



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

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## SPECIAL SUPPLEMENT



New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Further Amendment Regulation 2004

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,  
Minister for Roads

### Explanatory note

The object of this Regulation is to prescribe a series of 32 characters produced by an MD5 algorithm (or a series of 48 characters of which 32 have been produced by an MD5 algorithm) as a security indicator for photographs taken by approved digital camera recording devices and which are used as evidence of speeding offences.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including sections 47 (2) (c) and 71 (the general regulation-making power).

Clause 1            Road Transport (Safety and Traffic Management) (Road Rules) Further  
Amendment Regulation 2004

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## **Road Transport (Safety and Traffic Management) (Road Rules) Further Amendment Regulation 2004**

under the

Road Transport (Safety and Traffic Management) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Further Amendment Regulation 2004*.

### **2 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules) Further  
Amendment Regulation 2004

Amendment

Schedule 1

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## Schedule 1    Amendment

(Clause 2)

### Clause 156A

Omit the clause. Insert instead:

#### 156A    Security indicators: section 47 (2) (c) of Act

- (1) For the purposes of section 47 (2) (c) of the Act:
  - (a) a series of 32 characters produced by an MD5 algorithm,  
or
  - (b) a series of 48 characters of which 32 characters have been  
produced by an MD5 algorithm,  
is prescribed as a security indicator.
- (2) For the purposes of this clause, *character* includes a letter,  
number or symbol.
- (3) This clause applies in relation to the hearing of any proceedings  
after the commencement of the *Road Transport (Safety and  
Traffic Management) (Road Rules) Further Amendment  
Regulation 2004* regardless of when the proceedings were  
instituted.



New South Wales

## **State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning. (S04/01277)

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning

Clause 1 State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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## State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004*.

### 2 Commencement

This Policy commences on 28 February 2005.

### 3 Aim of Policy

- (1) The aim of this Policy is to amend the environmental planning instruments referred to in Schedules 1–3 so as to omit provisions requiring consent authorities to obtain certain concurrences under section 30 of the *Environmental Planning and Assessment Act 1979* or to refer certain matters to various persons or bodies.
- (2) Certain other concurrence and referral provisions that apply by virtue of the adoption of the *Environmental Planning and Assessment Model Provisions 1970* and the *Environmental Planning and Assessment Model Provisions 1980* are omitted by the *Environmental Planning and Assessment (Model Provisions) Amendment Order 2004*.

### 4 Land to which Policy applies

This Policy applies to the whole of the State.

### 5 Amendment or repeal of environmental planning instruments

- (1) Each State environmental planning policy referred to in Schedule 1 is amended in the manner set out in that Schedule.
- (2) Each regional environmental plan referred to in Schedule 2 is amended in the manner set out in that Schedule.
- (3) Each local environmental plan and deemed environmental planning instrument referred to in Schedule 3 is amended in the manner set out in that Schedule.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Clause 6

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**6 Transitional provision**

The amendments made by this Policy do not affect any development application made but not finally determined before the commencement of this Policy and any such application is to be determined as if this Policy had not been made.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 1 Amendment of State environmental planning policies

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## **Schedule 1 Amendment of State environmental planning policies**

(Clause 5 (1))

### **1.1 State Environmental Planning Policy No 9—Group Homes**

**Clause 9 Development by the Crown or a public authority**

Omit the clause.

### **1.2 State Environmental Planning Policy No 15—Rural Landsharing Communities**

**Clause 13 Monitoring of applications**

Omit the clause.

### **1.3 State Environmental Planning Policy No 47—Moore Park Showground**

**Clause 9A Development for musical entertainment and public entertainment**

Omit clause 9A (3) and (4).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Amendment of regional environmental plans

Schedule 2

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## **Schedule 2    Amendment of regional environmental plans**

(Clause 5 (2))

### **2.1    Sydney Regional Environmental Plan No 29—Rhodes Peninsula**

**[1]    Clause 15 Floor space restrictions for certain uses**

Omit “the maximum amount, for the time being,” from clause 15 (1) (a). Insert instead “50,000 square metres”.

**[2]    Clause 15 (2) and (3)**

Omit the subclauses.

**[3]    Clause 15 (4)**

Omit “or (2)”.

### **2.2    Western Division Regional Environmental Plan No 1—Extractive Industries**

**Clause 11 Development consent and concurrence—Schedule 1 land**

Omit clause 11 (3).



State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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## **Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments**

(Clause 5 (3))

### **Part 1      Armidale Dumaresq**

**[1]      Armidale Local Environmental Plan 1988**

Omit clause 16 (5) and (6).

Omit clause 21 (2) and (3).

**[2]      Dumaresq Local Environmental Plan No 1**

Omit clause 33 (3).

### **Part 2      Auburn**

**[3]      Auburn Planning Scheme Ordinance**

Insert “and” at the end of clause 33 (b) (ii).

Omit clause 33 (b) (iii).

Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 33 (c).

Omit clause 33 (c) (i).

Omit clause 35.

Omit clause 36.

Omit “and the concurrence of the Department of Mines” from clause 43.

Omit clause 50.

Omit clause 54 (1) (b) (i).

Insert “and” at the end of clause 55 (b).

Omit clause 55 (d).

Omit clause 58 (5).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

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### **Part 3 Balranald**

#### **[4] Interim Development Order No 1—Shire of Balranald**

Omit clause 4 (7).

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, to the Department of Main Roads, and shall” from clause 8 (c).

Insert “and” at the end of clause 8 (c) (ii).

Omit clause 8 (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and, where the site has frontage to a main road, with the Department of Main Roads, and shall” from clause 8 (d).

Omit clause 8 (d) (i).

Omit clause 10.

Omit “and (5)” from clause 14 (3).

Omit clause 14 (5).

### **Part 4 Bankstown (City of)**

#### **[5] Bankstown Local Environmental Plan 2001**

Omit clause 40.

### **Part 5 Bathurst Regional**

#### **[6] Interim Development Order No 1—Shire of Evans**

Omit “, refer the application to the Roads and Traffic Authority and” from clause 8 (3).

Insert “and” at the end of clause 8 (3) (b).

Omit clause 8 (3) (c).

Omit “consult with the Roads and Traffic Authority and shall take into consideration.” from clause 8 (4). Insert instead “take into consideration.”.

Omit clause 8 (4) (a).

Omit clause 10.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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## **Part 6    Bellingen**

### **[7]    Bellingen Local Environmental Plan 2003**

Omit clause 53 (1) (c) and (d). Insert instead:

- (c) the consent authority is satisfied that the advertising structure will not jeopardise or impair traffic safety.

Omit clause 53 (2) (c) and (d). Insert instead:

- (c) the consent authority is satisfied that the sign will not jeopardise or impair traffic safety.

Omit “locality, and” from clause 56 (2) (b). Insert instead “locality.”.

Omit clause 56 (2) (c).

Omit “or consult with DLWC” from Note 2 of the matter relating to dams in Schedule 1.

## **Part 7    Bland**

### **[8]    Bland Local Environmental Plan 1993**

Omit clause 19 (3) and (4).

## **Part 8    Blue Mountains (City of)**

### **[9]    Blue Mountains Local Environmental Plan 1991**

Omit clause 18.

## **Part 9    Boorowa**

### **[10]    Interim Development Order No 1—Shire of Boorowa**

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road to the Department of Main Roads, and shall” from clause 7 (c).

Insert “and” at the end of clause 7 (c) (ii).

Omit clause 7 (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and where the site has frontage to a main road with the Department of Main Roads, and shall” from clause 7 (d).

Omit clause 7 (d) (i).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

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Omit clause 9.

Omit clause 13 (5).

## **Part 10 Botany Bay (City of)**

### **[11] County of Cumberland Planning Scheme Ordinance**

Omit clause 43 (2).

Omit clause 45.

Omit “road:” from clause 46 (4). Insert instead “road.”.

Omit the provisos from clause 46 (4).

## **Part 11 Bourke**

### **[12] Bourke Local Environmental Plan 1998**

Omit clause 25 (3) and (4).

## **Part 12 Brewarrina**

### **[13] Brewarrina Local Environmental Plan 2000**

Omit clause 26 (2) and (3).

## **Part 13 Burwood**

### **[14] Burwood Planning Scheme Ordinance**

Insert “and” at the end of clause 35 (2) (b).

Omit clause 35 (2) (c).

Omit “consult with the Traffic Authority of New South Wales and, where the land in respect of which that application is made has a frontage to a main or county road, with the Department of Main Roads, and shall” from clause 35 (3).

Omit clause 35 (3) (a).

Omit clause 36.

Omit clause 40.

Omit “and the concurrence of the Under Secretary of the Department for the time being engaged in the administration of the Dangerous Goods Act, 1975” from clause 60.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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Omit clause 61.

Omit clause 71 (1) (b) (i).

Omit clause 76 (4) and (5).

Omit clause 76B (3).

## Part 14 Byron

### [15] Byron Local Environmental Plan 1988

Omit clause 53 (2).

Omit “without the development consent granted with the concurrence of the Minister administering the *Dangerous Goods Act 1975*” from clause 56 (1). Insert instead “without development consent”.

Omit clause 56 (2).

## Part 15 Campbelltown (City of)

### [16] Interim Development Order No 13—City of Campbelltown

Omit clause 12.

### [17] Interim Development Order No 15—City of Campbelltown

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, to the Department of Main Roads, and shall” from clause 6 (c).

Insert “and” at the end of clause 6 (c) (ii).

Omit clause 6 (c) (iii).

Omit clause 11.

Omit clause 14.

### [18] Interim Development Order No 22—City of Campbelltown

Omit clause 9.

Omit clause 16.

### [19] Interim Development Order No 28—City of Campbelltown

Omit clause 12.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

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## Part 16 Canada Bay

### [20] Concord Planning Scheme Ordinance

Insert “and” at the end of clause 33 (b) (ii).

Omit clause 33 (b) (iii).

Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 33 (c).

Omit clause 33 (c) (i).

Omit clause 35.

Omit clause 36.

Omit “and the concurrence of the Department of Mines” from clause 43.

Omit clause 50.

Omit clause 54 (1) (b) (i).

Insert “and” at the end of clause 55 (b).

Omit clause 55 (d).

Omit clause 57 (4) and (5).

Omit “home:” from clause 60. Insert instead “home.”.

Omit the proviso from clause 60.

## Part 17 Canterbury (City of)

### [21] Canterbury Planning Scheme Ordinance

Insert “and” at the end of clause 32 (b) (ii).

Omit clause 32 (b) (iii).

Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 32 (c).

Omit clause 32 (c) (i).

Omit clause 34.

Omit clause 35.

Omit “and the concurrence of the Department of Mines” from clause 42.

Omit clause 52.

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Omit clause 56 (1) (b) (i).

Insert “and” at the end of clause 57 (b).

Omit clause 57 (d).

Omit clause 59 (5).

Omit “home:” from clause 62. Insert instead “home.”.

Omit the proviso from clause 62.

## **Part 18 Carrathool**

### **[22] Interim Development Order No 1—Shire of Carrathool**

Omit clause 4 (7).

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, a proposed main road or an arterial road to the Department of Main Roads, and shall” from clause 8 (c).

Insert “and” at the end of clause 8 (c) (ii).

Omit clause 8 (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and where the site has frontage to a main road, a proposed main road or an arterial road with the Department of Main Roads, and shall” from clause 8 (d).

Omit clause 8 (d) (i).

Omit clause 10.

Omit “subclauses (4) and (5)” from clause 14 (3). Insert instead “subclause (4),”.

Omit clause 14 (5).

## **Part 19 Clarence Valley**

### **[23] Copmanhurst Local Environmental Plan 1990**

Omit clause 13 (4) and (5).

Omit “, after consulting with the Chief Executive of the Roads and Traffic Authority,” from clause 14 (2).

Omit Schedule 3.

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**[24] Maclean Local Environmental Plan 2001**

Omit “(after consultation with the RTA where the main or arterial road is controlled by the RTA)” from clause 19 (1) (c) (ii).

**[25] Ulmarra Local Environmental Plan 1992**

Omit “(after consulting with the Chief Executive of the Roads and Traffic Authority)” from clause 24 (2).

**Part 20 Coffs Harbour (City of)**

**[26] Ulmarra Local Environmental Plan 1992**

**Note.** See item [25] in Part 19 (Clarence Valley).

**Part 21 Cootamundra**

**[27] Interim Development Order No 1—Shire of Cootamundra**

Omit “, if the application is proposed to be approved, refer particulars of the application to the New South Wales Police Department (Traffic Branch) and, where the site has frontage to a main road or an arterial road to the Department of Main Roads, and shall” from clause 7 (c).

Insert “and” at the end of clause 7 (c) (ii).

Omit clause 7 (c) (iii).

Omit “consult with the Department of Motor Transport and the New South Wales Police Department (Traffic Branch) and where the site has frontage to a main road or an arterial road with the Department of Main Roads, and shall” from clause 7 (d).

Omit clause 7 (d) (i).

Omit clause 9.

Omit clause 13 (5).

**Part 22 Eastern Capital City Regional**

**[28] Tallaganda Local Environmental Plan 1991**

Omit “and, in the case of an arterial road, the Council is to refer any application for the construction of a road or other means of access to the arterial road to the Roads and Traffic Authority for comment, and the Council is to have regard to any such comment when determining the application” from clause 37.



State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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## **Part 23 Eurobodalla**

### **[29] Eurobodalla Rural Local Environmental Plan 1987**

Omit “both the Council and the Roads and Traffic Authority” from item 1 of Schedule 3. Insert instead “the Council”.

### **[30] Eurobodalla Urban Local Environmental Plan 1999**

Omit clause 62 (2) and (3).

## **Part 24 Fairfield (City of)**

### **[31] Fairfield Local Environmental Plan 1994**

Omit clause 23 (2) and (3).

Omit “or Regional” from clause 33.

## **Part 25 Glen Innes Severn**

### **[32] Glen Innes Local Environmental Plan 1991**

Omit clause 22 (1)–(3).

### **[33] Severn Local Environmental Plan 2002**

Omit “, State or regional” from clause 37 (2). Insert instead “or State”.

## **Part 26 Gloucester**

### **[34] Gloucester Local Environmental Plan 2000**

Omit “or Regional” from clause 44.

## **Part 27 Gosford (City of)**

### **[35] Gosford Planning Scheme Ordinance**

Omit clause 24.

## **Part 28 Goulburn Mulwaree**

### **[36] Goulburn Local Environmental Plan 1990**

Omit “consult with the Director-General of the Department of Agriculture and Fisheries, and may also” from clause 24 (3).

Omit clause 42 (3).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

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## Part 29 Great Lakes

### [37] Great Lakes Local Environmental Plan 1996

Insert “identified in Schedule 2 as being of State significance” after “heritage item” in clause 21 (4).

Omit “concurrence of the Department of Urban Affairs and Planning has been obtained” from clause 21 (11). Insert instead “Council notifies the Heritage Office about the application and takes into consideration any comments received from the Heritage Office within 28 days after the notice was sent”.

Omit clause 21 (12)–(15).

## Part 30 Greater Hume Shire

### [38] Interim Development Order No 1—Shire of Holbrook

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, to the Department of Main Roads, and shall” from clause 8 (c).

Insert “and” at the end of clause 8 (c) (ii).

Omit clause 8 (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and, where the site has frontage to a main road, with the Department of Main Roads, and shall” from clause 8 (d).

Omit clause 8 (d) (i).

Omit clause 13 (4).

Omit clause 15 (4) (a).

Omit “Subject to subclause (3) interim” from clause 30 (2). Insert instead “Interim”.

Omit clause 30 (3).

Omit clause 33 (2).

## Part 31 Greater Taree (City of)

### [39] Greater Taree Local Environmental Plan 1995

Omit “The Council may grant such consent only if the Department of Land and Water Conservation or the Department of Public Works and Services, as appropriate, has been consulted.” from clause 52 (1).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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## **Part 32 Harden**

### **[40] Interim Development Order No 1—Shire of Harden**

Omit “, if the application is proposed to be approved, refer particulars of the application to the New South Wales Police Department (Traffic Branch) and, where the site has frontage to a main road or an arterial road to the Department of Main Roads, and shall” from clause 7 (c).

Insert “and” at the end of clause 7 (c) (ii).

Omit clause 7 (c) (iii).

Omit “consult with the Department of Motor Transport and the New South Wales Police Department (Traffic Branch) and where the site has frontage to a main road or an arterial road with the Department of Main Roads, and shall” from clause 7 (d).

Omit clause 7 (d) (i).

Omit clause 9.

Omit clause 14 (5).

## **Part 33 Hornsby**

### **[41] Hornsby Shire Local Environmental Plan 1994**

Omit “regional,” from clause 18 (4).

## **Part 34 Hurstville (City of)**

### **[42] Hurstville Local Environmental Plan 1994**

Omit clause 30.

## **Part 35 Kiama**

### **[43] Kiama Local Environmental Plan No 5**

Omit clause 37A (2).

## **Part 36 Ku-ring-gai**

### **[44] Ku-ring-gai Planning Scheme Ordinance**

Insert “and” at the end of clause 33 (b) (ii).

Omit clause 33 (b) (iii).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 33 (c).

Omit clause 33 (c) (i).

Omit clause 35.

Omit clause 36.

Omit “and the concurrence of the WorkCover Authority” from clause 45.

Omit clause 49.

Omit clause 54 (1) (b) (i).

Omit clause 55 (d).

## Part 37 Kyogle

### [45] Interim Development Order No 1—Shire of Kyogle

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road or an arterial road to the Department of Main Roads, and shall” from clause 7 (c).

Insert “and” at the end of clause 7 (c) (ii).

Omit clause 7 (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and where the site has frontage to a main road or an arterial road with the Department of Main Roads, and shall” from clause 7 (d).

Omit clause 7 (d) (i).

Omit clause 9.

Omit clause 13 (5).

### [46] Interim Development Order No 1—Shire of Terania

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, to the Department of Main Roads and shall” from clause 8 (c).

Insert “and” at the end of clause 8 (c) (ii).

Omit clause 8 (c) (iii).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and, where the site has frontage to a main road, with the Department of Main Roads, and shall” from clause 8 (d).

Omit clause 8 (d) (i).

Omit clause 13 (4).

## **Part 38 Leeton**

### **[47] Leeton Local Environmental Plan No 4**

Omit clause 14 (5) and (6).

Omit “and, in the case of items described in Schedule 4, with the concurrence of the Director” from clause 33 (1).

Insert after clause 33 (1):

- (1A) In the case of items described in Schedule 4, the council shall not grant consent to any development referred to in subclause (1) unless the council notifies the Heritage Office about the application and takes into consideration any comments received from the Heritage Office within 28 days after the notice was sent.

Omit clause 33 (3).

Omit “(Clause 31)” from Schedule 4. Insert instead “(Clauses 32 and 33)”.

## **Part 39 Leichhardt**

### **[48] Interim Development Order No 27—Municipality of Leichhardt**

Omit clause 7.

Omit clause 15 (2).

### **[49] Leichhardt Planning Scheme Ordinance**

Omit “in respect of an application under this Ordinance for its consent or approval to the erection or use of a drive-in theatre, refer the application to the Traffic Authority of New South Wales, and shall,” from clause 34 (1).

Insert “and” at the end of clause 34 (1) (b).

Omit clause 34 (1) (c).

Omit “consult with the Traffic Authority of New South Wales and, where the land in respect of which that application is made has a frontage to a county road or main road, with the Department of Main Roads, and shall” from clause 34 (2).

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Omit clause 34 (2) (a).

Omit clause 35 (1) (b)–(d).

Omit “(b), (c), (d) or” from clause 35 (2) (b).

Omit clause 36.

Omit clause 57 (1) (c) (i).

Omit “and the concurrence of the Under-Secretary of the Department for the time being administering the Dangerous Goods Act, 1975” from clause 65.

Omit clause 66.

## **Part 40 Lithgow (City of)**

### **[50] Interim Development Order No 1—Shire of Evans**

**Note.** See item [6] in Part 5 (Bathurst Regional).

### **[51] Lithgow City Local Environmental Plan 1994**

Omit “Before determining the application for consent to subdivide land for the purposes of agriculture, the Council may consult with the Director General of NSW Agriculture.” from clause 12 (6).

## **Part 41 Liverpool Plains**

### **[52] Murrurundi Local Environmental Plan 1993**

Omit clause 25.

Omit clause 27 (2).

## **Part 42 Maitland (City of)**

### **[53] Maitland Local Environmental Plan 1993**

Omit clause 35.

## **Part 43 Mid-Western Regional**

### **[54] Mudgee Local Environmental Plan 1998**

Omit clause 34 (2).

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## **Part 44 Mosman**

### **[55] Mosman Local Environmental Plan No 1**

Omit clause 27.

## **Part 45 Newcastle (City of)**

### **[56] Newcastle Local Environmental Plan 2003**

Omit “Unless subclauses (2) and (3) have been complied with” from clause 23 (1). Insert instead “Unless subclause (2) has been complied with”.

Omit clause 23 (3).

## **Part 46 Oberon**

### **[57] Interim Development Order No 1—Shire of Evans**

**Note.** See item [6] in Part 5 (Bathurst Regional).

### **[58] Interim Development Order No 1—Shire of Oberon**

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and where the site has frontage to a main road, to the Department of Main Roads, and shall” from clause 7 (c).

Insert “and” at the end of clause 7 (c) (ii).

Omit clause 7 (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and, where the site has frontage to a main road, with the Department of Main Roads, and shall” from clause 7 (d).

Omit clause 7 (d) (i).

Omit clause 12 (4).

Omit clause 17.

## **Part 47 Parkes**

### **[59] Parkes Local Environmental Plan 1990**

Omit clause 16 (4) and (5).

Omit Schedule 2.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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## **Part 48 Parramatta (City of)**

### **[60] Parramatta Planning Scheme Ordinance**

Insert “and” at the end of clause 36 (2) (b).

Omit clause 36 (2) (c).

Omit “consult with the Traffic Authority of New South Wales and, where the land in respect of which that application is made has a frontage to a main or county road, with the Department of Main Roads, and shall” from clause 36 (3).

Omit clause 36 (3) (a).

Omit clause 37 (1) (a) and (b) and (2).

Omit clause 38.

Omit clause 50 (2).

Omit “and the concurrence of the Department for the time being engaged in the administration of the Dangerous Goods Act, 1975” from clause 59.

Omit clause 72 (1).

Omit clause 75 (1) (b) (i).

## **Part 49 Penrith (City of)**

### **[61] Interim Development Order No 28—City of Penrith**

Insert “and” at the end of clause 8 (b) (ii).

Omit clause 8 (b) (iii).

Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport, and the Department of Main Roads, and shall” from clause 8 (c).

Omit clause 8 (c) (i).

Omit clause 10.

Omit “and the concurrence of the Department of Mines” from clause 18.

### **[62] Interim Development Order No 93—Penrith**

Omit clause 7.

Omit clause 11 (1). Insert instead:

- (1) This clause applies to an application for the purpose of a drive-in theatre.



State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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Insert “and” at the end of clause 16 (b) (ii).

Omit clause 16 (b) (iii).

Omit clause 18.

**[63] Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)**

Omit clause 18 (5) and (6).

**[64] Penrith Planning Scheme Ordinance**

Omit clause 39.

Omit clause 40.

Omit clause 55.

## **Part 50 Port Stephens**

**[65] Port Stephens Local Environmental Plan 2000**

Omit clause 41 (2).

Omit “Council, and” from clause 42 (c). Insert instead “Council.”.

Omit clause 42 (d).

## **Part 51 Richmond Valley**

**[66] Copmanhurst Local Environmental Plan 1990**

**Note.** See item [23] in Part 19 (Clarence Valley).

**[67] Richmond River Local Environmental Plan 1992**

Omit “holding, and” from clause 16 (2) (a). Insert instead “holding.”.

Omit clause 16 (2) (b).

Omit clause 40 (2). Insert instead:

- (2) The Council shall not consent to the erection of an advertisement unless it has first considered the aims of this clause.

## **Part 52 Rockdale (City of)**

**[68] Rockdale Planning Scheme Ordinance**

Insert “and” at the end of clause 33 (b) (ii).

Omit clause 33 (b) (iii).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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Omit “consult with the Traffic Authority of New South Wales, the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 33 (c).

Omit clause 33 (c) (i).

Omit clause 35.

Omit “and the concurrence of the Department for the time being engaged in the administration of the Dangerous Goods Act, 1975” from clause 44.

Omit clause 51.

Omit clause 55 (1) (b) (i).

Omit clause 56 (d).

Omit “road:” from clause 57 (4). Insert instead “road.”.

Omit the provisos to clause 57 (4).

## **Part 53 Ryde (City of)**

### **[69] Ryde Planning Scheme Ordinance**

Insert “and” at the end of clause 34 (2) (b).

Omit clause 34 (2) (c).

Omit “consult with the Traffic Authority of New South Wales and, where the land in respect of which that application is made has a frontage to a county road or main road, with the Department of Main Roads, and shall” from clause 34 (3).

Omit clause 34 (3) (a).

Omit clause 35.

Omit clause 36.

Omit clause 45 (2).

Omit “and the concurrence of the Government Department for the time being engaged in the administration of the Dangerous Goods Act, 1975 (section 45 (2) and Schedule 1 excepted)” from clause 54.

Omit clause 59 (4), (5) and (6) (where firstly occurring).

Omit clause 61 (1).

Omit clause 64 (1) (b) (i).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

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## **Part 54 Shellharbour (City of)**

### **[70] Shellharbour Local Environmental Plan 2000**

Omit “granted with the concurrence of the Minister administering the *Dangerous Goods Act 1975*” from clause 37 (1).

Omit clause 37 (2).

## **Part 55 Shoalhaven (City of)**

### **[71] Shoalhaven Local Environmental Plan 1985**

Omit “, after consultation with the Roads and Traffic Authority,” from clause 39E (4).

Omit clause 39E (5) (b). Insert instead:

- (b) that adequate links will be made for vehicles and services between the proposed development and the proposed East Nowra Sub-Arterial Road, and
- (c) that the proposed development’s impact on the Princes Highway will be acceptable.

## **Part 56 Singleton**

### **[72] Singleton Local Environmental Plan 1996**

Omit “concurrence of the Director is obtained” from clause 23 (1). Insert instead “Council notifies the Heritage Office about the application and takes into consideration any comments received from the Heritage Office within 28 days after the notice was sent”.

Omit clause 23 (2).

Omit clause 24.

Omit “or 24” from clause 30 (1).

## **Part 57 Strathfield**

### **[73] Strathfield Planning Scheme Ordinance**

Insert “and” at the end of clause 32 (b) (ii).

Omit clause 32 (b) (iii).

Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 32 (c).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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- Omit clause 32 (c) (i).
  - Omit clause 34.
  - Omit clause 35.
  - Omit “and the concurrence of the Department of Mines” from clause 42.
  - Omit clause 50.
  - Omit clause 54 (1) (b) (i).
  - Omit clause 55 (d).
  - Omit “road:” from clause 57 (4). Insert instead “road.”.
  - Omit the provisos to clause 57 (4).

## **Part 58 Sutherland Shire**

### **[74] Sutherland Shire Local Environmental Plan 2000**

- Omit “or Regional” from clause 14 (3).

## **Part 59 Sydney (City of)**

### **[75] City of Sydney Planning Scheme Ordinance**

- Insert “and” at the end of clause 33 (b) (ii).
- Omit clause 33 (b) (iii).
- Omit clause 34.
- Omit “and the concurrence of the Minister for Local Government and the Minister for Mines” from clause 44.
- Omit clause 49.
- Omit clause 50 (1) (b) (i).
- Omit “road:” from clause 52 (4). Insert instead “road.”.
- Omit the provisos from clause 52 (4).

### **[76] Interim Development Order No 27—Municipality of Leichhardt**

**Note.** See item [48] in Part 39 (Leichhardt).

### **[77] Leichhardt Planning Scheme Ordinance**

**Note.** See item [49] in Part 39 (Leichhardt).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Schedule 3 Amendment of local environmental plans and deemed environmental planning instruments

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## **Part 60 Tumbarumba**

### **[78] Interim Development Order No 1—Shire of Holbrook**

**Note.** See item [38] in Part 30 (Greater Hume Shire).

## **Part 61 Tweed**

### **[79] Tweed Local Environmental Plan 2000**

Omit “or Regional” from clause 43 (2).

## **Part 62 Upper Hunter Shire**

### **[80] Murrurundi Local Environmental Plan 1993**

**Note.** See item [52] in Part 41 (Liverpool Plains).

## **Part 63 Warren**

### **[81] Interim Development Order No 1—Shire of Warren**

Omit “, if the application is proposed to be approved, refer particulars of the application to the Police Department (Traffic Branch) and, where the site has frontage to a main road, to the Department of Main Roads, and shall” from clause 7 (1) (c).

Insert “and” at the end of clause 7 (1) (c) (ii).

Omit clause 7 (1) (c) (iii).

Omit “consult with the Department of Motor Transport and the Police Department (Traffic Branch) and, where the site has frontage to a main road, with the Department of Main Roads, and shall” from clause 7 (1) (d).

Omit clause 7 (1) (d) (i).

Omit clause 11A (4).

## **Part 64 Warringah**

### **[82] Warringah Local Environmental Plan 2000**

Omit clause 30.

Omit “or regional” from the first dot point in clause 81.

Omit Schedule 10.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

Amendment of local environmental plans and deemed environmental planning instruments

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## **Part 65 Wentworth**

### **[83] Wentworth Local Environmental Plan 1993**

Omit clause 22 (3).

## **Part 66 Wollongong (City of)**

### **[84] Wollongong Local Environmental Plan 1990**

Omit “consult with the Roads and Traffic Authority and shall” from clause 10 (3).

Insert “and” at the end of clause 10 (3) (a).

Omit “locality, and” from clause 10 (3) (b). Insert instead “locality.”.

Omit clause 10 (3) (c).

Omit clause 10 (4).

Insert “listed in Part 2 of Schedule 1 as being of State significance” after “heritage item” in clause 27 (5).

Omit clause 31 (3).

Insert “and” at the end of clause 32 (2) (b).

Omit clause 32 (2) (c).

## **Part 67 Woollahra**

### **[85] Woollahra Planning Scheme Ordinance**

Insert “and” at the end of clause 34 (b) (ii).

Omit clause 34 (b) (iii).

Omit “consult with the Police Department (Traffic Branch), the Department of Motor Transport and, where the site has frontage to a county road or a main road, with the Department of Main Roads, and shall” from clause 34 (c).

Omit clause 34 (c) (i).

Omit clause 35.

Omit clause 36.

Omit “and the concurrence of the Department of Mines” from clause 49.

Omit clause 53.

Omit clause 54 (1) (b) (i).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

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Omit “road:” from clause 63 (4). Insert instead “road.”.

Omit the provisos to clause 63 (4).

## **Part 68    Wyong**

### **[86]    Wyong Local Environmental Plan 1991**

Insert “identified in Schedule 1 as being of State significance” after “heritage item” in clause 33 (2).

## **Part 69    Young**

### **[87]    Young Local Environmental Rural Plan 1993**

Omit “after consultation with the Roads and Traffic Authority and” from clause 30 (3) (a).



New South Wales

# Environmental Planning and Assessment (Model Provisions) Amendment Order 2004

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Infrastructure and Planning, in pursuance of section 33 of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 16th day of December 2004.

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning

## Explanatory note

The object of this Order is to amend the *Environmental Planning and Assessment Model Provisions 1970* and the *Environmental Planning and Assessment Model Provisions 1980* so as to omit provisions requiring consent authorities to obtain concurrences under section 30 of the *Environmental Planning and Assessment Act 1979* or to refer certain matters to various persons or bodies.

Other concurrence and referral provisions that apply by virtue of certain environmental planning instruments are omitted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004*.

This Order is made under section 33 of the *Environmental Planning and Assessment Act 1979*.



Clause 1 Environmental Planning and Assessment (Model Provisions) Amendment Order 2004

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## **Environmental Planning and Assessment (Model Provisions) Amendment Order 2004**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Order**

This Order is the *Environmental Planning and Assessment (Model Provisions) Amendment Order 2004*.

### **2 Commencement**

This Order commences on 28 February 2005.

### **3 Amendment of Environmental Planning and Assessment Model Provisions 1970**

The *Environmental Planning and Assessment Model Provisions 1970* are amended by omitting clause 6 (1) (b) (i).

### **4 Amendment of Environmental Planning and Assessment Model Provisions 1980**

The *Environmental Planning and Assessment Model Provisions 1980* are amended as set out in Schedule 1.

### **5 Transitional provision**

The amendments made by this Order do not affect any development application made but not finally determined before the commencement of this Order and any such application is to be determined as if this Order had not been made.

Environmental Planning and Assessment (Model Provisions) Amendment  
Order 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

- [1] **Clause 5 Consideration of certain applications**  
Insert “and” at the end of clause 5 (2) (b).
- [2] **Clause 5 (2) (c)**  
Omit the paragraph.
- [3] **Clause 5 (3)**  
Omit “consult with the Roads and Traffic Authority and shall”.
- [4] **Clause 5 (3) (a)**  
Omit the paragraph.
- [5] **Clause 9 Relocation of major roads**  
Omit “the Department”. Insert instead “the Roads and Traffic Authority”.
- [6] **Clause 10 Opening of public road**  
Omit “consult with the Roads and Traffic Authority and shall” from clause 10 (2).
- [7] **Clause 10 (2) (b)**  
Omit “locality, and”. Insert instead “locality.”.
- [8] **Clause 10 (2) (c)**  
Omit the paragraph.
- [9] **Clause 19 Service stations or car repair stations**  
Omit clause 19 (b) (i).
- [10] **Clause 20 Drive-in theatre**  
Omit clause 20 (2).
- [11] **Clause 25 Liquid fuel depots**  
Omit “and the concurrence of the Department for the time being engaged in the administration of the *Dangerous Goods Act 1975*” from clause 25 (1).
- [12] **Clause 25 (2)**  
Omit the subclause.



New South Wales

## Proclamation

under the

Local Government Amendment (Discipline) Act 2004 No 73

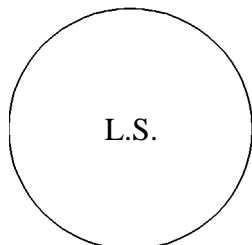
JAMES JACOB SPIGELMAN,

By Deputation from Her Excellency the Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Local Government Amendment (Discipline) Act 2004*, do, by this my Proclamation, appoint 1 January 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of December 2004.

By Her Excellency's Command,



ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

GOD SAVE THE QUEEN!



New South Wales

# Local Government (General) Amendment (Discipline) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Local Government

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe a model code of conduct applicable to local councillors, members of staff of local councils and delegates of local councils, and
- (b) to prescribe the acts that are *acts of disorder* for the purposes of Chapter 14 (Honesty and disclosure of interests) of, and Schedule 6A (Code of conduct) to, the *Local Government Act 1993*.

This Regulation is made under the *Local Government Act 1993*, including sections 440 (Codes of conduct), 490A (Acts of disorder) and 748 (the general regulation-making power). Section 440 is re-enacted by the *Local Government Amendment (Discipline) Act 2004*. Section 490A and Schedule 6A are inserted by that Act, which is to commence on the same day as this Regulation.

Clause 1            Local Government (General) Amendment (Discipline) Regulation 2004

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## **Local Government (General) Amendment (Discipline) Regulation 2004**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Discipline) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 January 2005.

### **3 Amendment of Local Government (General) Regulation 1999**

The *Local Government (General) Regulation 1999* is amended as set out in Schedule 1.

Local Government (General) Amendment (Discipline) Regulation 2004

Schedule 1 Amendment

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## Schedule 1 Amendment

(Clause 3)

### **Clauses 43E and 43F**

Insert after clause 43D:

#### **43E Code of Conduct**

For the purposes of section 440 (Codes of conduct) of the Act, the Code called *The Model Code of Conduct for Local Councils in NSW* published by the Department in December 2004 is prescribed as the model code of conduct.

#### **43F Acts of disorder**

The acts of disorder specified in clause 29 (1) of the *Local Government (Meetings) Regulation 1999* are prescribed as acts of disorder for the purposes of Chapter 14 (Honesty and disclosure of interests) of, and Schedule 6A (Code of conduct) to, the Act.