

# Crown Lands (General Reserves) By-law 2006

[2006-493]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Cemeteries and Crematoria Act 2013 No 105](#), Sch 6.2 (not commenced — Sch 6.2 [2] to commence on 1.11.2014)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Crown Lands (General Reserves) By-law 2006



New South Wales

## Part 1 Preliminary

### 1 Name of By-law

This By-law is the *Crown Lands (General Reserves) By-law 2006*.

### 2 Commencement

This By-law commences on 1 September 2006.

#### Note—

This By-law replaces the *Crown Lands (General Reserves) By-law 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Application

This By-law applies:

- (a) to each reserve specified in Schedule 1, and
  - (b) to each reserve for which a reserve trust has been established and the affairs of which are managed by the Ministerial Corporation under section 95 of the Act,
- except as specifically provided by other clauses of this By-law.

### 4 Definitions

(1) In this By-law:

**authorised person**, in relation to a reserve trust, means:

- (a) a member of the trust board of the reserve trust, or
- (b) an administrator of the affairs of the reserve trust, or
- (c) a ranger or other person appointed in writing by the reserve trust for the purposes of this definition, or
- (d) if a corporation other than the Ministerial Corporation has been appointed to manage the affairs of the reserve trust, any officer, employee of the corporation or

other person appointed as an authorised person for the purposes of this definition by the corporation, or

- (e) if the Ministerial Corporation has been appointed to manage, or the Minister is managing, the affairs of the reserve trust, any person:
  - (i) holding an office, position or rank prescribed by a regulation under the Act for the purposes of paragraph (b) of the definition of **authorised person** in section 153 of the Act, or
  - (ii) authorised by the Minister in writing for the purposes of this definition.

**building** includes part of a building.

**council** has the same meaning as in the [Local Government Act 1993](#).

**mooring** means the anchoring of any vessel or the securing of any vessel to any post, stake, pile, float, pontoon, wall, wharf, jetty or other landing stage.

**reserve** has the same meaning as in Part 5 of the Act, and includes part of a reserve.

**reserve trust**, in relation to a reserve, means the reserve trust that is the trustee of the reserve under the Act.

**secretary**, in relation to a reserve trust, means the secretary of the reserve trust.

**spouse** means:

- (a) a husband or wife, or
- (b) a de facto partner,

but where more than one person would so qualify as a spouse, means only the last person so to qualify.

**Note—**

“De facto partner” is defined in section 21C of the [Interpretation Act 1987](#).

**the Act** means the [Crown Lands Act 1989](#).

**vehicle** includes:

- (a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity, and
- (b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things, and
- (c) an apparatus that, while propelled in the air by human or mechanical power or by

the wind, is wholly or partly used for the conveyance of persons or things, and

(d) an apparatus propelled on land, snow or ice by human or animal power or by the wind, and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2) Notes included in this By-law do not form part of this By-law.

## **Part 2 Administration**

### **Division 1 Application of Part**

#### **5 Application of Part**

This Part applies to the reserve trust of a reserve to which this By-law applies, where the reserve trust is managed by a trust board.

### **Division 2 Trust boards**

#### **6 Meetings**

(1) The trust board is to meet at least 4 times a year at the places and times as determined by the board.

(2) At one such meeting, to be termed the annual general meeting, the trust board is to elect:

(a) a chairperson and a deputy chairperson, and

(b) a person or persons as secretary and treasurer unless those positions are filled by a person or persons appointed and employed under clause 12.

(3) A person elected under subclause (2) is to hold office until the next annual general meeting of the trust board.

(4) A statement of accounts is to be presented to the annual general meeting of the trust board.

#### **7 Special meetings**

On receipt by the chairperson of a written request for a meeting of the trust board, the chairperson, if the request is signed by at least 2 members of the board and specifies the purpose of the meeting, is to call a special meeting to be held within 28 days after receipt of the request at the place and time specified by the chairperson.

#### **8 Prior notice of meetings**

(1) Subject to subclause (2), the chairperson, not later than 10 days before the day

appointed for a meeting referred to in clause 6 or 7, is to forward to each member of the trust board a notice in writing setting out the place and time of the meeting and the agenda for that meeting.

- (2) If the chairperson is of the opinion that a special meeting should be held as soon as possible, the chairperson may give such notice of the place and time of, and the agenda for, the meeting as the chairperson considers appropriate.

## **9 Casual vacancy**

If a casual vacancy occurs in the office of the chairperson, deputy chairperson, secretary or treasurer of the trust board, the trust board, at the first meeting held after the occurrence of the casual vacancy, is to elect or appoint, as the case requires, a person to fill the vacancy and the person so elected or appointed is entitled to hold office for the unexpired part of the term of office of that person's predecessor.

## **10 Conduct of meetings**

- (1) At a meeting of the trust board, the chairperson or, in the absence of the chairperson, the deputy chairperson, is to preside.
- (2) In the absence of the chairperson and the deputy chairperson, the members of the trust board present are to elect a person from among their number to preside at the meeting and the person so elected is to preside.
- (3) The person presiding at a meeting of the trust board is to have a deliberative vote and, in the event of an equality of votes, is to have a second or casting vote.

## **11 Committees**

- (1) The trust board may form one or more committees to carry out such works or perform such duties as the board determines.
- (2) All such committees must consist of members of the trust board.

## **Division 3 General administrative matters**

### **12 Officers and employees**

- (1) The reserve trust may appoint and employ a secretary, a treasurer, rangers and such other officers and employees as may be necessary for the efficient operation of the reserve.
- (2) One person may be appointed to the positions of secretary to, and treasurer of, the reserve trust.
- (3) A member of the trust board may be appointed and employed under this clause but only with the approval of the Minister.



### **13 Duties of secretary and treasurer**

- (1) The secretary is:
  - (a) to keep and maintain minutes of each meeting of the reserve trust, and
  - (b) to keep and maintain the book (disclosure of pecuniary interests of members of a trust board) required by clause 1 (3) of Schedule 4 to the Act, and
  - (c) to perform other duties as directed by the reserve trust.
- (2) The treasurer is:
  - (a) to be responsible to the reserve trust for the keeping and maintaining of proper financial records, and
  - (b) to keep and maintain the records required to be kept by the reserve trust for the purposes of section 122 (1) (b) of the Act.

### **14 Receipts and disbursements**

- (1) All money received by the reserve trust is to be deposited to the credit of an account established with any authorised deposit-taking institution in the name of the reserve trust.
- (2) Each item of expenditure by or on behalf of the reserve trust is to be authorised or confirmed for payment, at a duly convened and constituted meeting of the reserve trust by tabling and approval of a report by the treasurer relating to that item of expenditure.
- (3) Cheques drawn on the reserve trust's account are to be signed by one member of the reserve trust board and one other person approved by the trust.
- (4) If an administrator of a reserve trust has been appointed under the Act, cheques are to be signed by the administrator and one other person chosen by the administrator.

### **15 Common seal**

- (1) The common seal of the reserve trust is to be kept by the secretary or, if there is no secretary, by such other person as may be appointed by the trust.
- (2) A trust's seal may be affixed to an instrument or document only:
  - (a) following a resolution to do so passed at a meeting of the trust, and
  - (b) in the presence of the secretary or a member of the trust board, and
  - (c) with an attestation by the signature of the secretary or member of the fact of the affixing of the seal.

- (3) If an administrator of a trust has been appointed, the trust's seal may be affixed and attested by the administrator alone.

## **Part 3 Regulation of use of reserves**

### **Division 1 Use of reserves generally**

#### **16 Public access to reserve**

- (1) The reserve trust, by a public notice displayed at or adjacent to each entrance to the reserve, may do any of the following:
  - (a) specify the times during which the reserve is to be open to the public,
  - (b) close to the public the reserve, any part of the reserve, or any building, structure or enclosure,
  - (c) restrict or otherwise regulate the purposes for which the reserve, any part of the reserve or any building, structure or enclosure may be used,
  - (d) prohibit the use of the reserve, any part of the reserve or any building, structure or enclosure for any purpose specified in the notice.
- (2) A person must not enter or use the reserve, any part of the reserve or any building, structure or enclosure in the reserve contrary to a public notice displayed under this clause.

Maximum penalty: 5 penalty units.

#### **17 Reserve trust may set aside parts of reserve for certain uses**

Subject to and consistent with any plan of management for a reserve, the reserve trust may set aside any part of the reserve, including any building, structure or enclosure, for any purpose for which the reserve may be used.

#### **18 Fees and charges**

- (1) This clause applies to any reserve.
- (2) The reserve trust may from time to time determine the fees or charges payable in respect of any one or more of the following:
  - (a) use of the whole or any part of the reserve and any building, structure or enclosure in the reserve,
  - (b) parking or use of any vehicle or class of vehicles on the reserve,
  - (c) use of electricity, gas and water,
  - (d) rubbish disposal and cleaning of the reserve,

- (e) removal of effluent.
- (3) The reserve trust of a reserve (other than a reserve for a cemetery or crematorium) may from time to time determine the fees or charges payable in respect of entry to the whole or any part of the reserve and any building, structure or enclosure in the reserve.
- (4) The reserve trust of a reserve for a cemetery or crematorium may from time to time determine the fees or charges payable for the services provided in respect of the cemetery or crematorium.
- (5) In determining fees and charges, the reserve trust is to have regard to:
  - (a) in the case of any reserve—any contractual arrangements entered into by the reserve trust, and
  - (b) in the case of a reserve for a cemetery or crematorium—the following:
    - (i) the costs of developing the land to be used for burial or cremation,
    - (ii) future maintenance,
    - (iii) the number of intended interments or cremations,
    - (iv) infrastructure costs.
- (6) The fees or charges payable under subclause (2) or (3) must be displayed in a public notice erected at or adjacent to each entrance to the reserve or part of the reserve or building, structure or enclosure to which the fees or charges relate.
- (7) The fees or charges payable under subclause (4) must be displayed in a public notice outside the office of the reserve trust.
- (8) The reserve trust may in any particular case waive payment of any fee or charge determined under this clause.
- (9) Without limiting subclause (8), a reserve trust may waive payment of a fee or charge determined under this clause in relation to a person who is unable to pay the fee or charge for services provided in respect of a cemetery or crematorium.
- (10) The Minister may serve notice on the reserve trust disallowing or varying any fee or charge as set out in the notice and the reserve trust is to give effect to the Minister's notice.

## **19 Entry**

- (1) A person who enters the reserve or a part of the reserve or any building, structure or enclosure in the reserve, whether on payment of an entrance fee or otherwise, enters subject to such conditions as may be determined from time to time by the reserve

trust and as are displayed in public notices erected at or adjacent to each entrance to the reserve or part or the building, structure or enclosure.

- (2) The reserve trust may designate entrance and exit points to and from the reserve, any part of the reserve or any building, structure or enclosure in the reserve by public notices displayed at or near those points.
- (3) Where the reserve trust has designated any entrance and exit points, a person must not enter or leave the reserve or part or the building, structure or enclosure otherwise than through an entrance or exit as designated by public notices displayed at or adjacent to the entrance or exit.

Maximum penalty: 5 penalty units.

- (4) Where the reserve trust has designated an entrance point and determined an entrance fee for the reserve, any part of the reserve or any building, structure or enclosure in the reserve, a person must not enter the reserve or part or the building, structure or enclosure unless:
  - (a) the person pays that entrance fee, and
  - (b) the person enters as directed by public notices displayed at or adjacent to an entrance point where any entrance fee demanded is payable.

Maximum penalty: 5 penalty units.

## **20 Vehicles on reserve**

- (1) The reserve trust may give such directions as to the bringing of vehicles into, and the use and parking or mooring of vehicles in, the reserve as the reserve trust thinks fit, and any such direction:
  - (a) may be limited as to time, place or subject-matter, and
  - (b) may be varied or revoked by the reserve trust.
- (2) A direction given under subclause (1) has effect only where it appears in a public notice displayed on or near the reserve or part to which the direction relates.
- (3) The direction appearing in a public notice that is displayed on or near a reserve or part with the authority of the reserve trust has effect as a direction, for the time being in force, given under subclause (1) in relation to the reserve or part and the notice is, for the purposes of subclause (2), notice of that direction.
- (4) A person must not contravene a direction having effect under this clause.

Maximum penalty: 5 penalty units.

- (5) A person must not interfere with, alter or remove any public notice displayed with the

authority of the reserve trust under subclause (2).

Maximum penalty: 5 penalty units.

- (6) Nothing in this clause affects any provision of the Act or any other Act or any other provision of this By-law so far as the provision has effect in relation to conduct on a reserve.

## **21 Regulation of conduct in reserve**

- (1) A person must not make use of a reserve or carry on a specified activity in the reserve if that use or specified activity is prohibited by a public notice displayed on the reserve.

Maximum penalty: 5 penalty units.

- (2) For the purposes of subclause (1), the specified activities are as follows:

- (a) entering the reserve at a time when the reserve is not open to the public,
- (b) entering any building, structure or enclosure or part of the reserve not open to the public,
- (c) holding a meeting or performance or conducting an entertainment for money or consideration of any kind, or in a manner likely to cause a nuisance to any person,
- (d) taking part in any gathering, meeting or assembly (except, in the case of a cemetery), for the purpose of a religious or other ceremony of burial or commemoration,
- (e) selling, offering or exposing for sale any article or thing, or conducting any commercial activity,
- (f) displaying or causing any sign or notice to be displayed,
- (g) distributing any circular, advertisement, paper or other printed, drawn, written or photographic matter,
- (h) having or operating television, cinematographic or photographic equipment for commercial purposes,
- (i) camping,
- (j) planting any tree, shrub, vine, flower or other plant,
- (k) damaging, picking or removing any tree, shrub, plant, vine, flower or other vegetation (whether dead or alive), except as permitted by paragraphs (l) and (m),
- (l) removing any dead timber, log or stump, whether standing or fallen, except for the purpose of cooking food in the reserve,

- (m) damaging any lawn, playing field or green, except in the course of and as a normal incident of any recreational or sporting activity,
- (n) defacing or removing or disturbing any rock, soil, sand, stone or similar substance,
- (o) lighting a fire:
  - (i) at any time when the lighting of fires in the reserve is prohibited under the [Rural Fires Act 1997](#), or
  - (ii) at any other time except in a fire-place provided by the reserve trust or in portable cooking equipment,
- (p) climbing any tree, building, fence, seat, table, enclosure or other structure,
- (q) destroying, capturing, injuring, annoying or interfering with, or interfering with the habitat of, any animal, bird or other fauna, whether native or introduced,
- (r) having or keeping any dog or other animal, or allowing any animal under the person's control to depasture,
- (s) carrying, laying or setting any trap, snare or poison bait, or dropping from any aircraft any trap, snare or poison bait,
- (t) placing any beehive,
- (u) carrying, having or using a firearm, or an imitation firearm, within the meaning of the [Firearms Act 1996](#) or a prohibited weapon within the meaning of the [Weapons Prohibition Act 1998](#), unless the person is a police officer acting in connection with the performance of the person's duties as such an officer,
- (v) discharging fireworks,
- (w) carrying or using any explosives,
- (x) having, selling, serving or consuming any intoxicants,
- (y) having or using any axe, saw or similar tool or implement,
- (z) assembling or using a hang-glider or landing a helicopter,
- (aa) flying a mechanically propelled model aircraft or similar thing,
- (ab) breaking any glass or throwing or projecting any stone, missile or other object,
- (ac) operating a television, radio, cassette, record player or electronic sound system at a volume likely to cause a nuisance to any person,
- (ad) conducting or taking part in any sporting activity that forms part of any organised competition or tournament,

- (ae) rock climbing, abseiling, base jumping or bungy jumping,
  - (af) riding on or using a skateboard, roller skates, roller blades, scooter or similar apparatus,
  - (ag) jetskiing or surfboarding,
  - (ah) fishing,
  - (ai) using any bow and arrow or throwing any stone or other dangerous missile,
  - (aj) driving a vehicle or riding a horse or other animal,
  - (ak) power boating (within Boobera Lagoon Reserve only).
- (3) Nothing in this clause prohibits a person with a disability (within the meaning of the [Disability Discrimination Act 1992](#) of the Commonwealth) from being accompanied by an assistance animal (that is, an animal referred to in section 9 of that Act).
- (4) A person must not interfere with, alter or remove any public notice displayed with the authority of the reserve trust under subclause (1).
- Maximum penalty: 5 penalty units.
- (5) A reserve trust may not erect a notice as referred to in subclause (1) prohibiting the use of, or the carrying out of an activity on, land within a reserve if the Minister has erected a notice under section 156 (1) of the Act prohibiting the same use of or activity on that land.
- (6) Nothing in this clause affects any provision of the Act or any other Act or any other provision of this By-law so far as the provision has effect in relation to conduct on a reserve.

## **22 Conduct prohibited in reserve**

- (1) A person must not, without reasonable excuse:
- (a) damage, deface or interfere with any structure, sign, public notice, descriptive plate, label, machinery or equipment in a reserve, or
  - (b) obstruct any authorised person or employee of, or contractor to, the reserve trust of a reserve in the performance of the authorised person's duty or the employee's or contractor's work in the reserve, or
  - (c) pollute any fresh water, tank, reservoir, pool or stream in a reserve, or
  - (d) bring onto a reserve any diseased animal or any noxious animal, or
  - (e) walk over, mark, scratch or otherwise mutilate, deface, injure, interfere with, remove or destroy any Aboriginal rock carving, its surrounds or any other

Aboriginal object in a reserve, or

- (f) (Repealed)
- (g) remain in a reserve or any part of a reserve or any building, structure or enclosure in the reserve when reasonably requested to leave by an authorised person, or
- (h) bring into or leave in a reserve any refuse, waste material, scrap metal (including any vehicle or vehicle part), rock, soil, sand, stone or other such substance.

Maximum penalty: 5 penalty units.

(2) A person must not in a reserve for a cemetery:

- (a) interfere with any grave or monument, or
- (b) open any coffin, or
- (c) disturb or interrupt any service, procession, cortege, gathering, meeting or assembly, or
- (d) bury any human remains (whether cremated or not).

Maximum penalty: 5 penalty units.

## **Division 2 Additional provisions relating to crematoriums and cemeteries**

### **Subdivision 1 Preliminary**

#### **23 Application of this Division**

- (1) This Division applies to a crematorium, cemetery or portion of a cemetery that is a reserve for which a reserve trust has been established.
- (2) In the application of this Division to a portion of a cemetery:
  - (a) a reference to a cemetery is taken to include a reference to a portion of a cemetery, and
  - (b) a reference to a reserve trust in relation to a cemetery is taken to be a reference to a reserve trust for a portion of a cemetery.
- (3) This Division does not affect the operation of any regulations under the [Public Health Act 1991](#) relating to cemeteries.

#### **24 Definitions**

In this Division:



**appropriate fee** means the fee determined under clause 18 for the service in relation to which the expression is used.

**burial licence** means a licence granted by a reserve trust that confers an exclusive right to bury the remains of one or more persons in a burial place.

**burial place** means a grave site, vault site, crypt site or other place for the disposition of the remains of the dead.

**Crown Cemeteries Advisory Committee** means the advisory committee established by the Minister under section 12 of the Act to give information and recommendations about matters affecting the management of cemeteries.

**holder**, in relation to a burial licence, means the person recorded in the register kept by the reserve trust as the holder of the burial licence.

**register** means the register kept by a reserve trust under clause 37.

**renewal scheme** has the meaning given by clause 34A.

## **Subdivision 2 Planning, conduct and maintenance**

### **25 Planning, conduct and maintenance**

A reserve trust may make such provision as it considers necessary for the following:

- (a) the setting aside of sections for different types and classes of burials,
- (b) the establishment of standards of construction and design for monuments and structures,
- (c) the size, multiple use and location of burial places,
- (d) burials in vaults,
- (e) the erection or installation of structures and the making of inscriptions,
- (f) the carrying out of work by monumental masons,
- (g) the qualifications required by, and the security deposits required to be lodged by, monumental masons,
- (h) the removal, replacement and maintenance of structures,
- (i) the placing of vases, statuettes, jars, bottles or other items of embellishment on or near graves, monuments, crypts or vaults,
- (j) the improvement and maintenance of the cemetery,
- (k) the making of arrangements for the care of burial places on an annual (or longer

term) or other basis,

- (l) the supply of goods and services incidental to the conduct of burials and other matters relating to the cemetery,
- (m) the conduct of religious or other ceremonies of burial or commemoration,
- (n) the disposition and memorialisation of cremated human remains,
- (o) landscaping and setbacks from stormwater and drainage canals and similar watercourses and structures,
- (p) any other matter relating to the management of the cemetery or crematorium so long as the provision made is consistent with any direction given by the Minister.

## **26 Placing of objects on or near burial places**

- (1) The following objects are not to be placed on or near a grave, monument, crypt or vault in a reserve:
  - (a) ceramic or glass objects that are fragile or breakable,
  - (b) metal objects, or any other objects, that are likely to cause a risk to health or safety,
  - (c) any item that extends beyond the boundaries of the grave, monument, crypt or vault.
- (2) Any vase, statuette, jar, bottle or other item of embellishment is not to be placed on or near a grave, monument, crypt or vault in a reserve in contravention of a direction given to the person by an authorised person.

## **Subdivision 3 Burial licences**

### **27 Grant of burial licence**

- (1) A reserve trust may grant a burial licence in respect of a burial place in the cemetery.
- (2) An application for burial licence must be in the form approved by the reserve trust and accompanied by the appropriate fee.
- (3) A burial licence may be granted to one person or to two or more persons as joint holders.
- (4) A reserve trust cannot, without the Minister's approval, grant a burial licence to a person if the granting of the licence will result in the person holding (including jointly holding) burial licences in respect of more than 2 burial places in the cemetery for which the reserve trust is trustee.

- (5) A burial licence entitles the person or persons to whom it is granted the exclusive right of burial of the remains of a person in the burial place in respect of which it is granted.

### **28 Transfer of burial licence to person other than reserve trust**

- (1) A reserve trust may, on application, transfer a burial licence from one person or two or more persons as joint holders to one person or two or more other persons as joint holders.
- (2) An application under subclause (1) may be made only by the holder of the burial licence concerned or, if the burial licence is held by joint holders, by all the joint holders.
- (3) An application for the transfer of a burial licence must be in the form approved by the reserve trust and accompanied by the appropriate fee.

### **29 Transfer of burial licence to reserve trust**

A reserve trust may enter into arrangements with the holder of a burial licence for the transfer of the burial licence to the reserve trust.

### **30 Grant or transfer of burial licence may be refused**

A reserve trust may refuse to grant or transfer a burial licence if, in the trust's opinion, the grant or transfer would tend to create a monopoly or encourage dealing in burial licences.

### **31 Burial licence to pass to surviving joint holder**

On the death of a joint holder of a burial licence, the remaining joint holder is, or joint holders are, entitled to the burial licence.

### **32 Exclusive rights of burial may be bequeathed**

- (1) The holder of a burial licence may bequeath the licence as if it were the holder's personal estate.
- (2) A person to whom a burial licence devolves as a result of a bequest does not become the holder of the licence until the register is amended to indicate that fact.
- (3) On application made by a person to whom a burial licence has devolved as a result of a bequest, a reserve trust must amend the register so as to indicate that the person has become the holder of the licence.
- (4) An application under this clause must be in the form approved by the reserve trust and accompanied by the appropriate fee.

### **33 Rules of intestacy to apply to burial licences not bequeathed**

- (1) If the holder of a burial licence dies and has not bequeathed the licence, the licence is to be dealt with as if it were personal property forming part of the estate of an intestate.
- (2) A person to whom a burial licence devolves as a result of intestacy does not become the holder of the licence until the register is amended to indicate that fact.
- (3) On application made by a person to whom a burial licence has devolved as a result of intestacy, a reserve trust must amend the register so as to indicate that the person has become the holder of the licence.
- (4) An application under this clause must be in the form approved by the reserve trust and accompanied by the appropriate fee.

### **33A Reserve trust may determine holder of burial licences**

- (1) This clause applies if there is a dispute or other doubt about who holds the burial licence for a particular burial place in a cemetery.
- (2) A person who believes he or she is the holder of the burial licence may apply to the reserve trust for the cemetery for a decision that the person holds the burial licence.
- (3) As soon as practicable after receiving the application the trust must make a decision about whether the person holds or does not hold the burial licence for the burial place.
- (4) However, the reserve trust may make a decision that the person holds the burial licence for the burial place only if:
  - (a) at least 28 days before making the decision, the trust:
    - (i) displays a notice about its intention to make the decision in a prominent position at the cemetery, and
    - (ii) publishes a notice about its intention to make the decision in at least one newspaper circulating throughout the State, and
    - (iii) takes any other steps it considers reasonable in the circumstances to determine who holds the burial licence for the burial place, or
  - (b) in the reasonable opinion of the trust it is not possible to follow the procedure in paragraph (a) because it is necessary to make an urgent decision due to the imminent burial of a person who was related by blood or marriage to, or who was in a domestic relationship with:
    - (i) the applicant, or
    - (ii) a person buried in the burial place.

- (5) If the reserve trust decides that the person holds the burial licence for the burial place, the trust is taken to have revoked any other burial licence for the burial place.

### **34 Revocation of burial licences**

- (1) A reserve trust may revoke a burial licence it, or any previous reserve trust for the cemetery concerned, has granted if the right conferred by the licence is not exercised within 50 years after it is granted.
- (2) Before revoking a burial licence under this clause, the reserve trust must cause notice of its intention to do so to be sent, by registered post, to the person (if any) shown in the register of burial places as the holder of the burial licence.
- (3) If no response to the notice is received within 28 days after the date on which it is sent, a second notice of the reserve trust's intention is to be given by means of an advertisement, identifying the burial place and the name of the holder:
- (a) displayed in a prominent position at the cemetery, and
  - (b) published in at least one national and one local newspaper.
- (4) If no response to the second notice is received within 6 months after the date on which it is advertised, final notice of the reserve trust's intention is to be sent, by registered post, to the person (if any) shown in the register as the holder of the burial licence allowing the holder 28 days from the date of the notice within which to enter into negotiations of the kind referred to in subclause (6).
- (5) If the reserve trust has insufficient information to properly address the notice referred to in subclause (2) or (4), the trust is not required to send that notice but may in that case begin the notification process by means of the notice referred to in subclause (3) and may take any other notification action it considers appropriate.
- (6) At any time before the expiry of the period for responding to the final notice referred to in subclause (4) (or, in the circumstances referred to in subclause (5), within 28 days after the last date on which an advertisement referred to in subclause (3) (b) is published) the holder of the burial licence concerned may enter into negotiations with the reserve trust for:
- (a) the sale of the burial licence to the trust, or
  - (b) the retention of the burial licence.
- (7) Any notice required to be displayed or published under this clause may relate to more than one burial place.

### **Subdivision 4 Renewal schemes**

### **34A Implementation of renewal scheme**

- (1) A reserve trust may, with the Minister's approval, implement a scheme (a **renewal scheme**) for the renewal of a portion of the cemetery that has been used for burials to enable further burial places to be located in the portion.
- (2) A renewal scheme does not authorise a reserve trust:
  - (a) to remove the remains of a deceased person from a burial place in respect of which a burial licence had been granted to the person, or
  - (b) to otherwise disturb the remains of a deceased person in the portion of the cemetery subject to the renewal scheme.
- (3) A reserve trust may, in a portion of the cemetery that is subject to a renewal scheme:
  - (a) revoke a burial licence, and
  - (b) remove, relocate or dispose of a memorialisation placed on the burial place to which the burial licence relates, and
  - (c) erect in that portion of the cemetery a memorial recording the names and dates of death of persons buried in the portion.

### **34B Proposed renewal scheme to be submitted to Minister for approval to carry out consultation**

- (1) After preparing a proposed renewal scheme, a reserve trust must submit the scheme to the Minister for approval to carry out consultation about the scheme.
- (2) After considering the proposed renewal scheme, the Minister may decide:
  - (a) to approve the release of the scheme for consultation, with or without changes, or
  - (b) to return the scheme to the reserve trust for changes and resubmission to the Minister.
- (3) The Minister may also decide that the reserve trust must consult with the following about the proposed renewal scheme:
  - (a) the Heritage Council if the scheme affects a local heritage item,
  - (b) any other Commonwealth or State authority.

### **34C Consultation about proposed renewal scheme**

- (1) If the Minister approves the release of a proposed renewal scheme for consultation, the reserve trust must:
  - (a) prepare and make available for public inspection a plan that shows:

- (i) the portion of the cemetery that is subject to the proposed renewal scheme, and
  - (ii) all existing used and unused burial plots within the portion, and
  - (iii) details of the removal and relocation of any memorialisation placed on burial places within the portion, and
  - (iv) the proposed layout and landscaping of the renewed portion, and
- (b) send a notice to each holder of burial licences in the portion subject to the proposed renewal scheme, at any address recorded for the holder in the reserve trust's register of burial places, informing the holder of the proposed scheme, and
- (c) not less than 12 months before the date the proposed renewal scheme is to commence, place in a prominent position in the portion of the cemetery subject to the renewal scheme, a notice that states the following:
- (i) that the reserve trust proposes to renew the portion of the cemetery,
  - (ii) where plans of the proposed renewal scheme may be inspected,
  - (iii) that written submissions may be made to the reserve trust about the proposed renewal scheme by the date, and in the way, specified in the notice, and
- (d) not less than 3 months before the date the proposed renewal scheme is to commence, publish at least once in a newspaper circulating nationally and another newspaper circulating in the locality of the cemetery a notice about the proposed renewal scheme that states the following:
- (i) that the reserve trust proposes to renew the portion of the cemetery,
  - (ii) where plans of the proposed renewal scheme may be inspected,
  - (iii) that written submissions may be made to the reserve trust about the proposed renewal scheme by the date, and in the way, specified in the notice, and
- (e) if the Minister has decided the reserve trust must consult with the Heritage Council, prepare a statement of heritage impact for the proposed renewal scheme and refer it to the Heritage Council.

(2) In this clause:

**statement of heritage impact**, in relation to a proposed renewal scheme that affects a local heritage item, means a statement that:

- (a) identifies the local heritage item and its significance, and

- (b) assesses and justifies the impact the proposed renewal scheme will have on the significance of the heritage item.

#### **34D Submissions**

- (1) A submission about the proposed renewal scheme may be made by any person by the date, and in the way, specified in the notice placed in the cemetery or published in the newspaper.
- (2) The holder of a burial licence for a burial place may, in a submission, object to the proposed renewal scheme concerned (**a formal objection**) if it:
  - (a) provides for the revocation of the holder's burial licence, or
  - (b) provides for the removal, relocation or disposal of a memorialisation placed on the burial place.
- (3) The reserve trust must consider each submission made under subclause (1).
- (4) After considering any submissions, including formal objections, the reserve trust must decide:
  - (a) to proceed with the proposed renewal scheme, with or without modifications, or
  - (b) not to proceed with the proposed renewal scheme.
- (5) The reserve trust must not proceed with a proposed renewal scheme in respect of which a formal objection has been made unless:
  - (a) the objection has been withdrawn, or
  - (b) the proposed renewal scheme has been modified so that it does not provide for the revocation of the burial licence, or provide for the removal, relocation or disposal of a memorialisation placed on the burial place, that was the subject of the formal objection.

#### **34E Submission of renewal scheme to Minister**

- (1) If the reserve trust decides to proceed with the proposed renewal scheme, the reserve trust must submit the renewal scheme to the Minister for approval.
- (2) The proposed renewal scheme must:
  - (a) be accompanied by any written submissions received by the reserve trust about the renewal scheme, and
  - (b) indicate what modifications, if any, have been made to the renewal scheme after the reserve trust's consideration of the written submissions.
- (3) Before making a decision about the proposed renewal scheme, the Minister must



obtain advice about the renewal scheme from:

- (a) the Crown Cemeteries Advisory Committee, and
- (b) the Minister administering the *Heritage Act 1977*.

(4) For the purposes of providing advice under subclause (3) (a), the Crown Cemeteries Advisory Committee may refer the proposal to any person or body the Committee considers appropriate including, for example, the New South Wales Aboriginal Land Council constituted under the *Aboriginal Land Rights Act 1983*.

#### **34F Minister's decision about renewal scheme**

After considering any advice received from the Crown Cemeteries Advisory Committee and the Minister administering the *Heritage Act 1977*, the Minister may decide to:

- (a) approve the proposed renewal scheme, or
- (b) approve the proposed renewal scheme with any modifications the Minister considers appropriate, or
- (c) reject the proposed renewal scheme.

### **Subdivision 5 Compensation**

#### **35 Compensation**

- (1) If a reserve trust revokes the burial licence for a burial place, whether granted before or after the commencement of this clause, the former holder of that licence is entitled:
  - (a) to be granted a burial licence:
    - (i) for an alternative burial place in the same cemetery (and, if available, in the same general location) as the original burial place, and
    - (ii) for an equivalent period to that for which the original burial licence was granted, or
  - (b) to be paid by the trust, by way of compensation, an amount equal to half of the fee payable (as provided by the trust's current scale of fees) for the granting of a burial licence:
    - (i) for an alternative burial place in the same cemetery (and, if available, in the same general location) as the original burial place, and
    - (ii) for an equivalent period to that for which the original burial licence was granted.
- (2) If there is no alternative burial place available, or if there is no applicable scale of fees, the amount of compensation referred to in subclause (1) (b) is to be half of the

fee payable for the granting of a burial licence under the most recent applicable scale of fees, varied in proportion to any variation in the Consumer Price Index (All Groups Index) for Sydney that has occurred between the date on which that scale was established and the date of revocation of the burial licence.

- (3) A reserve trust must ensure that any report on its accounts contains an estimate of its contingent liability with respect to any burial licences it has revoked.
- (4) The reserve trust may elect whether the former holder of the revoked burial licence is to be granted an alternative burial place or paid compensation.
- (5) Despite clause 28, if the former holder of the revoked burial licence is granted a burial licence for an alternative burial place, that licence may not be transferred by the former holder within 5 years after the date on which it was granted.
- (6) A former holder of a revoked burial licence may apply to the Minister for a review of any election of the relevant reserve trust under this section.
- (7) An application for an entitlement under this clause:
  - (a) must be in the form approved by the reserve trust, and
  - (b) must be accompanied by the appropriate fee, and
  - (c) must be lodged with the reserve trust within 6 years after the date on which the relevant burial licence was revoked.

**Note—**

Pursuant to clause 18 (10), the fee referred to in paragraph (b) is subject to variation or disallowance by the Minister.

- (8) The Minister's decision on such a review:
  - (a) is final, and
  - (b) is taken to be the decision of the relevant reserve trust, and
  - (c) is to be given effect to accordingly.
- (9) In this clause, **former holder** of a revoked burial licence means the person who held that licence immediately before it was revoked.

## **Subdivision 6 Effect of burial licences**

### **36 Burials in burial places in respect of which burial licenses have been granted**

- (1) The remains of a deceased person may not be buried in a burial place in respect of which a burial licence has been granted unless:

- (a) the person was the holder of the licence immediately before he or she died or the holder of the licence gives written consent to the person's remains being buried in the burial place, and
  - (b) where another person is already buried in the burial place, the burial place has been dug to a depth to accommodate the remains of another deceased person.
- (2) On the death of the spouse or a child of the holder of a burial licence, the remains of the spouse or child may be buried in the burial place to which the licence relates without the written consent of the holder of the licence if the reserve trust is satisfied:
  - (a) that the holder is not available to give consent to the burial, and
  - (b) that consent to the burial would be given if the holder were available, and
  - (c) where another person is already buried in the burial place, the burial place has been dug to a depth to accommodate the remains of another deceased person.
- (3) The only compensation that the reserve trust is liable to pay to the holder of a burial licence in the event that it permits the holder's spouse or child to be buried in the burial place without the consent of the holder is an amount equivalent to the fee currently charged by the trust for the grant of a burial licence in respect of a comparable burial place.

## **Subdivision 7 Miscellaneous**

### **37 Register of burial places**

- (1) A reserve trust must cause a register of burial places to be kept in respect of all burial places in the cemetery in accordance with the regulations under the [Public Health Act 1991](#).
- (2) The register may be kept in electronic or written form but, in either case, the location of each burial place must be identified on a plan or map that shows the sections, rows and grave numbers or other location of remains.
- (3) The register is to include an up to date record of all burial licences in relation to the cemetery.
- (4) A reserve trust may amend its register from time to time so as to remove any inaccuracies contained in it and to record any changes to burial licences as a result of a transfer, revocation or death of the holder of a burial licence.
- (5) A reserve trust must, on application made by any person, make available to the person a copy of any entry made in the register in relation to a burial place.
- (6) Such an application must be in the form approved by the reserve trust and accompanied by the appropriate fee.

### **38 Certificates for burial licences**

- (1) A reserve trust may issue to the holder of a burial licence a certificate stating that the holder holds a current burial licence in relation to the burial place concerned.
- (2) An application for such a certificate must be in the form approved by the reserve trust and accompanied by the appropriate fee.
- (3) A certificate under this clause is to be in such form as the reserve trust may from time to time determine.

### **39 Order for burial**

- (1) A burial must not take place in a cemetery unless the reserve trust has issued an order for burial.
- (2) A reserve trust may set down the procedure to be followed to obtain an order for burial.

### **40 Hours of burial**

Burials are not to take place except at such times as the reserve trust may from time to time determine.

### **41 Exhumations**

- (1) Exhumations are not to take place unless:
  - (a) prior written approval has been obtained from the Director-General of the Department of Health in accordance with the regulations under the [Public Health Act 1991](#), and
  - (b) an order for exhumation has been issued by the reserve trust.
- (2) This clause does not apply if an exhumation order has been issued by a court.

## **Division 3 Special provisions concerning the Rookwood Necropolis**

### **41A Definitions**

In this Division:

**calendar year** means a period of 12 months commencing on 1 January.

**denominational trust**, in relation to land within the Rookwood Necropolis that is set aside for use as a cemetery or crematorium, means the reserve trust that has been, or is taken to have been, appointed as trustee of that land under section 92 (1) of the Act, and includes a person conducting a crematorium on the general crematorium site (if there is no other denominational trust for that site), but does not include the Rookwood Necropolis Trust.

**financial year** means a period of 12 months commencing on 1 July.

**general crematorium lease** means a lease of the whole or any part of the general crematorium site that has been, or is taken to have been, granted by the Minister for the purposes of a crematorium under section 34A of the Act.

**general crematorium site** means the land within the Rookwood Necropolis that comprises Lot 488, Deposited Plan 48288.

**interment** does not include interment of ashes arising from a cremation.

**quarter** means the 3-month period beginning 1 July, 1 October, 1 January or 1 April in each financial year.

**Rookwood Necropolis** means the Rookwood Necropolis referred to in clause 51 of Schedule 8 to the Act.

**Rookwood Necropolis Trust** means the Rookwood Necropolis Trust established by clause 53 of Schedule 8 to the Act.

**41B Contributions payable to Rookwood Necropolis Trust by denominational trusts etc**

- (1) During the last 6 months of each financial year commencing on or after 1 July 2010, the Rookwood Necropolis Trust:
  - (a) must make estimates for the following financial year of its expenditure and of its revenue apart from this clause, and
  - (b) must determine, on the basis of those estimates, the total amount that it will need to obtain for the following financial year from contributions from the denominational trusts, and
  - (c) must notify the Minister of the total amount so determined, and
  - (d) subject to the Minister's approval of the total amount so determined, must determine the contribution payable by each denominational trust in respect of that amount, and
  - (e) must notify each denominational trust of the contribution payable by it for the following financial year.
- (2) The Rookwood Necropolis Trust must consult with the denominational trusts as to its expenditure and revenue before making the estimates referred to in subclause (1) (a).
- (3) Each denominational trust must pay the contribution determined in respect of it under subclause (1) (d), by way of 4 equal instalments, within 28 days after the start of each quarter.
- (4) For the purposes of subclause (1) (d), the contribution payable to the Rookwood

Necropolis Trust by a denominational trust is to be calculated in accordance with the following formula:

$$P = \frac{A \times I\&C}{\Sigma I\&C}$$

where:

**A** represents the amount approved by the Minister under subclause (1) in relation to the amount assessed by the Rookwood Necropolis Trust, from time to time, as the amount it requires to enable it to exercise its functions under the Act.

**I&C**, in relation to a denominational trust, represents the number of interments and cremations carried out during the previous calendar year in the portion of the Rookwood Necropolis managed by that denominational trust.

**ΣI&C** represents the total number of interments and cremations carried out during the previous calendar year in the Rookwood Necropolis.

**P** represents the contribution payable.

- (5) A special contribution is to be determined under this clause to cover expenditure by the Rookwood Necropolis Trust in relation to the period from 1 January 2010 to 30 June 2010, for which purpose:
- (a) the procedure set out in subclause (1) is to be carried out during the last 6 months of 2009, and
  - (b) the formula referred to in subclause (4) is to be construed as if the interments and cremations mentioned in that subclause referred to interments and cremations carried out during the first 6 months of 2009, and
  - (c) a contribution referred to in subclause (3) is to be paid by way of 2 equal instalments to be paid by 28 January 2010 and 28 April 2010, respectively.

#### **41C Fees payable to Rookwood Necropolis Trust by denominational trusts operating crematoria**

- (1) Within 28 days after the end of each quarter, a denominational trust that operated a crematorium in the Rookwood Necropolis during that quarter must pay to the Rookwood Necropolis Trust a fee calculated by multiplying \$100 by the number of cremations carried out by it in the crematorium during that quarter.
- (2) No such fee is payable in respect of cremations carried out, by the lessee under the general crematorium lease, in the crematorium situated on the general crematorium site.

**Note—**

The fee payable under this clause is additional to any contribution payable under clause 41B.

#### **41D Information to be provided to Rookwood Necropolis Trust by reserve trusts etc**

Within 7 days after the end of each quarter, a denominational trust that carried out interments or cremations in the Rookwood Necropolis during that quarter must provide the Rookwood Necropolis Trust with the number of interments and cremations carried out by it in the Rookwood Necropolis during that quarter.

### **Part 4 Miscellaneous**

#### **42 Destruction or taking of plants or animals**

Nothing in this By-law prevents the reserve trust from authorising:

- (a) the destruction in the reserve of any noxious weed or any feral or pest animal, or
- (b) subject to the provisions of any Act, the taking from the reserve of any plant or animal that, in the opinion of the trustees, has assumed pest proportions or is required for scientific purposes.

#### **43 Certain acts and omissions not to be offences**

- (1) A person does not commit an offence under this By-law if the act or omission giving rise to the offence was done or omitted:
  - (a) by a member of the reserve trust board, an authorised person, an officer or employee of the reserve trust or a delegate of a reserve trust manager (within the meaning of section 92 (6A) of the Act) in the exercise of his or her duty as a member, authorised person, officer, employee or delegate, or
  - (b) in accordance with the conditions (whether express or implied) of a lease or licence granted by the reserve trust, or
  - (c) under the direction or with the written consent of the reserve trust.
- (2) The consent of the reserve trust referred to in this clause may be given generally or in a particular case.
- (3) Nothing in this clause permits the reserve trust to consent to the doing of any thing in the reserve which is otherwise prohibited by the Act or any other law (other than this By-law).

#### **44 Savings**

- (1) Any act, matter or thing that, immediately before the repeal of the [Crown Lands \(General Reserves\) By-law 2001](#), had effect under that By-law, is taken to have effect under this By-law.
- (2) Without limiting subclause (1):

- (a) clause 12 (3) does not affect the appointment or employment of a person who is a member of a reserve trust as a secretary, treasurer, ranger or other officer or employee of the reserve trust, and
- (b) any such person is taken to be so appointed or employed under clause 12 for the duration of the appointment or employment that applied to the person immediately before the commencement of this By-law.

**45 Transitional provision consequent on [Crown Lands \(General Reserves\) Amendment \(Sustainable Burials\) By-law 2011](#)**

An exclusive right of burial granted before the commencement of the [Crown Lands \(General Reserves\) Amendment \(Sustainable Burials\) By-law 2011](#) is taken, after the commencement, to be a burial licence.

**Schedule 1 Reserves to which this By-law applies**

**Part 1 Reserves other than reserves for general cemeteries**

Location	Reserve name	Number, purpose, date	Corporate name
Adaminaby	Adaminaby Racecourse and Showground Reserve	R.84984 for racecourse and showground (notified 21 August 1964) and any additions thereto	Adaminaby Racecourse and Showground Trust
Albury	Albury Showground	22.4471 hectares dedicated for showground at Albury (notified 26 November 1948) and any additions thereto, now assigned the number D620063 in the records of the Department	Albury Showground Trust
Alumy Creek	Alumy Creek Reserve	R.140020 for public recreation and museum (notified 26 June 1987) and any additions thereto	Alumy Creek Reserve Trust
Armidale	Armidale Showground Reserve	R.110029 for showground (notified 22 December 1989) and any additions thereto	Armidale Showground Reserve Trust
Armidale	Armidale Tennis Courts Reserve	R.89699 for public recreation (notified 24 December 1975) and any additions thereto	Armidale Tennis Courts Reserve Trust



Bathurst	Bathurst Showground	16.4042 hectares dedicated for showground at Bathurst (notified 19 October 1877) and any additions thereto, now assigned the number D590074 in the records of the Department	Bathurst Showground Trust
Bega	Zingel Place Reserve	R.97856 for public recreation and parking (notified 2 August 1985) and any additions thereto	Zingel Place (R.97856) Reserve Trust
Bellingen	Bellingen Showground	4.86 hectares dedicated for showground at Bellingen (notified 26 July 1911) and any additions thereto, now assigned the number D540022 in the records of the Department	Bellingen Showground Trust
Bemboka	Bemboka Showground Reserve	R.40788 for showground (notified 22 August 1906) and any additions thereto	Bemboka Showground Trust
Bigga	Grabine Lakeside State Park	D1001354 for public recreation (notified 1 June 1997) and any additions thereto	Grabine Lakeside State Park Trust
Boggabilla	Boobera Lagoon Reserve	R.1009930 for environmental protection, heritage purposes and public recreation (notified 12 March 2004)	Boobera Lagoon Reserve Trust
Bonshaw	Bonshaw Racecourse Reserve	R.42857 for racecourse (notified 8 July 1908) and any additions thereto	Bonshaw Racecourse Reserve Trust
Bowling Alley Point	Chaffey Dam Reserve	R.96568 for public recreation (notified 28 January 1983) and any additions thereto	Bowling Alley Point Recreation Reserve Trust
Broadmeadow	District Park Tennis Courts	3.53 hectares dedicated for tennis courts at Broadmeadow (notified 18 October 1935) and any additions thereto, now assigned the number D570095 in the records of the Department	District Park Tennis Courts Trust

Broken Head	Broken Head Reserve	R.24495 for public recreation (notified 25 July 1896) and any additions thereto	Broken Head Reserve Trust
Broken Hill	Broken Hill Living Desert	R.230092 for the public purpose of environmental protection, heritage purposes and public recreation (notified 7 October 1994) and any additions thereto	Living Desert Reserve Trust
Brooms Head	Brooms Head Reserve	R.65975 for resting place and public recreation (notified 15 May 1936) and any additions thereto	Clarence Coast Reserve Trust
Brunswick Heads	Brunswick Heads Reserve	R.80457 for public recreation (notified 21 March 1958) and any additions thereto	Brunswick Heads (R.80457) Public Recreation Reserve Trust
Brunswick Heads	Brunswick Heads Reserve	R.97139 for public recreation (notified 20 January 1984) and any additions thereto	Brunswick Heads (R.97139) Public Recreation Reserve Trust
Brunswick Heads	Ferry Reserve	R.74701 for public recreation (notified 18 January 1952) and any additions thereto	Byron Shire Holiday Parks Reserve Trust
Brunswick Heads	Massey Green Reserve	R.91536 for caravan and camping park (notified 17 August 1979) and any additions thereto	Byron Shire Holiday Parks Reserve Trust
Brunswick Heads	Terrace Reserve Caravan Park	R.82999 for resting place and public recreation (notified 6 January 1961) and any additions thereto	Byron Shire Holiday Parks Reserve Trust
Bulli Pass	Bulli Pass Scenic Reserve	R.67711 for public recreation (notified 1 July 1938) and any additions thereto	Bulli Pass Scenic Reserve Trust
Bundarra	Bundarra Community Centre	R.110007 for community purposes (notified 27 March 1987) and any additions thereto	Bundarra Community Purposes Reserve Trust

Bundarra	Bundarra Racecourse Reserve	R.42217 for racecourse (notified 27 November 1907) and any additions thereto	Bundarra Racecourse Reserve Trust
Bundarra	Bundarra Showground	7.158 hectares dedicated for showground and public recreation at Bundarra (notified 15 September 1909) and any additions thereto, now assigned the number D510031 in the records of the Department	Bundarra Showground Trust
Byron Bay	Lighthouse Hill Reserve	R.49122 for public recreation and preservation of native flora (notified 30 July 1913) and any additions thereto	Byron Shire Holiday Parks Reserve Trust
Canowindra	Canowindra Showground Reserve	R.47413 for showground and racecourse (notified 24 January 1912) and any additions thereto	Canowindra Showground Trust
Cobargo	Cobargo Showground	14.5069 hectares dedicated for showground at Cobargo (notified 20 December 1887) and any additions thereto, now assigned the number D580107 in the records of the Department	Cobargo Showground Trust
Coffs Harbour	Coffs Harbour Racecourse	50.77 hectares dedicated for racecourse and public recreation at Coffs Harbour (notified 7 December 1956) and any additions thereto, now assigned the number D540023 in the records of the Department	Coffs Harbour Racecourse and Public Recreation Trust
Coffs Harbour	Coffs Harbour Showground	17.6109 hectares dedicated for showground and public recreation at Coffs Harbour (notified 31 March 1967) and any additions thereto, now assigned the number D540030 in the records of the Department	Coffs Harbour Showground and Public Recreation Trust

Coffs Harbour	Park Beach Reserve	R.63966 for resting place and public recreation (notified 2 June 1933), R.81703 for resting place and public recreation (notified 19 June 1959), R.140089 for caravan park (notified 26 May 1995) and any additions thereto	Coffs Coast State Park Trust
Coonabarabran	Coonabarabran Showground Reserve	R.85201 for showground and public recreation (notified 22 January 1965) and any additions thereto	Coonabarabran Showground Trust
Cowra	Cowra Racecourse and Showground	39.1513 hectares dedicated for showground and racecourse at Cowra (notified 17 February 1909) and any additions thereto, now assigned the number D590004 in the records of the Department	Cowra Showground Racecourse and Paceway Trust
Cowra	Wyangala Waters State Park	D1001342 for public recreation (notified 1 June 1997) and any additions thereto	Wyangala Waters State Park Trust
Deepwater	Deepwater Public Hall Reserve	R.110017 for public hall (notified 25 March 1988) and any additions thereto	Deepwater Public Hall Trust
Delungra	Delungra Recreation Ground Reserve	R.82061 for public recreation (notified 9 October 1959) and any additions thereto	Delungra Recreation Reserve Trust
Dubbo	Dubbo Showground Reserve	R.84662 for showground and public recreation (notified 6 December 1963) and any additions thereto	Dubbo Showground Trust
Dubbo	Dubbo Small Bore Rifle Club Reserve	R.97620 for non-profit making organisations (notified 14 December 1984) and any additions thereto	Dubbo Small Bore Rifle Club Trust
Eureka	Eureka Public Recreation Reserve	R.86949 for public recreation (notified 8 November 1968) and any additions thereto	Eureka Public Recreation Reserve Trust

Evans Head	Dirawong Reserve	R.140012 for public recreation, preservation of native flora, preservation of fauna, conservation of Aboriginal heritage (notified 9 January 1987) and any additions thereto	Dirawong Reserve Trust
Evans Head	Evans Head Public Recreation Reserve	R.82910 for public recreation (notified 18 November 1960) and any additions thereto	Evans Head (R.82910) Public Recreation Reserve Trust
Forbes	Forbes Showground	5.71 hectares dedicated for showground at Forbes (notified 2 December 1899) and any additions thereto, now assigned the numbers D590010 and R.1002245 in the records of the Department	Forbes Showground Trust
Gilgai	Gilgai Public Hall and Recreation Reserves	R.37860 for public recreation (notified 25 June 1904) R.77683 for public recreation (notified 10 June 1955) R.89717 for public recreation and public hall (notified 30 January 1976) and any additions thereto	Gilgai Public Hall and Recreation Reserves Trust
Glen Innes	Glen Innes Showground	10.6918 hectares dedicated for showground at Glen Innes (notified 22 May 1877) and any additions thereto, now assigned the number D510036 in the records of the Department	Glen Innes Showground Trust
Goobarraganda	Thomas Boyd Trackhead	R.220011 for public recreation (notified 20 March 1987) and any additions thereto	Goobarraganda Valley Reserve Trust
Gore Hill	Gore Hill Memorial Cemetery	5.07 hectares dedicated as an historic cemetery at Gore Hill (notified 1 July 1987) and any additions thereto, now assigned the number D500620 in the records of the Department	Gore Hill Memorial Cemetery Trust

Grafton	Grafton Racecourse and Recreation Reserve	R.84958 for racecourse and public recreation (notified 24 July 1964) and any additions thereto	Grafton Racecourse and Recreation Reserve Trust
Greenwell Point	Greenwell Point Wharf Reserve	R.180017 for wharf facility (notified 24 April 1987) and any additions thereto	Greenwell Point Fishermen's Wharf Trust
Gulgong	Gulgong Racecourse Reserve	94.32 hectares dedicated for racecourse and public recreation at Gulgong (notified 22 January 1960) and any additions thereto, now assigned the number D520071 in the records of the Department	Gulgong Racecourse Reserve Trust
Gunnedah	Riverside Racecourse Reserve	R.72486 for racecourse (notified 31 October 1947) and any additions thereto	Gunnedah Racecourse Reserve Trust
Hampton	Hampton Park	4.047 hectares dedicated for the purpose of Park (notified 16 July 1904) and any additions thereto, now assigned the number D590012 in the records of the Department	Hampton Park Reserve Trust
Iluka	Iluka Koala Reserve	R.140072 for environmental protection (notified 13 December 1991) and any additions thereto	Iluka Koala Reserve Trust
Iluka	Iluka Park Reserve	R.89830 for caravan and camping park (notified 4 June 1976) and any additions thereto	Clarence Coast Reserve Trust
Inverell	Copeton Waters State Park	D1001341 for public recreation (notified 1 June 1997) and any additions thereto	Copeton Waters State Park Trust
Inverell	Goonoowigall Bushland Reserve	R.89639 for public recreation and preservation of native flora (notified 6 February 1976) and any additions thereto	Goonoowigall Bushland Reserve Trust
Inverell	Inverell Pioneer Village Reserve	R.87505 for museum (notified 14 November 1969) and any additions thereto	Inverell Pioneer Village Reserve Trust

Inverell	Inverell Speedway Reserve	R.97964 for public recreation (speedway) (notified 25 October 1985) and any additions thereto	Inverell Speedway Reserve Trust
Katoomba-Jenolan	Six Foot Track Heritage Reserve	R.1001056 for environmental protection, heritage purposes and public recreation (notified 27 February 1998) and any additions thereto	Six Foot Track Heritage Trust
Lawrence	Lawrence Recreation Reserve	R.96692 for public recreation (notified 8 April 1983) and any additions thereto	Lawrence (R.96692) Public Recreation Reserve Trust
Lithgow	Zig Zag Reserve	202.7 hectares dedicated for public recreation at Lithgow (notified 14 March 1881) and any additions thereto, now assigned the number D590044 in the records of the Department	Zig Zag Reserve Trust
Maclean	Wooloweyah Foreshore Reserve	R.95841 for public recreation and preservation of native flora (notified 5 March 1982) and any additions thereto	Clarence Coast Reserve Trust
Manilla	Split Rock Dam Recreation Reserve	R.200020 for public recreation (notified 2 March 1990) and any additions thereto	Split Rock Dam Recreation Reserve Trust
Mendooran	Mendooran Racecourse Reserve	R.43605 for racecourse (notified 10 March 1909) and any additions thereto	Mendooran Racecourse Trust
Moonee Beach	Moonee Beach Reserve	R.64933 for resting place and public recreation (notified 23 November 1934) and any additions thereto	Moonee Beach Public Recreation Reserve Trust
Mudgee	Mudgee Memorial Combined Sports Ground	R.81127 for showground, race-course and public recreation (notified 3 October 1958) and any additions thereto	Mudgee Combined Sportsground Trust
Mumbil	Burrendong Arboretum	R.120082 for arboretum (notified 22 June 1990) and any additions thereto	Burrendong Arboretum Trust

Mumbil	Lake Burrendong State Park	D1001355 for public recreation (notified 1 June 1997) and any additions thereto	Lake Burrendong State Park Trust
Nambucca Heads	Bellwood Park Reserve	R.77534 for public recreation (notified 15 April 1955) and any additions thereto	Nambucca Heads Bellwood Park Reserve Trust
Nambucca Heads	Headland Reserve	R.63811 for resting place and public recreation (notified 3 March 1933) and any additions thereto	Nambucca Heads (R.63811) Headland Reserve Trust
Nambucca Heads	Reserve 69215	R.69215 for public recreation and access (notified 10 May 1940) and any additions thereto	Nambucca Heads (R.69215) Swimming Creek Reserve Trust
Nambucca Heads	Reserve 85113	R.85113 for public recreation (notified 20 November 1964) and any additions thereto	Nambucca Heads (R.85113) Public Recreation Reserve Trust
Nambucca Heads	Stuarts Island Reserve	R.77566 for public recreation (notified 22 April 1955) and any additions thereto	Nambucca Heads Stuarts Island Reserve Trust
Nambucca Heads	Swimming Creek Reserve	R.81006 for public recreation (notified 22 August 1958) and any additions thereto	Nambucca Heads (R.81006) Swimming Creek Public Recreation Reserve Trust
Nambucca Heads	Valley Valley Recreation Reserve	R.88941 for public recreation and preservation of native flora (notified 29 June 1973) and any additions thereto	Nambucca Heads (R.88941) Public Recreation Reserve Trust
Newton Boyd	Newton Boyd Reserve	R.90728 for public recreation and public hall (notified 11 March 1977) and any additions thereto	Newton Boyd Hall Reserve Trust
Nymboida	Chambigne Recreation Reserve	R.86968 for public recreation (notified 22 November 1968) and any additions thereto	Chambigne (R.86968) Public Recreation Reserve Trust
Nymboida	Eatonsville Public Recreation Reserve	R.86394 for public recreation (notified 25 August 1967) and any additions thereto	Eatonsville (R.86394) Public Recreation Reserve Trust



Nymboida	Nymboida Recreation Reserve	R.91555 for public recreation (notified 7 September 1979) and any additions thereto	Nymboida (R.91555) Public Recreation Reserve Trust
Nymboida	Towallum Recreation Reserve	R.91347 for public recreation (notified 15 December 1978) and any additions thereto	Towallum (R.91347) Public Recreation Reserve Trust
Oberon	Oberon Showground	4.388 hectares dedicated for showground at Oberon (notified 9 September 1899) and any additions thereto, now assigned the number D590080 in the records of the Department	Oberon Showground Trust
Orange	Central Tablelands Heritage Lands Reserve	R.81412 for public recreation (notified 20 February 1959) and R.190027 for public recreation (notified 30 January 1987) and any additions thereto	Central Tablelands Heritage Lands Trust
Orange	Ophir Memorial Reserve	R.65909 for public recreation (notified 3 April 1936) and any additions thereto	Ophir (R.65909) Reserve Trust
Orange	Orange Racecourse	117.26 hectares dedicated for racecourse at Orange (notified 1 July 1873) and any additions thereto, now assigned the numbers D590050 and D590136 in the records of the Department	Orange Racecourse Trust
Pambula	Pambula Recreation Reserve	R.98164 for showground and public recreation (notified 9 May 1986) and any additions thereto	Pambula Recreation and Showground (R. 98164) Reserve Trust
Parkes	Parkes Racecourse Reserve	R.15223 for racecourse (notified 13 February 1892) and any additions thereto	Parkes Racecourse Trust

Peak Hill	Peak Hill Showground	26.87 hectares dedicated for showground at Peak Hill (notified 19 October 1894) and any additions thereto, now assigned the number D590055 in the records of the Department	Peak Hill Showground Trust
Peel	Peel Native Flora and Fauna Reserve	R.91214 for promotion of the study and the preservation of native flora and fauna (notified 4 August 1978) and any additions thereto	Peel Native Flora and Fauna Reserve Trust
Quaama	Quaama Sports Ground	2.6589 hectares dedicated for racecourse and public recreation at Quaama (notified 31 October 1947) and any additions thereto, now assigned the number D580101 in the records of the Department	Quaama Sports Ground Trust
Quirindi	Quirindi Racecourse Reserve	R.72708 for showground, racecourse and public recreation (notified 21 May 1948) and any additions thereto	Quirindi (R72708) Reserve Trust
Red Rock	Red Rock Recreation Reserve	R.64746 for public recreation and resting place (notified 14 September 1934) and any additions thereto	Red Rock Public Recreation Reserve Trust
Rushcutters Bay	Sir David Martin Reserve	R.100076 for public recreation and maritime purposes (notified 16 January 1987) and any additions thereto	Rushcutters Bay Maritime Reserve Trust
Rylstone	Ferntree Gully Reserve	R.190113 for environmental protection (notified 19 August 1994) and any additions thereto	Ferntree Gully Reserve Trust
Sawtell	Boambee Creek Park	R.84835 for public recreation (notified 10 April 1964) and any additions thereto	Boambee Creek Park Reserve Trust

Scone	Lake Glenbawn State Park	D1001337 for public recreation (notified 1 June 1997) and any additions thereto	Lake Glenbawn State Park Trust
Scotts Head	Scotts Head Reserve	R.65963 for resting place and public recreation (notified 8 May 1936) and any additions thereto	Scotts Head Reserve Trust
Shellharbour	Killalea State Park	D1001339 for public recreation (notified 1 June 1997) and any additions thereto	Killalea State Park Trust
Tamworth	Lake Keepit State Park	D1001338 for public recreation (notified 1 June 1997) and any additions thereto	Lake Keepit State Park Trust
Temora	Temora Showground	21.25 hectares dedicated for showground at Temora (notified 10 September 1886) and any additions thereto, now assigned the number D620071 in the records of the Department	Temora Showground Trust
Tenterfield	Tenterfield Showground	10.75 hectares dedicated for showground at Tenterfield (notified 28 January 1879) and any additions thereto, now assigned the numbers D510045 to D510048 in the records of the Department	Tenterfield Showground Trust
Tingha	Tingha Caravan Park and Recreation Reserve	R.110016 for public recreation, caravan and camping park (notified 5 February 1988) and any additions thereto	Tingha Caravan Park Reserve Trust
Ulladulla	Ulladulla Wildflower Reserve	R.95755 for preservation of native flora (notified 24 December 1981) and any additions thereto	Ulladulla Wildflower Reserve Trust
Urunga	Urunga Heads Caravan Park	R.82452 for public recreation (notified 1 April 1960) and any additions thereto	Morgo Street Reserve Trust

Valla Beach	Valla Beach Recreation Reserve	R.82967 for public recreation (notified 16 December 1960) and any additions thereto	Valla Beach (R.82967) Public Recreation Reserve Trust
Walcha	Walcha Tennis Courts Reserve	R.82902 for tennis courts (notified 11 November 1960) and any additions thereto	Walcha Tennis Courts Reserve Trust
Wattle Flat	Wattle Flat Recreation Reserve	R.190105 for environmental protection and public recreation (notified 24 December 1992) and any additions thereto	Wattle Flat Heritage Lands Trust
Wee Jasper	Wee Jasper Reserves	R.60618 for public recreation (notified 27 July 1928), R.130005 to 130010 for public recreation (notified 12 December 1986), R.130064 for public recreation (notified 14 May 1993) and R.87128 for preservation of caves (notified 3 April 1969) and any additions thereto	Wee Jasper Reserve Trust
Wingham	Wingham Showground	10.12 hectares dedicated for showground at Wingham (notified 15 July 1884) and any additions thereto, now assigned the number D610034 in the records of the Department	Wingham Showground Trust
Woolgoolga	Woolgoolga Beach and Lakes Reserve	R.63076 for resting place and public recreation (notified 27 November 1931) and any additions thereto	Woolgoolga Beach Reserve Trust
Yarrie Lake	Yarrie Lake Flora and Fauna Reserve	R.86842 for public recreation and preservation of native flora and fauna (notified 30 August 1968) and any additions thereto	Yarrie Lake Flora and Fauna Reserve Trust
Yass	Burrinjuck Waters State Park	D1001340 for public recreation (notified 1 June 1997) and any additions thereto	Burrinjuck Waters State Park Trust

Young	Young Showground	19.4526 hectares dedicated for Showground at Young (notified 6 April 1895) and any additions thereto, now assigned the number D530011 in the records of the Department	Young Showground Trust
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## **Part 2**

**(Repealed)**