodation. It was found that the sale of tours and the general operation of the tourist bureau was a specialized business." A specialist with special premises was necessary. The rights were given to T.A.A. and that organization opened an office in the town and was subsidised to the extent of £250 a year. However, the respondent council was not altogether satisfied with this arrangement as there was a tendency for profitable tours to be sold rather than for free information to be given and information on the town and district had not been prepared and collated. There was, it was said, no profit in a tourist information centre which disseminated free information except indirectly to the community as a whole. These were the reasons for which the respondent council proposed to set up its own centre. The section of the building to be used by the tourist information centre was to be occupied by the staff of the council's public relations department and was at the rear of the building. It was about 80 square feet in area and represented about one-fifth of the available floor space. It was to be separated from the rest of the area by a counter, a wall and other physical obstacles. Within it were to be accommodated a staff of two, and it was to be open not only during office hours but for seven days a week from 10 a.m. until 8 or 10 p.m. I see nothing in the evidence to indicate that the proposed centre was not to carry on substantially the whole of the activities of the existing centre except to the extent that it might not be concerned especially to sell tours in preference to the provision of free information, and I would therefore be disposed to enlarge somewhat on the learned primary Judge's statement of what was involved in the establishment of the centre. He described it as a place "where the council, through a staff of two members, will collect information, geographical and historical, about the town and its surrounding area which will be supplied in the form of brochures or oral answers to persons, particularly tourists, who seek that information at the building". I think it must be taken that the information to be given also included information as to accommodation, tours and the like, and that it was available not only to those who sought it "at the building" but also by letter or telephone as indeed he later pointed out. The learned primary Judge in adverting to the admitted fact that the council's motive in establishing the tourist information centre was, as it was put, "to sell the town" held, and I think rightly, that the council's motives, either direct or indirect, were irrelevant, and he therefore set this matter of "selling the town" wholly aside. In so doing, however, he gave too wide an effect in my opinion to a perfectly sound premise because the purpose to be served by the proposed user of this part of the reserve—whether to provide the public with recreation or someone else with something else—was the very matter in issue. That purpose might or might not coincide with the council's motive and because in this case it did it was, with that motive, left out of consideration. If the purpose of the proposed user was "to sell the town", that was to be borne very much in mind; although if at the same time such user was for purposes of public recreation it would not involve any excess of power. The benefit to the town could be a fortunate by-product of a legitimate user of the premises and even though

that user were brought into being solely to serve the ulterior object it would not thereby be invalidated. If, however, the dominant object of the proposed user is plain, as it is here; if a concurrent legitimate user can be supported only on somewhat tenuous and artificial grounds based on rationation rather than reality; if even then such concurrent user appears to be merely incidental to the dominant object of the user, then in my opinion one should base oneself on the dominant user in determining whether it is within the power of the trustees.

To my mind the dedication of land "for purposes of public recreation" necessarily involves the use of such land *by the public* for their recreation; land used by an individual or a council to manufacture or provide entertainment media for subsequent enjoyment by the public or to disseminate information as to where recreation may be found is not land used for public recreation. It is obviously not necessary that the public must at all times have access to all parts of the land; indeed the type of recreation provided on it may require the exclusion of the public from parts of it, but any restriction upon the public's access to the whole of the area for the purpose of recreation can be justified only on the basis that it is in the interest of the public and to provide for their recreation *within the area* that they are so excluded from part of it.

The effect of the council's proposal would be to deprive the public of access to a part of the building. Tourists on recreation bent may present themselves at the counter or enquire by letter or telephone for the purpose of eliciting information not only as to where in the vicinity various forms of recreation might be had and objects of historical and other interest found, and also no doubt as to hotel accommodation, shopping facilities, conducted tours and the like. In so using the information centre they would not, to my mind, be using the area occupied by it and its staff for their recreation as members of the public; they might be using it in pursuance of an intention to use other areas for the purpose of recreation but this is not a user of that area for such a purpose unless it can be said that in the circumstances the mere obtaining of the information is itself a recreation. This, to my mind, is far too tenuous an inference to support the proposed use of the land. Some people may find recreation in seeking information about recreation, but I do not find it possible to say, even so, that such use of the premises as may be had by the public generally would be a user for the purposes of public recreation. Equally the deprivation of the public's access to the area could not be justified on the ground that it was for the public's better enjoyment of the remainder of the reserve. It is not; it is for the public's better enjoyment of other areas.

It may well be said that the proposed user is a user by the council for purposes amongst others of public recreation, but I do not think it is any more a user by the public for their recreation than would be the case if the area was occupied not by the council's public relations department but by its department of parks and gardens.

There is no doubt that the respondent council's conduct has been in good faith and that its aims are laudable, but in my view they cannot be implemented upon this land.

In my opinion therefore the appeal should be allowed and I would agree with the order proposed by my brother *Manning*.

MANNING J. This is an appeal from a decree of *Jacobs J.*, made on 9th October, 1961, whereby his Honour dismissed with costs a suit brought by the Attorney-General against the Cooma Council. The facts are fully set out in the reasons for judgment delivered by *Jacobs J.*, and need not be repeated in detail.

It is sufficient to state that certain lands now known as Centennial Park, Cooma, were dedicated on 28th September, 1888, for public recreation.

The Attorney-General, as plaintiff, alleges that the council has threatened to erect on the land so dedicated as abovementioned a building to be used for the purpose of a tourist information centre. This purpose is alleged to be outside the powers of the council which, as trustee, has had the care, control and management of the land and has administered the same.

As stated by *Jacobs J.*, the single matter for determination is whether the use of a portion of this land for the purpose of a tourist information centre is a purpose of public recreation.

The right to conduct a tourist bureau had been given by the defendant council to Trans-Australia Airlines. As was stated by the council in a letter written by it to the District Surveyor, Goulburn, on 3rd August, 1960, there is no profit to be gained from the provision of an information centre, as distinct from a tourist bureau. An information centre specializes solely in the giving of information upon the town and district. The letter then added: "In fact, the giving of information upon the town and district could be better described as the selling of the town, from which profit does not accrue to anyone individually . . .".

At the outset his Honour said that he thought it necessary to distinguish between the purposes of the council and its motive in establishing a tourist information centre. His Honour thought it clear that the motive of the council, as expressed in the letter abovementioned, was to encourage visitors and tourists to the municipality for the commercial benefit of the municipality.

His Honour added that he did not consider that the revealed motive of the council can vitiate the council's action any more than the same motive for providing a well lit park could vitiate an action which would clearly be for a purpose of public recreation. Therefore, in his consideration of the question his Honour set aside this question of motive and limited his examination to the particular acts which the defendant council proposed to do upon the subject land. His Honour proceeded to examine the various acts which would be done upon the property and concluded that the purpose for which the land would be used would be a purpose of public recreation.

I regret that I am unable to agree with his Honour's view. I think that in the particular circumstances of this case, the separation of what is said to be "motive" as distinct from "purpose is" erroneous. As was said by Lord Wright in *Crofter Hand Woven Harris Tweed Co. v. Veitch* (2):

"The words 'motive', 'object', 'purpose', are in application to practical matters difficult strictly to define or distinguish. Sometimes mere animus, such as spite or ill will, malevolence or a wanton desire to harm without any view to personal benefit is meant. But motive is often used

(2) (1942) A.C. 435, at p. 469.

as meaning purpose, something objective and external, as contrasted with a mere mental state".

I do not think that what is referred to as the motive of the council in this case can be said to be a mere mental state. It seems beyond doubt that the council's motive was to set up this information centre so as to do acts which would in fact "sell the town".

I would not desire to disagree with his Honour's expressed view if, in referring to the council's motive, he meant to indicate a mere mental state, as a result of which a decision was made to take some undefined action, so far as it lay within its power to do so, to carry out its expressed desire, and if the action then determined amounted to a use of the land for a purpose of public recreation. But I think that in so far as the council's motive was to "sell the town", it set out to act in such a way as to carry this desire into effect, and it determined to sell the town in a particular way, namely, by erecting a building to be used for the purpose of a tourist information centre, and I find some difficulty in distinguishing between the words "motive" and "purpose". The end to be achieved, combined with the method determined to achieve it, might be better defined by the use of the one single word, namely, "object". The object (or purpose) was not to recreate at the centre on the subject land those who might avail themselves of the information furnished at the centre, but to give them information which would enable them to be recreated elsewhere in the municipality to their enjoyment and to the commercial benefit of the local community.

Having discarded the council's motive, the matter was then examined upon the basis that consideration should be given to the three categories into which the proposed use of the area in question was said to fall. These were as follows :—

- (1) To provide information to persons who seek it there ;
- (2) To collate and reproduce information ;
- (3) To forward information by post in answer to written inquiries.

If these three categories are examined individually without regard to any other factor, there is much to be said for the view that perhaps the first and second, and possibly the third could be said to be uses for the purpose of public recreation. I would agree that in considering the meaning of the expression "public recreation" it must be accepted that a man must be whole in mind and body and that he requires recreation for his mind as well as for his body. Accordingly, the dissemination of information, in some circumstances, may be regarded as an activity for the purpose of public recreation. Nevertheless, it was said that the purpose of the information centre in this case was to satisfy the desire of persons for knowledge, a desire which takes the form not of an employment or a task but of a recreational activity. Even if considered solely in relation to the particular acts in question I think it open to doubt that the dissemination of information of the nature mentioned to tourists in the Municipality of Cooma, within the four walls of the building erected for this purpose, could be said to be a use of the subject land for the purpose of public recreation. But when, as in my view it is clear, the land is used primarily for the purpose of disseminating information designed to encourage visitors and tourists to visit other places

in the municipality for the commercial benefit of the local community, I am driven to the conclusion that this cannot be said to be a use of the subject land for the purpose of public recreation.

I agree with his Honour's view that where land is dedicated for the purpose of public recreation, the public recreation must primarily be on the land itself, but I think that any recreation that might be enjoyed by any member of the public would not be enjoyed upon the land, but elsewhere.

As regards the collation and reproduction of information, his Honour held the view that this was an incidental purpose to the dissemination of the information and with this I agree.

The forwarding of information by post in answer to written inquiries is either an activity of precisely the same type as that considered firstly above, or an activity which is ancillary to it.

In these circumstances, I have come to the conclusion that the use of the building in which the tourist information centre is to be conducted is not a use of the subject land for purposes of public recreation, and accordingly that his Honour was in error in dismissing the suit.

With regard to the relief sought by the Attorney-General, I think that the declaration set out in the first prayer should be made. The second prayer asks for an injunction to restrain the council from erecting or completing the erection of the subject building. The building has, in fact, been completed, and, for reasons which will appear, I am not disposed to grant this injunction. The third prayer asks that the council be restrained from using the subject land or any part thereof for the purpose of a tourist information centre.

As the building is complete and does comprise an area intended to be used as a rest room, there appears little doubt that the remainder of the building is readily able to be adapted for a use that would fall within the powers of the council, as trustees of the park. There is no suggestion of any want of good faith on the part of the council, which has undoubtedly acted for reasons calculated to benefit the local inhabitants, and I think that the operation of the injunction should be suspended for an appreciable period to permit the council to transfer its activities in conducting a tourist information centre to another suitable location and to adapt the existing buildings for a purpose of public recreation thereafter. Accordingly, I propose that the operation of the decree for injunction which I think should be pronounced, should be postponed for a period of about twelve months.

[His Honour then stated the form of decree which in his opinion should be made. Such was in the form mentioned by the Acting Chief Justice below.]

HERRON A.C.J. The order of the Court, by majority, will therefore be that the appeal is upheld, with consequential orders and decrees as contained in the judgments of my two brothers, as follows:—

(a) That the erection on a portion of the land known as Centennial Park, Cooma, of a building to be used for the purpose of a tourist information centre and the use of the said building for that purpose is beyond the power of the respondent as trustee of the subject land and in breach of the powers and duties of the respondent as such trustee.

(b) That the respondent be restrained by the order and injunction of this Court from using the land known as Centennial Park, Cooma, or any part thereof, for the purpose of a tourist information centre but that the operation of such injunction be postponed until 1st September, 1963.

(c) That the respondent pay the costs of this appeal.

(d) That the respondent pay the appellant's costs of the suit.

Appeal allowed with costs.

Solicitor for the appellant: *R. J. McKay* (Crown Solicitor).

Solicitors for the respondent: *A. J. P. Hall & Hall.*

J.K.McL.

[HIGH COURT OF AUSTRALIA]

BENNETT & FISHER LTD., APPELLANT;

AND

ELECTRICITY TRUST OF SOUTH AUSTRALIA, RESPONDENT.

[DIXON C.J., McTIERNAN, KITTO, MENZIES AND OWEN JJ.]

Oct. 2, 25-27, 1961; Feb. 28, 1962.

Electricity—Contract for supply—Conditions—Application of conditions to all consumers—Rights of similar consumers to be supplied on the same terms—Undue preference—No common law obligation to supply—The South Australian Electric Light and Motive Power Company's Act, 1897, ss. 15, 16—The Adelaide Electric Supply Company's Act, 1922—Electricity Trust of South Australia Act, 1946-1954, s. 40 (e).

The *Electricity Trust of South Australia Act, 1946-1954*, incorporating the provisions of *The South Australian Electric Light and Motive Power Companies Act, 1897*, gave to the respondent extensive powers in relation to the generating, supplying and transmitting of electricity, and the respondent was, in practice, the sole public supplier of electrical energy in the relevant part of Adelaide.

Section 16 of the 1897 Act provided: "Where a supply of electricity is provided in any part of an area (or part of a town) for private purposes, every company or person within that part of an area (part of a town) shall, on application, be entitled to a supply of electricity on the same terms on which any other company or person in such part of an area (part of a town) is entitled under similar circumstances to a corresponding supply." Clause 2 of the standard conditions of contract into which the Trust insisted that the appellant should enter provided, "When in the opinion of the Trust, the supply of electric energy can most conveniently be effected by placing transformers and/or other equipment on the premises of the consumer, the consumer shall provide free of cost to the Trust, suitable accommodation for such equipment."

CHAIRMAN: Mr John do you wish to add or elaborate upon it?

Mr JOHN: I would like to be given that opportunity.

CHAIRMAN: If you would please do so.

Mr JOHN: I would like Mr Stephen Bartlett to make the main submission and I would like the opportunity for each of the other three of us to address particular aspects; but perhaps Mr Bartlett could lead off.

Mr BARTLETT: We believe Council submission covers every aspect of the proposed development of the tourist information centre and coach interchange on public reserve 88781. Perhaps at this stage I would just give some indication of why the site is most favoured and then I will be open to questions on the submission. From the viewing of the site this morning I think you will appreciate it is a very central location in the city and it is an ideal location for a tourist information centre and coach interchange with facilities that will provide services to the travelling public, visitors and coach passengers. The site is located on what will be the inner-city bypass for the New England Highway from south to north. It is located one kilometre from the Tamworth post office. There will be ample parking on the site. It is proposed that the tourist information centre will be manned by Council staff and at this stage there has been no indication given as to the type of other facilities, other than by general description as mentioned in the submission.

The coach interchange at this stage would be under the Tamworth City Council's care, control and management. At times when the tourist information centre is not opened, Council will have to look at some avenue where that facility will be available on a 24-hour basis. Most of this sort of information is yet to be determined. Certainly the design for the overall facility has yet to be determined. Council has some floor plan in mind but nothing shored up. There are no current proposals for any leasing of any of the facilities at this stage. The principal concern of the Council is to have the bill passed through the Parliament and, once that is achieved, Council can sit down as a working group based on city aldermen and select members of the community to look at a facility which will best serve the city's needs and the needs of

visitors and travellers. Perhaps if I conclude at that point and I will answer any questions you wish as they arise.

CHAIRMAN: Did you want to put some more detail in relation to the bill?

Mr BARTLETT: I believe the Mayor would like to address aspects of the proposals over the years for the use of other facilities in the city for a tourist information centre and coach interchange, particularly with reference to the railway station.

CHAIRMAN: Could you do that?

Mr JOHN: It is quite surprising and amazing that after the in-depth negotiations with the State Rail Authority over a period of approximately three years there seems to be a belief in certain sectors of the community that Council has overlooked the possibility of utilising the railway station for the purposes of both a coach interchange and possibly a tourist information centre. I have brought my personal diaries with me. In perusing those, the first time this was raised was with senior management of State Rail, Vince Graham, and he had with him a gentleman, coincidentally called Danny Graham. The purpose of that meeting was to meet with the Northern Area Regional Organisation of Councils in the chambers of Tamworth City Council. The purpose was to indicate to the regional community that the passenger rail services were going to be terminated at Tamworth and the XPT would travel to Tamworth and return to Sydney daily.

At that meeting I spoke at quite some length with Vince Graham in regard to the possibility of joint use of the railway station facility for both private enterprise coach use and possibly for the siting of a tourist information centre. At that juncture I do not believe that it was yet mooted that the bypass of the highway of the CBD of the city would take place. It would appear that at that point that location would have been admirable for both purposes. The proposition was received with enthusiasm and there are quite substantial records of Council. We had meetings where plans were put before the committee by a lady named Faye Powell whose name might be known to you as part of the senior management of State Rail. We had several meetings over the period. I believe that portion of the land has been rezoned for commercial

purposes but for some reason the proposition finished up dead in the water.

Our last meeting with State Rail was at the facility after the current facilities were opened, at a meeting subsequently where we again approached State Rail in regard to use of that facility. At that time we were told that they had arrived at the decision that the facility was not large enough for both private enterprise and State Rail use for coaches. As a result of that information we asked could it be used at other times. We were told that probably use of the facility could be arranged when State Rail was not using it, which was virtually the night time hours—hours of darkness—but there would be no facilities open. They would not make available toilets and, indeed, there would be no lighting, and they did not favour the community use of the facilities. That meeting was on 12 July, 1991. From that point on Council pursued alternative sites.

Going back over the years, other sites have been considered. One that comes to mind is on the corner of Ebsworth Street in the flood area. I believe it would have been built on stilts, adjacent to the notorious Travelodge Hotel on the vacant corner opposite the church. It seems that Council was prepared, despite criticism from the community, to endeavour even though there was some impatience about the fact that our coach facilities were unsatisfactory, but we believe that the ultimate use of the proposed site in the bill is worth waiting for. If we can use it, firstly, for a tourist information centre and then provide some facility for coach passenger interchange, we believe that is an admirable use. I believe it has a good deal of support in the community. There are possibly pockets of resistance; I am not sure about that. I just wanted to elaborate on the fact that there seems to be a belief—and occasionally letters to the editor pop up, to my absolute disbelief—that they have just discovered a marvellous use for the railway station. We have exhausted that, I put to the Committee. Over a period of three years we have endeavoured to come to some agreement with State Rail and it is just dead in the water.

CHAIRMAN: Would you like to add to that, Mr Everett?

Mr EVERETT: Yes, I would. I would like to emphasise—and I believe that following our site inspection this becomes apparent—the strategic location of the site,

having regard to what is occurring in Tamworth with the New England Highway bypass. I would also like to emphasise that the amending local environmental plan that Council is undertaking retains that land as open zone. The amendment is specific to permit the range of uses that Council is trying to achieve, that being a tourist information centre, coach interchange and associated restaurant facilities. They are the main points I would like to get across and I will be happy to answer questions as we go on.

CHAIRMAN: Mr Hannah, would you like to add to that?

Mr HANNAH: Yes. As well as being Deputy Mayor of the city I am also Committee Chairman of our local Tourism Committee which is a community based tourism authority under section 527 of the Local Government Act. Since the formation of that, the Council has been looking at the present tourist information facilities in the city which are, to say the least, totally inadequate. We have been looking for a site on which to put the tourism information centre. After an extensive search throughout the entire city we feel, as the tourism committee feels, that that particular site we are looking at now is the most appropriate site for an information centre. I think it must be remembered too that the bill is about the Tamworth tourist information centre and that is what we are on about. We are looking for a proper site for a community tourist information centre, one that will serve the community of Tamworth and one that will serve the travelling public that comes to our city.

Mr YABSLEY: Following the site inspection I was wondering if we might possibly put a little more definition on the actual description of the land that we are talking about. I was wondering if a member of the Council could confirm the boundaries of the area in terms of the public reserve, starting by reference to the map and telling the Committee what those areas are?

Mr BARTLETT: I can do that. If I can make reference to the site inspection this morning, the public reserve is described as lot 10. It was the whole of the site we were standing on, including the Paradise Caravan Park at the southern end. You probably noticed a chain wire fence and obviously the area is much better kept from that point on. To that point there are six acres that are not given over for use as a caravan park. That is the site proposed to be used for a tourist information centre, coach interchange and associated facilities. It is quite possible we will have to put a subdivision through if the private bill is passed by the Parliament. The site will be generally developed. I would say probably about 25 per cent of the site would be given over to buildings and the rest would be open areas, parking areas for coaches, caravans and cars. There would be a good deal of landscaping.

The access point would be probably 200 metres from the roundabout back towards the Paradise Caravan Park. There is no proposal currently for the caravan

park to be extended beyond that which currently exists to serve Council needs and the users of it. The public reserve has been in its present state for many years. There is a cricket pitch located in the middle and you probably noticed children playing cricket there this morning. If that facility was taken out of use as a cricket pitch, there are other reserves in the city that are available for that type of recreation.

Mr YABSLEY: Can you tell me the extent of total area we are talking about?

Mr BARTLETT: About 11 acres.

Mr EVERETT: That is the total site incorporating the caravan park. The proposed site we are asking for is 2.5 hectares which is basically the cricket pitch area we viewed.

Mr BARTLETT: I might just mention that that site originally was all Crown land, that public reserve dedication. Council used it as a garbage tip, not so much for domestic refuse but for builders' rubble and that sort of thing that was deposited there over the years. In about 1950 or 1952 it ceased to be used as a garbage site. It was levelled and from that point on it became dedicated as a public reserve. It is really Council's active use of it, albeit for a garbage depot, that has brought it to its present stage as a site for a public recreation area.

Mr YABSLEY: Can I move on to the point about the contribution that the development will make to the whole economic strength of Tamworth. Council's submission refers at page 8 to the economic benefit in general terms of the enhancement of tourism. From direct experience in my previous portfolio of tourism I can vouch for the fact that the city of Tamworth is very alive to the demands of tourism. My recollection is that the figures collected by the Tourism Commission point to a healthy trend in tourism in this part of the State, extending to the Northern Tablelands and to the Queensland border. I know you pointed to the prospect of some 15 permanent employment positions coming on line when the project is fully operational. I wonder if you would be able to elaborate on that in terms of what direct contribution the project will make to the city of Tamworth?

Mr BARTLETT: It will very much operate as a focus for Council's tourism strategies. A tourist information centre will be located there, which has five

permanent staff. The other facilities we believe will take up the other positions, up to a maximum of 15. It is considered that a facility that will provide hot food, refreshments, drinks, newspapers and other facilities, perhaps post office facilities and things of that nature, things that travellers would use, would occupy seven or eight positions. The coach interchange could provide employment. I think it is fair to say that it is not a big employment generator but it operates as a focus for our tourism strategy and provides service and value added services for visitors and tourists. We have a considerable visitation to the city during the Country Music Festival. That adds some \$15 million annually to the city and the tourist information centre is a hive of activity for the two weeks of the festival. I must emphasise that it will be a marshalling point for our tourism strategy. It will be a welcome mat to the city for all visitors and presently we just do not have a facility that satisfies or matches the professionalism and the strategy that we want to develop for tourism in the city.

Mr YABSLEY: On a related matter, have any lessons been learned from the Armidale Tourist Information Centre, in particular co-location with fast food outlets. As I recall, there is a Pizza Hut facility co-located with the Armidale Tourist Information Centre. Have notes been swapped or lessons been learned from the Armidale experience?

Mr HANNAH: We have certainly taken note of the Armidale experience and have had a look at the success they have had there. Their facility attracts a lot of people. They would probably attract more people than we do with our facility. Our present facility is located at a very hard to get at site, especially coming from north, whereas the Armidale one is on the highway, is co-located with other tourist facilities and certainly is meeting the needs of the Armidale area. With that in mind we believe our site should be of a similar nature with the information centre, coach interchange and other associated facilities.

Mr YABSLEY: What sort of income generating potential do you see from the ancillary facilities co-located with the tourist information centre?

Mr HANNAH: I think that having other facilities there—the information centre itself will be the focal point that will attract the tourists. People come and stop

there to obtain information. Having travellers stop there, I believe they will be looking for other opportunities to get food, drink, et cetera, and this will be of great benefit to the operator in having a market with people stopping and getting information. We have not done any research as to what type of facility should be there or what the end result would be.

Mr YABSLEY: Within that framework do you see a potential to work in with coach operators in providing those ancillary facilities?

Mr HANNAH: Certainly coach operators, when they do stop to pick up or set down passengers, like to provide facilities for their passengers—rest-rooms and hot drinks on cold nights and so on. The coaches certainly would welcome having other facilities attached to an interchange.

Mr YABSLEY: Will there be any sort of levy in relation to the coach operators who are using the facilities?

Mr HANNAH: All the research we have done over the last few years has indicated that coach operators would be pleased to stop there at no charge. The Council is of the mind that we are trying to provide community facilities for the people of Tamworth and for people travelling through. Therefore, the Council is quite happy to have it at probably no charge.

Mr YABSLEY: If I could make an observation, I think that is a wise judgment. It has become apparent that as coaches are mobile, if there is a levy at one location, they will certainly go on to the next. We heard this morning during the site inspection about the potential for an amount of some \$525,000 being available. I think some of that is to be made available from the Council, some from the Tourism Commission. Could you just go into some detail in terms of the availability of funds for the development of the facility?

Mr BARTLETT: Yes. Council has loan funds raised of \$325,000. We also have secured a grant from the New South Wales Department of Transport of \$100,000. That grant is site specific for the provision of a hardstand parking facility for coaches. The Council has submitted an application to the Tourism Commission of New South Wales for a grant under its capital assistance program for a further

\$100,000. That has not yet been approved. It is anticipated that it will be made available in the next financial year. However, I point out that when the Hon. Garry West was the Minister for Tourism, there was a meeting in Tamworth, a week before the last State election, and a verbal promise was made. Obviously, the Minister has now gone on to greener pastures, so obviously we have to await the outcome of that application. I know funds are short at State Government these days but obviously we would hope those funds will be made available. If we add those figures up, there are funds in approximately an amount of \$525,000. The project has not been costed at this stage and there has been no design or plans drawn. Preliminary indications are the types of facilities the Council would require.

Mr YABSLEY: Certainly, the prejudice of the Tourism Commission is very much in the direction of providing funds on a co-operative basis for construction of a tourist information centre. Mr Warwick Bennett might be able to provide some assistance in that regard. Has he been approached?

Mr BARTLETT: He has been approached and he is aware that the application has been submitted. Nothing further has been done at this stage.

Mr YABSLEY: I am sure he would be a staunch advocate.

Mr BARTLETT: He certainly is. Just so that you are aware, Warwick Bennett is a member of the Council's section 527 committee, known as Tourism Tamworth, of which the Deputy Mayor, Tom Hannah, is Chairman.

Mr HANNAH: The Council tourist associations wrote to the present Minister for Tourism asking about funding. He stated that there was an amount of \$2.6 million put aside for the assistance of construction of information centres and tourism plans. There is an amount allocated, and whether we are successful in getting a grant will be entirely up to the Minister.

Mr BARTLETT: Can I mention the apparent demand locally for a coach interchange. There are 10 coaches passing through Tamworth daily—five south and five north. The demand for coach interchanges is so great that recently the Council decided to provide a temporary facility along the principal area where coaches pick up and set down passengers. This is a Mobil service station on the Armidale highway a

little north of the site which you viewed this morning. The facility will be very temporary and very small, though it will provide some sort of secure, safe and cool area for passengers to wait. It is basically a building of about two squares, very portable. It is costing the Council \$15,000 to provide and that facility hopefully will be in place prior to the end of this year and will remain so until such time as the question of a coach interchange and tourist information centre is solved.

Mr DAVOREN: For the record, who actually holds the title? What is the existing status of the land?

Mr BARTLETT: The site is a public reserve dedicated under the Local Government Act as such. The reserve number is 88781. The Council holds a certificate of title, in fact. It is covered by lot number and a DP and held in fee simple, but it has restrictions on it as to use. Section 475Q of the Local Government Act specifically prohibits the development of tourist information centres on public reserves, thus the reason for this private bill.

Mr DAVOREN: Who decided on the bypass of the highway? It seems to tie up with the problem of the use of the station area, the State Rail Authority land, which when you look at it now with the bypass would certainly be out of the way. Who decided that? Was it the Council, the Roads and Traffic Authority or the Commonwealth?

Mr EVERETT: It is being funded federally but, as we indicated, that is one of our local environmental plans that cover Tamworth. On the map, the red dotted line is the arterial road designation going across the flood plain. That designation has been on the planning map since the early 1970s and it has been a planning engineering proposal since the early 1970s. It is not something that has just popped up out of the blue. It has been clearly indicated since the early 1970s.

Mr DAVOREN: It was not popped on just to make the SRA station land more attractive?

Mr EVERETT: No. When we undertook the review of environmental factors to look at the reconstruction of that road, a long investigation was done which confirmed that since the early 1970s it has been a major road proposal.

Mr DAVOREN: Mr Mayor, your detail of the diary note of the meeting of July 1991 with the SRA was interesting. Was there any written confirmation of that?

Mr JOHN: I attended with the General Manager, Town Clerk.

Mr DAVOREN: But you did not receive any correspondence subsequently?

Mr JOHN: I could not answer that question.

Mr BARTLETT: Perhaps I could assist. There is reference in Council's submission to the negotiations failing with the SRA. I cannot be specific on the dates but there was a communication forwarded to the SRA asking was the matter proceeding with redevelopment of the Tamworth railway station and was there sufficient land to accommodate Council's requirements for a tourist information centre and also for coach operators? There was virtually an ultimatum given in that communication stating that if Council had not received advice within 21 days, it would assume that their project had stalled and we would then go back to our original site, which again is the site the subject of this private bill. There was no communication forthcoming, so Council resurrected its earlier plans for the Paradise Caravan Park Reserve site.

Mr JOHN: That triggers my memory. Following the on-site meeting, we did that to tie the matter up once and for all.

Mr DAVOREN: Mr Chairman, before I ask these other questions, I should indicate that I am acting as devil's advocate, so please do not think that these are my personal views. Some of my colleagues are interested in the environment and obviously comment will be made if these questions are not asked. Since the original dedication of this reserve, what have been its subsequent uses, or has it only been used for what we saw this morning—junior cricket?

Mr JOHN: Since it was used as a garbage tip?

Mr DAVOREN: I am sure that was the original dedication.

Mr BARTLETT: There is one other use. It is occasionally used by circuses and for sideshow activities.

Mr DAVOREN: Does the reserve have a name?

Mr BARTLETT: It is really unnamed but it is locally known as the Paradise Caravan Park Reserve.

Mr DAVOREN: Council would be looking for a suitable name for it?

Mr JOHN: I am sure we will but we did not want to presuppose anything that might be detrimental to our case.

Mr DAVOREN: The Council submission states, "Other than cricket, which the local competition has not used for several years due to the poor state of repair, the reserve has not been used for active public recreation". Is there any reason for that? Are there better facilities elsewhere?

Mr BARTLETT: I think that is it: there are better facilities elsewhere.

Mr EVERETT: I mentioned on our on-site meeting that we have done a full analysis on what open space provision Tamworth city has provided. The development standard that we work on in assessing which open space is provided with a new subdivision is based on an industry standard at the moment of 2.83 hectares per 1,000 head of population. From the analysis we have done recently as part of the section 94 contributions plan, it indicates that the level of open space is around the five to six hectares per 1,000 head of population, so Tamworth city is very fortunate in that regard. It has got to the degree where, as part of our draft plan, we are going to be seeking less open space dedication and more monetary contributions to augment the existing facilities we have. That gives a clear indication that if this was to be used for this purpose, it would not compromise open space in the city.

Mr DAVOREN: How much open space will remain after construction of the tourist information centre and or the bus interchange, and what facilities will go with it? Will there be considerable open space?

Mr BARTLETT: We believe there will be considerable open space. It will be taken up with landscaping or a hardstand parking area for coaches, which does require a large space. There will be some parkland in conjunction with the overall development; probably 20 to 25 per cent of the site will be taken up with that. That is a difficult question to answer because as yet there is no overall layout plan for the site.

Mr DAVOREN: But it is intended to generally landscape and have gardens and a large park on either side?

Mr BARTLETT: I hark back to our earlier comment, that it is a welcome mat for the city so it is Council's intention to make it as attractive as possible. It would mean landscaping an open recreation area for those areas that are not covered by buildings.

Mr DAVOREN: If coaches arrive at night, and I understand that Tamworth has 10 services at night, how will coach travellers be able to use the facilities? Will the tourist information centre be open at night?

Mr BARTLETT: Again that is not resolved finally. However, it is hoped—or intended, I should say—that the coach interchange would be a 24-hour facility. Hopefully, if that is not needed, it is hoped that it will be designed in such a way that people could access it without the necessity for staffing. In other words, toilets would be open 24 hours and facilities would be open, food dispensing machines, drink machines, that sort of thing. It is intended there would be regular security checks of the site by Council's local security agent, but the ideal, of course, would for it to be staffed on a 24-hour basis. In that regard we hope that the operator of the refreshment room would be in a position to open the facility 24 hours a day. It is all pre-supposing at this stage.

Mr HANNAH: With the information centre, even though it would be closed at night, we are looking at user friendly computers that will give information to tourists after hours, details of accommodation and other facilities, and that will be operating 24 hours a day.

Mr DAVOREN: As I understand it, if you are going to lease any of the ancillary facilities for public purposes, the public purpose is defined to include public recreation, physical, cultural and intellectual welfare of people within the community, public health and the provision of public utilities. Can Council indicate what sort of retail outlets and services can be characterised as a public purpose?

Mr EVERETT: If I could comment, and if it is not relevant, please pull me up: we will be governed very much by the amending local environmental plan that has been gazetted as to the range of uses that can be undertaken on the site. As I have mentioned previously, the 6A open space recreation zone shall remain. We have not amended the LEP to change the zone as such to commercial. It is still 6A open space recreation. With your leave I will read out what uses are permissible there; they are not great in number:

The objective of the zone is to set aside certain land, being land that is owned by Council, for the purpose of active and passive recreation. Uses only with development consent are any purpose authorised by Division 2 or 3 of Part XII of the Local Government Act—agriculture, camping areas, caravan parks, community centres, drainage, forestry, parking, racecourses, recreation facilities, roads, showgrounds, sports grounds, utility installations.

That is the range of facilities permissible under that zone. The amending local environmental plan has broadened specifically for that site the range of uses to operate a tourist information centre and associated restaurant-coach interchange facility. Under our planning instrument, if this was successful, there are still specific limitations on the range of uses that we could allow.

Mr FRASER: The Committee has obviously received some submissions which raise some concerns about the site proposed by Council in relation to other sites. I would like to put some of those concerns to you to give you an opportunity to rebut those or to give an explanation to the Committee as to why they should not be concerned. You mentioned ancillary facilities and they were mentioned at length this morning. The bill itself does not provide for those ancillary facilities to be named and there has been some concern that there may be a hidden agenda with regard to the Council and those ancillary facilities.

Mr JOHN: I think the town planner has just answered that.

Mr FRASER: Can the facilities be sold in any way, shape or form, or can there be a lease so that they remain Council property at all times?

Mr JOHN: Absolutely.

Mr BARTLETT: It is true to say that Council would be interested in leasing but only that part of the building that is set aside for those ancillary facilities. Subject to the provisions of section 519C of the Local Government Act, the Minister will have to grant his consent and there would be no sale or disposition other than leasing.

Mr FRASER: The Council has obviously considered other sites, the railway station being one. Is this the only possible site in Council's opinion that could be developed as a tourist information centre and bus interchange?

Mr JOHN: I do not think anybody would say that it is the only site. It is the preferable site. It is the ideal site, if you like, and as far as the aesthetics are concerned and the environmental aspects raised by your colleague, Mr Davoren, I believe it will be an improvement. You saw the rather raw state of the area—the location, the fact that it is right at the top end of the main street, that it is very easy to find their way into the city for whatever services are required, and so on. I mentioned a site which is well and truly flood-prone land adjacent to the main bridges that we crossed over this morning. There would be other land available that Council would have to purchase specifically, but even since the Federal Government moved to run national highway 15 across what we call Scotts Road, it is a much more suitable site than the railway station. We could not say there are no other sites, I do not believe, but I do not believe that there are as admirable sites available.

Mr FRASER: With regard to the railway station, I come from Coffs Harbour which is pretty much the same distance from Sydney as Tamworth is. Coaches tend to come in at evenings and at what are not busy times for city life. With that in mind, could the railway station not be used as a coach interchange, rather than the site that is proposed, on the basis that if coaches come in at night the rest of the city would not be using the railway station, and you have only the 10 coaches services?

Mr JOHN: You have to understand that it is the State Rail site; it is not our site. Our last meeting on the site indicated specifically that they had decided that there is insufficient room for the sort of development that we wanted, including a tourist information centre. Indeed, we were welcome to use the facilities that are there when they are not being used by State Rail. However, they would not make

available toilet facilities and there would be no lighting available at night. Bear in mind the times that coaches would want to use it—it seemed absolutely unsuitable and very much excluded our use.

Mr FRASER: On the proposed site do you feel that the coach interchange and the tourist information centre essentially go together? Could the tourist information centre stand alone without the coach interchange or do you feel as though it should be kept as one in order to gain most benefit from that site?

Mr JOHN: Well, I do not think anybody could say that they could not stand alone. I think in the interests of efficiency and effectiveness most rational people would consider that they would go together and be more cost effective.

Mr FRASER: With regard to the railway site and the discussions that have taken place to date, and the rundown you gave us on the discussions with the State Rail Authority, were costs discussed as to how much it would cost if you did go ahead there, with regard to Council and what contribution would be expected by the State Rail Authority in developing a coach interchange there?

Mr JOHN: I do not know that we got down to specifics on costs in that direction. We did go into a good deal of detail and there were plans laid before the Council. There is some land across the railway line which was envisaged for use for probably an economy-style motel accommodation. There was quite a plan laid before Council by State Rail and it seems that that was abandoned. However, the land was rezoned and possibly State Rail had some uses that they wished to apply that to. As Mr Bartlett indicated, there was no response to our final ultimatum as to whether the site was available to Council.

Mr FRASER: With the proposed development—and I understand it cannot be approved until this question is resolved—if you get the site approved, will the Council draw up plans and submit these as a normal development proposal?

Mr JOHN: Absolutely, no question.

Mr FRASER: Should that be included in the bill to maybe allay some of the fears that have been raised that there is a secret agenda?

Mr EVERETT: By law we must go through the necessary processes and Council, as policy for matters of this nature, generally exhibits the formal application because it is something that the community is interested in and it is something that Council deals with. We are very aware of the fact that we must follow all the proper procedures and in general we exhibit large Council proposals to give people that opportunity.

Mr FRASER: You feel it is only fair that the public are aware of that?

Mr EVERETT: Yes. I might add that as part of the amending local environmental plan we did go through a formal exhibition of the proposal to amend the open space zone to include those additional uses and it did not cause concern.

Mr FRASER: Was the caravan park that is on the site at the moment established initially to maintain the reserve or on a needs basis for a caravan park in Tamworth? Does Council derive any income from that park?

Mr BARTLETT: Yes, it was established on a needs basis and Council does derive income. It is quite a profitable little operation at its present size and it has probably developed to its best use in terms of profitability. It achieves probably in the order of \$80,000 to \$100,000 annually which is paid into a reserve. Those reserves are held for future development of the caravan park. In the past three years, through Council, operators of caravan parks have been required to upgrade those facilities and those funds have been used for that purpose.

Mr FRASER: Can you see the actual type of development of the caravan park altering over the years? Will it be expanded or changed in nature, or will it always be a caravan park?

Mr BARTLETT: There is no current proposal to expand the size of the caravan park to take up a further area on the public reserve. However, it is proposed to upgrade facilities and to improve them generally. It seems as though the operation of the caravan park is very much for user needs, and providing a nice little return to the Council.

Mr EVERETT: I can elaborate on that. We go back, rather than just to the issue of the bill, to our planning legislation and that is to remain open space zoning. As I have read out, caravan parks are a permissible use of that zone, along with a number of other limited uses. Therefore, any long-term proposal to review the caravan park would be subject to what is permitted under the local environmental plan and there are provisions under the Environmental Planning and Assessment Act which limit what you can do with open space zones, particularly rezoning them which would be necessary for any commercial-type use, and I am only pre-empting what you might be thinking.

Mr FRASER: The line I was thinking along is if at some stage you needed to expand beyond your six acres for the bus terminal. Is there any possibility of losing part of the caravan park on that basis?

Mr EVERETT: I believe we are talking 25,000 square metres which is six acres. I think it would be a significantly long time before we require additional land.

Mr FRASER: To touch on another aspect, we saw a cricket match being played there this morning. Even though there is plenty of other space in Tamworth city by way of sporting fields, when parents are used to utilising a particular site for a period of time, and Council says it will change the utilisation of that area for a tourist information centre and bus interchange and that the cricketers must move, do you feel there would be any opposition in that regard in that people would not want to travel to another section of town to play cricket?

Mr EVERETT: I give this answer as a cricketer and not as a town planner. The structure of junior cricket is such that they do not have home grounds. They have a number of grounds that Council and schools provide and they move from park to park in town. I think it is well known in Tamworth that any park in Tamworth is 10 minutes from the city.

Mr FRASER: So the loss will not create a problem?

Mr EVERETT: No.

Mr JOHN: You will have noticed that they were quite small children. The location of that old cricket pitch is quite unsatisfactory, bearing in mind the size of the field. It is not a full cricket size field. It is right on the edge of quite a steep riverbank. It will now be very close, and unfenced, to a State highway and major roundabout. It will be quite a traffic ants nest, I believe, and for that reason I would think that, regardless of the use of the site, probably it will be determined that that site is no longer suitable for any sort of a playing field.

Mr BARTLETT: The Council has 100 acres of land on the southern side of the city for development as a major sporting complex. Currently there is an athletics field going in, due for completion in February, and a water based hockey field to be built there and land for other facilities, which would include cricket. This is a 30-year project with development funds of about \$45 million.

Mr JOHN: Council is notorious or famous, I believe, for development of the flood plain through the city. We have marvellous sporting fields on the flood plain area that are in traffic backwaters and are ideal for sporting venues for even quite young children.

Mr ZIOLKOWSKI: I think it might be useful if we could give Council an opportunity to respond to the allegation I think we all received from some anonymous person which Mr Fraser briefly alluded to. The specific allegation put to me was that Council at some stage would wish to hand this parcel of land over to a fast food operator to enable them to develop it. Can you confirm that Council would, in fact, be the developer?

Mr JOHN: Council has had various approaches because of the ideal location of that site, including the Attorney General's Department and the police department, to locate the new police station and court house there. Substance for those rumours would only come from those sort of approaches. Council obviously told the police department and the Attorney General's Department that it was not available, and any other approaches have been met with a similar response. I do not believe that there are any grounds for such a rumour. We have indicated that obviously we do want some food facilities for passing tourists and the coach interchange, but we would not

be selling the site to anybody for commercial purposes. It would be subject to lease or rent. I do not think there is any shadow of a doubt that there is no room for that rumour at all.

Mr ZIOLKOWSKI: So Council will be developing the site and retaining control of that site?

Mr JOHN: Yes.

Mr ZIOLKOWSKI: I notice that advice from the Council's solicitors is that they believe the Council could be relied on to develop the site in good taste and in a manner compatible and sympathetic with the environment. If this building is an example, they would have good justification for stating that, but has an environmental impact study been carried out on this site to date of any type or nature?

Mr EVERETT: There has been a geo-technical report done to look at the suitability of that site for building and development, which is a basic step in anything. The tourist information centre-bus interchange is not designated development under the Planning Act and therefore a development application would not include an environmental impact statement, but what we would include is a detailed statement of the environmental effects which would outline exactly what was proposed and detail the impacts, if any, on that locality by that development proceeding, but it would not follow the formal procedures of a designated development.

Mr ZIOLKOWSKI: Nothing along those lines has been prepared as yet?

Mr EVERETT: No.

Mr ZIOLKOWSKI: When would Council see that it would embark upon putting together that sort of study?

Mr EVERETT: As the Mayor said earlier, we have not wanted to pre-empt the findings of this morning and, therefore, we have held back. We have done all the planning background so the amending environmental plan has been completed. It, of course, is subject to this private bill. All that would be required following determination of this matter would be the lodgment of an application. We would be talking six to eight weeks maximum, including an exhibition period to give people the chance to comment on the proposal.

Mr BARTLETT: So the review of unenvironmental factors would be done in conjunction with submission and development applications and that would be on public exhibition, as well the detailed application, the detailed plans and specifications which would be available for public scrutiny.

Mr ZIOLKOWSKI: But only after the Act has already been assented?

Mr EVERETT: Yes.

Mr JOHN: We too do not want to waste any money.

Mr ZIOLKOWSKI: Also in relation to the caravan park site, I am concerned about how that caravan park would be affected and how those vans might be affected? It is obvious from what you have explained that they will not be directly affected in as much as they would be required to move, but how would you imagine this facility, which may or may not be in keeping with what is already there, would affect the caravan park which will be its immediate neighbour?

Mr JOHN: I think we need to understand that currently this an internal bypass in the city, crossing that old decrepit bridge that is known as Paradise Bridge. There is considerable traffic there currently. From the point when the highway is re-routed and the new bridge is put to use, that will be a comparative traffic backwater, so that the impact of traffic will be less. I do not know whether the Committee noticed—and I was going to say earlier in regard to the discussion about the caravan park—that the caravan park started on the other side of that street alongside the old bridge and the portion of the caravan park that would abut this new development has been an extension of that. There are other private enterprise caravan parks in the city, and that development adjacent to the land we are talking about, the most recent caravan park extension of Council, has been there for some 20 to 25 years. There has been no requirement for growth beyond that. Our real requirement is the improvement of the existing amenity rather than any extension. I think it could be designed so that there is a buffer zone between the caravan park and this new development, with landscaping or a hardstand area for the coaches. I do not think it is envisaged impinging on the caravan park.

Mr BARTLETT: It is true to say that the existence of a coach interchange-tourist information centre would, in fact, I believe, benefit the caravan park because people can pull in in their caravans, get their tourist information, see the adjoining caravan park and choose to stay. That would be an encouragement and a tourism strategy of our community-based tourism committee to catch people and keep them here for an extra night than they planned to stay.

Mr FRASER: The backpackers would fit in there?

Mr BARTLETT: Yes.

Mr ZIOLKOWSKI: Are there any permanent residents?

Mr BARTLETT: There is. In the section across on the right side of the street that we travelled up in East Street, I believe there are 12 permanent sites, 12 permanent residents and they would be unaffected by any development on the public reserve.

Mr HANNAH: We are looking at expanding the permanent sites on that East Street side which is the part not joining on to this.

Mr ZIOLKOWSKI: How many permanent sites are on that part?

Mr HANNAH: None at all.

Mr BARTLETT: It is all tourists and caravans.

Mr HANNAH: There are some on-site vans but no permanent sites.

Mr ZIOLKOWSKI: I have two concerns. You have addressed one in relation to section 3A and the term "ancillary facilities" which to me, seems a little broad. You addressed that in mentioning that it would retain its 6A open space recreation zoning and we can have a look at that. The other thing which comes to mind is that in schedule 1 of the bill we refer to basically all that piece of land or the entirety of lot 10 in deposited plan 786997. If this will only affect part of the current reserve, should the bill reflect that we are only talking about part of that reserve mentioned in the schedule?

Mr BARTLETT: The bill could certainly just reflect that aspect, that part of the land that is required. It could even require a subdivision. Without that requirement I think it would be prudent of the Council to attempt a subdivision—and

Brad can answer the town planning aspects of that—so that we can clearly delineate that section that is covered by the tourist facilities and the caravan park. Would a subdivision be permissible?

Mr EVERETT: Yes.

Mr ZIOLKOWSKI: How could that be done if it were proposed?

Mr BARTLETT: A third lot could be created and still be covered by the public reserve dedication.

Mr EVERETT: The broad use of the words "ancillary facilities" is structured to allow some flexibility to the Council because we have not got down to the detailed planning phase of exactly what will occur, so there is no hidden agenda. It is a very hard thing to define but, as I said, the local environmental plan is very specific in what range of facilities it would permit.

Mr ZIOLKOWSKI: You mentioned financing earlier which has been put together for the program. I misplaced the amount.

Mr BARTLETT: It is \$325,000 and is on page 10 of Council's submission.

Mr ZIOLKOWSKI: I assume that any revenue which is raised through leasing out, whatever, constituting these ancillary facilities will go to contribute towards repayment of those loans?

Mr BARTLETT: Yes.

Mr ZIOLKOWSKI: In the long term when that loan is repaid, is there any view about whether that money should be specifically targeted for tourism in the area or would go into Council's general revenue?

Mr BARTLETT: It would more than likely go back into Council's general revenue. Obviously with the vested interest by the chairman in tourism generally, perhaps he would like it to go to that facility, but when the loans are repaid, the funds that were used for repayment of the loan are available for allocation on another project.

Mr HANNAH: I am certain that the local tourism authority would be putting a request to Council that any supplementary funds that come out from this development would go to tourism development.

Mr JOHN: Can I suggest you would be a pretty old man by then, Tom.

Mr ZIOLKOWSKI: There is no point fighting over it now, but it does seem strange to me that profit generated from a reserve should go in that way, but that will be sorted out later.

CHAIRMAN: If the Parliament amended the bill in such a fashion as to allow six acres of the 10 to have a new prescribed usage placed upon it and not allow that same usage on the other four acres, what would be the Council's view on that?

Mr BARTLETT: We would have no difficulty. I would not see any problem whatsoever.

Mr JOHN: The other four acres being the caravan park? There would be absolutely no difficulty.

CHAIRMAN: It may alleviate some concerns that if the 10 acres were rezoned, Council at some time in the future might determine some other usage for the four acres.

Mr JOHN: I submit, Mr Chairman, that on the arrival at that threshold that would be no doubt negotiable, but in the foreseeable future there would be no difficulty for Council to segregate it.

CHAIRMAN: Are there any other questions from members of the Committee?

Mr BARTLETT: Could I just make a suggestion, that if that is the way the Committee is thinking, in other words that the six acres be delineated, I would suggest you make it a requirement of the private bill that a subdivision be promulgated by the Council.

CHAIRMAN: I think it is important that we know Council's view in relation to that possibility just in case it is raised within the Parliament, and that gives us a fall-back position in a sense. One further question relates to access to the proposed new tourist information centre by rail travellers. Does Council see the distance from the railway station to the tourist information centre as being a problem?

Mr HANNAH: The distance is not much further than it is to the existing site. It is one kilometre from the centre of town. It is probably half a kilometre further than it is from the railway station to the existing site. We have a considerable amount of tourist information available at the railway station presently which we continue to update all the time. I do not feel that it is too far away. I think it is within walking distance. If you look at where the buses presently set down, it is about four or five kilometres from the centre of town or from the information centre, so at present bus travellers have to travel four or five kilometres to the tourist information centre. We are within walking distance from the railway station and, hopefully, right next to the bus interchange.

Mr JOHN: The overwhelming percentage of traffic to the tourist information centre would be either on foot or by motor vehicle. There would be no question about that—probably in the order of 90 per cent, maybe more.

Mr HANNAH: Yes, I would certainly support that.

CHAIRMAN: Are there further questions or does Council have anything further to put?

Mr JOHN: No, except that time is of the essence. We have been considerably criticised in this city for not providing a suitable facility. We have demonstrated that we have not been sitting on our hands. However, this is considered the ideal site and Council is ready to go as soon as we have authority to do so. I believe that the matter is urgent.

(The witnesses withdrew)

PETER BASSETT MACQUARIE PULLEY, Co-ordinator, Tamworth Development Corporation, of 121 Carthage Street, Tamworth, sworn and examined:

CHAIRMAN: Mr Pulley, did you receive a summons issued under my hand to attend before this Committee?

Mr PULLEY: Yes, I did.

CHAIRMAN: In what capacity do you appear before the Committee?

Mr PULLEY: I am appearing before the Committee as a development co-ordinator of the Tamworth Development Corporation.

CHAIRMAN: We have received a submission from the Tamworth Development Corporation. Is it your wish that the submission be included as part of the sworn evidence?

Mr PULLEY: It is my wish that the submission be included as part of the sworn evidence.

CHAIRMAN: Did you wish to add to or elaborate upon it?

Mr PULLEY: Yes, I do. There have been concerns raised, from listening since I have been here, and I would like to address those. One was in relation to the caravan park. The caravan park was last expanded 25 years ago. Subsequently there have been three private caravan parks built of considerable size and not all of those are fully utilised as yet. The concerns that expansion of the caravan park may somehow be jeopardised could be well addressed by private enterprise caravan parks that have been built since. The other concern was the railway station. Prior to my involvement with the Tamworth Development Corporation I wrote a letter to the paper suggesting the railway station.

Under the Council's new open door policy I received very lengthy files within two weeks of my writing that letter, plus I was invited to come up and talk to Council staff about it. I can verify that those files showed me what Council representatives talked about here. I subsequently wrote to the State Rail Authority and also the Werris Creek branch and received no replies and still have not received replies. I subsequently went up to the local office and talked to them generally, and I can confirm exactly what the Mayor said about the facilities: one, it is owned by State Rail; two, that they did not want the community to utilise the facilities after hours, and that includes the toilets and lighting; and, three, another concern was that they did not like other people advertising tourist information in competition with their tourist information.

Mr DAVOREN: I take it you are in favour of the proposition, Mr Pulley?

Mr PULLEY: I am in favour of the proposition, yes.

Mr FRASER: You say you represent the Tamworth Development Corporation. How representative is that of the community?

Mr PULLEY: The Tamworth Development Corporation is a community organisation and it is represented by three local governments, the chamber of commerce and all private enterprise in town. Anybody is welcome to join. The joining fee is only \$50 so it is not a substantial joining fee and anybody is welcome to vote at annual general meetings.

Mr ZIOLKOWSKI: You say you wrote to State Rail. Which officers in State Rail did you write to?

Mr PULLEY: I sent a letter to the appropriate officers in State Rail. My memory fails me as to which officers exactly, but it was the people I was told to send letters to. I also sent a letter to the Minister who did respond saying he would hand it to State Rail. This was some 18 months ago.

Mr ZIOLKOWSKI: And you have not received any written confirmation?

Mr PULLEY: No, no written confirmation.

(The witness withdrew)

(The Committee adjourned at 12.32 p.m.)

[1997] Department of Lands,
Sydney, 23rd September, 1921.

NOTIFICATION SETTING APART CROWN LANDS FOR ADDITIONAL CONDITIONAL PURCHASES, CONDITIONAL LEASES, ADDITIONAL CONDITIONAL PURCHASE LEASES, ADDITIONAL HOMESTEAD SELECTIONS, ADDITIONAL HOMESTEAD FARMS, ADDITIONAL SETTLEMENT LEASES, OR ADDITIONAL CROWN LEASES.

IT is hereby notified that, in pursuance of the provisions of section 85 of the Crown Lands Consolidation Act, 1913, the Crown Lands comprised within the areas hereunder described are hereby set apart for additional conditional purchases or conditional leases (not being conditional leases taken up in virtue of and at the same time as original conditional purchases within the same area), additional conditional purchase leases, additional homestead selections, additional homestead farms, additional settlement leases, or additional Crown-leases, and shall become and be available therefor on and after the 7th November, 1921. It is further notified that the prices of the land for additional conditional purchase, or the capital values upon which provisional rentals (where required) shall be lodged, shall be as hereinafter respectively specified, except that the provisional rental to be lodged with an application for a conditional lease or an additional settlement lease shall be 2d. per acre. Any additional holding acquired shall be subject to the same conditions (if any, and where applicable) which attach to the particular original holding in virtue of which the additional holding was applied for.

NOTE.—All information may be obtained from, and all forms of application will be filled in by, the Crown Lands Agent free of cost, if so desired by the applicant.

P. F. LOUGHLIN, Minister for Lands.

CENTRAL DIVISION.

LAND DISTRICT OF NARRABRI, AND NAMOI SHIRE.

Price and capital value, £1 12s. 6d. per acre.

Within annual lease 1918-3:

County of Pottinger, parish of Baan Baa, containing an area of about 45 acres. The Crown Lands within the boundaries of portion 193, exclusive of an area (about 57 acres) approved to be added to A.C.P. 1912-1, Narrabri, under section 163, Crown Lands Consolidation Act, 1913. Plan P. 5,108-1,781. [Ms. 1921-6,413]

NOTE.—Part (about 45 acres) of reserve No. 23,733 for access, notified 15th February, 1896, within the above area, is hereby revoked.

EASTERN DIVISION.

LAND DISTRICT OF INVERELL, AND BANNOCKBURN SHIRE.

Price and capital value, £1 10s. per acre.

County of Hardinge, parish of Swinton, containing an area of 140 acres. The Crown Lands within the boundaries of portion 20. Plan H. 4,977-1,762. [Ms. 1921-7,415]

NOTE.—Includes part (140 acres) of reserve 22,994 from conditional sale, notified 5th October, 1895, which part is hereby revoked.

LAND DISTRICT OF PORT MACQUARIE, AND HASTINGS SHIRE.

Price and capital value, 15s. per acre.

County of Macquarie, parish of Cogo, containing an area of about 1,410 acres. The Crown Lands bounded by portions 112, 89, 117, and 123: a line from the south-eastern corner of portion 123 bearing east to the western boundary of the parish of Cairncross, and by such parish boundary northerly.

NOTE.—The included part (about 1,410 acres) of reserve for classification, notified 10th December, 1920, is hereby revoked. [Ms. 1921-6,509]

Price and capital value, £1 per acre.

County of Macquarie, parish of Cogo, containing an area of about 1,400 acres. The Crown Lands bounded by portions 92, 93, 122, 115, 91, and 123, to the south-eastern corner of the last-mentioned portion; by a line east to the western boundary of the parish of Cairncross: and thence by that boundary southerly.

NOTE.—The balance of classification reserve, notified 10th December, 1920, and the included part (block C) of Crown-lease Area No. 1,695, notified 10th February, 1915, within the above, are hereby revoked.

EASTERN DIVISION.

LAND DISTRICT OF ARMIDALE, AND GUYRA SHIRE.

Price and capital value, £6 per acre.

County of Sandon, parish of Falconer, containing an area of about 15½ acres. The Crown Lands within the following boundaries: Commencing at the north-western corner of portion 312; and bounded thence by a line northerly, by Millis-street (village of Guyra), easterly and northerly, by a line parallel to and 1 chain rectangularly distant from the southern boundaries of portions 100 and 101 easterly; by travelling stock reserve 11,091, notified 29th March, 1890, southerly; and by portions 313 and 312 westerly, to the point of commencement.

NOTE.—The included part of reserve No. 1,672 for driftway, notified 22nd October, 1884, is hereby revoked.

[Ms. 1921-3,429]

[1998] Department of Lands,
Sydney, 23rd September, 1921.

RESERVES FROM SALE AND LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of the 28th and 29th sections of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall be reserved from sale for the public purposes hereinafter respectively specified, and reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

P. F. LOUGHLIN, Minister for Lands.

For Travelling Stock and Camping.

CENTRAL DIVISION.

LAND DISTRICT OF DUBBO, AND TIMBREBONGIE SHIRE.

No. 54,854 from sale (54,855 from lease generally). County of Narromine, parish of Turrubung (within suburban boundaries of village of Dandaloo), containing an area of about 140 acres. The Crown Lands within the following boundaries: Commencing at the south-west corner of portion 65; and bounded thence by a line partly forming the western boundaries of that portion and portion 28 northerly to a point 1 chain 50 links from the south-western corner of portion 157; by a line easterly partly formed by the northern boundaries of portions 27 and 161 to the north-eastern corner of the latter portion; by the eastern and southern boundaries of that portion southerly and westerly to its south-western corner; thence by a line west to meet the northerly prolongation of the eastern boundary of portion 62; by that prolongation and boundary, the eastern boundaries of portions 67 and 68, and the southern boundaries of portions 68, 66, and 65, to the point of commencement; exclusive of portion 27. Plans N. 969, 970, and 1,260-1,884. [Ms. 1921-5,535]

EASTERN DIVISION.

For Public Hall Site.

LAND DISTRICT OF GOSFORD, AND ERINA SHIRE.

No. 54,856 from sale (54,857 from lease generally). County of Northumberland, parish of Kooree, containing an area of 2 roods. The Crown Lands within the boundaries of portion 96. Plan N. 5,826-2,111.

NOTE.—The included part of reserve 46,354 from sale other than auction sale only, notified 1st March, 1911, is revoked this day. [Ms. 1921-7,439]

For Public Recreation.

LAND DISTRICT OF GOSFORD, AND ERINA SHIRE.

No. 54,858 from sale (54,859 from lease generally). County of Northumberland, parish of Kooree, containing an area of 4 acres 1 rood 24 perches. The Crown Lands within the boundaries of portions 92 and 93. Plans N. 5,825, 5,926-2,111.

NOTE.—The included part of reserve 46,354 from sale other than auction sale only, notified 1st March, 1911, is revoked this day. [Ms. 1921-7,439]

METROPOLITAN LAND DISTRICT, AND MUNICIPALITY OF CANTERBURY.

No. 54,860 from sale (54,861 from lease generally). County of Cumberland, parish of Petersham, containing an area of about 3 acres. The Crown Lands within the following boundaries: Commencing on high water

FOURTEENTH SCHEDULE

Part 1

Land District—Moruya; Shire—Eurobodalla

Parish Moruya, County Dampier, 695.5 square metres in the Town of Moruya, Reserve 35069 for Fire Brigade Station, notified 6th November, 1964, being allotment 11 of section 22. Plan M. 57-1459a.

Part 2

Land District—Moruya; Shire—Eurobodalla

Parish Batemans Bay, County St Vincent, 354.1 square metres in Town of Batemans Bay, Reserve 85436 for Bush Fire Brigade Purposes, notified 3rd September, 1965, being allotment 40 of section 4. Plan B. 6-1696a.

The lands in this Schedule are vested in The Council of the Shire of Eurobodalla.

Sydney, 25th March, 1977.

NOTIFICATION OF VESTING OF LANDS IN PURSUANCE OF THE PROVISIONS OF SECTION 37AAA OF THE CROWN LANDS CONSOLIDATION ACT, 1913

IN pursuance of the subject provisions, I, WILLIAM FREDERICK CRABTREE, Minister for Lands, being of the opinion that—

- (a) the lands described in the First to the Thirteenth Schedules and in each Part of the Fourteenth to the Thirty-second Schedules hereto are respectively a public reserve or are suitable for use as a public reserve within the meaning of the Local Government Act, 1919; and
- (b) it is proper that, having regard to the purpose (if any) for which the lands described in the First to the Thirteenth Schedules and in each Part of the Fourteenth to the Thirty-second Schedules are used, those lands should be respectively vested in the council specified in each Schedule.

do, by this notification, respectively vest the lands described in each of those Schedules in the council specified therein for an estate in fee simple subject to the following reservations and exceptions unto Her Majesty Elizabeth the Second, by the Grace of God, Queen of Australia and Her Other Realms and Territories, Head of the Commonwealth, Her Heirs and Successors of—

- (i) all minerals which those lands contain with full power and authority for Her Majesty, Her Heirs and Successors and such person or persons as shall from time to time be authorized by Her Majesty, Her Heirs or Successors to enter upon those lands and to search for mine dig and remove those minerals;
- (ii) all such parts and so much of those lands as may hereafter be required for public ways in over and through the same to be set out by His Excellency the Governor for the time being of the State of New South Wales or some person by him authorized in that respect with full power for Her Majesty, Her Heirs and Successors and for His Excellency the Governor as aforesaid by such person or persons as shall be by Her Majesty, Her Heirs or Successors or His Excellency the Governor as aforesaid authorized in that behalf to make and conduct all such public ways; and
- (iii) the right of full and free ingress, egress and regress into, out of and upon those lands for the several purposes aforesaid or any of them.

The lands described in the First to the Thirteenth Schedules and in each Part of the Fourteenth to the Thirty-second Schedules hereto are respectively declared to be a public reserve for the purposes of the Local Government Act, 1919.

This notification shall take effect on and from the date of publication of this Gazette.

Signed at Sydney, this 10th day of March, 1977.

W. F. CRABTREE, Minister for Lands.

V.S. No. 47; Pks 77-60.

FIRST SCHEDULE

Land District—Armidale; Shire—Dumaresq

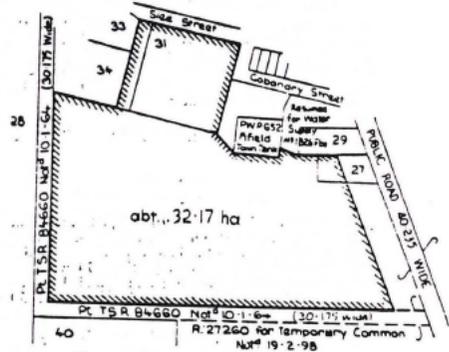
Parish Armidale, County Sandon, about 37.23 hectares at Charleston Willows, being Reserve 87132 for Public Recreation, notified 11th April, 1969, and being also the land in two parts, being as to one part bounded by portion 26, end of road, portion 156 in the Parish of Duval, end of road, portions 894 and 895, end of road, portions 901 and 902, Rockvale Road and Tilbuster Ponds and as to the other part bounded by portion 885 and Tilbuster Ponds. Plans N. 54-1843 and Ms 1831 Ae.

The lands in this Schedule are vested in The Council of the Shire of Dumaresq.

SECOND SCHEDULE

Land District—Condobolin; Shire—Lachlan

Parish Murga, County Cunningham, about 32.17 hectares at Fiefield, being Reserve 84656 for Public Recreation, notified 29th November, 1963, and being also the land shown by hatched edging on diagram hereunder.



The lands in this Schedule are vested in The Council of the Shire of Lachlan.

THIRD SCHEDULE

Land District and Shire—Dungog

Parish Dungog, County Durham, about 2 317 square metres in the Town of Dungog, being Reserve 72166 for Children's Playground, notified 31st January, 1947, and being also the land bounded by Main Road No. 101, Rens and Lord Streets. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan D. 49-1056.

The lands in this Schedule are vested in The Council of the Shire of Dungog.

FOURTH SCHEDULE

Land District and Shire—Gosford

Parish Patonga, County Northumberland, about 8 903 hectares at Woy Woy, being Reserve 48701 for Public Recreation, notified 2nd April, 1913, and being also portion 85 and part lagoon bounded by portions 92, 85 and 84 and a line parallel to and 60 metres west of the western boundary of portion 85. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan N. 3429-2111.

The lands in this Schedule are vested in The Council of the Shire of Gosford.

FIFTH SCHEDULE

Land District and Shire—Molong

Parish Molong, County Ashburnham, 1 416 square metres in the Town of Molong, being Reserve 66652 for Public Recreation and Camping, notified 25th March, 1937, and being also the land bounded by Hill Street, Gidley Street, Reserve 42677 for Water Supply and Public Recreation and Molong Rivulet.

The lands in this Schedule are vested in The Council of the Shire of Molong.

SIXTH SCHEDULE

Land District—Dubbo; Shire—Timbregongie

Parish Trangie, County Narromine, 4 148 square metres at Trangie, being Reserve 86012 for Public Baths, notified 21st October, 1966, and being also allotment 2 of section 6. Plan T. 20-2418a.

The lands in this Schedule are vested in The Council of the Shire of Timbregongie.

ality—Rockdale
1 530 square metres
for Public Purposes,
being portion 479 of
section 2 and to a depth of
40-2030a.
The Council of the
Shire of
Severn
square metres in the
Bush Fire Brigade
the rectangular area
of section 13,
Porton Street and 18.29
K. 1-2220.
The Council of the
Shire of
interfield
hectares in the Town
of Public Purposes,
notified
section 85.
The Council of the
Shire of
—Uralla
23 square metres in
for Public Purposes,
allotment 1 of section
The Council of the
Shire of
ollongong
about 3 035 square
metres in the Bush Fire
Brigade
the land shown
and is limited to the
surface.
25-226
MITTENSHAW PLACE
1882 FOLIO 548
The Council of the
Shire of
Macquarie
about 841 square
metres in the Bush Fire
Brigade, being allotment
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SEVENTH SCHEDULE

Land District—Bega; Shire—Inlay

Parish Towamba, County Auckland, about 3,354 hectares in the Town of Towamba, being Reserve 88539 for Public Recreation, notified 24th March, 1972, and being also the land bounded by Towamba, Albert, Nangutta, Mitchell and Denison Streets, end of closed road gazetted 5th March 1954, allotment 8 of section 8, end of lane and allotment 3 of section 8.

The lands in this Schedule are vested in The Council of the Shire of Inlay.

EIGHTH SCHEDULE

Land District—Albury; Shire—Hume

Parish Gerogery, County Goulburn, about 7,638 hectares at Gerogery, being Reserve 61981 for Public Recreation, notified 18th July, 1930, and being also the land bounded by portions 46 and 57, Ivy Street and Trunk Road No. 57.

The lands in this Schedule are vested in The Council of the Shire of Hume.

NINTH SCHEDULE

Land District—Metropolitan; Municipality—Ryde

Parish Field of Mars, County Cumberland, about 1,518 hectares at Eastwood, being Reserve 78877 for Public Recreation, notified 7th September, 1956, and being also the part of portion 255 bounded by Terry's Creek, Albuera Road, Vimiera Road and portion 256. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan C. 1709-2030.

The lands in this Schedule are vested in The Council of the Municipality of Ryde.

TENTH SCHEDULE

Land District—Bega; Shire—Mumbulla

Parish Bega, County Auckland, about 9 105 square metres at Bega, being Reserve 74122 for Public Recreation, notified 30th March, 1951, and being also the land commencing at the intersection of the northern boundary of portion 174 with the southwestern side of road (R. 7401-1603) and bounded thence by part of that boundary extending westerly for about 50 metres, the right bank of a creek running northwesterly for a distance of about 141 metres, a line bearing 21 degrees for about 61 metres and thence by the southwestern side of the road aforementioned for a distance of about 163 metres to the point of commencement.

The lands in this Schedule are vested in The Council of the Shire of Mumbulla.

ELEVENTH SCHEDULE

Land District—Moss Vale; Shire—Mittagong

Parish Colo, County Camden, 4,053 hectares at Colo Vale, being Reserve 75892 for Public Recreation, notified 8th May, 1953, and being also lots 5 and 7 in Deposited Plan 2944 and also shown on plan catalogued Ms 4048 in the Department of Lands. The area of this land is limited to the surface and to a depth of 20 metres below the surface.

The lands in this Schedule are vested in The Council of the Shire of Mittagong.

TWELFTH SCHEDULE

Land District—Metropolitan; Municipality—Rockdale

Parish St George, County Cumberland, about 6 070 square metres at Ramsgate, being Reserve 83937 for Public Recreation, notified 27th July, 1962, and being also the land bounded by Tonbridge Street, Park Road, Chuter Avenue and portion 475. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan C. 226-2030.

The lands in this Schedule are vested in The Council of the Municipality of Rockdale.

THIRTEENTH SCHEDULE

Land District—Balranald South; Shire—Wakool

Parish Milieu, County Wakool, 8 094 square metres at Goodnight, being Reserve 86366 for Public Recreation and Public Hall, notified 4th August, 1967, and Reserve 88511 for Public Recreation, notified 25th February, 1972, and being also portion 43 and part portion 34 as shown on Miscellaneous Plan of Subdivision (R.P.) 25777.

The lands in this Schedule are vested in The Council of the Shire of Wakool.

FOURTEENTH SCHEDULE

Part 1

Land District—Metropolitan; Municipality—Randwick

Parish Botany, County Cumberland, 2 314 square metres at Malabar, being Reserve 78285 for Children's Playground,

notified 3rd February, 1956, and being also allotment 43 of section 12. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan C. 7708-2030.

Part 2

Land District—Metropolitan; Municipality—Randwick

Parish Botany, County Cumberland, 4 376 square metres at Maroubra Junction, being Reserve 70030 for Children's Playground, notified 2nd May, 1941, and being also portion 4037. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan C. 5739-2030.

Part 3

Land District—Metropolitan; Municipality—Randwick

Parish Botany, County Cumberland, 4 704 square metres at Maroubra, being Reserve 72026 for Public Recreation, notified 3rd September, 1946, and being also portion 2836 including former drainage reserve. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan C. 4780-2030.

Part 4

Land District—Metropolitan; Municipality—Randwick

Parish Botany, County Cumberland, 2 523 square metres at Matraville, being Reserve 69580 for Public Recreation, notified 11th October, 1940, and being also the land in two parts, being as to one part portion 3599 exclusive of substation site and as to the other part portion 3638. The vesting is subject to an easement 1.829 metres wide for electricity transmission and associated access purposes resumed by Gazette of 16th November, 1962. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plans C. 5476-2030 and C. 5488-2030.

Part 5

Land District—Metropolitan; Municipality—Randwick

Parish Botany, County Cumberland, 4 236 square metres at Matraville, being Reserve 76908 for Children's Playground, notified 30th July, 1954, and being also allotment 8 of section 4. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan C. 7433-2030.

Part 6

Land District—Metropolitan; Municipality—Randwick

Parish Botany, County Cumberland, 1 764 square metres at Matraville, being Reserve 85422 for Children's Playground, notified 13th August, 1965, and being also the land bounded by Rabaul Parade, Pozieres Avenue and land acquired for Postal Services by notification in the Commonwealth Gazette of 6th August, 1959. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan Ms 17093 Sy R.

The lands in this Schedule are vested in The Council of the Municipality of Randwick.

FIFTEENTH SCHEDULE

Part 1

Land District and Municipality—Kiama

Parish Kiama, County Camden, 398.4 square metres in the Town of Kiama, being Reserve 87766 for Baby Clinic and Senior Citizens Centre, notified 15th May, 1970, and being also allotment 23 of section 16. The area of this land is limited to the surface and to a depth of 20 metres below the surface. Plan K.53-1091.

Part 2

Land District and Municipality—Kiama

Parish Kiama, County Camden, about 4,047 hectares in the Town of Kiama, being Reserve 88786 for Public Recreation, notified 1st December, 1972, and being also the land in two parts, being as to one part bounded by the South Coast Railway, part section 34, end of Hothersal Street, section 36, Princes Highway and unnamed road and as to the other part bounded by Kiama Cemetery, Hutchinson Street and the Princes Highway. The area of this land is limited to the surface and to a depth of 20 metres below the surface.

The lands in this Schedule are vested in The Council of the Municipality of Kiama.

SIXTEENTH SCHEDULE

Part 1

Land District and City—Tamworth

Parish Tamworth, County Inglis, about 17.73 hectares at Tamworth, being Reserve 85200 for Public Recreation, notified 22nd January, 1965, and being also the land bounded by allotments 1 and 2 of section 25, Marius Street, Peel Street, drainage easement appropriated 25th February, 1938, Public Road R. 13005-1603 and right bank of the Peel River. Plans Ms 1644 Th and Tamworth 1.

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allotment 43 of the surface and plan C. 7708-2030.

Part 5
Land District and City—Tamworth
Parish Tamworth, County Inglis, about 5.605 hectares at Tamworth, being Reserve 88781 for Public Recreation, notified 24th November, 1972, and being also the land shown by hatching on diagram hereunder.

Part 6
Land District and City—Tamworth
Parish Tamworth, County Inglis, 3 882 square metres at Tamworth, being Reserve 61962 for Public Recreation, notified 11th July, 1930, and being also section 83. Plan T. 101-1393.

Part 7
Land District and City—Tamworth
Parish Murroon, County Parry, 2 023 square metres at Westdale, being Reserve 53169 for Public Recreation, notified 7th February, 1919, and being also portion 119. Plan P. 2600-1764.

Part 8
Land District and City—Tamworth
Parish Murroon, County Parry, 5 698 hectares at Westdale, being Reserve 44636 for Public Recreation, notified 17th November, 1909, and being also portion 70. Plan P. 2552-1764.

Part 9
Land District and City—Tamworth
Parish Tamworth, County Inglis, about 1.113 hectares at Tamworth, being Reserve 1956 for Public Recreation, notified 2nd June, 1884, and being also the land shown by hatching on diagram hereunder. Plan T. 24-1393.

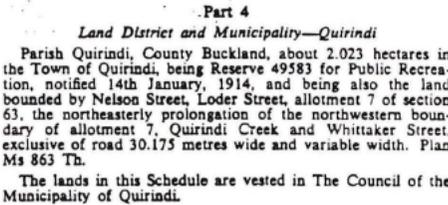
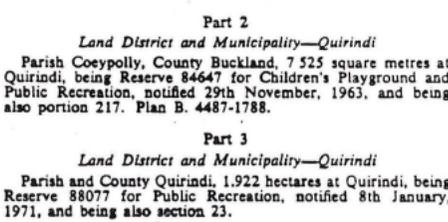
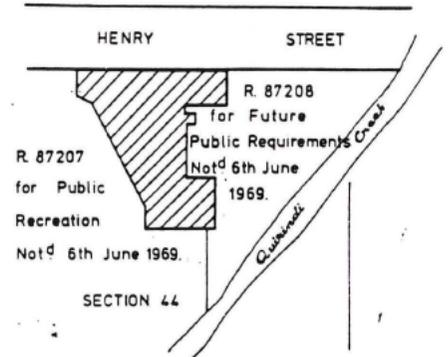
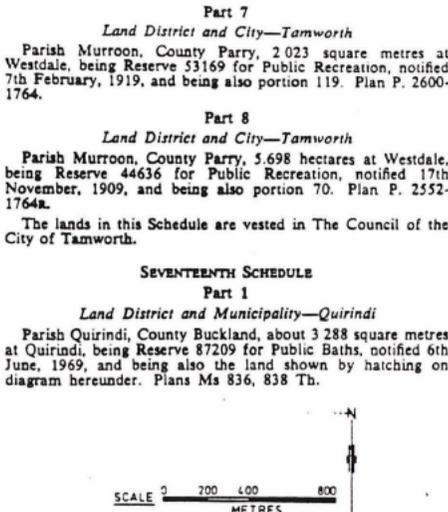
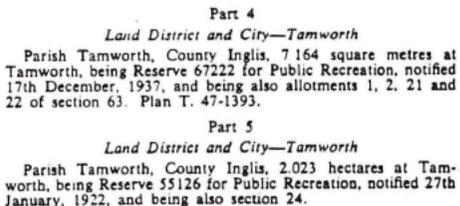
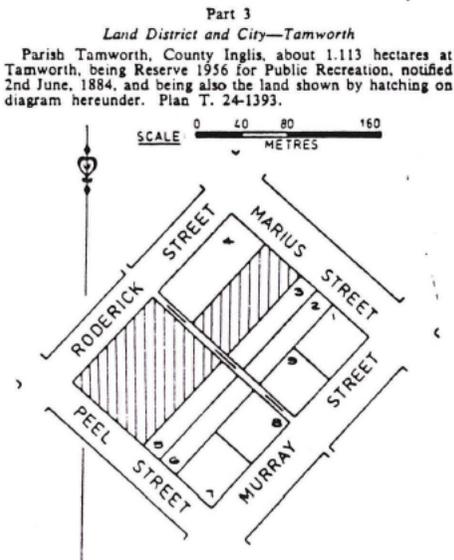
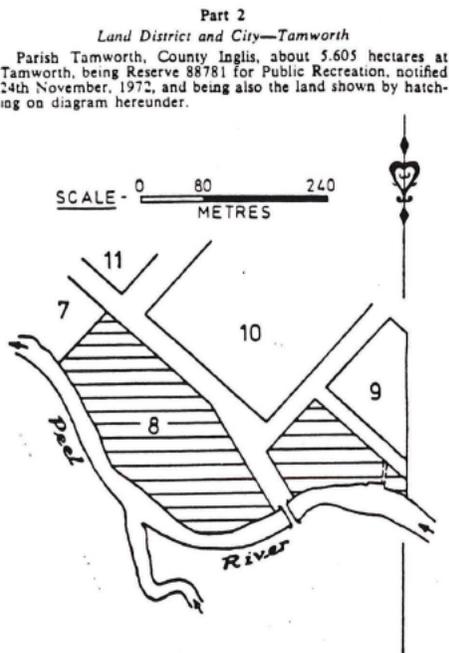
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square metres in the Baby Clinic and 1970, and being a of this land is metres below the

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147 hectares in the Public Recreation, of the land in two South Coast Railway Street, section 36, to the other part n Street and the is limited to the ne surface.

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17.73 hectares at Recreation, notified bounded by allotment Peel Street, drains 1938, Public Road, River. Plans Ms



SEVENTEENTH SCHEDULE

Part 1

Land District and Municipality—Quirindi

Parish Quirindi, County Buckland, about 3 288 square metres at Quirindi, being Reserve 87209 for Public Baths, notified 6th June, 1969, and being also the land shown by hatching on diagram hereunder. Plans Ms 836, 838 Th.

Part 2

Land District and Municipality—Quirindi

Parish Coeypolly, County Buckland, 7 525 square metres at Quirindi, being Reserve 84647 for Children's Playground and Public Recreation, notified 29th November, 1963, and being also portion 217. Plan B. 4487-1788.

Part 3

Land District and Municipality—Quirindi

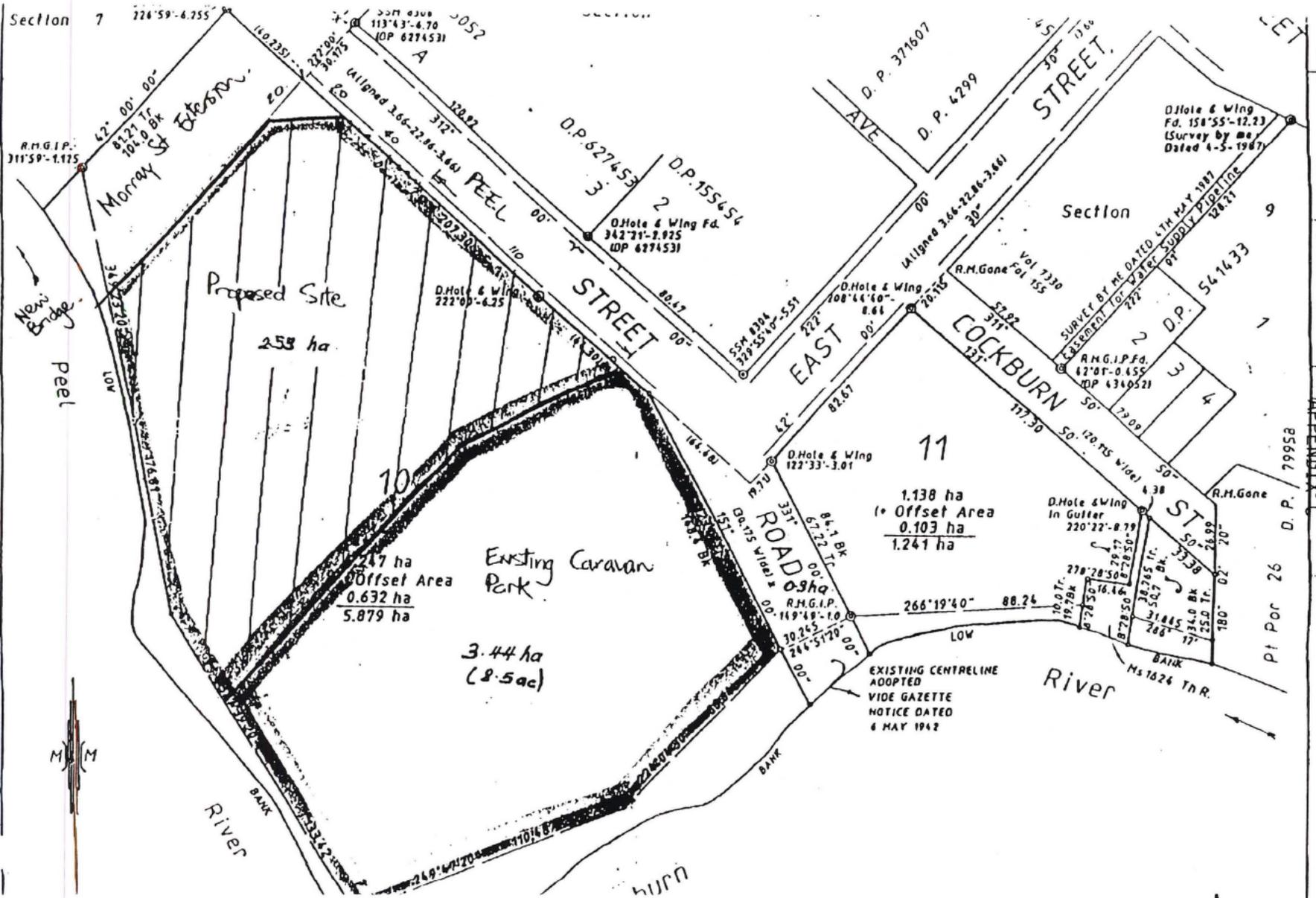
Parish and County Quirindi, 1 922 hectares at Quirindi, being Reserve 88077 for Public Recreation, notified 8th January, 1971, and being also section 23.

Part 4

Land District and Municipality—Quirindi

Parish Quirindi, County Buckland, about 2 023 hectares in the Town of Quirindi, being Reserve 49583 for Public Recreation, notified 14th January, 1914, and being also the land bounded by Nelson Street, Loder Street, allotment 7 of section 63, the northeasterly prolongation of the northwestern boundary of allotment 7, Quirindi Creek and Whittaker Street, exclusive of road 30.175 metres wide and variable width. Plan Ms 863 Th.

The lands in this Schedule are vested in The Council of the Municipality of Quirindi.



Section 7 226°59'-4.255'

R.M.G.I.P.
311°59'-1.175'

Murray Street Extension

Proposed Site
253 ha

New Bridge
peel

2.17 ha
Offset Area
0.632 ha
5.879 ha

Existing Caravan Park
3.44 ha
(2.5ac)

1.138 ha
(* Offset Area
0.103 ha
1.241 ha

Road 05ha

EXISTING CENTRELINE
ADOPTED
VIOE GAZETTE
NOTICE DATED
6 MAY 1942

River

D.Hole & Wing
Fd. 158°55'-12.23
(Survey by me
Dated 4-5-1987)

Section 9

Section 11

APPENDIX C

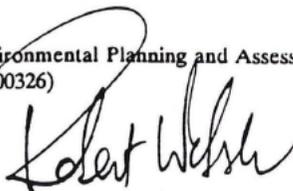
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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**TAMWORTH LOCAL ENVIRONMENTAL PLAN 1985
(AMENDMENT No. 32)**

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (G91/00326)



Minister for Planning.

Sydney, 5 August, 1992.

Citation

1. This plan may be cited as Tamworth Local Environmental Plan 1985 (Amendment No. 32).

Aims, objectives etc.

2. This plan aims to ensure that Tamworth Local Environmental Plan 1985 does not prevent the carrying out of development on the land to which this plan applies for the purpose of a Tourist Information Centre and associated Restaurant/Coach Interchange facilities.

Land to which plan applies

3. This plan applies to Part Lot 10, D.P. 786997, Public Reserve No. 88781, Peel Street, Tamworth, as shown edged heavy black on the map marked "Tamworth Local Environmental Plan 1985 (Amendment No. 32)" deposited in the office of the Council of the City of Tamworth.

Relationship to other environmental planning instruments

4. This plan amends Tamworth Local Environmental Plan 1985 in the manner set out in clause 5.

Amendment of Tamworth Local Environmental Plan 1985

5. Tamworth Local Environmental Plan 1985 is amended by inserting at the end of Schedule 3 the following matter:

Part Lot 10, DP 786997, and known as Public Reserve No. 88781, Peel Street, Tamworth, as shown edged heavy black on the map marked "Tamworth Local Environmental Plan 1985 (Amendment No.32)" - Tourist Information Centre and associated Restaurant/Coach Interchange facilities.