

File Reference: NA81H249
Account No: EP 39357

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30 May 2017

Backsaddle Pty Limited
135 - 137 Peter St
WAGGA WAGGA NSW 2650

Dear Sir/Madam

Re: Enclosure permit variation

Your Enclosure Permit no. 39357 has been varied pursuant to Section 67 of the Crown Lands Act, 1989 as a result of the circumstances outlined hereunder.

The attached document reflects the new details of your permit and should be **retained for your records**.

Any credits or debits in the rental resulting from the variation will be carried forward on adjustment of the account.

Reason: Transfer of a Crown Road to a Council
Effective Date: 25 November 2016 as per copy of Gazette notice attached

Yours faithfully



Enclosure Permits Team
Newcastle Business Centre

Schedule

On closing, the land within Lot 1 DP 1224729 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Vulcan; County – Westmoreland
Land District – Bathurst; LGA – Oberon*

Road Closed: Lot 1 DP 1223999
File No: 15/05528

Schedule

On closing, the land within Lot 1 DP 1223999 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Botobolar; County – Phillip
Land District – Mudgee; LGA – Mid-Western Regional*

Road Closed: Lots 1–5 DP 1221989
File No: 08/0359

Schedule

On closing, the land within Lots 1–5 DP 1221989 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Jeir; County – Murray
Land District – Yass; LGA – Yass Valley*

Road Closed: Lot 1 DP 1226262
File No: 16/07853

Schedule

On closing, the land within Lot 1 DP 1226262 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Terarra; County – Ashburnham
Land District – Molong; LGA – Cabonne*

Road Closed: Lot 1 DP 1223979
File No: 15/05216

Schedule

On closing, the land within Lot 1 DP 1223979 remains vested in the State of New South Wales as Crown land.

NOWRA OFFICE

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

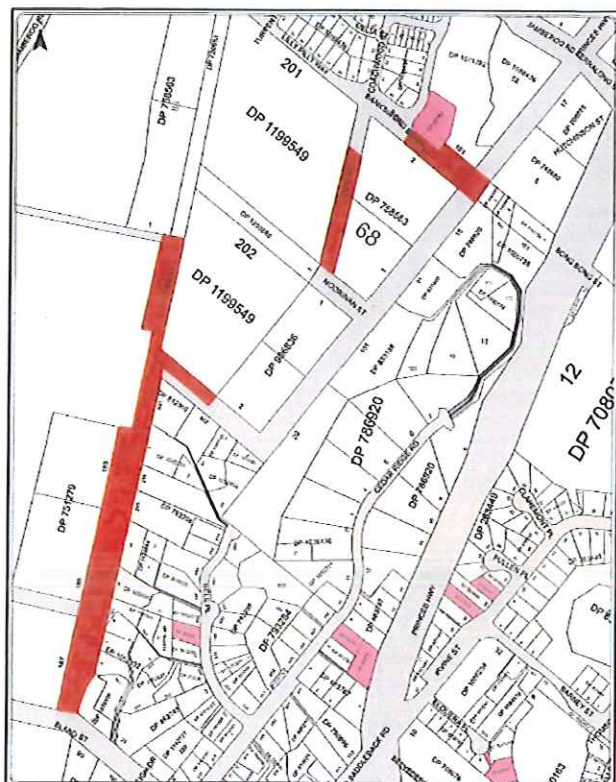
In pursuance of the provisions of section 151, *Roads Act 1993*, the Crown roads specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the roads specified in Schedule 1 cease to be a Crown road.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule 1

*Parish – Kiama; County – Camden
Land District – Kiama; LGA – Kiama*

Description: Crown roads (shown by red colour in diagram hereunder) being Part of Barney Street (15.08 metres wide), Bong Bong Street, Cuba Street, Part of Dido Street and Part of Hutchinson Street at Kiama.

**Schedule 2**

Road Authority: Kiama Municipal Council
Crown Lands File Ref: 15/10621 – W560829
Council Ref: TM:BR

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon NIAL BLAIR, MLC
Minister for Lands and Water

Description

Parish – Castle Hill; County – Cumberland
Land District – Metropolitan; LGA – The Hills Shire

Road Closed: Lot 1 DP 1225619
File No: 15/10941

Schedule

On closing, the land within Lot 1 DP 1225619 remains vested in the State of New South Wales as Crown land.

SYDNEY METROPOLITAN OFFICE**REVOCATION OF RESERVATION OF CROWN LAND**

Pursuant to section 90 of the *Crown Lands Act 1989*, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

The Hon NIAL BLAIR, MLC
Minister for Lands and Water

Schedule**Column 1**

Land District: Metropolitan
Local Government Area:
Hunters Hill Council
Locality: Hunters Hill,
Cumberland (Parish,
County)
Reserve No 752035
Public Purpose: Future
Public Requirements
Notified: 29 June 2007
File Reference: 12/06117

Column 2

The part being
Lot 7342 DP No 1162761
Parish Hunters Hill
County Cumberland

TAMWORTH OFFICE**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) (b) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon NIAL BLAIR, MLC
Minister for Lands and Water

Schedule**Column 1**

Cultivation

Column 2

Reserve No 755511
Public Purpose: Future
Public Requirements
Notified: 29 June 2007
File Reference: 16/00414

TAREE OFFICE**APPOINTMENT OF TRUST BOARD MEMBERS**

Pursuant to section 93 of the *Crown Lands Act 1989*, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

The Hon NIAL BLAIR, MLC
Minister for Lands and Water

File Reference
NA81H249

ENCLOSURE PERMIT

Crown Lands Act 1989

Enclosure Permit
39357

The Minister administering the Crown Lands Act, (*hereinafter referred to as the Minister*)

grants to

BACKSADDLE PTY LIMITED
Old Saddleback Rd
KIAMA NSW 2533
(*hereinafter referred to as the Holder*)

a Permit to enclose the road(s) as set out hereunder for the following reason.

Following the transfer of authority for part of the road(s) and pursuant to Section 67 of the Crown Lands Act, 1989, the Minister varies the subject permit by removing part of the road(s) covered by the permit. The permit now provides for the enclosure of the road(s) described in Schedule 1 with the land described in Schedule 2 subject to the payment of annual rent as specified in Schedule 3 and to the conditions specified in the attached Schedule 5. The effective date of the variation is as specified in Schedule 4.

Dated this 25 day of MAY 20 17

THE MINISTER

Christopher Adamson
as delegate of the Minister

CHRISTOPHER ADAMSON
SENIOR BUSINESS SERVICES OFFICER
name & position

SCHEDULE 1 - DESCRIPTION OF ROAD(S) ENCLOSED

TEXT DESCRIPTION: Crown road north and south Lot 188 DP 751279; Crown road half width north and full width south Lot 189 DP 751279; Crown road part north and south Lot 1320 DP 1060995; Crown road north and south Lot 300 DP 1059841; Crown road south Lot 156 DP 751279; Crown road half width west Lot 1 DP 1003719 and west Lot 1 DP 995058, being the road(s) highlighted on the attached Diagram Schedule 6 comprising an **AREA** of about 3.6ha

SCHEDULE 2 - LAND WITH WHICH ROAD(S) IS ENCLOSED

Land District:	KIAMA	Local Govt. Area:	KIAMA
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Lots 156, 186, 188-189 DP 751279, Lot 1 DP 995058, Lot 1 DP 1003719, Lot 1320 DP 1060995, Lot 2 DP 1135218 Parish Kiama County Camden

SCHEDULE 3 - ANNUAL RENT

\$142 subject to annual CPI adjustment and payable annually in advance on January, 3rd of each year, being the DUE DATE for payment.

SCHEDULE 4 - EFFECTIVE DATE

The effective date of this permit is the 25th November, 2016

SCHEDULE 5 - CONDITIONS

1. Rental Payment

The holder shall pay -

- (a) on demand, all rent (including arrears of rent and interest) due and payable in respect of the enclosure permit.
- (b) without demand, the annual rent specified in Schedule 3 yearly in advance on the DUE DATE for payment specified in Schedule 3.

2. Goods and Services Tax

- (a) Definitions

In this clause the expressions "GST", "supply", and "taxable supply" have the meanings given to those expressions in the A New Tax System (Goods and Services Tax) Act 1999.

- (b) Amounts GST Exclusive

With the exception of any amount payable under this clause, unless otherwise expressly stated all amounts stated to be payable under this Permit are exclusive of GST.

- (c) Responsibility for GST

- (i) Despite any other provision in this Permit, if GST is imposed on any supply made under this Permit, the recipient must pay to the supplier an amount equal to the GST payable on the taxable supply.
- (ii) The recipient must pay the amount referred to in subclause (c)(i) in addition to and at the time payment for the taxable supply is required to be made under this Permit.

- (d) Valuer/Umpire to return GST Exclusive Value

Any valuer or umpire returning a valuation must return a GST exclusive market value for it in any case where the valuation is for the purpose of determining a supply value to which GST is to be added under this Permit.

3. Definition of "Land"

For the purposes of the following conditions "land" means the road(s) and/or watercourse(s) specified in Schedule 1, unless the contrary intention appears.

4. Compliance with law

This enclosure permit does not authorise the holder or any servant, agent, employee or contractor of the holder to carry out any activity prohibited by any law and the holder or any servant, agent, employee or contractor of the holder shall comply with the requirements of all laws, statutes, regulations or by-laws and the requirements of all relevant public authorities in so far as they apply to the land enclosed.

5. Acts not permitted

Without limiting the generality of the "Compliance with law" clause, the holder or any servant, agent, employee or contractor of the holder shall not -

- (a) impede or interfere with the public rights of passage and access that exist with respect to the land, whether such rights be exercised on foot, in a vehicle (including farm machinery), water craft or otherwise, and to drive stock or other animals;
- (b) erect any structures on the land (other than fencing, gates or substitutes for gates as permitted by the "Holder to erect gates or other means of access" clause), or undertake any construction or other work on the land, except with the written consent or other express authority of the Minister;
- (c) cultivate the land, except with the authority of the Minister given under section 72 of the Crown Lands Act 1989;
- (d) destroy, clear or remove any vegetation on the land, whether growing or dead, other than as required by the "noxious plants, animals and insects" clause;
- (e) destroy or deface any aboriginal relic or place on or within the land;

except as permitted and in accordance with any relevant laws, statutes, regulations or by-laws in force in New South Wales from time to time and in accordance with the requirements of any relevant public authority.

6. Holder to Erect Gates, Ramps or Other Means of Access

The Minister may, pursuant to the Crown Lands Act 1989 and/or Roads Act 1993 direct the holder to take action specified in a direction, including the erection, removal or replacement of gates or other means of access and or the removal or replacement of any fence or other structure on the land.

7. Indemnity

- (a) The holder shall indemnify and keep indemnified the Minister from and against all actions, suits, liabilities, claims, proceedings, orders, directions, costs and demands whatsoever arising in respect of personal injury or death of any person and in respect of loss or damage to any property whatsoever occurring on, in, over, under, adjacent to or in any way connected with the road and or watercourse described in Schedule 1, arising from or in relation to;
 - (i) the condition of the holder's lands;
 - (ii) any activity at or use of the holder's lands and/or the land comprising the road and or watercourse described in Schedule 1 undertaken by the holder or with the holders express or implied consent;
 - (iii) any object, animal, work or thing present on, in, over, or under the holder's lands whether temporary, permanent, intermittent or otherwise;
 - (iv) any object, animal, work or thing present on, in, over, under, or adjacent to the road and or watercourse described in Schedule 1 whether temporary, permanent, intermittent or otherwise which is attributable to the holder;

and any, each or all of the above.

- (b) For the purposes of this clause, the term Minister shall include Her Majesty the Queen Her Heirs and Successors the State of New South Wales the Minister and agents servants employees and contractors of Her Majesty Her Majesty's Heirs and Successors the State of New South Wales and the Minister.

8. Reasonable care

Without in any way limiting the operation of the "Indemnity" clause, the holder shall take any necessary action in any use and activities undertaken by the holder or any servant, agent, employee or contractor of the holder, in respect of the land and the holder's land with which the land comprised in this permit is enclosed, to remove any risk that may reasonably be anticipated to cause personal injury or property damage to any person making lawful use of the road and or watercourse specified in Schedule 1.

9. Holder to Pay Rates Etc

The holder shall pay all rates, taxes, assessments, duties, charges and fees which are at any time during the currency of the enclosure permit lawfully charged upon, imposed or levied in respect of the land.

10. Noxious plants, animals and insects

The holder will take steps to eradicate or control all noxious plants, noxious animals and noxious insects on the land which may by law be required to be eradicated or controlled.

General information for holders of enclosure permits (over a Crown road and/or a watercourse)

A crown road is a public road, managed by the Minister as roads authority under the Roads Act 1993, over which the public has rights of passage and access, subject to any restrictions that may be imposed. The Roads Act provides for the grant of an enclosure permit under the Crown Lands Act 1989.

If an enclosure of Crown road or watercourse has not been subject to any specific directions regarding structures -

- (a) In respect of a Crown road, which as yet may not have been used for public passage, which the holder has enclosed by a fence across the road (in which the provision of a gate or other means of access has not as yet been required) and the road is required to be used as a road for passage by the public, the holder has an obligation to facilitate public passage through the fence, along the route of the road.
- (b) The enclosure of a watercourse (where the bed of the watercourse is Crown land) and the waters are from time to time capable of navigation by any water craft, is subject also to general control of navigation by the Waterways Authority. Any structure in, upon or over the bed of such a watercourse should not unreasonably impede the movement or passage of persons or water craft or imply that such passage is not available along the watercourse.
- (c) If a structure exists or is placed on or across the normal line of public passage on a Crown road or watercourse and that structure is not visible to normal traffic from a reasonable distance, signs should be placed in an appropriate position to warn the public of the structure.

