



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Proclamations



New South Wales

## Proclamation

under the

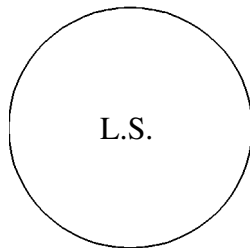
Health Legislation Amendment Act 2005 No 82

MARIE BASHIR, 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 *Health Legislation Amendment Act 2005*, do, by this my Proclamation, appoint 9 December 2005 as the day on which Schedule 3 to that Act commences.

Signed and sealed at Sydney, this 7th day of December 2005.

By Her Excellency's Command,



L.S.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Health

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence Schedule 3 to the *Health Legislation Amendment Act 2005*. That Schedule amends the *Podiatrists Act 2003* to allow regulations to be made in relation to infection control standards that are to be followed by podiatrists in the practice of podiatry.



New South Wales

## Proclamation

under the

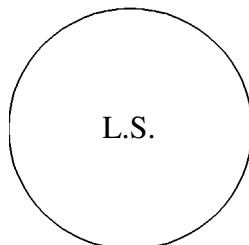
Industrial Relations Amendment Act 2005

MARIE BASHIR, 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 *Industrial Relations Amendment Act 2005*, do, by this my Proclamation, appoint 9 December 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 7th day of December 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

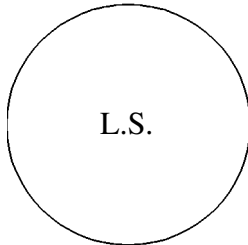
under the

Photo Card Act 2005 No 20

MARIE BASHIR, 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 *Photo Card Act 2005*, do, by this my Proclamation, appoint 14 December 2005 as the day on which that Act (except for Schedule 2.2 [1] and 2.3 [2]) commences.  
Signed and sealed at Sydney, this 7th day of December 2005.

By Her Excellency's Command,



JOSEPH TRIPODI, M.P.,  
Minister for Roads

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the *Photo Card Act 2005* except for a provision that amends section 80C of the *Licensing and Registration (Uniform Procedures) Act 2002* and a provision that amends section 152A of the *Liquor Act 1982*.



New South Wales

## Proclamation

under the

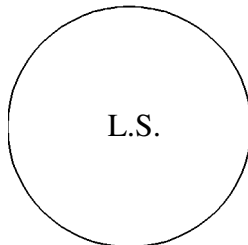
Podiatrists Act 2003 No 69

MARIE BASHIR, 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 *Podiatrists Act 2003*, do, by this my Proclamation, appoint 9 December 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 7th day of December 2005.

By Her Excellency's Command,



JOHN HATZISTERGOS, M.L.C.,  
Minister for Health

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Podiatrists Act 2003*.

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## Regulations

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New South Wales

# Casino Control Amendment (Evidence of Age) Regulation 2005

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to prescribe Photo Cards issued under the *Photo Cards Act 2005* as evidence of age for the purposes of Part 6 (Minors) of the *Casino Control Act 1992* and for the purposes of the *Liquor Act 1982* in its application to licensed premises in the casino or the casino environs.

This Regulation is made under the *Casino Control Act 1992*, including section 89 (Application of *Liquor Act 1982*), section 91 (paragraph (a) of the definition of *acceptable proof of age*) and section 170 (the general regulation-making power).

Clause 1 Casino Control Amendment (Evidence of Age) Regulation 2005

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## **Casino Control Amendment (Evidence of Age) Regulation 2005**

under the

Casino Control Act 1992

### **1 Name of Regulation**

This Regulation is the *Casino Control Amendment (Evidence of Age) Regulation 2005*.

### **2 Amendment of Casino Control Regulation 2001**

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Casino Control Amendment (Evidence of Age) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

**[1] Clause 39 Evidence of age**

Insert after clause 39 (c):

- (d) a Photo Card held by a person and issued under the *Photo Card Act 2005*.

**[2] Schedule 6 Applied provisions of Liquor Act 1982 as modified**

Insert after section 117E (1) (c):

- (d) a Photo Card held by a person and issued under the *Photo Card Act 2005*,



New South Wales

# Environmental Planning and Assessment Amendment (Development Control Plans) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,  
Minister for Planning

## Explanatory note

The object of this Regulation is to make further provision consequent on the commencement of the amendments made by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* in relation to planning instruments (including development control plans made by councils). Those amendments commenced on 30 September 2005. This Regulation provides for the phasing-in of the operation of section 74C of the *Environmental Planning and Assessment Act 1979* (as inserted by the Amending Act and which renders invalid multiple development control plans applying to the same land).

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including Part 1 of Schedule 6 (savings and transitional regulations).



Clause 1 Environmental Planning and Assessment Amendment (Development Control Plans) Regulation 2005

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## **Environmental Planning and Assessment Amendment (Development Control Plans) Regulation 2005**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Development Control Plans) Regulation 2005*.

### **2 Commencement**

This Regulation is taken to have commenced on 30 September 2005.

### **3 Amendment of Environmental Planning and Assessment Regulation 2000**

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment (Development Control Plans) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

[1] **Clause 289 Miscellaneous savings and transitional provisions: 2005 Amending Act**

Insert “and clause 289A” after “this clause” in clause 289 (1).

[2] **Clause 289 (4), (5) and (5A)**

Omit the subclauses. Insert instead:

(4) **Pending development control plans**

Clause 94 (1) of Schedule 6 to the Act extends to a development control plan that was approved before 30 September 2005 but did not take effect until after that date.

[3] **Clause 289A**

Insert after clause 289:

**289A Transitional provisions relating to development control plans**

- (1) This clause applies to a development control plan:
  - (a) that was made before 30 September 2005 and in force immediately before that date, or
  - (b) that was approved before 30 September 2005 (but did not take effect until after that date), or
  - (c) that is approved after 30 September 2005 (regardless of when it takes effect).
- (2) Section 74C of the Act (as inserted by the 2005 Amending Act) does not render invalid any provision of a development control plan to which this clause applies until whichever of the following happens first:
  - (a) the principal local environmental planning instrument applying to the land to which the development control plan applies adopts the provisions of a standard instrument as referred to in section 33A of the Act,
  - (b) a development control plan is, after 30 April 2006, made under section 74C of the Act in respect of that land.
- (3) This clause has effect despite clause 94 (2) of Schedule 6 to the Act.



New South Wales

# Gaming Machines Amendment (Evidence of Age) Regulation 2005

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

## Explanatory note

The object of this Regulation is to amend the *Gaming Machines Regulation 2002* to prescribe Photo Cards issued under the *Photo Card Act 2005* as acceptable evidence of age for the purposes of section 54 of the *Gaming Machines Act 2001*.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 54 and 210 (the general regulation making power).

Clause 1            Gaming Machines Amendment (Evidence of Age) Regulation 2005

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## **Gaming Machines Amendment (Evidence of Age) Regulation 2005**

under the

Gaming Machines Act 2001

### **1 Name of Regulation**

This Regulation is the *Gaming Machines Amendment (Evidence of Age) Regulation 2005*.

### **2 Amendment of Gaming Machines Regulation 2002**

The *Gaming Machines Regulation 2002* is amended by inserting after clause 141 (c) the following paragraph:

- (d) a Photo Card issued under the *Photo Card Act 2005*.



New South Wales

## Liquor Amendment (Evidence of Age) Regulation 2005

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to amend the *Liquor Regulation 1996* to prescribe Photo Cards issued under the *Photo Card Act 2005* as acceptable evidence of age for the purposes of section 117E of the *Liquor Act 1982*.

This Regulation is made under the *Liquor Act 1982*, including sections 117E and 156 (the general regulation making power).

Clause 1           Liquor Amendment (Evidence of Age) Regulation 2005

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## **Liquor Amendment (Evidence of Age) Regulation 2005**

under the

Liquor Act 1982

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Evidence of Age) Regulation 2005*.

### **2 Amendment of Liquor Regulation 1996**

The *Liquor Regulation 1996* is amended by inserting after clause 37 (c) the following paragraph:

- (d) a Photo Card issued under the *Photo Card Act 2005*.



New South Wales

# Parliamentary Contributory Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

under the

Parliamentary Contributory Superannuation Act 1971

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parliamentary Contributory Superannuation Act 1971*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to amend the *Parliamentary Contributory Superannuation Regulation 2003* to remove a redundant provision following the abolition of the superannuation contributions surcharge by the Commonwealth from 1 July 2005.

This Regulation is made under the *Parliamentary Contributory Superannuation Act 1971*, including sections 26D and 33 (the general regulation-making power).

Clause 1 Parliamentary Contributory Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

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## **Parliamentary Contributory Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005**

under the

Parliamentary Contributory Superannuation Act 1971

### **1 Name of Regulation**

This Regulation is the *Parliamentary Contributory Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005*.

### **2 Amendment of Parliamentary Contributory Superannuation Regulation 2003**

The *Parliamentary Contributory Superannuation Regulation 2003* is amended as set out in Schedule 1.



Parliamentary Contributory Superannuation Amendment (Surcharge  
Deduction Amount) Regulation 2005

Amendments

Schedule 1

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## Schedule 1    Amendments

(Clause 2)

**[1] Clause 12D Surcharge deduction amount**

Omit “, and” from clause 12D (c).

**[2] Clause 12D (d)**

Omit the paragraph.



New South Wales

# Photo Card Regulation 2005

under the

Photo Card Act 2005

Her Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Minister for Roads made after consultation with the Attorney General under section 6 (3) of the *Photo Card Act 2005*, has made the following Regulation under the *Photo Card Act 2005*.

JOSEPH TRIPODI, M.P.,  
Minister for Roads

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe a fee for the issue of a Photo Card, and
- (b) to prescribe a condition for eligibility for a Photo Card, and
- (c) to prescribe purposes for which a photograph taken or provided in relation to an application for the issue of a Photo Card may be kept or used by the Roads and Traffic Authority (*the Authority*), and
- (d) to prescribe grounds on which the Authority may cancel a Photo Card, and
- (e) to provide for the surrender of a Photo Card, and
- (f) to require the holder of a Photo Card to notify the Authority if the holder changes his or her name or address, and
- (g) to make it an offence for the holder of a Photo Card to fail to notify the Authority of a change of name or address, and
- (h) to prescribe certain offences as offences for which a penalty notice may be served.

This Regulation is made under the *Photo Card Act 2005*, including sections 5 (3), 6 (1) (d), 11 (1) (e), 14 (6), 18 (1) (g), 34 and 36 (the general regulation-making power).

With the exception of clauses 4–6 and 8, this Regulation comprises or relates to matters of a machinery nature.

Photo Card Regulation 2005

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Photo Card Regulation 2005

Clause 1

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## Photo Card Regulation 2005

under the

Photo Card Act 2005

### 1 Name of Regulation

This Regulation is the *Photo Card Regulation 2005*.

### 2 Commencement

This Regulation commences on 14 December 2005.

### 3 Definitions

In this Regulation:

*driver licence* has the same meaning as in the *Road Transport (Driver Licensing) Act 1998*.

*proof of age card* means a proof of age card issued by the Authority.

*the Act* means the *Photo Card Act 2005*.

### 4 Fee for Photo Card

For the purposes of section 5 (3) of the Act, the fee prescribed for the issue of a Photo Card is:

- (a) in the case of a new Photo Card—\$40, or
- (b) in the case of a replacement Photo Card—\$19.

### 5 Eligibility for Photo Card

For the purposes of section 6 (1) (d) of the Act, the criterion that the person is not the holder of a proof of age card is prescribed.

### 6 Cancellation of Photo Card

For the purposes of section 11 (1) (e) of the Act, the following grounds are prescribed:

- (a) the person has failed without reasonable excuse to comply with a requirement under section 16 (1) or (2) of the Act,

Clause 7 Photo Card Regulation 2005

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- (b) the person has been convicted of (or found guilty of or a guilty plea has been accepted for) an offence under the Act, or has paid a penalty under section 34 of the Act for an alleged offence,
- (c) the Photo Card of the person has been seized under section 29 of the Act and may be retained by the Authority under section 29 (3),
- (d) the person has been issued with a driver licence.

#### **7 Surrender of Photo Card**

- (1) The holder of a Photo Card issued under this Act may surrender the Photo Card by returning the Photo Card to the Authority (including for the purpose of having a driver licence issued under the *Road Transport (Driver Licensing) Regulation 1999*).
- (2) A Photo Card that is surrendered in accordance with this clause ceases to have effect.

#### **8 Change of address or other particulars**

- (1) The holder of a Photo Card (*the holder*) must give notice to the Authority of any change in his or her:
  - (a) name, or
  - (b) residential address, or
  - (c) address for service of notices,no later than 14 days after the change.  
Maximum penalty: 20 penalty units.
- (2) Unless required by the Authority, the notice need not be in writing.
- (3) A new residential address must be an address in this State at which the Authority may ordinarily make personal contact with the holder.
- (4) If there is no postal service to the holder's residential address, the holder must also provide an address for the service of notices.

#### **9 Purposes for which photographs may be kept and used**

Any purpose for which a photograph of a person taken for the purposes of Division 2 (Mobility parking scheme authorities) of Part 6 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* may be kept and used by the Authority under that Division is prescribed as a purpose for which a photograph to which Part 4 of the Act applies may be kept and used.

Photo Card Regulation 2005

Clause 10

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**10 Penalty notice offences and penalties**

- (1) For the purposes of section 34 of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
  - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

## Photo Card Regulation 2005

Schedule 1 Penalty notice offences

**Schedule 1 Penalty notice offences**

(Clause 10)

| <b>Column 1</b>                       | <b>Column 2</b> |
|---------------------------------------|-----------------|
| <b>Provision</b>                      | <b>Penalty</b>  |
| <b>Offences under the Act</b>         |                 |
| Section 11 (3)                        | \$75            |
| Section 12                            | \$75            |
| Section 20 (1) (a)                    | \$575           |
| Section 20 (1) (b)                    | \$575           |
| Section 21 (a)                        | \$575           |
| Section 21 (b)                        | \$575           |
| Section 22 (1)                        | \$575           |
| Section 22 (2)                        | \$575           |
| Section 23 (a)                        | \$575           |
| Section 23 (b)                        | \$575           |
| Section 24 (1)                        | \$575           |
| Section 24 (2) (a)                    | \$575           |
| Section 24 (2) (b)                    | \$575           |
| Section 25 (1)                        | \$575           |
| Section 25 (2)                        | \$575           |
| Section 28 (2)                        | \$575           |
| <b>Offences under this Regulation</b> |                 |
| Clause 8 (1)                          | \$75            |



New South Wales

# Podiatrists Regulation 2005

under the

Podiatrists Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Podiatrists Act 2003*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Health

## Explanatory note

This Regulation provides for certain matters under the *Podiatrists Act 2003*, including:

- (a) setting out procedures for meetings of the Podiatrists Registration Board (*the Board*), and
- (b) providing for an offence relating to advertising of podiatry services, and
- (c) prescribing certain offences relating to traffic and parking as offences that are not required to be notified to the Board, and
- (d) setting out procedures for notifying that a registered podiatrist has become a mentally incapacitated person, and
- (e) setting out procedures for appeals on a point of law where the Board deals with a complaint against a registered podiatrist, and
- (f) prescribing fees for inspection of the Register of Podiatrists (*the Register*) and for recording additional information in the Register, and
- (g) infection control standards, and
- (h) certain other matters that the *Podiatrists Act 2003* provides may be prescribed.

This Regulation is to be made under the *Podiatrists Act 2003*, including sections 20–23, 77, 132 (the general regulation-making power) and Schedules 1 and 3.

With the exception of clause 14 and Schedule 1, this Regulation comprises matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.



Podiatrists Regulation 2005

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Podiatrists Regulation 2005

Clause 1

Preliminary

Part 1

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## **Podiatrists Regulation 2005**

under the

Podiatrists Act 2003

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *Podiatrists Regulation 2005*.

#### **2 Commencement**

This Regulation commences on 9 December 2005.

#### **3 Definition**

In this Regulation:

*the Act* means the *Podiatrists Act 2003*.

Clause 4 Podiatrists Regulation 2005

Part 2 Proceedings of Board

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## **Part 2 Proceedings of Board**

### **4 Proceedings of Board at ordinary meetings**

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member at least 3 days' notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

### **5 Special and urgent meetings**

- (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member at least 24 hours' notice in writing of the time and place of any special or urgent meeting.

### **6 Lack of quorum**

If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members present.

### **7 Transaction of business by telephone**

- (1) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (2) For the purposes of a meeting held in accordance with this clause, the President and each member of the Board have the same voting rights as they have at an ordinary meeting of the Board.

Podiatrists Regulation 2005

Clause 8

Advertising

Part 3

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## **Part 3 Advertising**

### **8 Advertising**

A person must not advertise podiatry services in a manner that:

- (a) is false, misleading or deceptive, or
- (b) creates an unjustified expectation of beneficial treatment, or
- (c) promotes the unnecessary or inappropriate use of podiatry services.

Maximum penalty: 10 penalty units.

Clause 9 Podiatrists Regulation 2005

Part 4 Miscellaneous

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## Part 4 Miscellaneous

### 9 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 (1) of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause, *excluded offence* means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) except for the following offences:
  - (a) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road related area if the registered podiatrist is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
  - (b) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public,
  - (c) any offence under section 171 (2) of the *Road Transport (General) Act 2005* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name or home address, or stating a false name and home address),
  - (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
  - (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed),
  - (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop and give assistance after an accident),
  - (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in a person's blood),
  - (h) any offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),

Podiatrists Regulation 2005

Clause 10

Miscellaneous

Part 4

- 
- (i) any other offence under the road transport legislation if the court orders the disqualification of the registered podiatrist from holding a driver licence.

#### 10 Notice of mental incapacity of registered podiatrist

- (1) For the purposes of section 23 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
  - (a) in the case of a registered podiatrist who is a mentally incapacitated person and becomes a patient at an institution because of that incapacity—the medical superintendent of the institution, or
  - (b) in the case of a registered podiatrist who is a mentally incapacitated person because of being a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 23 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered podiatrist is admitted to the institution or becomes a protected person, and is to specify the following:
  - (a) the name and residential address of the registered podiatrist,
  - (b) the date on which the registered podiatrist was admitted to the institution at which the registered podiatrist is a patient or became a protected person.
- (3) In this clause:  
*patient* means a person to whom medical treatment or other medical services are provided.

#### 11 Appeal on point of law

An appeal referred to in section 77 of the Act is to be made:

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 77 (1) of the Act, to the Deputy Chairperson so nominated), and
- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

#### 12 Fee for inspection of Register

For the purposes of clause 21 (5) of Schedule 1 to the Act, the prescribed fee (being the maximum amount for an inspection of the Register) is \$20.

Clause 13 Podiatrists Regulation 2005

Part 4 Miscellaneous

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**13 Fee for additional information to be recorded in Register**

For the purposes of clause 22 (3) of Schedule 1 to the Act, the prescribed fee (being the fee for recording additional particulars in the Register) is \$20.

**14 Infection control standards**

- (1) A registered podiatrist must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 1 to the extent that they apply to the registered podiatrist in the practice of podiatry.
- (2) In determining whether or not a registered podiatrist has a reasonable excuse for failing to comply with a standard, particular consideration is to be given to whether the necessary equipment was provided to the podiatrist, including providing access to it and training in its use, that would have enabled the podiatrist to comply with the standard (and whether the failure to provide such equipment was reported by the podiatrist to the Director-General of the Department of Health).

Podiatrists Regulation 2005

Infection control standards

Schedule 1

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## Schedule 1 Infection control standards

(Clause 14)

### Part 1 Preliminary

#### 1 Definitions

(1) In this Schedule:

*body substance* includes any human bodily secretion or substance other than blood.

*invasive procedure* means any one or more of the following:

- (a) surgical entry into body tissue, cavities or organs,
- (b) surgical repair of injuries.

*patient* includes (but is not limited to) a person who is accessing podiatry or health services or who is undergoing any podiatry or health procedure.

*sharps* means any object capable of inflicting penetrating injury, and includes acupuncture needles, hollow bore needles, suture needles, scalpel blades, wires, trocars, auto lancets, stitch cutters and broken glassware.

(2) The requirements set out in this Schedule apply to a registered podiatrist who is assisting in performing a procedure in the same way as they apply to a registered podiatrist who is actually performing the procedure.

### Part 2 General standards applying to registered podiatrists

#### 2 General precautions

- (1) Precautions must be taken to avoid direct exposure to a patient's blood or body substances. This requirement applies regardless of whether there is any perceived risk of infection.
- (2) Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

#### 3 Hand and skin cleaning

- (1) Hands must be cleaned:
  - (a) immediately before and after any direct patient care, and
  - (b) immediately after handling blood or body substances, and
  - (c) immediately before putting on, and after removal of, gloves.



## Podiatrists Regulation 2005

## Schedule 1 Infection control standards

- 
- (2) Hands may be cleaned by:
    - (a) using washing facilities involving water and a soap or antiseptic, or
    - (b) using non-water cleansers or antiseptics.
  - (3) Hands or other skin surfaces that are contaminated with a patient's blood or body substances must be cleaned as soon as it is practicable to clean them.
  - (4) The requirement to clean hands applies regardless of whether gloves are also required to be worn.

**4 Protective gowns and aprons**

A gown or apron made of impervious material must be worn during any procedure where there is a likelihood of clothing being splashed or contaminated with blood or body substances.

**5 Gloves**

- (1) Gloves must be worn while handling blood or body substances.
- (2) In particular, gloves must be worn:
  - (a) while performing any procedure where direct contact is anticipated with a patient's blood or body substances, mucous membranes or non-intact skin, and
  - (b) while handling items or surfaces that have come into contact with blood or body substances, and
  - (c) while performing an invasive procedure, venipuncture, or a finger or heel stick.
- (3) Gloves must be changed and discarded:
  - (a) as soon as they are torn or punctured, and
  - (b) after contact with each patient.
- (4) Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
- (5) Gloves must be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

**6 Masks and protective eye wear**

- (1) A fluid repellent mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or body substances.

## Podiatrists Regulation 2005

## Infection control standards

## Schedule 1

- 
- (2) A mask must be worn when in close contact with patients known by the registered podiatrist to have an infectious disease (or suspected by the podiatrist of having such a disease) if the disease is capable of being transmitted by the airborne or droplet route. If the disease is tuberculosis, the mask must be a particulate mask that is capable of filtering to 0.3 $\mu$ m.
  - (3) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
  - (4) A mask must be discarded once it has been worn and it must not be used again.
  - (5) In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
  - (6) Protective eye wear must be discarded once it has been worn and not used again unless it is reusable (in which case it is to be cleaned in accordance with the manufacturer's instructions).

**7 Sharps**

- (1) Sharps must not be passed by hand between a registered podiatrist and any other person. However, this requirement does not apply if, in any case involving an invasive procedure, the proper conduct of the procedure would be adversely affected.
- (2) A puncture resistant tray must be used to transfer sharps.
- (3) A needle must not be removed from a disposable syringe for disposal, or be purposely broken or otherwise manipulated by hand, unless:
  - (a) it is necessary to remove the needle for technical reasons, or
  - (b) the registered podiatrist is performing a procedure where a needle is required to be bent.
- (4) Subclause (3) does not apply to an acupuncture needle.
- (5) A needle must not be bent after it is contaminated with blood or body substances.
- (6) In any case where resheathing of a needle is required:
  - (a) the needle must be properly recapped, and
  - (b) the sheath must not be held in the fingers, and
  - (c) either a single handed technique or forceps, or a suitable protective guard designed for the purpose, must be used.
- (7) Reusable sharps must, immediately after being used, be placed in a puncture resistant container specially kept for that purpose and labelled as such.

## Podiatrists Regulation 2005

## Schedule 1 Infection control standards

- 
- (8) Non-reusable sharps must, immediately after being used, be disposed of in a puncture resistant container.

**8 Management of waste**

- (1) Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
- (2) Splashing or contamination of skin while disposing of blood or body substances must be avoided as far as practicable.
- (3) Nothing in this clause limits any other requirement under this Part.

**Part 3 Specific standards applying to registered podiatrists****9 Sterile medications and solutions**

- (1) A sterile needle and syringe must be used to withdraw any medication or solution from a vial or ampoule (or other similar container).
- (2) The needle and syringe must be discarded once the needle and syringe have been used.
- (3) A medication or solution may be taken from a multi-dose vial or ampoule (or other similar container) only if the medication or solution is not reasonably available in another form.
- (4) Precautions must be taken to ensure that contaminated material or fluid is not injected into a multi-dose vial or ampoule (or other similar container).

**10 Invasive procedures**

- (1) In cases where it is technically feasible, retractors must be used for exposure and access during an invasive procedure.
- (2) Fingers must not be used for the purposes of an invasive procedure to expose or increase access for the passage of a suture.
- (3) Only one sharp at a time is to be placed in a puncture resistant tray that is being used in connection with an invasive procedure.
- (4) Forceps or a needle holder must be used when carrying out suturing both to pick up the suture needle and to draw it through tissue.

Podiatrists Regulation 2005

Infection control standards

Schedule 1

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## Part 4 Processing of instruments and equipment

### 11 Interpretation

In this Part:

*AS/NZS 4187* means AS/NZS 4187:2003, *Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities.*

*AS/NZS 4815* means AS/NZS 4815:2001, *Office-based health care facilities not involved in complex patient procedures and processes—Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of the associated environment.*

### 12 Cleaning of instruments and equipment

- (1) Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
- (2) Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
- (3) The process of cleaning:
  - (a) must involve water and mechanical or physical action (such as washing machines) and a cleaning agent (with the cleaning agent being removed from instruments and equipment by rinsing), and
  - (b) must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- (4) In this clause, *cleaning agent* means a detergent and includes proteolytic enzyme substances.

### 13 Disinfection of instruments and equipment

- (1) Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must, before it is used, be disinfected with a disinfectant specified in the Australian Register of Therapeutic Goods that is maintained under the *Therapeutic Goods Act 1989* of the Commonwealth, and the relevant manufacturer's instructions must be followed.
- (2) The process of disinfection:
  - (a) must involve either thermal methods or (if thermal methods are unsuitable) chemical methods, and
  - (b) must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

## Podiatrists Regulation 2005

## Schedule 1 Infection control standards

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**14 Sterilisation of instruments and equipment**

- (1) Any instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances, or the vascular system of a patient, must be sterilised before it is used.
- (2) The method of sterilisation must be:
  - (a) compatible with the particular type of instrument or equipment concerned, and
  - (b) consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- (3) If a steriliser is used (whether it is a benchtop or portable steriliser or a permanently plumbed or wired steriliser), the following criteria must be met:
  - (a) the relevant manufacturer's instructions must be followed,
  - (b) an ongoing monitoring program must be followed which reflects the requirements of Table 7.1 Calibration, Monitoring and Maintenance of Sterilizers of AS/NZS 4187 or (in the case of an office-based practice) Table 7.1 Sterilizer Tests and Test Frequencies of AS/NZS 4815.



New South Wales

# Police Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

under the

Police Regulation (Superannuation) Act 1906

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Regulation (Superannuation) Act 1906*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to amend the *Police Superannuation Regulation 2005* to remove a redundant provision following the abolition of the superannuation contributions surcharge by the Commonwealth from 1 July 2005.

This Regulation is made under the *Police Regulation (Superannuation) Act 1906*, including sections 14AA and 24 (the general regulation-making power).

Clause 1            Police Superannuation Amendment (Surcharge Deduction Amount)  
                         Regulation 2005

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## **Police Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005**

under the

Police Regulation (Superannuation) Act 1906

### **1 Name of Regulation**

This Regulation is the *Police Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005*.

### **2 Amendment of Police Superannuation Regulation 2005**

The *Police Superannuation Regulation 2005* is amended as set out in Schedule 1.

Police Superannuation Amendment (Surcharge Deduction Amount)  
Regulation 2005

Amendments

Schedule 1

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## **Schedule 1    Amendments**

(Clause 2)

- [1] Clause 31 Surcharge deduction amount**  
Omit “, and” from clause 31 (c).
- [2] Clause 31 (d)**  
Omit the paragraph.





New South Wales

# Public Authorities (Financial Arrangements) Amendment (Luna Park Reserve Trust) Regulation 2005

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, and on the recommendation of the Minister for Finance and the Minister for Tourism and Sport and Recreation, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL COSTA, M.L.C.,  
Minister for Finance

## Explanatory note

The *Public Authorities (Financial Arrangements) Regulation 2005* provides that an authority referred to in Schedule 4 to that Regulation is declared to have the investment powers described in Part 4 of Schedule 4 to the *Public Authorities (Financial Arrangements) Act 1987 (the Act)*. The Luna Park Reserve Trust is currently such an authority in respect of such funds of or under the control of the Trust as are determined by the Treasurer.

The object of this Regulation is to omit the reference to the Luna Park Reserve Trust from Schedule 4 to that Regulation so that, under section 24 of the Act, the Luna Park Reserve Trust, generally, will have the investment powers described in Part 1 of Schedule 4 to the Act, except to the extent that the Treasurer declares otherwise. These investment powers are more limited than those described in Part 4 of Schedule 4 to the Act.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including sections 24 and 43 (the general regulation-making power).

Clause 1            Public Authorities (Financial Arrangements) Amendment (Luna Park Reserve Trust) Regulation 2005

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## **Public Authorities (Financial Arrangements) Amendment (Luna Park Reserve Trust) Regulation 2005**

under the

Public Authorities (Financial Arrangements) Act 1987

### **1 Name of Regulation**

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Luna Park Reserve Trust) Regulation 2005*.

### **2 Amendment of Public Authorities (Financial Arrangements) Regulation 2005**

The *Public Authorities (Financial Arrangements) Regulation 2005* is amended by omitting the matter relating to the Luna Park Reserve Trust from Schedule 4.



New South Wales

# Registered Clubs Amendment (Evidence of Age) Regulation 2005

under the

Registered Clubs Act 1976

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

## Explanatory note

The object of this Regulation is to amend the *Registered Clubs Regulation 1996* to prescribe Photo Cards issued under the *Photo Card Act 2005* as acceptable evidence of age for the purposes of section 57 of the *Registered Clubs Act 1976*.

This Regulation is made under the *Registered Clubs Act 1976*, including sections 57 and 73 (the general regulation making power).

Clause 1 Registered Clubs Amendment (Evidence of Age) Regulation 2005

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## **Registered Clubs Amendment (Evidence of Age) Regulation 2005**

under the

Registered Clubs Act 1976

### **1 Name of Regulation**

This Regulation is the *Registered Clubs Amendment (Evidence of Age) Regulation 2005*.

### **2 Amendment of Registered Clubs Regulation 1996**

The *Registered Clubs Regulation 1996* is amended by inserting after clause 13 (c) the following paragraph:

- (d) a Photo Card issued under the *Photo Card Act 2005*.



New South Wales

# Road Transport (Driver Licensing) Amendment (Photo Card) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999*:

- (a) to provide that the Authority must not issue a driver licence to an applicant who is the holder of a Photo Card unless the applicant surrenders the Photo Card at the time of the issue of the driver licence, and
- (b) to prescribe additional purposes for which a photograph taken for the purposes of the Act may be kept and used by the Authority, and
- (c) to provide that the holder of a driver licence that has been suspended may give custody of the driver licence to the Authority and that the Authority may dispose of any such driver licence as it thinks fit, and
- (d) to provide that the holder of a suspended driver licence who gives custody of his or her driver licence to the Authority is not eligible for a refund of any part of the licence fee.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 20, 40 (1) (g) and 19 (the general regulation-making power).

Clause 1            Road Transport (Driver Licensing) Amendment (Photo Card) Regulation  
                         2005

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## **Road Transport (Driver Licensing) Amendment (Photo Card) Regulation 2005**

under the

Road Transport (Driver Licensing) Act 1998

### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Photo Card) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 14 December 2005.

### **3 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Photo Card) Regulation  
2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 19 Issue and variation of driver licence**

Insert “(except as provided by clause 19AA)” after “applicant” in clause 19 (1).

**[2] Clause 19AA**

Insert after clause 19:

**19AA Issue of driver licence to holder of Photo Card**

If an applicant for a driver licence holds a current Photo Card issued under the *Photo Card Act 2005*, the Authority must not issue a driver licence unless the applicant surrenders that Photo Card in accordance with clause 7 of the *Photo Card Regulation 2005*.

**[3] Clause 37 Surrender of driver licence**

Omit clause 37 (3) (c). Insert instead:

- (c) the licence is suspended under section 16, 17 or 33 of the Act, section 204 or 205 of the *Road Transport (General) Act 2005*, Division 4 of Part 3 of the *Fines Act 1996* or clause 38 or 39.

**[4] Clause 37 (7) and (8)**

Insert after clause 37 (6):

- (7) The holder of a driver licence that has been suspended under a provision referred to in subclause (3) (c) may give custody of the licence to the Authority.
- (8) If the holder of a driver licence loses custody of his or her driver licence by reason of having given custody of his or her driver licence to the Authority under subclause (7):
  - (a) the holder of the driver licence is not eligible for a refund under subclause (4) of any part of the licence fee, and
  - (b) the Authority may dispose of the licence as it thinks fit.

Road Transport (Driver Licensing) Amendment (Photo Card) Regulation  
2005

Schedule 1      Amendments

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**[5] Clause 60A**

Insert after clause 60:

**60A Purposes for which photographs may be kept and used**

For the purposes of section 40 (1) (g) of the Act, the Authority may keep or use a photograph for any purpose for which a photograph of a person taken for the purposes of Division 2 of Part 6 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* may be kept and used by the Authority under that Division.





New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Photo Card) Regulation 2005

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*.

JOSEPH TRIPODI, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to provide that a photograph taken of an applicant in relation to an application for the issue of a mobility parking scheme authority may be kept and used by the Authority for:

- (a) any purpose for which a photograph taken in relation to an application for the issue of a Photo Card under the *Photo Card Act 2005* may be kept or used by the Authority under that Act, and
- (b) any purpose for which a photograph taken or provided in relation to an application for the issue or renewal of a driver licence, proof of age card or a licence under the *Firearms Act 1996* or the *Security Industry Act 1997* may be kept or used by the Authority under the *Road Transport (Driver Licensing) Act 1998*.

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

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Photo Card) Regulation 2005

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## **Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Photo Card) Regulation 2005**

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) Amendment (Photo Card) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 14 December 2005.

### **3 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 by inserting the following after clause 126H (1) (c):

- (d) any purpose for which a photograph to which Part 5 (Protection of stored photographs) of the *Road Transport (Driver Licensing) Act 1998* applies may be kept and used by the Authority under that Part,
- (e) any purpose for which a photograph to which Part 4 (Security arrangements for photographs) of the *Photo Card Act 2005* applies may be kept and used by the Authority under that Part.



New South Wales

# Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

under the

Superannuation Act 1916

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Superannuation Act 1916*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to amend the *Superannuation Regulation 2001* to remove a redundant provision following the abolition of the superannuation contributions surcharge by the Commonwealth from 1 July 2005.

This Regulation is made under the *Superannuation Act 1916*, including sections 61RA and 86 (the general regulation-making power).

Clause 1            Superannuation Amendment (Surcharge Deduction Amount)  
                         Regulation 2005

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## **Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005**

under the

Superannuation Act 1916

### **1 Name of Regulation**

This Regulation is the *Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005*.

### **2 Amendment of Superannuation Regulation 2001**

The *Superannuation Regulation 2001* is amended as set out in Schedule 1.

Superannuation Amendment (Surcharge Deduction Amount)  
Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 12 Surcharge deduction amount**

Omit “, and” from clause 12 (c).

**[2] Clause 12 (d)**

Omit the paragraph.



New South Wales

# State Authorities Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to amend the *State Authorities Superannuation Regulation 2005* to remove a redundant provision following the abolition of the superannuation contributions surcharge by the Commonwealth from 1 July 2005.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including sections 45A and 55 (the general regulation-making power).

Clause 1            State Authorities Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

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## **State Authorities Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005**

under the

State Authorities Superannuation Act 1987

### **1 Name of Regulation**

This Regulation is the *State Authorities Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005*.

### **2 Amendment of State Authorities Superannuation Regulation 2005**

The *State Authorities Superannuation Regulation 2005* is amended as set out in Schedule 1.

State Authorities Superannuation Amendment (Surcharge Deduction Amount) Regulation 2005

Amendments

Schedule 1

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## **Schedule 1    Amendments**

(Clause 2)

- [1] Clause 19 Surcharge deduction amount**  
Omit “, and” from clause 19 (c).
- [2] Clause 19 (d)**  
Omit the paragraph.



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## Orders

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New South Wales

# Fisheries Management Amendment (Threatened Species Conservation) Order (No 4) 2005

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 220D of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 7th day of December 2005.

IAN MACDONALD, M.L.C.,  
Minister for Primary Industries

### Explanatory note

Part 7A of the *Fisheries Management Act 1994* (*the Act*) deals with the conservation of threatened species, populations and ecological communities of fish and marine vegetation. For the purposes of identification and classification, provision is made for the listing:

- (a) in Schedule 4 to the Act, of endangered species, endangered populations, and endangered ecological communities and species that are presumed to be extinct, and
- (b) in Schedule 5, of vulnerable species, and
- (c) in Schedule 6, of key threatening processes.

Under the Act, listings and amendments to listings are to be made by the Minister by order on the recommendation of the Fisheries Scientific Committee (*the Committee*).

The object of this Order is to list the aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River as an endangered ecological community in Part 3 of Schedule 4 to the Act, as recommended by the Committee.

The Committee has recommended this listing because it considers that the community is likely to become extinct in nature unless the circumstances and factors threatening its survival cease to operate.

This Order is made under section 220D of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management Amendment (Threatened Species Conservation)  
Order (No 4) 2005

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## **Fisheries Management Amendment (Threatened Species Conservation) Order (No 4) 2005**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management Amendment (Threatened Species Conservation) Order (No 4) 2005*.

### **2 Commencement**

This Order takes effect on the date that it is published in the Gazette.

### **3 Amendment of Fisheries Management Act 1994**

The *Fisheries Management Act 1994* is amended by inserting at the end of Part 3 of Schedule 4:

Aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation)



New South Wales

# Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2005

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 7th day of December 2005.

IAN MACDONALD, M.L.C.,  
Minister for Primary Industries

## Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (*the Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued.

The object of this interim Order is to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Lachlan River to continue for a period of 6 months, starting on the date that this Order is published in the Gazette.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act.

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2005

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## **Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2005**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2005*.

### **2 Commencement**

This Order:

- (a) takes effect on the day that it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

### **3 Continuation of existing activities**

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Lachlan River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan River Catchment, or may carry out any routine activity in connection with any such taking or possession:
  - (a) *Macrobrachium australiense* (freshwater prawn),
  - (b) *Paratya australiensis* (freshwater shrimp),
  - (c) *Cherax destructor* (yabby),
  - (d) *Tandanus tandanus* (freshwater catfish),
  - (e) *Gadopsis marmoratus* (river blackfish),
  - (f) *Maccullochella peelii peelii* (Murray cod),
  - (g) *Macquaria ambigua* (golden perch),
  - (h) *Bidyanus bidyanus* (silver perch),
  - (i) *Nematalosa erebi* (bony bream),
  - (j) *Leiopotherapon unicolor* (spangled perch).

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2005

Clause 3

- 
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Lachlan River Catchment, or
  - (b) possess or sell yabby taken from the Lowland Lachlan River Catchment, or
  - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.
- inland restricted fishery*** has the same meaning as in the *Fisheries Management (General) Regulation 2002*.
- Lowland Lachlan River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).



New South Wales

## Order

under the

Public Sector Employment and Management Act 2002

MARIE BASHIR, 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 66 of the *Public Sector Employment and Management Act 2002*, do, by this my Order, amend Schedule 2 to that Act by inserting at the end of Part 3 (Statutory senior executive positions) the following position:

Chief Investigator of the Office of Transport Safety Investigations

Dated, this 7th day of December 2005.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,  
Premier



New South Wales

# State Authorities Non-contributory Superannuation Amendment (Police Federation of Australia) Order 2005

under the

State Authorities Non-contributory Superannuation Act 1987

MARIE BASHIR, 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 27 of the *State Authorities Non-contributory Superannuation Act 1987*, make the following Order. Dated, this 7th day of December 2005.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Order is to amend the *State Authorities Non-contributory Superannuation Act 1987* to enable existing employees to continue to be employees for the superannuation scheme established under that Act if they become employees of the Police Federation of Australia.

This Order is made under section 27 of the *State Authorities Non-contributory Superannuation Act 1987*.

Clause 1 State Authorities Non-contributory Superannuation Amendment (Police Federation of Australia) Order 2005

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## **State Authorities Non-contributory Superannuation Amendment (Police Federation of Australia) Order 2005**

under the

State Authorities Non-contributory Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Non-contributory Superannuation Amendment (Police Federation of Australia) Order 2005*.

### **2 Amendment of State Authorities Non-contributory Superannuation Act 1987**

The *State Authorities Non-contributory Superannuation Act 1987* is amended by inserting at the end of Part 1 of Schedule 1:

Police Federation of Australia





New South Wales

# State Authorities Superannuation Amendment (Police Federation of Australia) Order 2005

under the

State Authorities Superannuation Act 1987

MARIE BASHIR, 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 46 of the *State Authorities Superannuation Act 1987*, make the following Order.

Dated, this 7th day of December 2005.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Order is to amend the *State Authorities Superannuation Act 1987* to enable existing contributors to the State Authorities Superannuation Scheme to continue to be contributors to that Scheme if they become employees of the Police Federation of Australia.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1            State Authorities Superannuation Amendment (Police Federation of  
Australia) Order 2005

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## **State Authorities Superannuation Amendment (Police Federation of Australia) Order 2005**

under the

State Authorities Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Superannuation Amendment (Police Federation of Australia) Order 2005*.

### **2 Amendment of State Authorities Superannuation Act 1987**

The *State Authorities Superannuation Act 1987* is amended by inserting at the end of Part 1 of Schedule 1:

Police Federation of Australia

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# Rules

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New South Wales

## Uniform Civil Procedure Rules (Amendment No 5) 2005

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 5 December 2005.

Jennifer Atkinson  
Secretary of the Uniform Rules Committee

### Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005*:

- (a) to make provision with respect to the practice and procedure for proceedings for defamation (whether under the new *Defamation Act 2005* or the *Defamation Act 1974*), and
- (b) to enable associate Judges of the Supreme Court to exercise certain powers of the Supreme Court in connection with proceedings for defamation.

Rule 1 Uniform Civil Procedure Rules (Amendment No 5) 2005

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## **Uniform Civil Procedure Rules (Amendment No 5) 2005**

under the

Civil Procedure Act 2005

### **1 Name of rules**

These rules are the *Uniform Civil Procedure Rules (Amendment No 5) 2005*.

### **2 Commencement**

These rules commence on 1 January 2006.

### **3 Amendment of Uniform Civil Procedure Rules 2005**

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Uniform Civil Procedure Rules (Amendment No 5) 2005

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## Schedule 1 Amendments

(Rule 3)

### [1] Rule 1.10A

Insert after rule 1.10:

#### 1.10A Powers of associate Judges of the Supreme Court (cf SCR Part 60, rule 1A)

- (1) Subject to subrule (2), an associate Judge of the Supreme Court may exercise any of the powers of the Court under the *Civil Procedure Act 2005*, or under rules of court, in relation to defamation proceedings.
- (2) An associate Judge may not exercise the power conferred by rule 29.15 or 29.16 in relation to any such proceedings.

**Note.** Section 118 of the *Supreme Court Act 1970* sets out the powers exercisable by an associate Judge. Those powers include powers conferred by rules of court. In addition to the power conferred by this rule, see rule 1A of Part 60 of the *Supreme Court Rules 1970*, together with Schedule D to those rules, for other powers of the Supreme Court that may be exercised by an associate Judge.

### [2] Rule 6.3 Where statement of claim required

Insert after rule 6.3 (g):

- (h) proceedings on a claim for relief in relation to the publication of defamatory matter.

### [3] Part 14, Division 6

Insert after Division 5:

#### Division 6 Pleadings concerning defamation

**Note.** The *Defamation Act 2005* applies to the publication of defamatory matter after the commencement of that Act. The Act commenced on 1 January 2006. However, the *Defamation Act 1974* (as in force before its repeal by the *Defamation Act 2005*) continues to apply to the following causes of action by virtue of clause 2 (Application of this Act) of Schedule 4 (Savings, transitional and other provisions) to the *Defamation Act 2005*:

- (a) a cause of action for defamation that accrued before 1 January 2006,
- (b) a cause of action for defamation that accrued after the commencement of the *Defamation Act 2005*, but only if:
  - (i) the action is raised in proceedings that include other causes of action that accrued before 1 January 2006, and
  - (ii) the action accrued no later than 12 months after the earliest pre-1 January 2006 action accrued, and

## Uniform Civil Procedure Rules (Amendment No 5) 2005

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- (iii) each action in the proceedings arose out of the publication of the same, or substantially the same, matter on different occasions.

Clause 2 of Schedule 4 to the *Defamation Act 2005* also ensures that any other law (both legislative and common law) that would have applied to such causes of action but for the enactment of the new Act will continue to apply to such causes of action.

**14.30 Allegations in statements of claim generally** (cf SCR Part 67, rule 11; DCR Part 49, rule 10)

- (1) A statement of claim seeking relief in relation to the publication of defamatory matter must not include any allegation that the matter or its publication was false, malicious or unlawful.
- (2) Any such statement of claim must:
  - (a) subject to subrule (3), specify each imputation on which the plaintiff relies, and
  - (b) allege that the imputation was defamatory of the plaintiff.
- (3) A plaintiff in proceedings for defamation must not rely on two or more imputations alleged to be made by the defendant by means of the same publication of the same matter unless the imputations differ in substance.

**14.31 Defamation defences generally** (cf SCR Part 67, rules 13 and 19 (1); DCR Part 49, rule 12)

- (1) Subject to rules 14.32–14.40, a defendant in proceedings for defamation must plead any defamation defence specifically.
- (2) If the plaintiff in defamation proceedings complains of two or more imputations, the pleading of any of the following defences must specify to what imputation or imputations the defence is pleaded:
  - (a) a defence under section 15 (2) or 16 (2) of the *Defamation Act 1974*,
  - (b) a defence under section 25 or 26 of the *Defamation Act 2005*,
  - (c) the defence of justification at common law.
- (3) If a plaintiff intends to meet any defamation defence:
  - (a) by alleging that the defendant was actuated by express malice in the publication of the matter complained of, or
  - (b) by relying on any matter which, under the *Defamation Act 1974* or the *Defamation Act 2005*, defeats the defence,then the plaintiff must plead that allegation or matter of defeasance by way of reply.

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**14.32 Defence of justification generally** (cf SCR Part 67, rule 14; DCR Part 49, rule 13)

(1) **Defence under Defamation Act 1974**

Subject to rule 14.31 (2), a defence under section 15 (2) of the *Defamation Act 1974* is sufficiently pleaded if it alleges:

- (a) that the imputation in question was a matter of substantial truth, and
- (b) either:
  - (i) that the imputation in question related to a matter of public interest, or
  - (ii) that the imputation in question was published under qualified privilege.

**Note.** The defence of justification under section 15 (2) of the *Defamation Act 1974* applies to the exclusion of the common law defence of justification. See section 15 (1) of the *Defamation Act 1974*.

(2) **Defences under Defamation Act 2005 and at common law**

Subject to rule 14.31 (2), a defence of justification under section 25 of the *Defamation Act 2005* or at common law is sufficiently pleaded if it alleges that the imputation in question was substantially true.

**Note.** The defence of justification under section 25 of the *Defamation Act 2005* is in addition to, and does not vitiate, limit or abrogate, the common law defence of justification. See section 24 (1) of the *Defamation Act 2005*.

**14.33 Defence of contextual truth** (cf SCR Part 67, rule 15; DCR Part 49, rule 14)

(1) **Defence under Defamation Act 1974**

Subject to rule 14.31 (2), a defence under section 16 of the *Defamation Act 1974* is sufficiently pleaded if it:

- (a) alleges either:
  - (i) that the imputation in question related to a matter of public interest, or
  - (ii) that the imputation in question was published under qualified privilege, and
- (b) specifies one or more imputations on which the defendant relies as being contextual to the imputation in question, and

## Uniform Civil Procedure Rules (Amendment No 5) 2005

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- (c) as to the contextual imputations on which the defendant relies:
    - (i) alleges either that they related to a matter of public interest or that they were published under qualified privilege, and
    - (ii) alleges that they were matters of substantial truth, and
  - (d) alleges that, by reason that the contextual imputations on which the defendant relies are matters of substantial truth, the imputation in question did not further injure the reputation of the plaintiff.

**(2) Defence under Defamation Act 2005**

Subject to rule 14.31 (2), a defence under section 26 of the *Defamation Act 2005* is sufficiently pleaded if it:

- (a) specifies one or more imputations on which the defendant relies as being contextual to the imputation in question, and
- (b) alleges each contextual imputation on which the defendant relies was substantially true, and
- (c) alleges that the imputation in question did not further harm the reputation of the plaintiff because of the contextual imputations on which the defendant relies.

**14.34 Defence of absolute privilege**

- (1) This rule applies:
  - (a) to a defence of absolute privilege under Division 3 of Part 3 of the *Defamation Act 1974* or under section 27 of the *Defamation Act 2005*, and
  - (b) to the defence of absolute privilege at common law.
- (2) A defence to which this rule applies is sufficiently pleaded if it alleges that the matter complained of was published under absolute privilege.



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**14.35 Defences for publication of public and official documents**

**(1) Defence under section 25 of Defamation Act 1974**

A defence under section 25 of the *Defamation Act 1974* is sufficiently pleaded if it alleges that the matter complained of was:

- (a) a document or record specified as a document or record to which that section applies or a copy of such a document or record, or
- (b) a fair summary of, or a fair extract from, such a document or record.

**(2) Defence under section 27 of Defamation Act 1974**

A defence under section 27 of the *Defamation Act 1974* is sufficiently pleaded if it alleges that the matter complained of was a notice published in accordance with the direction of a court.

**(3) Defence under section 28 of Defamation Act 2005**

A defence under section 28 of the *Defamation Act 2005* is sufficiently pleaded if it alleges that the matter complained of was contained in:

- (a) a public document or a fair copy of a public document, or
- (b) a fair summary of, or a fair extract from, a public document.

**14.36 Defences of fair report of proceedings of public concern**

**(1) Defences under Defamation Act 1974**

A defence under section 24 of the *Defamation Act 1974* is sufficiently pleaded if it alleges that:

- (a) the matter complained of was a fair protected report, or
- (b) the matter complained of was a later publication by the defendant of:
  - (i) a protected report or a copy of the protected report, or a fair extract or fair abstract from, or fair summary of, a protected report that was previously published by another person, or
  - (ii) material purporting to be a protected report or a copy of a protected report, or of a fair extract or fair abstract from, or fair summary of, material purporting to be a protected report that was previously published by another person,

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and the defendant did not have knowledge that should have made the defendant aware that the protected report is not fair or the material purporting to be a protected report was not a protected report or is not fair.

**(2) Defences under Defamation Act 2005**

A defence under section 29 of the *Defamation Act 2005* is sufficiently pleaded if it alleges that:

- (a) the matter complained of was, or was contained in, a fair report of any proceedings of public concern, or
- (b) the matter complained of:
  - (i) was, or was contained in, an earlier published report of proceedings of public concern, and
  - (ii) was, or was contained in, a fair copy of, a fair summary of, or a fair extract from, the earlier published report,

and the defendant had no knowledge that would reasonably make the defendant aware that the earlier published report was not fair.

**14.37 Defence of qualified privilege** (cf SCR Part 67, rule 16; DCR Part 49, rule 15)

- (1) This rule applies:
  - (a) to a defence under Division 4 of Part 3 of the *Defamation Act 1974* or section 30 of the *Defamation Act 2005*, and
  - (b) to any other defence of qualified privilege other than any of the following:
    - (i) a defence under Division 5, 6 or 7 of Part 3 of the *Defamation Act 1974*,
    - (ii) a defence under section 28, 29 or 31 of the *Defamation Act 2005*,
    - (iii) the defence of fair comment at common law.
- (2) A defence to which this rule applies is sufficiently pleaded if it alleges that the matter complained of was published under qualified privilege.

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**14.38 Defences of comment or honest opinion** (cf SCR Part 67, rule 17 (1) and (2); DCR Part 49, rule 16 (1) and (2))

**(1) Defences under Defamation Act 1974**

A defence under Division 7 of Part 3 of the *Defamation Act 1974* is sufficiently pleaded if, as to the matter it alleges was comment, it:

- (a) either:
  - (i) alleges that the comment was comment based on proper material for comment and on no other material, or
  - (ii) alleges that the comment was comment based to some extent on proper material for comment and represented an opinion that might reasonably be based on that material to the extent to which it was proper material for comment, and
- (b) alleges that the comment related to a matter of public interest, and
- (c) either:
  - (i) alleges that the comment was the comment of the defendant, or
  - (ii) alleges that the comment was the comment of a servant or agent of the defendant, or
  - (iii) alleges that the comment was not, and in its context and in the circumstances of the publication complained of did not purport to be, the comment of the defendant or of any servant or agent of the defendant.

**Note.** A defence of fair comment under Division 7 of Part 3 of the *Defamation Act 1974* applies to the exclusion of the common law defence of fair comment. See section 29 of the *Defamation Act 1974*.

**(2) Defences under Defamation Act 2005**

A defence under section 31 of the *Defamation Act 2005* is sufficiently pleaded if, as to the matter it alleges was opinion, it:

- (a) either:
  - (i) alleges that the opinion was based on proper material and on no other material, or
  - (ii) alleges that the opinion was an opinion based to some extent on proper material and represented an opinion that might reasonably be based on that material to the extent to which it was proper material, and

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- (b) alleges that the opinion was an opinion related to a matter of public interest, and
  - (c) either:
    - (i) alleges that the opinion was an expression of opinion of the defendant, or
    - (ii) alleges that the opinion was an expression of opinion of an employee or agent of the defendant, or
    - (iii) alleges that the opinion was an expression of opinion of a person other than the defendant or an employee or agent of the defendant.

**Note.** A defence of honest opinion under section 31 of the *Defamation Act 2005* is in addition to, and does not vitiate, limit or abrogate, the common law defence of fair comment. See section 24 (1) of the *Defamation Act 2005*.

(3) **Defence of fair comment at common law**

A defence of fair comment at common law is sufficiently pleaded if, as to the matter it alleges was comment, it:

- (a) alleges that the comment was comment based on true facts or material that was published under privilege, and
- (b) alleges that the comment related to a matter of public interest, and
- (c) alleges that the comment was made honestly by the defendant.

**Note.** See the note to subrule (2).

**14.39 Defence of innocent dissemination**

A defence under section 32 of the *Defamation Act 2005* is sufficiently pleaded if it alleges that:

- (a) the defendant published the matter complained of merely in the capacity, or as an employee or agent, of a subordinate distributor, and
- (b) the defendant neither knew, nor ought reasonably to have known, that the matter was defamatory, and
- (c) the defendant's lack of knowledge was not due to any negligence on the part of the defendant.

**14.40 Defence of triviality**

- (1) This rule applies to:
  - (a) a defence under section 13 of the *Defamation Act 1974*, and

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(b) a defence under section 33 of the *Defamation Act 2005*.

- (2) A defence to which this rule applies is sufficiently pleaded if it alleges that the circumstances of publication of the matter complained of were such that the plaintiff was unlikely to sustain any harm.

**[4] Part 15, Division 4**

Insert after Division 3:

**Division 4 Defamation**

**Note.** The *Defamation Act 2005* applies to the publication of defamatory matter after the commencement of that Act. The Act commenced on 1 January 2006. However, the *Defamation Act 1974* (as in force before its repeal by the *Defamation Act 2005*) continues to apply to the following causes of action by virtue of clause 2 (Application of this Act) of Schedule 4 (Savings, transitional and other provisions) to the *Defamation Act 2005*:

- (a) a cause of action for defamation that accrued before 1 January 2006,
- (b) a cause of action for defamation that accrued after the commencement of the *Defamation Act 2005*, but only if:
  - (i) the action is raised in proceedings that include other causes of action that accrued before 1 January 2006, and
  - (ii) the action accrued no later than 12 months after the earliest pre-1 January 2006 action accrued, and
  - (iii) each action in the proceedings arose out of the publication of the same, or substantially the same, matter on different occasions.

Clause 2 of Schedule 4 to the *Defamation Act 2005* also ensures that any other law (both legislative and common law) that would have applied to such causes of action but for the enactment of the new Act will continue to apply to such causes of action.

**15.19 Particulars in relation to statements of claim for defamation** (cf SCR Part 67, rule 12; DCR Part 49, rule 11)

- (1) The particulars required by rule 15.1 in relation to a statement of claim seeking relief in relation to the publication of defamatory matter must include the following:
  - (a) particulars of any publication on which the plaintiff relies to establish the cause of action, sufficient to enable the publication to be identified,
  - (b) particulars of any publication, circulation or distribution of the matter complained of or copy of the matter complained of on which the plaintiff relies on the question of damages, sufficient to enable the publication, circulation or distribution to be identified,

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- (c) if the plaintiff alleges that the matter complained of had a defamatory meaning other than its ordinary meaning—particulars of the facts and matters on which the plaintiff relies to establish that defamatory meaning, including:
- (i) full and complete particulars of the facts and matters relied on to establish a true innuendo, and
  - (ii) by reference to name or class, the identity of those to whom those facts and matters were known,
- (d) if the plaintiff is not named in the matter complained of—particulars of identification of the plaintiff together with the identity, by reference to names and addresses or class of persons, of those to whom any such particulars were known, and
- (e) particulars of the part or parts of the matter complained of relied on by the plaintiff in support of each pleaded imputation.
- (2) Such of the following as is applicable must be filed and served with a statement of claim seeking relief in relation to the publication of defamatory matter (or any amended statement of claim) and be referred to in the statement of claim or amended statement of claim:
- (a) a legible photocopy of the original publication or, in the case of an internet, e-mail or other computer displayed publication, a printed copy,
  - (b) a typescript, with numbered lines, of:
    - (i) if the original publication is in English—the text of the original publication, or
    - (ii) otherwise—a translation of the text of the original publication.
- (3) Subrule (2) (b) must be complied with in respect of radio and television publications.

**15.20 Particulars in relation to statements of claim by corporations**

The particulars required by rule 15.1 in relation to a statement of claim seeking relief in relation to the publication of defamatory matter about a corporation must include particulars of the facts, matters and circumstances on which the plaintiff relies to establish that the corporation is not precluded from asserting a cause of action for defamation.

## Uniform Civil Procedure Rules (Amendment No 5) 2005

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**Note.** Subject to limited exceptions, corporations are precluded from bringing defamation proceedings:

- (a) in relation to causes of action to which the *Defamation Act 1974* applies, by section 8A of that Act, and
- (b) in relation to causes of action to which the *Defamation Act 2005* applies, by section 9 of that Act.

**15.21 Particulars of defamation defences generally** (cf SCR Part 67, rule 18; DCR Part 49, rule 17)

- (1) The particulars of a defamation defence required by rule 15.1 must, unless the court orders otherwise, include particulars of the facts, matters and circumstances on which the defendant relies to establish:
  - (a) that any imputation, notice, report, comment or other material was or related to a matter of public interest,
  - (b) that any imputation was published under qualified privilege,
  - (c) that any imputation or contextual imputation was true or was a matter of substantial truth,
  - (d) that any material being proper material for comment was a matter of substantial truth.
- (2) If a defendant in proceedings for defamation intends to make a case in mitigation of damages by reference to:
  - (a) the circumstances in which the publication complained of was made, or
  - (b) the reputation of the plaintiff, or
  - (c) any apology for, or explanation or correction or retraction of, any imputation complained of, or
  - (d) any recovery, proceedings, receipt or agreement to which section 48 of the *Defamation Act 1974* or section 38 (1) (c), (d) or (e) of the *Defamation Act 2005* applies,
 the defendant must give particulars of the facts, matters and circumstances on which the defendant relies to make that case.
- (3) If a defendant in proceedings for defamation intends to show, in mitigation of damages, that any imputation complained of was true or was a matter of substantial truth, the defendant must give particulars identifying the imputation, stating that intention, and of the facts, matters and circumstances the defendant relies on to establish that the imputation was true or was a matter of substantial truth.

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- (4) The particulars required by subrules (2) and (3) must be set out in the defence, or, if that is inconvenient, may be set out in a separate document, referred to in the defence and that document must be filed and served with the defence.

**15.22 Particulars in relation to defence of justification****(1) Defence under section 15 of Defamation Act 1974**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 15 (2) of the *Defamation Act 1974* must (unless the court orders otherwise) include particulars of the facts, matters and circumstances on which the defendant relies to establish:

- (a) that the imputation in question was a matter of substantial truth, and
- (b) either:
  - (i) that the imputation in question related to a matter of public interest, or
  - (ii) that the imputation in question was published under qualified privilege.

**Note.** The defence of justification under section 15 (2) of the *Defamation Act 1974* applies to the exclusion of the common law defence of justification. See section 15 (1) of the *Defamation Act 1974*.

**(2) Defences under section 25 of Defamation Act 2005 and at common law**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of justification under section 25 of the *Defamation Act 2005* or at common law must (unless the court orders otherwise) include particulars of the facts, matters and circumstances on which the defendant relies to establish that the imputation in question was substantially true.

**Note.** The defence of justification under section 25 of the *Defamation Act 2005* is in addition to, and does not vitiate, limit or abrogate, the common law defence of justification. See section 24 (1) of the *Defamation Act 2005*.

**15.23 Particulars in relation to the defence of contextual truth****(1) Defence under section 16 of Defamation Act 1974**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 16 of the *Defamation Act 1974* must include particulars of the facts, matters and circumstances on which the defendant relies to establish:



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- (a) that the imputation in question related to a matter of public interest or was published under qualified privilege, and
  - (b) that the contextual imputations on which the defendant relies:
    - (i) related to a matter of public interest or that they were published under qualified privilege, and
    - (ii) are matters of substantial truth.

(2) **Defence under section 26 of Defamation Act 2005**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of contextual truth under section 26 of the *Defamation Act 2005* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the contextual imputations on which the defendant relies are substantially true.

**15.24 Particulars in relation to defence of absolute privilege**

- (1) This rule applies:
  - (a) to a defence of absolute privilege under Division 3 of Part 3 of the *Defamation Act 1974* or under section 27 of the *Defamation Act 2005*, and
  - (b) to the defence of absolute privilege at common law.
- (2) Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of absolute privilege to which this rule applies must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the imputation or matter complained of was published under absolute privilege.

**15.25 Particulars in relation to defences for publication of public and official documents**(1) **Defence under section 25 of Defamation Act 1974**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 25 of the *Defamation Act 1974* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the matter complained of was:

- (a) a document or record specified as a document or record to which that section applies or a copy of such a document or record, or
- (b) a fair extract or fair abstract from, or a fair summary of, such a document or record.

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**(2) Defence under section 27 of Defamation Act 1974**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 27 of the *Defamation Act 1974* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the matter complained of was a notice published in accordance with the direction of a court.

**(3) Defence under section 28 of Defamation Act 2005**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 28 of the *Defamation Act 2005* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the matter complained of was contained in:

- (a) a public document or a fair copy of a public document, or
- (b) a fair summary of, or a fair extract from, a public document.

**15.26 Particulars in relation to defences of fair report of proceedings of public concern****(1) Defences under section 24 of Defamation Act 1974**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 24 of the *Defamation Act 1974* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that:

- (a) the matter complained of was a fair protected report, or
- (b) the matter complained of was a later publication by the defendant of:
  - (i) a protected report or a copy of the protected report, or a fair extract or fair abstract from, or fair summary of, a protected report that was previously published by another person, or
  - (ii) material purporting to be a protected report or a copy of the protected report, or of a fair extract or fair abstract from, or fair summary of, material purporting to be a protected report that was previously published by another person,

and the defendant did not have knowledge that should have made the defendant aware that the protected report is not fair or the material purporting to be a protected report was not a protected report or is not fair.

Uniform Civil Procedure Rules (Amendment No 5) 2005

Amendments

Schedule 1

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(2) **Defences under section 29 of Defamation Act 2005**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 29 of the *Defamation Act 2005* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that:

- (a) the matter complained of was, or was contained in, a fair report of any proceedings of public concern, or
- (b) the matter complained of:
  - (i) was, or was contained in, an earlier published report of proceedings of public concern, and
  - (ii) was, or was contained in, a fair copy of, a fair summary of, or a fair extract from, the earlier published report,

and the defendant had no knowledge that would reasonably make the defendant aware that the earlier published report was not fair.

**15.27 Particulars in relation to defence of qualified privilege**

- (1) This rule applies:
  - (a) to a defence under Division 4 of Part 3 of the *Defamation Act 1974* or section 30 of the *Defamation Act 2005*, and
  - (b) to any other defence of qualified privilege other than any of the following:
    - (i) a defence under Division 5, 6 or 7 of Part 3 of the *Defamation Act 1974*,
    - (ii) a defence under section 28, 29 or 31 of the *Defamation Act 2005*,
    - (iii) the defence of fair comment at common law.
- (2) Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of qualified privilege to which this rule applies must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the imputation or matter complained of was published under qualified privilege.

## Uniform Civil Procedure Rules (Amendment No 5) 2005

## Schedule 1 Amendments

**15.28 Particulars in relation to defences of comment and honest opinion**

(cf SCR Part 67, rule 17 (3)–(6); DCR Part 49, rule 16 (3)–(6))

**(1) Defences under Division 7 of Part 3 of Defamation Act 1974**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of comment under Division 7 of Part 3 of the *Defamation Act 1974* must include:

- (a) particulars identifying the material on which it is alleged that the matter alleged to be comment was comment and identifying to what extent that material is alleged to be proper material for comment, and
- (b) as to material alleged to be proper material for comment, particulars of the facts, matters and circumstances on which the defendant relies to establish that allegation.
- (c) if the defendant relies on a defence under section 33 of that Act—particulars identifying the servant or agent of the defendant whose comment it is alleged to be.

**Note.** A defence of fair comment under Division 7 of Part 3 of the *Defamation Act 1974* applies to the exclusion of the common law defence of fair comment. See section 29 of the *Defamation Act 1974*.

**(2) Defences under section 31 of Defamation Act 2005**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of honest opinion under section 31 of the *Defamation Act 2005* must include:

- (a) particulars identifying the material on which it is alleged that the matter alleged to be an opinion was an opinion and identifying to what extent that material is alleged to be proper material, and
- (b) as to material alleged to be proper material, particulars of the facts, matters and circumstances on which the defendant relies to establish that allegation, and
- (c) if the defendant relies on a defence under section 31 (2) of that Act—particulars identifying the employee or agent of the defendant whose opinion it is alleged to be, and
- (d) if the defendant relies on a defence under section 31 (3) of that Act—particulars identifying the commentator whose opinion it is alleged to be.

**Note.** A defence of honest opinion under section 31 of the *Defamation Act 2005* is in addition to, and does not vitiate, limit or abrogate, the common law defence of fair comment. See section 24 (1) of the *Defamation Act 2005*.

Uniform Civil Procedure Rules (Amendment No 5) 2005

Amendments

Schedule 1

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(3) **Defence of fair comment at common law**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence of fair comment at common law must include:

- (a) particulars identifying the material on which it is alleged that the matter alleged to be comment was comment and identifying to what extent that material is alleged to be based on true facts or material that was published under privilege, and
- (b) as to material alleged to be true facts or material that was published under privilege, particulars of the facts, matters and circumstances on which the defendant relies to establish that allegation.

**Note.** See note to subrule (2).

**15.29 Particulars in relation to defence of innocent dissemination**

Without limiting rule 15.21, the particulars required by rule 15.1 for a defence under section 32 of the *Defamation Act 2005* must include particulars of the facts, matters and circumstances on which the defendant relies to establish that:

- (a) the defendant published the matter complained of merely in the capacity, or as an employee or agent, of a subordinate distributor, and
- (b) the defendant neither knew, nor ought reasonably to have known, that the matter was defamatory, and
- (c) the defendant's lack of knowledge was not due to any negligence on the part of the defendant.

**15.30 Particulars in relation to defence of triviality**

- (1) This rule applies to:
  - (a) a defence under section 13 of the *Defamation Act 1974*, and
  - (b) a defence under section 33 of the *Defamation Act 2005*.
- (2) Without limiting rule 15.21, the particulars required by rule 15.1 for a defence to which this rule applies must include particulars of the facts, matters and circumstances on which the defendant relies to establish that the circumstances of publication of the matter complained of were such that the plaintiff was unlikely to sustain any harm.

## Uniform Civil Procedure Rules (Amendment No 5) 2005

## Schedule 1 Amendments

**15.31 Particulars concerning grounds that defeat defamation defences**

(cf SCR Part 67, rule 19 (1); DCR Part 49, rule 18)

- (1) If a plaintiff intends to meet any defamation defence:
  - (a) by alleging that the defendant was actuated by express malice in the publication of the matter complained of, or
  - (b) by relying on any matter which, under the *Defamation Act 1974* or the *Defamation Act 2005*, defeats the defence,then the particulars required by rule 15.1 in relation to the reply must include particulars of the facts, matters and circumstances on which the plaintiff relies to establish that allegation or matter of defeasance.
- (2) The particulars required by subrule (1) must be set out in the reply, or, if that is inconvenient, may be set out in a separate document, referred to in the reply, and that document must be filed and served with the reply.

**15.32 Particulars concerning damages** (cf SCR Part 67, rule 19 (2) and (3); DCR Part 49, rule 18)

The plaintiff must give:

- (a) particulars of facts, matters and circumstances on which the plaintiff will rely in support of a claim for aggravated damages, and
- (b) particulars of any claim the plaintiff makes by way of:
  - (i) special damages, or
  - (ii) any claim for general loss of business or custom.

**[5] Rule 29.2**

Omit the rule. Insert instead:

**29.2 Applications, elections and requisitions for jury** (cf SCR Part 34, rule 3; DCR Part 12, rule 5)

- (1) **Applications generally**

Except as provided by subrule (3), an application for proceedings to be tried by jury must be made by notice of motion.
- (2) **Filing of requisitions for juries**

For the purposes of section 85 of the *Supreme Court Act 1970* and section 76A of the *District Court Act 1973*, a requisition for a jury must be filed at the same time as the notice of motion referred to in subrule (1) is filed.

Uniform Civil Procedure Rules (Amendment No 5) 2005

Amendments

Schedule 1

(3) **Elections under section 21 of Defamation Act 2005**

A party who intends to make an election under section 21 of the *Defamation Act 2005* to have proceedings for defamation tried by jury (an *election for trial by jury*) must file a notice of intention to do so.

(4) Unless the court otherwise orders, an election for trial by jury must be made, by means of an announcement in open court before a judicial officer, at the first hearing that takes place more than 3 days after service on the active parties of the notice of intention to make the election.

(5) At a hearing referred to in subrule (4), any party may, without notice of motion having been filed or served, apply to the court for an order under section 21 (3) of the *Defamation Act 2005* that the trial not be by jury and, if such an application is made, the court may determine the application on the day it is made or on any later day fixed by the court.

(6) **Time for filing notice of motion or intention**

Unless the court otherwise orders, a notice of motion under subrule (1) or notice of intention under subrule (3) must be filed:

- (a) if the notice is filed by the plaintiff:
  - (i) within 56 days after service on the defendant of the statement of claim, or
  - (ii) if a defence is served on the plaintiff within that period, within 28 days after service of the defence on the plaintiff, or
- (b) if the notice is filed by the defendant:
  - (i) within 28 days after service on the defendant of the statement of claim, or
  - (ii) if, pursuant to rule 14.3, the court directs some other date for the filing of a defence, within 28 days after the date fixed by the court's direction.

[6] **Rules 29.15 and 29.16**

Insert after rule 29.14:

**29.15 Statement in open court about settled defamation proceedings** (cf SCR Part 67, rule 21; DCR Part 49, rule 19)

With the leave of the court, a party to proceedings for defamation that have been settled may make in open court such statement about the proceedings as has been approved by the court in private.

## Uniform Civil Procedure Rules (Amendment No 5) 2005

## Schedule 1 Amendments

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**29.16 Offers to make amends for defamatory publications:  
determination of questions** (cf SCR Part 67, rule 22; DCR Part 49, rule 20)

The court may hear an application and determine any question under section 9F (2) of the *Defamation Act 1974* or section 15 (3) of the *Defamation Act 2005* in the absence of the public.

**[7] Schedule 2 Local rules that prevail over these rules**

Omit the matter relating to Part 67 (Defamation) of the *Supreme Court Rules 1970*.

**[8] Dictionary**

Insert in alphabetical order:

***defamation defence*** means:

- (a) any defence to the publication of defamatory matter under the *Defamation Act 1974* or the *Defamation Act 2005*, or
- (b) any other defence or exclusion of liability available to a defendant apart from those Acts for the publication of defamatory matter (whether at common law or under any other legislation).

***imputation in question***, in relation to any defamation defence, means the imputation to which the defence is pleaded.





New South Wales

# Uniform Civil Procedure Rules (Amendment No 6) 2005

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 5 December 2005.

Jennifer Atkinson  
Secretary of the Uniform Rules Committee

## Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005*:

- (a) to require certain information in documents filed with a court to be in bold and underlined, and
- (b) to redefine the terms *admitting party* and *requesting party* for the purposes of rule 17.5 so that those terms more accurately reflect the underlying concepts and to make other consequential amendments to that rule, and
- (c) to remove from Part 46 certain references to the provisions of that Part being subject to the provisions of any Act because, as a matter of statutory construction, such references are unnecessary, and
- (d) to amend rule 19.5 so as to remove the requirement for a note indicating amendments to a filed document to be included in a fresh document that has been amended in accordance with the rules or an order or direction of the court.

Rule 1 Uniform Civil Procedure Rules (Amendment No 6) 2005

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## **Uniform Civil Procedure Rules (Amendment No 6) 2005**

under the

Civil Procedure Act 2005

### **1 Name of Rules**

These Rules are the *Uniform Civil Procedure Rules (Amendment No 6) 2005*.

### **2 Amendment of Uniform Civil Procedure Rules 2005**

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Uniform Civil Procedure Rules (Amendment No 6) 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Rule 2)

### [1] Rule 4.3

Insert after rule 4.3 (3):

- (3A) The following information in a document must be set out in bold and underlined:
- (a) the name of the first plaintiff and first defendant in the title of the proceedings,
  - (b) in the case of a cross-claim, the name of the first cross-claimant and first cross-defendant in the title to the proceedings,
  - (c) in the case of a notice of motion, the name of the person or party for whom the notice is filed in the filing details for the notice.

**Note.** Rule 4.2 requires the title of proceedings to be included in the originating process or other documents filed on or behalf of a person in proceedings.

### [2] Rule 17.5

Omit rule 17.5 (1). Insert instead:

- (1) In this rule:
- admitting party*** means the party on whom a list of documents is served under rule 21.3.
- requesting party*** means the party by whom a list of documents is served under rule 21.3.

### [3] Rule 17.5 (2)

Omit “an admitting party allows inspection”.

Insert instead “a requesting party allows inspection”.

### [4] Rule 17.5 (4)

Omit the subrule. Insert instead:

- (4) The admitting party and the requesting party are taken to be in the same position as they would have been in had the admitting party, on the date of service of the list of documents, served on the requesting party a notice requiring production at the trial of such of the documents specified in the list as are in the possession of the requesting party.

## Uniform Civil Procedure Rules (Amendment No 6) 2005

## Schedule 1 Amendments

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**[5] Rule 19.5**

Omit the rule. Insert instead:

**19.5 Mode of amendment generally** (cf SCR Part 20, rules 7 and 8; DCR Part 17, rules 7 and 8; LCR Part 16, rules 7 and 8)

- (1) Subject to any directions referred to in rule 19.6, amendments to a filed document must be made by filing a fresh document that has been amended in accordance with these rules or pursuant to an order of the court.
- (2) The amendments must be indicated as follows:
  - (a) the omission of existing matter must be indicated in such manner (such as striking through the matter, with or without underlining) as does not affect the legibility of the matter being omitted, and
  - (b) the insertion of new matter must be indicated in such manner (such as the use of underlining, bolding or italics) as distinguishes it from existing matter (including existing matter to be omitted).
- (3) A document amended under this rule must be marked with the following particulars:
  - (a) the date of the amendment,
  - (b) if the amendment is made pursuant to an order of the court, the date of the order,
  - (c) if the amendment is made otherwise than pursuant to an order of the court, a reference to the provision of these rules that authorises the amendment,
  - (d) the manner in which the omission and insertion of matter have been indicated in the amended document.

**[6] Rule 46.1**

Omit “Subject to any Act, this” from rule 46.1 (1). Insert instead “This”.

**[7] Rule 46.1**

Insert at the end of the rule:

**Note.** The provisions of this Part, like the other provisions of these rules, are subject to any Act that makes provision to the contrary.

**[8] Rule 46.3**

Omit “Subject to any Act, a” from rule 46.3 (1). Insert instead “A”.

Uniform Civil Procedure Rules (Amendment No 6) 2005

Amendments

Schedule 1

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**[9] Rule 46.3 (2)**

Omit “form part of”. Insert instead “be included in”.

**[10] Rule 46.3**

Insert at the end of the rule:

**Note.** The provisions of this Part, like the other provisions of these rules, are subject to any Act that makes provision to the contrary. For example, section 24 of the *Companion Animals Act 1998* provides that an appeal to the District Court against an order disqualifying a person from owning a dog may only be made within 28 days after the date on which the order is made.

**[11] Rule 46.12**

Insert at the end of the rule:

**Note.** The provisions of this Part, like the other provisions of these rules, are subject to any Act that makes provision to the contrary. For example, section 39 of the *Victims Support and Rehabilitation Act 1996* provides that an appeal to the District Court against a determination of an application for statutory compensation under that Act may be made within 3 months after the day on which notice of the determination is served on the person or within such further time as the District Court may in exceptional circumstances allow.



New South Wales

# Supreme Court Rules (Amendment No 408) 2005

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 21 November 2005.

Steven Jupp  
Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to omit Part 67 (Defamation) of the *Supreme Court Rules 1970* as a consequence of rules of court for defamation proceedings being included in the *Uniform Civil Procedure Rules 2005*.

Rule 1 Supreme Court Rules (Amendment No 408) 2005

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## **Supreme Court Rules (Amendment No 408) 2005**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 408) 2005*.

### **2 Commencement**

These Rules commence on 1 January 2006.

### **3 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 408) 2005

Amendments

Schedule 1

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## **Schedule 1    Amendments**

(Rule 3)

**[1]    Part 67 Defamation**

Omit the Part.

**[2]    Schedule D Powers of associate Judges**

Omit the matter relating to Part 67 from Part 2.



# OFFICIAL NOTICES

## Appointments

### ABORIGINAL LAND RIGHTS ACT 1983

#### Extension of Appointment of Administrator

I, the Honourable MILTON ORKOPOULOS, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act), extend the appointment of Mr Barry JAMESON as Administrator to the Jali Local Aboriginal Land Council for a maximum period of six (6) calendar months, effective from 24 November 2005. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$90,000 dollars, excluding GST.

Signed and sealed this 17th day of November 2005.

MILTON ORKOPOULOS, M.P.,  
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

### ABORIGINAL LAND RIGHTS ACT 1983

#### Extension of Appointment of Administrator

I, the Honourable MILTON ORKOPOULOS, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act), extend the term of the appointment of Mr William MALVERN as Administrator to the Coonabarabran Local Aboriginal Land Council for a maximum period of three calendar months, effective from the 15 November 2005. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$30,000 dollars (excluding GST).

Signed and sealed this 17th day of November 2005.

MILTON ORKOPOULOS, M.P.,  
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

### AUSTRALIAN MUSEUM TRUST ACT 1975

#### Appointment of Trustees Australian Museum Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Australian Museum Trust Act 1975, the following persons being appointed as trustees of the Australian Museum Trust from 1 January 2006 to 31 December 2008:

Dr Ronnie HARDING, pursuant to section 1(a) (re-appointment),  
Sam MOSTYN (re-appointment), and

Michael SEYFFER (re-appointment).

BOB DEBUS, M.P.,  
Minister for the Arts

### CONSTITUTION ACT 1902

#### Ministerial Arrangements during the Absence of the Minister for Health

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the rescission of the approval for the Honourable J. J. DELLA BOSCA, M.L.C., to act for and on behalf of the Minister for Health from 10 December 2005, and has authorised the Hon. F. E. SARTOR, M.P., Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research and Minister Assisting the Minister for Health (Cancer), to act for and on behalf of the Minister for Health, as on and from 10 December 2005, with a view to him performing the duties of the Honourable J. HATZISTERGOS, M.L.C., during his absence from duty.

MORRIS IEMMA, M.P.,  
Premier

### HISTORIC HOUSES ACT 1980

#### Appointment of Trustees Historic Houses Trust of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Historic Houses Act 1980, the following persons being appointed as trustees of the Historic Houses Trust of New South Wales from 1 January 2006 to 31 December 2008:

Bruce HAMBRETT (new appointment),  
Elaine LAWSON (re-appointment), and  
Bruce McWILLIAM (re-appointment).

BOB DEBUS, M.P.,  
Minister for the Arts

### OCCUPATIONAL HEALTH AND SAFETY ACT 2000

#### Appointment of Inspectors under Section 47A

I, ALAN COUTTS, Deputy Director-General, Department of Primary Industries – Mineral Resources, under sub delegated authority and pursuant to section 47A of the Occupational Health and Safety Act 2000 (the Act):

- revoke all previous appointments under section 47A of the Act; exclusive of the appointment of Rodney Dale MORRISON as an Inspector, dated 6 July 2005, and
- appoint as an inspector for the purposes of the Act and the regulations under the Act any person named in Column 1 of Schedule 1 below; and

- (c) limit the functions that a person so appointed has as such an inspector to functions other than those within the exclusion category specified in Column 2 of Schedule 1 opposite the person's name.

For the purposes of paragraph (c), the functions within an exclusion category are those specified in Column 2 of Schedule 2 below opposite the category.

Dated this 17th day of November 2005.

Alan Coutts,  
Deputy Director General,  
Department of Primary Industries,  
Mineral Resources

SCHEDULE 1

| COLUMN 1<br>Name of Person | COLUMN 2<br>Exclusion Category<br>(functions outside<br>inspectors powers) |
|----------------------------|--|
| ANDERSON Ian Charles       | B  |
| AUSTIN Ian Bruce           | C  |
| BARNES Mathew Robert       | C  |
| BARRACLOUGH William        | A  |
| CHILMAN Keith Herbert      | B  |
| COWAN Graham William       | B  |
| CRAM David Alan            | C  |
| DE GRUCHY Paul Warren      | C  |
| DILLON Ronald Francis      | C  |
| DRAIN Paul William         | C  |
| FISHER Mark Stephen        | B  |
| FREEMAN Mark William       | C  |
| HAMSON Paul Vincent Carey  | B  |
| HEALEY Paul Thomas         | A  |
| HOWELL David Hampton       | B  |
| IVANOVIC Dobrosav          | B  |
| JAY Robert Alan            | C  |
| JERVIS Gordon David        | B  |
| JOHNSON Robert Lewis       | B  |
| JOHNSTON Graham William    | B  |
| KELLY Noel Lloyd           | C  |
| KENNEDY Robert Alexander   | B  |
| KOPPE Wouter Johan         | B  |
| LACKEY Paul Alexander      | B  |
| LEGGETT Raymond William    | B  |
| LEONTE Mihai               | C  |
| MACDONALD Glyn Ranald      | B  |
| MAGINNIS Stanley Ferguson  | B  |
| MARTIN Timothy Daniel      | C  |
| MCDOUALL Rawdon Angus      | B  |
| MCMAHON James Edward       | C  |
| MACPHERSON David Joseph    | C  |
| MILLINGTON Steven James    | B  |
| MORGAN Edward Walker       | B  |
| MOSS John Lorden           | A  |
| NEWY Paul Geoffrey         | B  |
| NICHOLS David Johnstone    | B  |
| NORCOTT John Humphrey      | B  |
| PIGGOTT Alwyn              | C  |
| RAFTERY Paul               | C  |
| REGAN Robert William       | C  |
| SCHOFIELD Warwick Hutton   | A  |
| SCULLY Paul Gregory        | C  |
| SKEEN Michael Robert       | C  |
| SMITH Douglas              | B  |

|                         |   |
|-------------------------|---|
| SMITH Antony            | C |
| SPRUCE Dennis James     | B |
| STEPHENS Lewis Mark     | B |
| SUNOL Peter Alsina      | B |
| TOWN Janet              | C |
| TSALLOS John            | C |
| WAUDBY John Francis     | B |
| WELSH Greg              | B |
| WHITE Paul Dudley       | B |
| WILLOUGHBY Matthew Lees | C |

SCHEDULE 2

| COLUMN 1<br>Exclusion<br>Category | COLUMN 2<br>Functions<br>(within exclusion category)  |
|-----------------------------------|---|
| A                                 | Functions of an inspector under section 108 (Penalty notices) of the Act  |
| B                                 | Functions of an inspector under section 32B (Prosecution for offences under this Part (Part 2A Workplace deaths – offence)) and section 106 (Authority to prosecute) and section 108 (Penalty notices) of the Act   |
| C                                 | Functions of an inspector under section 32B (Prosecution for offences under this Part (Part 2A Workplace deaths – offence)) and Division 2 (Improvement notices) and Division 3 (Prohibition notices) of Part 6 and section 106 (Authority to prosecute) and section 108 (Penalty notices) of the Act |

**SYDNEY OPERA HOUSE TRUST ACT 1961**

Appointment of Trustees – Sydney Opera House Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Sydney Opera House Trust Act 1961, the following persons being appointed as trustees of the Sydney Opera House Trust from 1 January 2006 to 31 December 2008:

Gail BURKE (re-appointment),  
Rachel HEALY, pursuant to section 6(2) (new appointment), and  
Jacqueline KOTT (re-appointment).

BOB DEBUS, M.P.,  
Minister for the Arts

**TOURISM NEW SOUTH WALES ACT 1984**

Appointment of Part-Time Members  
Tourism New South Wales

IT is hereby notified that in pursuance of section 4(3), 4(4) and 4(5) of the Tourism New South Wales Act 1984 (as amended), Narendra KUMAR be appointed a part-time member of the Board of Tourism New South Wales for a period of three years expiring on 15 November 2008.

Dated: 9 November 2005.

SANDRA NORI, M.P.,  
Minister for Tourism and Sport and Recreation,  
Minister for Women  
and Minister Assisting the  
Minister for State Development

# Department of Lands

**ARMIDALE OFFICE**  
**108 Faulkner Street (PO Box 199A), Armidale NSW 2350**  
**Phone: (02) 6772 5488 Fax (02) 6771 5348**

**ROADS ACT 1993**

**ORDER**

Transfer of a Crown road to a Council

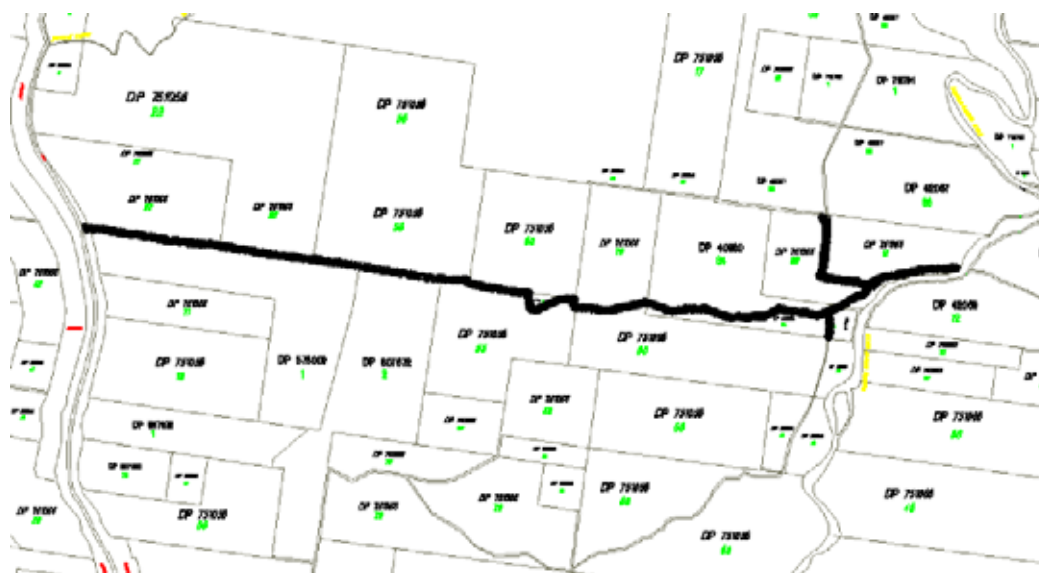
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in each Schedule 1 are transferred to the Roads Authority specified in the corresponding Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each Schedule 1, cease to be Crown roads.

TONY KELLY, M.L.C.,  
 Minister for Lands

**SCHEDULE 1**

*Parish – Corry; County – Buller; Land District and L.G.A. – Tenterfield.*

The Crown road known as Harrigans Lane extending generally easterly from its intersection with the Mount Lindesay Highway to its junction with the Boonoo Boonoo River along with the Crown road on the west and south of Lot 14 and within Lot 29, DP 751056 and the Crown road within Lot 84, DP 40980 extending generally south to the northern boundary of Lot 30, DP 751056 as shown shaded on the diagram hereunder.



**SCHEDULE 2**

Roads Authority: Tenterfield Shire Council.

File No.: AE05 H 136.

Councils Reference: Tony Larkin, Harrigans Lane.

**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 Schedules hereunder, are appointed for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,  
 Minister for Lands

**SCHEDULE 1**

| <b>COLUMN 1</b>  | <b>COLUMN 2</b>                       | <b>COLUMN 3</b>   |
|--|---------------------------------------|---|
| William Andrew HODKINSON (new member), Philip Melrose WIGG (re-appointment), Geoffrey Norman WIEDEMANN (re-appointment). | Auburn Vale Recreation Reserve Trust. | Reserve No.: 110028.<br>Public Purpose: Public recreation.<br>Notified: 22 December 1989.<br>File No.: AE90 R 20. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 2

| COLUMN 1   | COLUMN 2                             | COLUMN 3  |
|--|--------------------------------------|---|
| Dorothy Anne EVERY (re-appointment), Dudley Stewart GRIMSTON (re-appointment), John Arthur EVERY (re-appointment), Donald Herbert STRIDE (re-appointment). | Ben Lomond Recreation Reserve Trust. | Reserve No.: 37235. Public Purpose: Public recreation. Notified: 13 February 1904. File No.: AE83 R 31. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 3

| COLUMN 1  | COLUMN 2                          | COLUMN 3  |
|---|-----------------------------------|---|
| Stuart Arthur SHANNON (new member), Garry George BLACKFORD (re-appointment), Pauline Margaret BLACKFORD (re-appointment), Ian Alan COVENTRY (re-appointment), Neil Kenneth THOMPSON (re-appointment). | Bonshaw Racecourse Reserve Trust. | Reserve No.: 42857. Public Purpose: Racecourse. Notified: 8 July 1908. File No.: AE80 R 38. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 4

| COLUMN 1  | COLUMN 2                    | COLUMN 3   |
|---|-----------------------------|--|
| Robert BALDWIN (re-appointment), Alan Howard MAKIM (re-appointment), Wayne Howard MUDFORD (re-appointment), Michael Robert BALDWIN (re-appointment), Bronwyn Mary KENNEDY (re-appointment). | Gum Flat Public Hall Trust. | Reserve No.: 49552. Public Purpose: Public hall. Notified: 4 February 1914. File No.: AE83 R 35. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 5

| COLUMN 1   | COLUMN 2                   | COLUMN 3  |
|--|----------------------------|---|
| Suzanne Louise HARRISON (re-appointment), Allan Ray KERMODE (re-appointment), Douglas John WHITE (re-appointment), Donald Arthur KERMODE (re-appointment), Tracey Jane CAMERON (new member). | Ingleba Public Hall Trust. | Reserve No.: 58229. Public Purpose: Public hall. Notified: 14 August 1925. File No.: AE83 R 34. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 6

| COLUMN 1  | COLUMN 2                     | COLUMN 3  |
|---|------------------------------|---|
| Heather Veronica HAMILTON (new member), Trevor Geoffrey STRUDWICK (re-appointment), Debbie Gay WHITE (re-appointment), Alan James SWALES (re-appointment), Barry Ambrose TONKIN (re-appointment). | Kingstown Public Hall Trust. | Reserve No.: 63708. Public Purpose: Public hall. Notified: 30 December 1932.                          |
|   |                              | Reserve No.: 1001336. Public Purpose: Public recreation. Notified: 19 June 1998. File No.: AE83 R 32. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 7

| COLUMN 1  | COLUMN 2  | COLUMN 3  |
|---|---|---|
| Desiree Dawn MASON (new member), Karl SHERRATT (new member), Angela Ruth CURNOW (re-appointment), Jon Andrew DAVIES (re-appointment), Lance BURTON (re-appointment), Richard Owen CORK. | Torrington War Memorial and Recreation Reserve Trust. | Reserve No.: 52937. Public Purpose: Public recreation. Notified: 16 August 1918. File No.: AE83 R 40. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

## SCHEDULE 8

| COLUMN 1   | COLUMN 2  | COLUMN 3   |
|--|---|--|
| Lance Herbert JACKSON<br>(new member),<br>Errol Alexander O'BRIEN<br>(new member),<br>Andrew John McINTYRE<br>(new member),<br>Owen MILLER<br>(re-appointment),<br>Larry Eli LAWLER<br>(re-appointment),<br>Robert John SMITH<br>(re-appointment). | Red Range Public Hall and Recreation Reserve Trust. | Reserve No.: 35676.<br>Public Purpose: Public recreation.<br>Notified: 7 February 1903.<br><br>Reserve No.: 700025.<br>Public Purpose: Community purposes.<br>Notified: 24 April 1997.<br>File No.: AE80 R 44. |

## Term of Office

For a term commencing 1 January 2006 and expiring 31 December 2010.

**DUBBO OFFICE**

**142 Brisbane Street (PO Box 865), Dubbo NSW 2830**  
**Phone: (02) 6841 5200 Fax: (02) 6841 5231**

**DISSOLUTION OF RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

TONY KELLY, M.L.C.,  
Minister for Lands

## SCHEDULE

| COLUMN 1                               | COLUMN 2  |
|--|---|
| Walgett Scouts (R88598) Reserve Trust. | Reserve No.: 88598.<br>Public Purpose: Boy Scouts.<br>Notified: 19 May 1972.<br>File No.: DB04 R 7. |



**FAR WEST REGIONAL OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 3000 Fax: (02) 6883 3099**

**GRANTING OF A WESTERN LANDS LEASE**

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Lease specified in the following Schedule has been granted.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1 April of each year.

The Conditions and Reservations annexed to the lease are those published in the *Government Gazette* of 18 February 2005, Folios 434 and 435.

All amounts due and payable to the Crown MUST be paid to the Department of Lands by the due date.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources

SCHEDULE

*Administrative District – Walgett North; L.G.A. – Walgett; Parish – Wallangulla; County – Finch.*

| WLL No.   | Name of Lessee | Lot | Deposited Plan | Folio Identifier | Area (m2) | Term of Lease |           |
|-----------|----------------|-----|----------------|------------------|-----------|---------------|-----------|
|           |                |     |                |                  |           | From          | To        |
| WLL 14547 | Michael MOORE  | 81  | 1057617        | 81/1057617       | 2496      | 7-12-2005     | 6-12-2025 |

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

**COLUMN 1**

Land District: Western Division.  
Local Government Area: Cobar Shire Council.  
Locality: Cobar.  
Lot 1, DP No. 1088139, Parish Cobar, County Robinson.  
Area: 3.64 hectares.  
File No.: WL05 R 28.

**COLUMN 2**

Reserve No.: 1011168.  
Public Purpose: Public recreation.

Note: This notice hereby revokes that part of Reserve 64199 for public recreation, notified 13 October 1933.

**ESTABLISHMENT OF RESERVE TRUST**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

**COLUMN 1**

Tom Knight Memorial Oval Reserve Trust.

**COLUMN 2**

Reserve No.: 1011168.  
Public Purpose: Public recreation.  
Notified: This day.  
File No.: WL05 R 28.

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

**COLUMN 1**

Cobar Roosters Rugby League Club Inc.

**COLUMN 2**

Tom Knight Memorial Oval Reserve Trust.

**COLUMN 3**

Reserve No.: 1011168.  
Public Purpose: Public recreation.  
Notified: This day.  
File No.: WL05 R 28.

**ERRATUM**

IN the notification appearing in the *Government Gazette* of 26 August 2005, Folio 6124, under the heading Granting of a Western Lands Lease, the name of the Lessee for Western Lands Lease 14506 should have read "Kathie Joan MOLDOVAN" not "Katie Joan MOLDOVAN".

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources

**GOULBURN OFFICE**  
**159 Auburn Street (PO Box 748), Goulburn NSW 2580**  
**Phone: (02) 4824 3700 Fax: (02) 4822 4287**

**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 Schedules hereunder, are appointed for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,  
Minister for Lands

**SCHEDULE 1**

| <b>COLUMN 1</b>  | <b>COLUMN 2</b>    | <b>COLUMN 3</b>   |
|--|--------------------|---|
| Margaret Olive CAMPBELL (re-appointment), Anthony John BARTLEY (new member), Patricia HOOPER (new member), Gwenda J. MATTHEWS (new member), Anna PYE (new member). | Laggan Hall Trust. | Dedication No.: 530016. Public Purpose: Public hall. Notified: 25 September 1925. File No.: GB80 R 214. |

**Term of Office**

For a term commencing the date of this notice and expiring 1 December 2010.

**SCHEDULE 2**

| <b>COLUMN 1</b>  | <b>COLUMN 2</b>                  | <b>COLUMN 3</b>   |
|--|----------------------------------|---|
| Margaret Olive CAMPBELL (re-appointment), Anthony John BARTLEY (new member), Patricia HOOPER (new member), Gwenda J. MATTHEWS (new member), Anna PYE (new member). | Laggan Recreation Reserve Trust. | Reserve No.: 72297. Public Purpose: Public recreation. Notified: 30 May 1947. File No.: GB80 R 282. |

**Term of Office**

For a term commencing the date of this notice and expiring 1 December 2010.

**SCHEDULE 3**

| <b>COLUMN 1</b>   | <b>COLUMN 2</b>                   | <b>COLUMN 3</b>  |
|---|-----------------------------------|--|
| Tracy Ann PRATT (new member), Deborah Lea NANSCHILD (new member), Samantha SKAINES (new member), Roger William CURVEY (new member), Trish CUNNINGHAM (new member), Michelle Joy PRICE (re-appointment), Kerrie Lynn JONES (re-appointment). | Towrang Recreation Reserve Trust. | Reserve No.: 69316. Public Purpose: Public recreation. Notified: 21 June 1940. File No.: GB80 R 213. |

**Term of Office**

For a term commencing the date of this notice and expiring 22 December 2010.

**GRAFTON OFFICE**  
**76 Victoria Street (Locked Bag 10), Grafton NSW 2460**  
**Phone: (02) 6640 2000 Fax: (02) 6640 2035**

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

\_\_\_\_\_  
**SCHEDULE**

**COLUMN 1**

Land District: Bellingen.  
 Local Government Area:  
 Coffs Harbour City  
 Council.  
 Locality: Coffs Harbour.  
 Lot 7060, DP No. 1050246,  
 Parish Coff, County Fitzroy.  
 Area: 5100 square metres.  
 File No.: GF05 R 129.

**COLUMN 2**

Reserve No.: 1011088.  
 Public Purpose: Future  
 public requirements.

**APPOINTMENT OF ADMINISTRATOR TO  
MANAGE A RESERVE TRUST**

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified thereunder, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

\_\_\_\_\_  
**SCHEDULE**

**COLUMN 1**

Lachlan Francis  
 McLEOD.

**COLUMN 2**

Yamba Pilot  
 Station (R8920)  
 Reserve Trust.

**COLUMN 3**

Reserve No.: 75324.  
 Public Purpose: Future  
 public requirements.  
 Notified: 5 September 1952.  
 Reserve No.: 8920.  
 Public Purpose: Pilot station.  
 Notified: 4 May 1889.  
 File No.: GF01 R 56.

Term of Office

For a term commencing the date of this notice and expiring  
 8 June 2006.

**GRIFFITH OFFICE**  
**2nd Floor, Griffith City Plaza,**  
**120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680**  
**Phone: (02) 6962 7522 Fax: (02) 6962 5670**

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

\_\_\_\_\_  
**SCHEDULE**

**COLUMN 1**

Land District: Wyalong.  
 Local Government Area:  
 Bland Shire Council.  
 Locality: Talimba.  
 Lot 149, DP No. 750868,  
 Parish Willandra,  
 County Bourke;  
 Lot 152, DP No. 750868,  
 Parish Willandra,  
 County Bourke;  
 Lot 153, DP No. 750868,  
 Parish Willandra,  
 County Bourke;  
 Lot 154, DP No. 750868,  
 Parish Willandra,  
 County Bourke;  
 155, DP No. 750868,  
 Parish Willandra,  
 County Bourke;  
 Lot PT 146, DP No. 750868,  
 Parish Willandra,  
 County Bourke.  
 Area: 19.416 hectares.  
 File No.: GH93 H 25/1.

**COLUMN 2**

Reserve No.: 1011148.  
 Public Purpose: Public  
 recreation.



**NOWRA OFFICE****5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****DRAFT ASSESSMENT OF LAND UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND THE CROWN LANDS REGULATIONS 2000**

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at <http://lands/LandManagement/CrownLandAssessments>, or at the Department of Lands offices at 5 O'Keefe Avenue, Nowra and Suite 2, Bega Centre, 106 Auckland Street, at the Eurobodalla Shire Council Chambers, Vulcan Street, Moruya and at the Narooma Post Office, 106 Wagonga Street, Narooma, during normal business hours.

Representations are invited on the draft assessment. These may be made in writing for a period commencing from 9 December 2005 and ending 3 February 2006 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 309, Nowra NSW 2541.

Reason for Assessment: To assist in the consideration of appropriate future land use and management options.

TONY KELLY, M.L.C.,  
Minister for Lands

**Description**

*Land District – Moruya;  
Local Government Area – Eurobodalla Shire;  
Parish – Wagonga; County – Dampier.*

Crown Lands comprising various Permissive Occupancies, Licenses and a Lease adjoining Reserve – R96310; Lots 654-659, 7018-7019, 7022-7023, DP 752155; Lots 7020-7021, DP 1029163, Parish Narooma, County Dampier and Crown Land generally located along the foreshore of Fosters Bay.

File No.: NA05 H 278.

**DRAFT ASSESSMENT OF LAND UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND THE CROWN LANDS REGULATIONS 2000**

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at <http://lands/LandManagement/CrownLandAssessments>, or at the Department of Lands Offices at 5 O'Keefe Avenue, Nowra, at the Shoalhaven Shire Council Chambers, Bridge Street, Nowra and at the Sussex Inlet Post Office, Shop 2 Village Plaza, Sussex Inlet, during normal business hours.

Representations are invited on the draft assessment. These may be made in writing from 9 December 2005 and ending 27 January 2006 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 309, Nowra NSW 2541.

Reason for Assessment: To assist in the consideration of appropriate future land use and management options.

TONY KELLY, M.L.C.,  
Minister for Lands

**Description**

*Land District – Nowra;  
Local Government Area – Shoalhaven Shire;  
Parish – Farnham; County – St Vincent.*

Crown Land at Sussex Inlet comprising Lots 162 and 163, DP 723103; Lots 84 and 147, DP 755937; Lots 167 and 168, DP 720953; Lots 164, 165 and 166, DP 723104 and unsurveyed Crown Land south of Sussex Road.

Generally a section of the foreshore area within the southern area of Sussex Inlet village, approximately 40km south of Nowra.

File No.: NA03 H 158.

**DRAFT ASSESSMENT OF LAND UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND THE CROWN LANDS REGULATIONS 2000**

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of the draft assessment can be made at <http://lands/LandManagement/CrownLandAssessments>, or at the Department of Lands Offices at 5 O'Keefe Avenue, Nowra, at the Eurobodalla Shire Council Chambers, Vulcan Street, Moruya, at the Narooma Post Office, 106 Wagonga Street, Narooma and the Narooma Visitors Centre, Princes Highway, Narooma, during normal business hours.

Representations are invited on the draft assessment. These may be made in writing from 9 December 2005 and ending 27 January 2006 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 309, Nowra NSW 2541, or as a document via [helen.wheeler@lands.nsw.gov.au](mailto:helen.wheeler@lands.nsw.gov.au). Please quote file reference NA05 H 291.

Reason for Assessment: To assist in the consideration of appropriate future land use and management options.

TONY KELLY, M.L.C.,  
Minister for Lands

**Description**

*Land District – Nowra;  
Local Government Area – Shoalhaven Shire;  
Parish – Wagonga; County – Dampier.*

Crown Land at Mill Bay comprising Lots 53, 212, 175, 176, 190, 193 and 7027 of DP 752162; Lot 7002, DP 1029451 and Lot 178, DP 752162; Lot 218, DP 42855 and unsurveyed Crown Land south of Lot 7002, DP 1029451.

The study area is generally situated on the northern side of the Wagonga Inlet, east of the Princes Highway bridge.

**DISSOLUTION OF RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedules hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedules, is dissolved.

TONY KELLY, M.L.C.,  
Minister for Lands

## SCHEDULE 1

**COLUMN 1**

Batemans Bay (R79304)  
Reserve Trust.

**COLUMN 2**

Reserve No.: 79304.  
Public Purpose: Public  
recreation  
Notified: 25 January 1957.  
File No.: NA81 R 203/1.

## SCHEDULE 2

**COLUMN 1**

Durras (R85399) Reserve  
Trust.

**COLUMN 2**

Reserve No.: 85399.  
Public Purpose: Public  
recreation.  
Notified: 16 July 1965.  
File No.: NA80 R 430/1.

## SCHEDULE 3

**COLUMN 1**

Mackay Park (D580022)  
Reserve Trust.

**COLUMN 2**

Dedication No.: 580022.  
Public Purpose: Public  
recreation.  
Notified: 5 July 1918.  
File No.: NA81 R 197/1.

## SCHEDULE 4

**COLUMN 1**

Murrenburg (R86176)  
Reserve Trust.

**COLUMN 2**

Reserve No.: 86176.  
Public Purpose: Public  
recreation.  
Notified: 9 May 1969.  
File No.: NA80 R 455/1.

## SCHEDULE 5

**COLUMN 1**

Nelligen (R96098) Reserve  
Trust.

**COLUMN 2**

Reserve No.: 96098.  
Public Purpose: Public  
recreation and preservation  
of scenery.  
Notified: 18 June 1982.  
File No.: NA82 R 134/1.

## SCHEDULE 6

**COLUMN 1**

Batemans Bay (R66122)  
Reserve Trust.

**COLUMN 2**

Reserve No.: 66122.  
Public Purpose: Public  
recreation and resting  
place.  
Notified: 17 July 1936.  
File No.: NA79 R 128/1.

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE  
OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

## SCHEDULE

**COLUMN 1**

Eurobodalla (North) Reserve  
Trust.

**COLUMN 2**

Reserve No.: 79304.  
Public Purpose: Public  
recreation.  
Notified: 25 January 1957.  
Reserve No.: 66122.  
Public Purpose: Public  
recreation and resting  
place.  
Notified: 17 July 1936.  
Reserve No.: 85399.  
Public Purpose: Public  
recreation.  
Notified: 16 July 1965.  
Reserve No.: 86176.  
Public Purpose: Public  
recreation.  
Notified: 9 May 1969.  
Reserve No.: 96098.  
Public Purpose: Public  
recreation and preservation  
of scenery.  
Notified: 18 June 1982.  
Dedication No.: 580022.  
Public Purpose: Public  
recreation.  
Notified: 5 July 1918.  
File No.: NA05 R 9/1.

Note: All current leases and licences entered into by the former reserve trusts, dissolved this day, for the abovenamed reserves are saved and may be dealt with by the Eurobodalla (North) Reserve Trust as the Lessor/Licensor under such agreements from the date of this notification.

**ORANGE OFFICE**  
**92 Kite Street (PO Box 2146), Orange NSW 2800**  
**Phone: (02) 6393 4300 Fax: (02) 6362 3896**

**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.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

**COLUMN 1**

Land District: Grenfell.  
Local Government Area:  
Weddin Shire Council.  
Locality: Eualdrie.  
Reserve No.: 47357.  
Public Purpose: Public  
recreation.  
Notified: 10 January 1912.  
Lot 1, DP No. 1084756,  
Parish Eualdrie,  
County Forbes;  
Lot 2, DP No. 1084756,  
Parish Eualdrie,  
County Forbes.  
File No.: OE02 H 259.

**COLUMN 2**

The part being Lot 2,  
DP No. 1084756, Parish  
Eualdrie, County Forbes, of  
an area of 600 square metres.

Note: It is intended to grant a licence for telecommunications tower over area.

**APPOINTMENT OF TRUSTEE**

PURSUANT to section 14(4) of the Trustees of Schools of Arts Enabling Act 1902, the corporation specified in Column 1 of the Schedule hereunder, is appointed as sole trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

**COLUMN 1**

Bathurst Regional Council.

**COLUMN 2**

Dedication No.: 590078.  
Public Purpose: Mechanics'  
Institute site.  
Notified: 20 March 1912.  
File No.: OE89 R 32/1.

**NOTIFICATION OF RESUMPTION OF LAND FOR  
ROAD AND CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the land hereunder described in Schedule 1 is resumed for public road purposes and is vested in the State of New South Wales as Crown Public road. The road hereunder described in Schedule 2 is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE 1

*Land District – Lithgow; L.G.A. – Oberon;  
Parish – Norway; County – Westmoreland.*

Lots 4, 5 and 6, DP 1087170 of 1.059 hectares.

Road opened within Lot 404, DP 1037144 (Lot 4).

Remainder of Lot 404, DP 1037144 now Lot 2, DP 1087170 of 0.805 hectares (by ded'n.).

Road opened within Lot 1, DP 845776 (Lots 5 and 6).

Remainder of Lot 1, DP 845776 now Lot 3, DP 1087170 of 48.25 hectares (by ded'n.).

SCHEDULE 2

Lot 1, DP 1087170 of 1.266 hectares.

The land described in Schedule 2 will be granted in compensation for the land described in Schedule 1 for the purposes of this Act.

File No.: OE96 H 8.

**TAREE OFFICE****102-112 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6552 2788 Fax: (02) 6552 2816****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.

TONY KELLY, M.L.C.,  
Minister for Lands

## SCHEDULE

**COLUMN 1**

Land District: Port  
Macquarie.  
Local Government Area:  
Port Macquarie-Hastings.  
Locality: Port Macquarie.  
Reserve No.: 56146.  
Purpose: From sale or lease  
generally.  
Notified: 11 May 1923.  
File No.: TE91 H 227.

**COLUMN 2**

The part being Lot 1,  
DP 1061495, Parish  
Macquarie, County  
Macquarie.  
Area: 1.07hectares.

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister for Lands

## Description

*Land District – Taree;*  
*Local Government Area – Greater Taree.*

Road Closed: Lot 5, DP 1087118 at Taree, Parish of Taree,  
County of Macquarie.

File No.: TE03 H 34.

Note: Easement to drain sewerage 2 metres wide and  
variable, and Right of Carriageway of variable width,  
are created by the subject plan.

In accordance with section 44 of the Roads Act 1993,  
the Crown consents to the land in Lot 1 being vested in the  
Council as operational land, to be given by the Council as  
compensation for other land acquired by the Council for the  
purposes of the Roads Act.

Council's Reference: R2070.

## Department of Natural Resources

### WATER MANAGEMENT ACT 2000

Order Under Section 59

Available Water Determination

Gwydir Regulated River Water Source

PURSUANT to section 59(1)(a) of the Water Management Act 2000, the Minister for Natural Resources, by this Order, makes an available water determination having the terms set out in the attached Schedule for the Gwydir regulated river water source as defined in the Water Sharing Plan for the Gwydir Regulated River Water Source 2003 and currently in force. Each term in Column 2 applies to the adjacent category or subcategory of access licence in Column 1.

This Order takes effect on 2 December 2005.

Dated at Tamworth this 2nd day of December 2005.

RANDALL HART,  
Regional Director,  
Barwon Region,  
Department of Natural Resources  
(by delegation)

#### SCHEDULE

| COLUMN 1                                  | COLUMN 2   |
|---|--|
| Category or subcategory of access licence | Volume per each unit of access licence share component |
| Regulated river (general security)        | 0.1238 Megalitres                                      |

#### Explanatory Notes:

- The Water Sharing Plan for the Gwydir Regulated River Water Source commenced on 1 July 2004.
- This Available Water Determination (AWD) prescribes the volume of water for each unit of share component that may be extracted by Access Licence Holders during the 2005/6 Water Year. This volume of water is in addition to any amounts that were already held in water accounts on 1 July 2005.
- Further information may be obtained from your local Department of Natural Resources office or phone 1800 353 104 or email [wma.info@dipnr.nsw.gov.au](mailto:wma.info@dipnr.nsw.gov.au).

### WATER MANAGEMENT ACT 2000

Order Under Section 59

Available Water Determination

Lower Namoi Regulated River Water Source

PURSUANT to section 59(1)(a) of the Water Management Act 2000, the Minister for Natural Resources, by this Order, makes an available water determination having the terms set out in the attached Schedule for the Lower Namoi regulated river water source as defined in the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003 and currently in force. Each term in Column 2 applies to the adjacent category or subcategory of access licence in Column 1.

This Order takes effect on 2 December 2005.

Dated at Tamworth this 2nd day of December 2005.

RANDALL HART,  
Regional Director,  
Barwon Region,  
Department of Natural Resources  
(by delegation)

#### SCHEDULE

| COLUMN 1                                  | COLUMN 2   |
|---|--|
| Category or subcategory of access licence | Volume per each unit of access licence share component |
| Regulated river (general security)        | 0.2383 Megalitres                                      |

#### Explanatory Notes:

- The Water Sharing Plan for the Lower Namoi Regulated River Water Source commenced on 1 July 2004.
- This Available Water Determination (AWD) prescribes the volume of water for each unit of share component that may be extracted by Access Licence Holders during the 2005/6 Water Year. This volume of water is in addition to any amounts that may have been held in water accounts on 1 July 2005.
- Further information may be obtained from your local Department of Natural Resources office or phone 1800 353 104 or email [wma.info@dipnr.nsw.gov.au](mailto:wma.info@dipnr.nsw.gov.au).

### WATER ACT 1912

AN application under Part 2, within proclaimed (declared) local areas under section 5(4) of the Water Act 1912.

An application for an amended group licence under section 20Q has been received from:

*Macquarie River Valley*

NARROMINE IRRIGATION BOARD OF MANAGEMENT for 6 pumps on the Macquarie River, Lot 6, DP 239488, Parish of Timbreebongie, County of Narromine, for water supply for stock and domestic purposes and irrigation of 8097.75 hectares (various cereal, fodder and cash crops) (replacing existing licence due to the inclusion of additional pumps and additional lands to be supplied) (Reference: 80GL407) (GA2:306747).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6884 2560).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

FRED HUNDY,  
Water Access Manager,  
Macquarie

Department of Natural Resources,  
PO Box 717, Dubbo NSW 2830.

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# Department of Planning

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New South Wales

## Sydney Local Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/01822/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Sydney Local Environmental Plan 2005

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| Clause 1  | Sydney Local Environmental Plan 2005 |
| Chapter 1 | General                              |
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## Sydney Local Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

### Chapter 1 General

#### Part 1 Preliminary

##### 1 Name of plan

This plan is *Sydney Local Environmental Plan 2005*.

##### 2 Land covered by this plan

- (1) Chapter 1 of this plan applies to all of the land to which this plan applies, being the land shown edged heavy red on the Plan Coverage Map.
- (2) Chapter 2 of this plan applies to Central Sydney.
- (3) Chapter 3 of this plan applies to Ultimo-Pyrmont.

##### 3 Consent authority

Except as provided otherwise by the Act, the consent authority for development applications relating to land to which this plan applies is:

- (a) the Council, or
- (b) if the development concerned is major development within the meaning of Part 4 of the *City of Sydney Act 1988*—the Central Sydney Planning Committee.

**Note.** The Minister is the consent authority for any development requiring consent under Part 4 of the Act that, in the opinion of the Minister, is of a kind described in Schedule 6 to *State Environmental Planning Policy (Major Projects) 2005*. The approval of the Minister may also be required for the carrying out of development referred to in Part 3A of the Act (Major infrastructure and other projects).

##### 4 Effect of aims, strategies, principles and policies

The consent authority, in considering any proposed development, must have regard to the relevant aims, strategies and principles contained in this plan and may have regard to any published planning and design

Sydney Local Environmental Plan 2005  
General  
Preliminary

Clause 5  
Chapter 1  
Part 1

---

provisions and policies adopted by the Central Sydney Planning Committee or the Council.

#### **5 Review of this plan**

- (1) The Council is to review this plan on a 5 yearly basis after the commencement of this plan.
- (2) This clause does not affect the requirement for the Council to keep this plan under regular and periodic review imposed by section 73 of the Act.

#### **6 Dictionary**

Expressions used in this plan that are defined in the Dictionary at the end of this plan have the meanings given them by the Dictionary.

#### **7 Notes**

Explanatory notes in the text and notes on maps and diagrams do not form part of this plan.

#### **8 Adoption of Model Provisions**

- (1) This plan adopts the *Environmental Planning and Assessment Model Provisions 1980*, except for Part 2 (Definitions), clause 15 (Conversion of buildings), clause 16 (Residential flat buildings—parking) and clause 17 (Residential flat buildings—setbacks) of those provisions.

**Note.** See clause 289 (2) of the *Environmental Planning and Assessment Regulation 2000* which provides for the adoption of the Model Provisions by environmental planning instruments despite the repeal of section 33 of the Act.

- (2) On the commencement of this plan, any order that was in force immediately before that commencement after having been made under clause 8 (Preservation of trees) of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by *Central Sydney Local Environmental Plan 1996*, is taken to be made under that clause as adopted by this clause.

#### **9 Relationship of this plan to other environmental planning instruments**

- (1) This plan repeals *Central Sydney Heritage Local Environmental Plan 2000*.
- (2) This plan amends *Central Sydney Local Environmental Plan 1996* by omitting all provisions except clauses 1, 2 and 10.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply to a development standard that sets:
  - (a) a maximum height for a building, or

Clause 10            Sydney Local Environmental Plan 2005  
 Chapter 1            General  
 Part 1                Preliminary

---

- (b) a maximum floor space ratio for a building, or
  - (c) a maximum amount of vehicle parking,
- on land within Central Sydney, or on land within Ultimo-Pyrmont that is not in a master plan area.
- (4) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* is amended by omitting clause 6A.
  - (5) *Sydney Regional Environmental Plan No 26—City West* is amended by inserting at the end of clause 2:

However, this plan does not apply to land to which *Sydney Local Environmental Plan 2005* applies.

#### 10 Waiver of certain development standards

- (1) Consent may be granted to development of land in Central Sydney, or of land in Ultimo-Pyrmont that is not in a master plan area, even though the proposed development contravenes a maximum height or maximum floor space ratio for a building, or a maximum vehicle parking requirement, imposed by a development standard, but only if the consent authority is satisfied that:
  - (a) all the objectives of the development standard will be fulfilled, and
  - (b) the contravention will not:
    - (i) create an undesirable precedent for other development, or
    - (ii) diminish the overall effect of the development standard for development in the vicinity of the site, and
  - (c) the particular physical attributes of:
    - (i) the site, in terms of location, context, slope, site configuration and the like, and
    - (ii) the proposed development, in terms of urban form, bulk, height, floor space ratio, carparking, and the like,
 will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and
  - (d) the proposed development will improve or contribute positively to the public domain and would achieve design excellence.
- (2) A consent may be granted pursuant to this clause only if the building concerned:
  - (a) does not contravene the maximum building height set for the building by Chapter 2 or 3 by more than 10% of that maximum building height or the height of one floor of the building, whichever is the greater, and

Sydney Local Environmental Plan 2005  
General  
Aims, strategies and principles of this plan

Clause 11  
Chapter 1  
Part 2

- 
- (b) does not contravene the maximum floor space ratio for the building set for the building by Chapter 2 or 3 by more than 10% of that maximum floor space ratio or the proportion of the floor space ratio of the building attributable to one floor in the building, whichever is the greater, and
  - (c) does not contravene a maximum amount of vehicle parking set for the building by Chapter 2 or 3 by more than 10% of that maximum amount.
- (3) In determining the above, the consent authority shall have regard to whether this clause has been previously applied to the site of the proposed development.
  - (4) If the site of the proposed development is in Central Sydney, consent may be granted for an additional amount of floor space area pursuant to this clause only if the consent authority is satisfied that an amount of heritage floor space equal to the additional amount has been or will be allocated to the site.
  - (5) This clause is subject to clauses 48 (4), 49 (2), 50 (4) and (6) and 52.

## **Part 2 Aims, strategies and principles of this plan**

### **11 Aims of this plan**

The aims of this plan are:

- (a) to protect and enhance the diversity and special qualities of the City of Sydney, and its surrounding areas, and
- (b) to establish the City of Sydney as the best place to live in, work in and visit, and
- (c) to foster environmental, economic, social and physical well-being so that the City of Sydney continues to develop as an integrated, balanced, sustainable and prosperous living city of world standing, and
- (d) to encourage orderly, sustainable and high quality development of land and other resources within the City of Sydney, and
- (e) to conserve the environmental heritage of the City of Sydney.

### **12 Strategies for achieving aims of this plan**

The strategies for achieving the aims of this plan are:

- (a) development of the City of Sydney as a vibrant, culturally diverse, multi-use city centre, and



|           |  |
|-----------|--|
| Clause 12 | Sydney Local Environmental Plan 2005         |
| Chapter 1 | General                                      |
| Part 2    | Aims, strategies and principles of this plan |

---

- (b) continued growth of a permanent residential population in Central Sydney and the provision of a full range of housing including affordable housing, and
- (c) provision of appropriate development potential, and
- (d) provision of visitor and tourist accommodation, and
- (e) enhancement of Central Sydney as Australia's pre-eminent retail centre, and
- (f) protection and enhancement of the amenity of residents, workers and visitors, and
- (g) protection and enhancement of the quality and amenity of the public domain—the parks, places, streets and lanes, and
- (h) protection of the intricate urban fabric, and
- (i) protection of Special Areas in Central Sydney, and
- (j) conservation of heritage items and areas, and
- (k) achievement of a high quality of urban form and design in buildings and in the relationship of buildings to neighbouring development and the public domain, and
- (l) development of the City of Sydney with regard to the principles of ecologically sustainable development, and
- (m) protection and enhancement of the natural environment, including the City of Sydney's parks and Sydney Harbour, and
- (n) maximisation of use of public transport, walking and cycling for trips to, from and within the City of Sydney, and
- (o) provision of a high quality pedestrian environment, which is accessible to all its residents, workers and visitors, and
- (p) efficient and orderly management of all phases of the development process, including the construction phase, and
- (q) protection and enhancement of views and vistas to the harbour, parkland and buildings and places of historic and aesthetic significance, and
- (r) facilitation of the provision of access for people with disabilities, and
- (s) continuation of maritime and port functions located at the Darling Harbour Wharves 3 to 8.

Sydney Local Environmental Plan 2005  
General  
Consent for development

Clause 13  
Chapter 1  
Part 3

---

### 13 Principles to be followed in implementing strategies

The principles to be followed in implementing the strategies of this plan for achieving its aims are as follows:

- (a) recognition of the responsibilities of this generation to future generations in relation to environmental quality and resource usage by respecting the limits of natural and physical resources,
- (b) acknowledgment of the diversity of Sydney's cultural heritage from pre-European occupation to the current time,
- (c) involvement of the community in the planning process by ensuring openness, accountability and transparency in the decision-making process,
- (d) consistent application of the provisions of this plan so that the aims and strategies of this plan can be achieved and implemented in practice, and provide certainty for applicants for development consents, investors, residents and the public,
- (e) consistent and proper regard for the aims and strategies of this plan, in particular, when development applications are being determined.

## Part 3 Consent for development

### 14 Saving of certain development applications and development plans

- (1) The 1996 LEP, *Central Sydney Heritage Local Environmental Plan 2000* and *Sydney Regional Environmental Plan No 26—City West*, as in force immediately before the commencement of this plan, apply to and in respect of the following, as if this plan had not been made:
  - (a) a development application (whether or not for a staged development consent):
    - (i) that was lodged but was not finally determined before the commencement of this plan, and
    - (ii) that could have been consented to under the 1996 plan without any need for a related development plan being adopted under the 1996 LEP either because clause 28B of that plan did not apply to the proposed development or because of clause 28B (4) or (5) (a) or 28C (5) of that plan, and
  - (b) a development application (other than an application to which paragraph (a) applies and whether or not for a staged development consent):
    - (i) that was lodged (but was not finally determined) before, or is lodged after, the commencement of this plan, and

|           |                                      |
|-----------|--------------------------------------|
| Clause 15 | Sydney Local Environmental Plan 2005 |
| Chapter 1 | General                              |
| Part 3    | Consent for development              |

- 
- (ii) that is substantially in accordance with a development plan that was adopted under the 1996 LEP before that commencement or a development plan that was lodged before that commencement for adoption under the 1996 LEP and has been adopted under the 1996 LEP after that commencement because paragraph (d) applies, and
  - (c) a development application lodged after that commencement that is substantially in accordance with either a staged development consent granted before that commencement or a staged development consent granted after that commencement to a development application referred to in paragraph (a) or (b), and
  - (d) a development plan lodged for adoption under *Central Sydney Local Environmental Plan 1996*, but not adopted, before that commencement.
- (2) In this clause:
- staged development consent*** means a development consent subject to a condition imposed under section 80 (5) of the Act.
- the 1996 LEP*** means *Central Sydney Local Environmental Plan 1996* as in force immediately before the commencement of this plan.

#### 15 Effect of covenants and like instruments

- (1) A consent may be granted subject to conditions that require the creation of a restrictive or positive covenant on any land.
- (2) Any agreement, covenant or other similar instrument does not apply to development allowed by this plan in Ultimo-Pyrmont to the extent necessary to allow the development to be carried out in accordance with this plan, and any consent granted pursuant to this plan, as in force from time to time.
- (3) Subclause (2) does not affect the application of any of the following:
  - (a) any agreement, covenant or other similar instrument entered into, before or after the commencement of this clause, by the Minister, the Council, the former South Sydney City Council or the Sydney Harbour Foreshore Authority,
  - (b) any covenant required, before or after the commencement of this clause, by a condition of a development consent or by the Minister, the Council, the former South Sydney Council or the Sydney Harbour Foreshore Authority.
- (4) Pursuant to section 28 of the Act, the Governor approved of subclauses (2) and (3) before this plan was made.

Sydney Local Environmental Plan 2005  
General  
Consent for development

Clause 16  
Chapter 1  
Part 3

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## 16 Exempt and complying development

- (1) Development is *exempt development* for the purposes of this plan only if it:
  - (a) is of minimal environmental impact, and
  - (b) is a type of development listed as exempt development in:
    - (i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or
    - (ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*, and
  - (c) complies with all of the requirements for exempt development made by:
    - (i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or
    - (ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*,  
despite any other provision of this plan.
- (2) Development is *complying development* for the purposes of this plan only if it is:
  - (a) local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) is a type of development listed as complying development in,
    - (i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or
    - (ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*, and
  - (c) complies with all the requirements for complying development of that type made by:
    - (i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or
    - (ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*,  
despite any other provision of this plan.
- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in:
  - (a) for Central Sydney, the Central Sydney Exempt and Complying DCP, or
  - (b) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*.

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| Clause 17 | Sydney Local Environmental Plan 2005 |
| Chapter 1 | General                              |
| Part 3    | Consent for development              |

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### 17 Consent for demolition

- (1) Consent must not be granted to development proposing the demolition of a building unless:
  - (a) the application also proposes the comprehensive redevelopment of the site after the demolition has been carried out, or
  - (b) a consent is in force for the comprehensive redevelopment of the site, or
  - (c) a consent is at the same time granted to the comprehensive development of the site proposed by another development application.
- (2) Consent must not be granted for demolition of a building unless the consent authority has compared the likely environmental impact of any replacement building proposed to be erected on the site when the site is redeveloped with the environmental impact of the building it would replace.

### 18 Subdivision

- (1) Subdivision of land, including subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, may be carried out only with development consent.
- (2) Development consent may be granted to a subdivision only if the consent authority is satisfied that the subdivision will result in lots that:
  - (a) if the subdivision is for the purpose of the erection of a building, are capable of accommodating a building that:
    - (i) complies with all relevant requirements made by this plan, including those relating to maximum building height and floor space ratio, urban design, design excellence and heritage conservation, and
    - (ii) is not an overdevelopment of the lot, and
    - (iii) facilitates orderly and high quality development of the resultant lots, and
  - (b) provide an appropriate curtilage for any heritage item on the land that does not adversely affect the heritage significance of the item, and
  - (c) are compatible with the existing subdivision pattern of the locality.

Sydney Local Environmental Plan 2005  
General  
Notification and advertising

Clause 19  
Chapter 1  
Part 4

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- (3) A lot, or part of a lot, identified in a plan of subdivision for which consent is granted as being for use for carparking in relation to a specified residential unit must be used only by a resident or other occupant of the building that contains the residential unit.
  - (4) Before granting consent for stratum subdivision of a building, the consent authority must consider whether the related building management statement or strata management statement adequately addresses the ongoing maintenance, upgrading, redevelopment and structural adequacy of the part of the building within each proposed stratum lot.
  - (5) Before granting the subdivision certificate for strata subdivision of a new or refurbished building, the consent authority must be satisfied that any occupation certificate needed before the building is occupied has been issued.

## **Part 4 Notification and advertising**

### **19 Notification of development to owners of adjoining land**

- (1) When an application is made for consent to carry out development on any land, the consent authority must give written notice of the application to such persons as appear to it to own adjoining land.
- (2) If the adjoining land is common property or a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, a written notice to the owners corporation of the strata scheme concerned is sufficient notice to the owner of each lot within the scheme.
- (3) Each notice is to contain the following information:
  - (a) the address of the land to which the development application relates,
  - (b) a description of the proposed development,
  - (c) a plan showing the site of the proposed development,
  - (d) the name of the applicant,
  - (e) a statement to the effect that the development application referred to in the notice and the documents accompanying the application may be inspected at the office of the Council at any time during ordinary office hours within a period of 14 days from the date shown on the written notice,
  - (f) a statement to the effect that any person, during the period of 14 days from the date shown on the written notice, may make a submission in writing to the consent authority in relation to the development application.

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| Clause 20 | Sydney Local Environmental Plan 2005                   |
| Chapter 1 | General  |
| Part 5    | Urban form, design excellence and environmental design |

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- (4) This clause does not require the consent authority to give notice of an application for consent to carry out development that the consent authority considers to be of a minor nature and that, in the consent authority's opinion, will not detrimentally affect the use and enjoyment of adjoining land.

## **20 Advertising of notice of development affecting other land**

- (1) If an application is made for consent to carry out on any land development that, in the consent authority's opinion, may have a significant environmental effect, the consent authority must advertise the development application in a major newspaper circulating in the City of Sydney.
- (2) Any person may inspect the development application at the office of the Council at any time during ordinary office hours within a period of not less than 14 days after the date of publication of the advertisement.

## **21 Exceptions to advertising requirements**

- (1) Clauses 19 and 20 do not apply if:
- (a) a development application is amended in a way that is considered by the consent authority to be minor or to result in lesser impact, or such a development application is withdrawn, and a subsequent application made that is considered by the consent authority to relate to substantially the same development, or would result in lesser impact than the development initially proposed, and
  - (b) the consent authority has already complied with clauses 19 and 20 (if applicable) with respect to the development initially proposed.
- (2) Clauses 19 and 20 do not apply to designated development or integrated development as defined by the Act.

## **Part 5 Urban form, design excellence and environmental design**

### **Division 1 Urban form**

#### **22 Objectives for development plans**

The objectives for development plans are as follows:

- (a) to promote design excellence in terms of urban form, massing, bulk and architectural treatment,

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General  
Urban form, design excellence and environmental design

Clause 23  
Chapter 1  
Part 5

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- (b) to provide an analysis of site constraints and opportunities that can form the basis for determining the most appropriate floor space ratio and height, within the limits set by this plan, and the most appropriate development, for certain sites,
  - (c) to promote design concepts for certain sites that ensure separation between tower forms,
  - (d) to provide for a high quality amenity to the streets of Sydney and to uses located to the side and rear of certain mid-block sites.

### **23 Development plans**

- (1) This clause applies to the following development:
  - (a) any development comprising the erection of a building exceeding 55 metres in height,
  - (b) any development of land exceeding 1,500 square metres in area,
  - (c) any development of the land comprising Darling Harbour Wharves 9 and 10,
  - (d) any development of the land comprising Carlton and United Brewery site, Chippendale, as outlined in red and annotated (iv) on the Central Sydney Site Identification Map,
  - (e) any development of the land comprising Central Railway—Western Precinct, as outlined in red and annotated (ii) on the Central Sydney Site Identification Map.
- (2) This clause does not apply to land within Ultimo-Pyrmont for which a master plan is required by Chapter 3, whether or not a master plan has been adopted for the land.
- (3) Except as provided by subclauses (4) and (5) and clause 25 (6), consent must not be granted for development to which this clause applies unless:
  - (a) a development plan is in force for the land on which the development is proposed to be carried out, and
  - (b) the consent authority has taken the development plan into consideration.
- (4) The consent authority may waive compliance with the requirements of subclause (3):
  - (a) for any alterations or additions to an existing building that, in the opinion of the consent authority, do not significantly increase the existing floor space ratio or height of the building, do not have a substantial impact on adjoining buildings and are not visible from the street, and



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| Clause 23 | Sydney Local Environmental Plan 2005                   |
| Chapter 1 | General  |
| Part 5    | Urban form, design excellence and environmental design |

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- (b) for any replacement use resulting from a change of use, any use the hours of operation of which are extended or any temporary use of an existing building, and
  - (c) for the strata subdivision of an existing building, and
  - (d) for any other development that, in the opinion of the consent authority, is of a similar nature to development referred to in paragraph (a), (b) or (c), and
  - (e) for any other development for which the consent authority considers it would be unreasonable or unnecessary to require compliance with those requirements.
- (5) A development plan is not required so as to allow the granting of:
- (a) a consent subject to a condition referred to in section 80 (5) of the Act (a consent for staged development), if the development application addressed the matters that would have been required to be in a development plan and to be taken into account if this exception had not been made, or
  - (b) a subsequent consent:
    - (i) to which that condition relates, or
    - (ii) to which a condition imposed under that subsection on a consent for staged development granted before or after the commencement of this plan relates, if the development application for that consent was or (pursuant to clause 14) is consented to under *Central Sydney Local Environmental Plan 1996*.
- (6) The following instruments are taken to be development plans adopted under this Chapter by the consent authority:
- (a) any instrument adopted by the consent authority as a development plan under *Central Sydney Local Environmental Plan 1996* before the commencement of this plan or, if it is a development plan to which clause 14 (1) (d) applies, after that commencement,
  - (b) *Darling Harbour Wharves 9 & 10 Master Plan*, as amended by Amendment No 1 approved by the Central Sydney Planning Committee on 24 July 1997,
  - (c) *Central Railway Precinct Master Plan* approved by the Central Sydney Planning Committee in 1997.
- (7) Copies of:
- (a) the instrument referred to in subclause (6) (a) are available from the office of the Council, and

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General  
Urban form, design excellence and environmental design

Clause 24  
Chapter 1  
Part 5

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- (b) the instrument referred to in subclause (6) (b) are available from the office of the Sydney Harbour Foreshore Authority.
- (8) To remove any doubt, this clause does not apply to the granting of consent to a development application if this plan does not apply to or in respect of that application because of clause 14 (Saving of certain development applications and development plans).

#### **24 Use of development plans to achieve different standards**

- (1) This clause applies to land at Regent Street (South) as shown outlined in solid red and annotated (v) on the Central Sydney Site Identification Map.
- (2) Consent may be granted for development on land to which this clause applies that will result in a building that exceeds the height or floor space ratio shown for the land on the Central Sydney Height Map or Central Sydney Floor Space Ratio Map, or exceeds both that height and that floor space ratio, if:
- (a) a development plan is in force for the land on which the development is proposed to be carried out, and
- (b) the consent authority is satisfied that the development is consistent with that development plan.
- (3) Nothing in this plan allows consent to be granted for development on land to which this clause applies that will result in a building with:
- (a) a height that is greater than 15 metres, or
- (b) a floor space ratio that is greater than 1:1 above the floor space ratio shown for the land on the Central Sydney Floor Space Ratio Map.

#### **25 General requirements for development plans**

- (1) A draft development plan may be prepared for land:
- (a) by the owner of the land, or by a person authorised by the owner, in consultation with the consent authority, or
- (b) by the consent authority in consultation with the owner of the land, or with a person authorised by the owner.
- (2) A development plan may be adopted by the consent authority only if it is satisfied that:
- (a) the plan proposes development that can achieve design excellence, having regard to clause 26 and particularly the matters referred to in clause 26 (2), and
- (b) the development plan addresses, to the satisfaction of the consent authority, whether:

Clause 25 Sydney Local Environmental Plan 2005  
Chapter 1 General  
Part 5 Urban form, design excellence and environmental design

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- (i) the proposed envelope, including floor space ratio and height, is appropriate to its site and context, and
  - (ii) it provides an appropriate design response to an analysis of the site and its context that adequately addresses the matters set out in subclause (3), and
  - (iii) the development plan proposes development that complies with the other requirements of this plan.
- (3) In order to demonstrate an appropriate design response to an analysis of the site, the development plan must address the following matters:
  - (a) the suitability of the land for development,
  - (b) existing and proposed uses and use mix,
  - (c) heritage issues and streetscape constraints,
  - (d) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (e) bulk, massing and modulation of buildings,
  - (f) street frontage heights,
  - (g) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (h) the achievement of the principles of ecologically sustainable development,
  - (i) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (j) impact on, and any proposed improvements to, the public domain.
- (4) Before considering a draft development plan, the consent authority must:
  - (a) give notice of, and advertise, the draft plan in accordance with clauses 19 and 20 in the same way, and to the same persons, as notice of a development application is required to be given and advertised under those clauses, and
  - (b) take into account any written submissions made in response to the notice within the time allowed by clause 19.
- (5) After considering a draft development plan, the consent authority:
  - (a) may adopt the development plan without variation, or
  - (b) may adopt the development plan with such variation as it considers appropriate, or

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General  
Urban form, design excellence and environmental design

Clause 26  
Chapter 1  
Part 5

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- (c) may refuse to adopt the development plan, or
  - (d) may prepare an alternative development plan.
- (6) If no decision has been made by the consent authority in relation to a draft development plan prepared by the owner of land (or by a person authorised by the owner of land) within 60 days after the draft plan was lodged with the consent authority for adoption:
- (a) the consent authority is not prevented from granting consent to development to which clause 23 applies because no development plan has been adopted, but
  - (b) may grant consent to a development application proposing such development only if it is satisfied that it addresses the matters set out in subclause (2).
- (7) A draft development plan becomes a development plan when it is adopted by the consent authority.
- (8) Notice of the adoption of a development plan must be given to the owner of the land to which it relates.
- (9) A development plan has effect for 3 years from the date on which it is adopted or for such other period as the consent authority may from time to time determine.
- (10) When a development plan is adopted by the consent authority, the applicant must provide the consent authority with a copy of the development plan, incorporating any alterations that were required by the consent authority, to be kept as part of a register by the Council and to be made available for public inspection during the ordinary office hours of the Council.
- (11) A development plan may be amended from time to time by a further development plan.
- (12) The consent authority may waive compliance with the requirements of subclause (3) in relation to an amending development plan if it is of the opinion that the amendment is of a minor nature and does not affect any provisions of the development plan being amended in relation to floor space ratio, height or bulk.

## **Division 2      Design excellence**

### **26      Design excellence**

- (1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.

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| Clause 27 | Sydney Local Environmental Plan 2005                   |
| Chapter 1 | General  |
| Part 5    | Urban form, design excellence and environmental design |

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- (2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
  - (c) whether the new development detrimentally impacts on view corridors identified in the relevant development control plan.
- (3) Any requirement for a development plan for the site is not displaced if the design of the new or altered building is the result of a competitive process.
- (4) Where a development plan is in force for the site, the consent authority must consider whether the design of the new or altered building is the result of a competitive process, undertaken in accordance with an adopted design brief and guidelines, that facilitates achievement of design excellence.
- (5) Where there is not a development plan in force for the site, the consent authority may have regard to whether the design of the new or altered building is the result of a design competition that:
  - (a) is consistent with any relevant development control plan, and
  - (b) satisfies the requirements for design competitions in any relevant development control plan.
- (6) If the consent authority is satisfied that the proposed development exhibits design excellence and is the result of a design competition, it is to reduce the amount of heritage floor space that would otherwise be required to be allocated to the site under clause 62 by 50 per cent, up to a maximum of 1,000 square metres.

### **Division 3 Environmental design**

#### **27 Ecologically sustainable development**

Before granting consent for development related to a building, the consent authority must have regard to the principles of ecologically sustainable development based on a “whole of building” approach by considering:

- (a) greenhouse gas reduction, and
- (b) embodied energy in materials and building processes, and
- (c) building design and orientation, and

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General  
Special provisions for certain uses

Clause 28  
Chapter 1  
Part 6

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- (d) passive solar design and daylighting, and
  - (e) natural ventilation, and
  - (f) energy efficiency and energy conservation, and
  - (g) water conservation and grey water reuse, and
  - (h) waste minimisation and recycling, and
  - (i) reduction of car dependence, and
  - (j) potential for adaptive reuse.

## **Part 6 Special provisions for certain uses**

### **28 Objectives for amusement centres, brothels, restricted premises, late opening pubs and the like**

The objectives of this Part are:

- (a) to minimise the impact of certain uses which may degrade the amenity of the City of Sydney, such as amusement centres, brothels, restricted premises, late opening pubs and the like, and
- (b) to ensure that such uses are not concentrated together, and that their cumulative impact is assessed, and
- (c) to improve the character and attractiveness of the City of Sydney for residential, retail, commercial and cultural activities.

### **29 Amusement centres, brothels, restricted premises, late opening pubs and the like**

Consent may be granted to the carrying out of development for the purpose of amusement centres, brothels, restricted premises, late opening pubs and the like only if the consent authority is satisfied that:

- (a) the proposal would not have a detrimental impact on the amenity of the locality and the desired character of the locality, as indicated by:
  - (i) the objectives for the zone in which the land is situated, and
  - (ii) if the land is in a Special Area, the character statements and specific objectives for the Special Area as set out in Schedule 6,
- (b) the proposal would not result in an inappropriate concentration of that use and, together with other of the above uses in the locality, result in a detrimental cumulative impact, and
- (c) the proposal would not be detrimental to other uses considered to be more consistent with the objectives of the zone in which the land is situated.

Clause 30       Sydney Local Environmental Plan 2005  
Chapter 1       General  
Part 6           Special provisions for certain uses

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**30    Duty free stores**

Consent must not be granted to development for the purpose of a duty free store, including development that would result in the expansion of a duty free store, unless the consent authority is satisfied that the development will not have an adverse traffic impact on city streets, having particular regard to the increase in the numbers of buses and coaches likely to be generated by the development.

Sydney Local Environmental Plan 2005  
Central Sydney  
Objectives of this Chapter

Clause 31  
Chapter 2  
Part 1

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## **Chapter 2 Central Sydney**

### **Part 1 Objectives of this Chapter**

#### **31 The objectives of this Chapter**

The objectives of this Chapter are:

- (a) the reinforcement of the major functions of Central Sydney, especially its commercial role and maritime trading role, and
- (b) the reinforcement of the status of Central Sydney as the primary centre in the Sydney Metropolitan region, and
- (c) the provision of sufficient development potential within Central Sydney, and
- (d) the managed growth of a permanent residential population in Central Sydney and the provision of a full range of residential accommodation, and
- (e) the provision of tourist and visitor accommodation in Central Sydney, and
- (f) the enhancement of Central Sydney as Australia's pre-eminent retail centre, and
- (g) the protection of Special Areas within Central Sydney.

### **Part 2 Zoning**

#### **Division 1 General**

##### **32 Land use zones**

The following land use zones within Central Sydney are shown on the Central Sydney Zoning Map. The zones are:

- (a) City Centre zone,
- (b) City Edge zone,
- (c) Residential zone,
- (d) Maritime and Transport zone,
- (e) Parks and Community Places zone.

##### **33 Effect of zone objectives**

The consent authority, before consenting to development or adopting a proposed development plan for any land, must have regard to the objectives of the zone in which the development is proposed to be carried out or in which the land is situated.



Clause 34            Sydney Local Environmental Plan 2005  
Chapter 2            Central Sydney  
Part 2                Zoning

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#### **34 Development near zone boundaries**

- (1) This clause applies to land that is within 5 metres of the boundary between two zones.
- (2) Land to which this clause applies may, with development consent, be developed for any purpose for which land in the adjoining zone may be developed if the development would be prohibited in the absence of this clause.

#### **35 Permissible uses for heritage items**

The consent authority may grant consent to the use, for any purpose, of a heritage item even though the use would otherwise be prohibited, if it is satisfied that:

- (a) the proposed use would not have a significant effect on the heritage significance of the heritage item or the amenity of the locality, and
- (b) conservation of the heritage item would be assisted by the granting of the consent.

### **Division 2        City Centre zone**

#### **36 Objectives of the City Centre zone**

The objectives of the City Centre zone are:

- (a) to encourage Central Sydney's role and growth as one of the Asia-Pacific region's principal centres for finance, commerce, retailing, tourism, cultural activities, entertainment and government, and
- (b) to permit a diversity of uses which reinforce the multi-use character of Central Sydney, and
- (c) to facilitate the development of buildings and works that are of a scale and character consistent with achieving the other objectives of this zone, and
- (d) to provide for increased residential development with appropriate amenity and to ensure the maintenance of a range of housing choices, and
- (e) to enhance the amenity of parks and community places by protecting sun access, and
- (f) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain, and
- (g) to ensure satisfactory sky exposure, levels of daylight and ventilation to the public areas of Sydney, including the parks, places, streets and lanes, and

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Central Sydney  
Zoning

Clause 37  
Chapter 2  
Part 2

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- (h) to recognise and enhance the character of Special Areas, and
  - (i) to facilitate the conservation of items and areas of heritage significance, and
  - (j) to protect the fine-grained urban fabric of Central Sydney, especially the existing network of streets and lanes, and to provide for high quality development that contributes to the existing urban form, and
  - (k) to extend retail uses on frontages to retail streets, and
  - (l) to provide active frontages to streets.

### **37 Development within the City Centre zone**

- (1) Development may be carried out without consent within the City Centre zone if it is exempt development.
- (2) Within the City Centre zone, any other development (including use of land for the purpose of advertisements or advertising structures, a new use of a building for the purpose of a duty free store and temporary uses) may be carried out, but only with development consent.
- (3) However, in the area bounded by King, Elizabeth, Market and George Streets:
  - (a) development at ground floor level may be carried out only for the purpose of shops, refreshment rooms and access to other uses on other levels, and
  - (b) development for the purpose of brothels is prohibited.

## **Division 3 City Edge zone**

### **38 Objectives of the City Edge zone**

The objectives of the City Edge zone are:

- (a) to encourage a mixed-use, medium density area which will provide a physical transition between the City Centre zone and nearby lower density, mixed-use and residential areas, and
- (b) to encourage an increase in the permanent residential population through new residential development or the conversion of existing buildings and to ensure the maintenance of a range of housing choice, and
- (c) to recognise the development potential of certain major sites within the zone and to encourage development of them which is consistent with other zone objectives, and
- (d) to enhance the amenity of parks and community places by protection of sun access, and

Clause 39            Sydney Local Environmental Plan 2005  
 Chapter 2           Central Sydney  
 Part 2                Zoning

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- (e) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain, and
- (f) to ensure adequate levels of daylight to streets, and
- (g) to recognise and enhance the character of Special Areas, and
- (h) to facilitate the conservation of items and areas of heritage significance, and
- (i) to ensure that the number and location of clinics, refuges, crisis centres and other welfare facilities within parts of this zone are compatible with the achievement of other zone objectives.

### **39 Development within the City Edge zone**

- (1) Development may be carried out without consent within the City Edge zone if it is exempt development.
- (2) Within the City Edge zone, other development (including use of land for the purpose of advertisements and advertising structures and temporary uses) may be carried out, but only with development consent.
- (3) Development for the purpose of amusement centres is prohibited on land in the Oxford Street area shown shaded on Map 1 in Schedule 1.
- (4) Development for the purpose of brothels is prohibited in the City Edge zone.

## **Division 4 Residential zone**

### **40 Objectives of the Residential zone**

The objectives of the Residential zone are:

- (a) to maintain a predominantly residential character and land use at Millers Point and for certain land fronting Wylde Street, Potts Point, and
- (b) to facilitate additional residential development that is consistent with the existing residential character and use of those locations, and
- (c) to ensure the maintenance of a range of housing choice, and
- (d) to facilitate the conservation of items and areas of heritage significance, and
- (e) to provide for a limited range and scale of non-residential land uses to serve the local population's needs, being uses which are compatible with residential amenity and heritage values.

Sydney Local Environmental Plan 2005  
Central Sydney  
Zoning

Clause 41  
Chapter 2  
Part 2

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#### **41 Development within the Residential zone**

- (1) Development may be carried out without consent within the Residential zone if it is exempt development.
- (2) Within the Residential zone, development for the purpose of the following may be carried out, but only with development consent:
  - (a) dwelling-houses,
  - (b) advertisements,
  - (c) boarding houses,
  - (d) child care centres,
  - (e) educational establishments,
  - (f) hotels,
  - (g) medical and dental surgeries (up to a maximum floor space area of 150 square metres),
  - (h) open space,
  - (i) places of public worship,
  - (j) public utility installations,
  - (k) pubs,
  - (l) refreshment rooms,
  - (m) residential buildings (other than dwelling-houses),
  - (n) serviced apartments,
  - (o) shops (including grocery and convenience stores),
  - (p) streets,
  - (q) temporary uses of any kind.
- (3) Any other development is prohibited within the Residential zone, except development involving a class 1 dwelling listed as complying development in the Central Sydney Exempt and Complying DCP.

#### **Division 5 Maritime and Transport zone**

##### **42 Objectives of the Maritime and Transport zone**

The objectives of the Maritime and Transport zone are:

- (a) to facilitate the continued operation of port activities, water-based transport services, rail and related transport services, and naval and other maritime activities, and
- (b) to provide for the efficient operation of the primary land uses for this zone, namely:

Clause 43            Sydney Local Environmental Plan 2005  
 Chapter 2           Central Sydney  
 Part 2                Zoning

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- (i) port (cargo and passenger) and related landside activities at North Darling Harbour berths 3–10, and
- (ii) ferry and charter boat services at Circular Quay, in a manner consistent with the identification of Circular Quay as a Special Area, and
- (iii) the Royal Australian Navy's Fleet Base at Woolloomooloo and Garden Island, and the Department of Defence's dockyard and facilities at Garden Island, and
- (iv) rail and related services at Central Railway Yards and near the approaches to the Sydney Harbour Bridge, and
- (c) to facilitate the conservation of items and areas of heritage significance, and
- (d) to provide opportunities for a range of additional uses on particular sites without detrimentally affecting the amenity of the surrounding areas.

#### **43 Development within the Maritime and Transport zone**

- (1) Within the Maritime and Transport zone, exempt development and development for the purpose of the following may be carried out without development consent:
  - (a) aids to navigation,
  - (b) commercial port operations,
  - (c) dredging,
  - (d) jetties,
  - (e) naval activities,
  - (f) pontoons,
  - (g) reclamation,
  - (h) sea walls,
  - (i) streets,
  - (j) temporary uses on land owned by, or under the care, control and management of, the Council,
  - (k) wharves.
- (2) Within the Maritime and Transport zone, development for the purpose of the following may be carried out on any land, but only with development consent:
  - (a) public utility undertakings,
  - (b) temporary uses of any kind on land on which they are not allowed without consent in the zone,

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- (c) workshops.
- (3) Within the part of the Maritime and Transport zone outlined in red and annotated (i) on the Central Sydney Site Identification Map, development for the purpose of the following may be carried out, but only with development consent:
- (a) advertisements,
  - (b) conventions, cultural activities, exhibitions, and like functions,
  - (c) hotels,
  - (d) refreshment rooms,
  - (e) residential buildings,
  - (f) serviced apartments,
  - (g) shops,
  - (h) tourist coach and bus parking or layover,
  - (i) tourist-related uses,
  - (j) waterfront-related uses,
  - (k) commercial uses ordinarily incidental or ancillary to the other particular uses listed in this subclause.
- (4) Consent must not be granted for development on land within the part of the Maritime and Transport zone shown coloured blue on the Central Sydney Site Identification Map, or on land including any such land, unless the consent authority is satisfied that unobstructed public access will be provided along the foreshore within the land so shown.
- (5) Despite subclause (3), within the part of the Maritime and Transport zone shown coloured green on the Central Sydney Site Identification Map, development for the purpose of a residential building is prohibited.
- (6) Within the part of the Maritime and Transport zone outlined in pink on the Central Sydney Site Identification Map, development for the purpose of a short-stay public car park containing a maximum of 158 parking spaces may be carried out, but only with development consent. This subclause has effect despite clause 65 but subject to clause 66.
- (7) The consent authority must not grant consent as referred to in subclause (6) unless it is satisfied that a covenant has been or will be created that has the effect of restricting the future use of the proposed car park to use for the purpose of a short-stay public car park only.
- (8) Within the part of the Maritime and Transport zone outlined in red and annotated (ii) on the Site Identification Map, development for the purpose of the following may be carried out, but only with development consent:

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- (a) advertisements,
  - (b) commercial premises,
  - (c) hotels,
  - (d) serviced apartments,
  - (e) shops,
  - (f) educational establishments.
- (9) Within the Part of the Maritime and Transport zone outlined in red and annotated (v) on the Site Identification Map, development for the purpose of the following may be carried out, but only with development consent:
- (a) advertisements,
  - (b) conventions, exhibitions and like uses,
  - (c) tourist coach and bus parking layover facilities,
  - (d) public instrumentality offices used for administration,
  - (e) port and maritime related uses and sympathetic commercial uses,
  - (f) harbour public open space,
  - (g) pedestrian linkages and vantage points.
- (10) Within the part of the Maritime and Transport zone at Circular Quay and Central Railway Terminal building, development for the purpose of the following may be carried out, but only with development consent:
- (a) advertisements,
  - (b) refreshment rooms,
  - (c) shops.
- (11) Any other development is prohibited within the Maritime and Transport zone.
- (12) Consent must not be granted to development referred to in subclause (3) unless the consent authority is satisfied that the pattern and location of any roads or pedestrian thoroughfares concerned is generally in accordance with that shown on the Central Sydney Roads and Pedestrian Thoroughfares Map.
- (13) In determining *site area* for the purpose of calculating floor space ratio of buildings on a site that includes land shown uncoloured on the Central Sydney Floor Space Ratio Map, the area of land so shown is to be excluded from the site area.

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- (14) In determining the *floor space area* for the purpose of calculating the floor space ratio of buildings on a site that includes land outlined in pink on the Central Sydney Site Identification Map, the area of any car park referred to in subclause (6) is to be excluded.
- (15) In determining *floor space area* for the purpose of calculating the floor space ratio of buildings on a site that includes land shown hatched black on the Central Sydney Site Identification Map, floor space that will be permanently occupied by a tourist coach and bus parking layover facility on the site may be excluded by the consent authority from the floor space area, subject to subclause (16).
- (16) The exclusion can reduce the floor space area of the buildings so that the floor space ratio calculated is less than the floor space ratio for the buildings that would otherwise have been calculated by up to, but no more than 1:1. The extent of the exclusion is to be in proportion to the extent to which the layover facility will, in the opinion of the consent authority, contribute to servicing the needs of the City of Sydney for tourist coach and bus parking layover facilities.
- (17) In this clause, *short-stay public car park* means a car park that is open to the general public and regulated (by a restriction in opening hours or fee structure, or both) so as to discourage commuter parking.

## **Division 6 Parks and Community Places zone**

### **44 Objectives of the Parks and Community Places zone**

The objectives of the Parks and Community Places zone are:

- (a) to facilitate continued provision and enhancement of parks and community places, including places in private ownership utilised by the community, as the primary use within this zone, and
- (b) to identify existing publicly and privately owned elements of importance for community use, including significant buildings and their parkland or freestanding settings, and
- (c) to facilitate the conservation of items and areas of heritage significance, and
- (d) to provide for the expansion or redevelopment of existing uses and buildings (including existing underground uses and underground buildings) associated with railway stations, if the expansion or redevelopment is consistent with the primary use of the park or community place at which the railway station is located and the other objectives of this zone, and
- (e) to better integrate roads with surrounding or adjoining parks and community places, and



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- (f) to facilitate continued public access to land and buildings within this zone.

**45 Development within the Parks and Community Places zone**

- (1) Development may be carried out without consent within the Parks and Community Places zone if it is exempt development or (unless it is development for the purpose of roads) carried out in accordance with a plan of management.
- (2) Within the Parks and Community Places zone, development (other than development in accordance with a plan of management) for the purpose of the following may be carried out on any land, but only with development consent:
- (a) buildings used for cultural activities, landscaping and gardening, or recreational facilities,
  - (b) car parking,
  - (c) kiosks,
  - (d) refreshment rooms,
  - (e) roads, except where carried out as exempt development or in accordance with any plan of management,
  - (f) shops and commercial premises associated with underground railway stations,
  - (g) signs incidental or ancillary to another permitted use,
  - (h) temporary uses of any kind,
  - (i) underground public utility undertakings, located under the surface of a road or public thoroughfare, or adjacent to or bordering a road or public thoroughfare, but only if the undertakings are not inconsistent with any plan of management,
  - (j) other land uses which the consent authority is satisfied are incidental or ancillary to land uses which may be lawfully carried out within the zone.
- (3) Within the curtilage of the building within the part of the Parks and Community Places zone outlined in red and annotated (iii) on the Site Identification Map, development for the purpose of the following may also be carried out, but only with development consent:
- coach and bus parking or layovers and associated facilities, including shops, information facilities, refreshment rooms and ancillary uses.

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- (4) Within the Parks and Community Places zone, below the plaza ground surface as at the commencement of this plan, on Lot 2, DP 225060, (being part of the land bounded by George Street, Curtin Place, Pitt Street and Bond Street, Sydney, and known as Australia Square), any development (including development for the purpose of advertisements or advertising structures and temporary uses of any kind) may be carried out, but only with development consent.
  - (5) Consent must not be granted to development of land within the Parks and Community Places zone owned or controlled by the Council or another public authority, unless the consent authority has had regard to each of the following:
    - (a) the need for the development on the land,
    - (b) the impact of the proposed development on the existing or likely future use of the land,
    - (c) the need to retain the land for its existing or likely future use.
  - (6) Any other development is prohibited within the Parks and Community Places zone.

**46 Residential development on Wharf 11, Woolloomooloo**

- (1) Despite clause 45, development for any residential purpose may be carried out, but only with development consent, on land within the Parks and Community Places zone that is outlined in red and annotated (iv) on the Site Identification Map.
- (2) Consent for any such development on the land may be granted only if the consent authority is satisfied that:
  - (a) the proposed development will have little or no adverse effect on the amenity of land in the vicinity of the proposed development, and
  - (b) conservation of the Finger Wharf would be assisted were the proposed development to be carried out, and
  - (c) no portion of any building, including plant, will exceed a height of RL 10 metres, exclusive of any public viewing platforms.
- (3) The floor space area of all buildings on the land must not result in a floor space ratio that exceeds 0.913:1, of which the floor space area used otherwise than for car parking must not account for more than 0.65:1 and the floor space area used only for car parking must not account for more than 0.263:1.

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## **Part 3    Height of buildings**

### **47    Objectives for control of the height of buildings**

The objectives for control of the height of buildings in Central Sydney are:

- (a) to allow sunlight access to key areas of the public domain by ensuring that:
  - (i) further overshadowing of certain parks and community places is avoided or limited during nominated times, and
  - (ii) existing overshadowing of certain parks and community places is reduced in the long term, and
- (b) to provide a transition of building heights between localities and street blocks, and
- (c) to provide high quality urban form for all buildings, while maintaining satisfactory sky exposure and daylight:
  - (i) to the public areas of Central Sydney, including the parks, places, streets and lanes, and
  - (ii) to existing buildings and to the sides and rear of tower forms, and
- (d) to confine ground level wind speeds to velocities which ensure pedestrian comfort and amenity of the public domain, and
- (e) to allow for and promote the ventilation of the City by the free movement of air around and between tower structures, and
- (f) to provide sun access to significant sandstone buildings in Special Areas in order to improve the ground level environmental quality of public spaces, and
- (g) to ensure that tower development occurs on sites capable of providing appropriate urban form and amenity, and
- (h) to nominate heights that will provide a transition in built form and land use intensity between the City Centre zone and adjoining lower scale localities within and adjacent to Central Sydney, and
- (i) to provide for view sharing along the edges of Central Sydney, and
- (j) to ensure an appropriate height transition between new buildings and heritage items or Special Areas.

### **48    Sun access planes**

- (1) Subject to subclauses (2), (3) and (4), development that results in any part of a building projecting above a sun access plane for a park or community place identified in the sun access planes table in Schedule 2

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is prohibited if the building is situated on land shown on the relevant map in Schedule 2 as affected by the sun access plane.

- (2) Any part of a sun access plane identified as plane B2, F2 or I2 in the sun access planes table in Schedule 2 that is directly beneath part of another sun access plane identified as plane B1, F1 or I1 in that table is to be disregarded for the purposes of this clause.
- (3) This clause does not apply to development resulting only in refurbishment of a building.
- (4) *State Environmental Planning Policy No 1—Development Standards* and clause 10 (Waiver of certain development standards) do not apply to any requirement made by this clause, except that Policy (but not that clause) applies to the requirement imposed by this clause relating to the sun access planes for Pitt Street Mall identified as planes F1 and F2 in the sun access planes table in Schedule 2.

#### 49 No additional overshadowing in certain locations

- (1) Subject to subclauses (2), (3) and (4), development is prohibited if it results in a building that causes overshadowing, in addition to that existing at 27 December 1996, between the nominated times in any of the following locations between 14 April and 31 August in any year:

| Location   | Nominated times  |
|--|------------------|
| Australia Square   | 12 noon to 2 pm  |
| Chifley Square   | 12 noon to 2 pm  |
| First Government House Place   | 12 noon to 2 pm  |
| Lang Park  | 12 noon to 2 pm  |
| Macquarie Place (beyond the shadow that would be cast by a wall with a 35 metre street frontage height on the eastern alignment of Loftus Street)          | 10 am to 2 pm    |
| Martin Place (between Pitt and George Streets)   | 12 noon to 2 pm  |
| Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 metre street frontage height on the eastern and western alignments of the Mall) | 10 am to 2 pm    |
| Prince Alfred Park   | 12 noon to 2 pm  |
| Sydney Town Hall steps   | 10.30 am to 4 pm |
| Sydney Square  | 11 am to 4 pm    |

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- (2) *State Environmental Planning Policy No 1—Development Standards* and clause 10 (Waiver of certain development standards) do not apply to a requirement made by this clause, except that Policy (but not that clause) applies to the requirement imposed by this clause relating to overshadowing of Australia Square, Chifley Square, First Government House Place and Sydney Town Hall steps.
  - (3) Within the Parks and Community Places zone, this clause does not apply to any development that is not inconsistent with a plan of management.
  - (4) This clause is subject to clause 52.

#### **50 Height of buildings**

- (1) The height of a building on any land is not to exceed the height shown for the land indicated on the Central Sydney Height Map.
- (2) Despite subclause (1), consent must not be granted to a building on any land if the height of the building exceeds 55 metres unless:
  - (a) the site area of the development is 800 square metres or more, or
  - (b) the consent authority is satisfied that the proposed development achieves:
    - (i) appropriate height to plan width proportions that are compatible with the massing, street frontage and tower forms within the locality, and
    - (ii) a separation of any towers to achieve the “tower in the round” built form characteristic, and
    - (iii) adequate amenity and privacy for occupants, and
    - (iv) active street frontages, and
    - (v) sufficient space for vehicle circulation and access ramps.
- (3) The achievement of the maximum height shown on the Central Sydney Height Map is subject to compliance with the floor space ratio, development plan, design excellence, heritage, ecologically sustainable development and other provisions of this plan.
- (4) The height of a building resulting from the replacement or alteration of a building on land identified by the notation “Existing Height” on the Central Sydney Height Map is not to exceed the existing height of the building that is replaced or altered. Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this subclause.

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- (5) Consent must not be granted for the erection of a building on land in the Parks and Community Places zone or the Maritime and Transport zone unless the consent authority is satisfied that its height will be consistent with the heights of any existing buildings on the subject site and on adjoining land. This subclause is subject to clause 46 (2) (c) and does not apply to equipment and structures used for the physical handling of cargo in carrying out commercial port operations, or used for naval activities at Woolloomooloo or Garden Island.
- (6) The height of any building on land shown outlined in solid red and annotated (ii) on the Central Sydney Height Map must not exceed:
- (a) RL 45 metres north of the Moore Stairs, or
  - (b) RL 46.7 metres south of the Moore Stairs.
- Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this subclause.
- (7) The height of any building on land shown outlined in solid red and annotated (iii) on the Central Sydney Height Map is not to exceed RL 28.6 metres.
- (8) Consent must not be granted for the erection of a building on land shown outlined in solid red and annotated (iv) on the Central Sydney Height Map unless, in the opinion of the consent authority, its height will complement the height of buildings on adjacent land.
- (9) Despite subclause (1), the height of any building resulting from the carrying out of development on land shown outlined in solid red and annotated (v) on the Central Sydney Height Map may exceed the 80 metre height limit shown on the Central Sydney Height Map, but only if the development application for consent to the development was lodged no later than on 31 March 2002 and the consent authority is satisfied that:
- (a) when carried out, the development will be generally consistent with the winning entry of the architectural competition (submitted by Richard Johnson, Architect, and known as the ***JPW amended scheme***) held under the provisions of Part 12 of *Central Sydney Development Control Plan 1996*, and
  - (b) the use of any new building or buildings on the land will be commercial, and
  - (c) the floor space area of all buildings on the land will not exceed 111,291 square metres, and
  - (d) the street frontage height along Kent Street will not exceed RL 45 metres, and
  - (e) the height of the tower buildings will not exceed RL 145 metres to Kent Street and RL 110 metres to Sussex Street, and

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- (f) the massing of the tower buildings will provide an acceptable slenderness ratio to all elevations. Specifically, the length above the street frontage of the Kent Street elevation of the northern proposed building must not exceed 61.5 metres (excluding fins or decorative elements) and the length above the street frontage of the Sussex Street elevation of the southern proposed building must not exceed 66.5 metres (excluding fins or decorative elements), and
  - (g) no more than 650 short stay public car parking spaces will be provided in the building which will be located below the level of Kent Street and screened by active uses from any public or pedestrian space, and
  - (h) no structure will be constructed underground on land to which this subclause applies that is shown shaded on the Central Sydney Height Map, and
  - (i) Sussex Lane will be appropriately connected to Kent Street from Sussex Street, and
  - (j) an appropriate street or mid-block connection will be provided between Kent Street and Sussex Street.
- (10) Clause 2.12.E of *Central Sydney Development Control Plan 1996* does not apply to any development application to which subclause (9) applies.
- (11) Despite subclause (1), the consent authority may, in accordance with clause 24, consent to development that will result in a building on land at Regent Street (South) as shown outlined in solid red and annotated (vi) on the Central Sydney Height Map with a height of not more than 15 metres.

#### **51 Architectural roof features**

A person may, with development consent, carry out development in contravention of clauses 48 and 50 that results in an architectural roof feature, but only if the consent authority is satisfied that the architectural roof feature:

- (a) satisfies the objectives of the height controls, and
- (b) comprises a decorative element on the uppermost portion of a building, and
- (c) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (d) does not provide access for recreational purposes, and
- (e) is not a structure for signage or advertising, and

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- (f) does not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like, and
  - (g) is an integral part of the design of the building in its context, and
  - (h) will have minimal overshadowing impact.

#### **52 Height of buildings on a Category A or B site**

- (1) Consent may be granted to development that will result in a building projecting above a sun access plane for a location if:
  - (a) the site of the building is a site nominated as Category A in Schedule 3, and
  - (b) the building would reduce the excess overshadowing of the location by at least 50 per cent between the nominated times specified for the location by clause 49. Excess overshadowing of a location is the area of shadow cast by so much of a building as projects above the sun access plane for the location.
- (2) A building on a site nominated as Category B in Schedule 3 may project above a sun access plane that affects the Category B site, but only if the height of the building does not exceed the height of any building situated on the corresponding site nominated as a Category A site in that Schedule.
- (3) Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this clause.

### **Part 4 Floor space ratios**

#### **53 Objectives for floor space ratio controls**

The objectives for the control of floor space ratios in Central Sydney are:

- (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Central Sydney, and
- (b) to ensure that proposals for new buildings are assessed with due regard to the development plan, design excellence, urban design and built form provisions of this plan, and
- (c) to provide a framework for the award and allocation of heritage floor space, and
- (d) to provide sufficient floor space for high quality development for the foreseeable future, and



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- (e) to encourage the provision of residential and visitor accommodation, and
  - (f) to encourage the provision of certain uses and facilities that provide a public benefit, and
  - (g) to regulate the density of development and generation of vehicular and pedestrian traffic.

**54 Maximum floor space ratios—generally**

- (1) The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the Central Sydney Floor Space Ratio Map.
- (2) Despite subclause (1), consent may be granted to development that will result in a building on a site within the City Centre zone that has a floor space ratio (additional to the ratio provided for by subclause (1)) up to the following maximum:
  - (a) in Area A1 shown on the Central Sydney Floor Space Ratio Map:
    - (i) for commercial uses—4.5:1,
    - (ii) for residential, serviced apartment and hotel uses—6:1,
    - (iii) for a mixed-use development—as determined in accordance with Schedule 4, and
  - (b) in Area A2 shown on the Central Sydney Floor Space Ratio Map:
    - (i) for commercial uses—2:1,
    - (ii) for residential, serviced apartments and hotel uses—3:1,
    - (iii) for a mixed-use development—as determined in accordance with Schedule 4, and
  - (c) in Area B shown on the Central Sydney Floor Space Ratio Map:
    - (i) for residential, serviced apartments and hotel uses—1:1,
    - (ii) for a mixed-use development—as determined in accordance with Schedule 4.
- (3) The achievement of a maximum floor space ratio set by subclause (1) and (2) is subject to compliance with:
  - (a) the height, development plan, design excellence, heritage, ecologically sustainable development and other provisions of this plan, and
  - (b) if applicable, the allocation of heritage floor space to the site in accordance with clause 62.

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**55 Maximum floor space ratios—specific sites**

- (1) Despite clause 54, the consent authority may, in accordance with clause 24, consent to development that will result in a building on land at Regent Street (South) shown outlined in solid red and annotated (i) on the Central Sydney Floor Space Ratio Map with a floor space ratio of not more than 1:1 above the floor space ratio shown for the land on that map.
- (2) If an underground space within a building within the City Centre zone was being used at the commencement of this plan for the purpose of car parking, that part of the building may, with development consent, be used for any other purpose even though:
  - (a) the building would then have a floor space ratio greater than the maximum floor space ratio, without the allocation of heritage floor space, that would otherwise be allowed for the building by clause 54, and
  - (b) no heritage floor space is allocated to the site.

**56 Higher floor space ratios for Opportunity Sites and certain colonnades**

- (1) Consent may be granted to development resulting in additions to the street frontage of existing buildings on an Opportunity Site which would result in the creation of floor space additional to that allowed by the maximum floor space ratio set by clause 54 if the additional floor space would, in the opinion of the consent authority, improve the public amenity.
- (2) Any amount of additional floor space allowed must be determined having regard to the extent to which the development proposed is, in the opinion of the consent authority, consistent with the provision of:
  - (a) improved pedestrian and disabled access between the street and the existing buildings, and
  - (b) increased opportunities for active pedestrian use and enjoyment of the space between the street and the existing buildings, and
  - (c) improved amenity, including personal security, traffic safety and weather protection, and
  - (d) improved scale relationship between the buildings and pedestrians using the buildings and places in the vicinity, and
  - (e) increased continuity and visual consistency of the street wall, and
  - (f) where driveways or vehicle ramps obstruct the pedestrian way, the relocation of the driveways and ramps so as to minimise their impact on the public domain and pedestrian way, and
  - (g) where colonnades exist at ground and lower levels, the infilling of these colonnades, to form a part of a consistent street wall.

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- (3) A consent referred to in subclause (1) may be granted only if the consent authority is satisfied that:
- (a) an amount of heritage floor space equal to half the amount of the additional floor space permitted will be allocated to the Opportunity Site, and
  - (b) the proposed development is not an extensive redevelopment of the Opportunity Site, and
  - (c) the proposed development exhibits design excellence.

**57 Calculation of floor space ratio for buildings adjacent to certain land within the Parks and Community Places zone**

- (1) This clause applies to the following parcels of land:
- (a) Lots 1 and 2, DP 225060, being land bounded by George Street, Curtin Place, Pitt Street and Bond Street, Sydney,
  - (b) Lot 1, DP 108385, being land bounded by Goulburn Street, Riley Street, Campbell Street, Hunt Street and Brisbane Street, Surry Hills,
  - (c) Part Lot 2, DP 844093, being land known as Brickfield Place on the northern side of Liverpool Street, Sydney.
- (2) In calculating the floor space ratio of a building within a parcel to which this clause applies, all land within the Parks and Community Places zone that is within the parcel and is in the same ownership as the site of the building is taken to be within the site area of the proposed development.

**58 Calculation of floor space ratio and maximum floor space area**

**Note.** This clause explains how to calculate the floor space area and floor space ratio of buildings on a site to ensure that the total of the floor space area in buildings does not exceed the maximum that is allowed by this plan.

The clause is intended to define site areas, and to make other provisions, so as to allow reasonable and equitable sharing of floor space in buildings and, in particular, to prevent an artificial increase in the maximum floor space area allowed in a building through the manipulative addition to its site area of land:

- (a) that has no, or no substantial, connection to the development proposed, or
  - (b) that has already been included as part of a site area to obtain floor space in another building.
- (1) **Floor space ratio**
- The *floor space ratio* of buildings on a site is the ratio of the total floor space area of all buildings within the site to the site area.

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(2) **Site area**

In applying a floor space ratio for the purpose of determining a development application, the *site area* is taken to be:

- (a) if the application proposes development on only one lot, the area of that lot after excluding any land that is a street, a public place, a public reserve or community land, or
- (b) if the application proposed development on two or more lots, the largest area of contiguous land on which the development is proposed, excluding any land that is a street, a public place, a public reserve or community land, or
- (c) despite paragraphs (a) and (b), if the proposed development is only on land comprised of a street, a public place, a public reserve or community land (or any combination of them), so much of that land as will be occupied by a building that will be erected or physically affected by the proposed development.

(3) **Excluded land**

The following land must be excluded from the site area:

- (a) land on which the proposed development is not allowed, whether by this plan or a covenant or for any other reason,
  - (b) any land that is the site of a building that is a heritage item, if:
    - (i) heritage floor space has been awarded under this plan in relation to the building, or
    - (ii) the consent authority is not satisfied that the item will be restored, where the condition of the building is such as to require restoration, in accordance with a conservation management plan approved by the Council.
- (4) The consent authority may exclude from the site area land that is the site of an existing building (not being a heritage item) that was erected more than 10 years before the making of the development application concerned and that is proposed to be retained after the proposed development has been carried out, if the consent authority is not satisfied that the building will be appropriately refurbished or otherwise upgraded to a reasonable condition within a reasonable time, which may require provision or enhancement of access to, or across the site of, the building for pedestrians or vehicles, or both.

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(5) **Land divided in strata**

An area within a lot wholly or partly superimposed on another lot is not to be included more than once in calculating a site area.

(6) In applying a floor space ratio to a site, all floor space area within the vertical projection of the boundaries of a site is to be included in the calculation, whether or not the development application relates to all of the buildings in which that floor space area is situated.

(7) **Covenants to prevent “double dipping”**

When consent is granted to the erection of a building on a development site comprised of two or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor space area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor space area will be created on another lot only because the site included the restricted lot.

(8) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (7) registered before or after the commencement of this clause applies to any land (*affected land*), and
- (b) a development application relates to the affected land and other land that together comprise a development site,

the maximum amount of floor space area allowed on the other land by the floor space ratio fixed for the development site by this plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(9) **Definitions**

In this clause:

*community land* has the same meaning as in the *Local Government Act 1993*.

*lot* means a lot in a current plan, within the meaning of the *Conveyancing Act 1919*.

*site*, in relation to a development application, means the land to which the application relates.

- (10) A reference in this clause to a building includes a reference to existing buildings and a proposed building or proposed buildings, and any combination of them.

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**59 Floor space ratio for historic clubs**

- (1) This clause applies to a building owned and occupied by a club that, in the opinion of the consent authority:
  - (a) has a long and historic association with its site, and
  - (b) provides and has traditionally provided accommodation in that building, and
  - (c) does not derive a substantial proportion of its income from gaming.
- (2) When calculating the floor space ratio of a building to which this clause applies for the purposes of proposed development, the consent authority may exclude from the floor space area of the building the floor space occupied by the club at the commencement of this plan if the consent authority is satisfied that the club will operate within the building after the development has been carried out. The maximum amount of floor space that may be deducted is an amount equivalent to twice the site area.
- (3) This clause applies to a heritage item only if the consent authority is satisfied that the proposed development of the heritage item is sympathetic to the heritage significance of the item.

**60 Objectives for the award and allocation of heritage floor space**

The objectives of this plan in relation to the award and allocation of heritage floor space are:

- (a) to assist and encourage the conservation and on-going maintenance of heritage items within Central Sydney through the award of heritage floor space, and
- (b) to promote achievement of the objectives of the heritage provisions in this plan.

**61 Award of heritage floor space**

- (1) When consent is granted for development that the consent authority is satisfied will consist of or include the conservation of a heritage item within Central Sydney, the consent authority may make the owner of the heritage item or a person nominated by the owner an award of heritage floor space.
- (2) Heritage floor space may be awarded only if the consent authority is satisfied that, through the registration of a covenant on the title to the site of the heritage item concerned, future development will not increase the total floor space area or height of the heritage item.

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- (3) Heritage floor space cannot be awarded in relation to a heritage item if:
    - (a) the whole or part of the area occupied by the heritage item has been or is included as site area for the purpose of calculating the floor space ratio for another building, or
    - (b) an amount of floor space that may be or has been allowed to be created in another building has previously been awarded in respect of the heritage item under this clause or another heritage conservation incentive scheme administered by the consent authority.
  - (4) Any heritage or other floor space awarded under such an incentive scheme is taken to be heritage floor space awarded for the purposes of this plan whether or not it was allocated for use in a building before the commencement of this plan.
  - (5) Details of all heritage floor space awarded are to be entered in a register maintained by the Council, but only after conservation works in accordance with a conservation management plan for the heritage item concerned that has been approved by the Council or the Central Sydney Planning Committee have been completed to the satisfaction of the Council or the Central Sydney Planning Committee.
  - (6) Once heritage floor space awarded in respect of a heritage item has been entered in that register, no amount of the site of the heritage item can be included as site area for the purpose of calculating the floor space ratio for buildings on a site that includes any land outside the site of the heritage item.

## 62 Allocation of heritage floor space

- (1) Consent may be granted to development on a site within the City Centre zone in Area A1, A2 or B shown on the Central Sydney Floor Space Ratio Map that will result in a building that exceeds 55 metres in height with a floor space ratio that exceeds the floor space ratio (without allocation of heritage floor space) shown for the site on the Central Sydney Floor Space Ratio Map, but only if the consent authority is satisfied that the appropriate amount of heritage floor space will be allocated to the site, whether because of a condition of the consent or otherwise.
- (2) The *appropriate amount of heritage floor space* for a site is:
  - (a) half the difference between the maximum floor space area for the site, calculated by reference to the floor space ratio (without heritage floor space) as shown on the Central Sydney Floor Space Ratio Map, and the total floor space area of all buildings on the site after the development has been carried out in accordance

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- with the consent, up to the maximum floor space ratio (with heritage floor space) for the site as shown on that map, and
- (b) any floor space which exceeds the maximum allowed for the site by clause 54 or 55.
  - (3) When proposed development has undergone a design competition and, in the opinion of the consent authority, achieves design excellence, the consent authority may allow a reduction of heritage floor space that needs to be allocated to the site of that development.

### **63 Significant public benefit**

- (1) Consent may be granted to development that creates floor space that will be used to provide a significant public benefit, without the allocation of heritage floor space that would be required to be allocated to the site in the absence of this clause.
- (2) Floor space is used to provide a significant public benefit for the purposes of this clause if the floor space is used:
  - (a) for an historic club, or
  - (b) for a cinema, recital hall or theatre for use by the public, or
  - (c) for a mid-block pedestrian connection required by this plan, but only if, in the opinion of the consent authority, the use is appropriate to its location and meets an important need in the city.

## **Part 5 Car parking**

### **64 Objectives for car parking controls**

The objectives of the car parking controls of this Part are:

- (a) to acknowledge that public transport is the most important and efficient means of moving people to and within Central Sydney, and
- (b) to encourage commuting by public transport to Central Sydney in order to reduce the number of motor vehicles travelling through and to Central Sydney, and to improve overall environmental quality and pedestrian amenity, and
- (c) to improve the attractiveness and competitiveness of Central Sydney for retail and commercial activities by providing a reasonable level of tenant and short-stay public car parking whilst discouraging commuter car parking, and
- (d) to encourage residential development in Central Sydney, and
- (e) to minimise adverse urban design impacts, in particular by discouraging the provision of above ground parking, and



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- (f) to minimise adverse traffic impacts, in particular conflicts between pedestrian and vehicular traffic, and
  - (g) to discourage the provision of public car parking, and
  - (h) to ensure that tenant car parks are not occupied by persons other than occupiers of the building or land on which the car park is situated.

#### 65 Tenant car parking provisions

- (1) Car parking provided in connection with a building must not result in any maximum set out in the following Table being exceeded, except in a case to which subclause (2) applies and results in a greater number:

##### Maximum car parking

| Type of proposed use  | Maximum parking on site spaces permitted   |
|---|--|
| Dwelling-houses   | 2 spaces per dwelling-house  |
| Residential buildings (including housing for aged persons): |  |
| Studio apartments/bedsitters                                | 1 space per 4 studio apartments/bedsitters   |
| 1 bedroom apartments  | 1 space per 2 apartments   |
| 2 bedroom apartments  | 1 space per apartment plus 1 additional space per 5 apartments   |
| Apartments with 3 or more bedrooms                          | 2 spaces per apartment   |
| Hotels and clubs  | 1 space per 5 bedrooms<br>4 spaces per 100 square metres of function room area   |
| Cinemas, theatres and recital halls                         | 1 space per 7 seats  |
| Serviced apartments   | 1 space per 4 studio apartments/bedsitters<br>1 space per 2 one-bedroom apartments<br>1.2 spaces per two or more bedroom apartment |
| Other uses  | Maximum number = $\frac{\text{Total other FSA}}{\text{Total FSA within development}} \times \frac{\text{Site area}}{50}$           |

**Note.** Parking for service and delivery vehicles, motorcycle parking, bicycle parking and car parking for people with mobility impairment should comply with the provisions of the relevant development control plan.

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- (2) The number of tenant car parking spaces that will be available for use in connection with an existing building to which a development application relates is not to exceed the total of the maximum amounts allowed for each particular use that will be allowed in the building, in accordance with the following Table:

$$\text{maximum number of car parking spaces for a particular use} = \frac{\text{FSA to be allowed for that use}}{\text{Total FSA to be allowed for all uses}} \times \text{Total number of lawful existing car parking spaces for all uses}$$

- (3) Clause 10 applies to a requirement made by subclause (2), but subject to subclauses (4)–(8). Before granting a consent pursuant to clause 10, the consent authority must be satisfied that different uses of parking spaces in the building will, as nearly as practicable, conform to the proportions specified in the Table to the subclause (1).
- (4) The consent authority may grant a consent that allows car parking spaces for a use in excess of the number allowed under subclause (2) only if:
- (a) on-site tenant car parking, for the same use, is lawfully occurring for a number of car parking spaces in excess of that allowed by subclause (2), and
  - (b) the proposed car parking in excess of that allowed by subclause (2) is to be used only for tenant car parking and parking of vehicles providing services to the occupants of the building, and not for public car parking, and
  - (c) the consent authority is satisfied that the proposed car parking in excess of that allowed by subclause (2) will not cause adverse urban design and traffic impacts.
- (5) The number of car parking spaces calculated in accordance with subclause (2) is to be:
- (a) exclusive of parking for service and delivery vehicles, and motorcycle and bicycle parking, and
  - (b) inclusive of car parking for people with mobility impairment, provided in accordance with the relevant Australian Standard, and visitor car parking.
- (6) Consent for car parking spaces for a cinema, theatre or recital hall is to be granted by the consent authority only after it has considered the location and availability of existing public car parking and public transport in the vicinity of the proposed cinema, theatre or recital hall. Any car parking allowed specifically for the purpose of a cinema,

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theatre or recital hall may, with consent, also be used for short-stay parking for other purposes, but only during the hours of 9.30 am to 6 pm.

- (7) Car parking spaces provided for use in connection with the use of function areas in hotels are to be available only to patrons to park in while using the function facilities and must not be used for public car parking.
- (8) Consent must not be granted for development that includes tenant car parking, unless conditions of the consent provide that the tenant car parking must not be used or occupied by any person, other than a person who resides or works in or visits a tenant of the building on a temporary basis, in the building or on the land in or on which the car park is located.
- (9) A maximum number of car spaces set by this clause is to be rounded up to the nearest whole number if it is not a whole number.

#### **66 Public car parking restrictions**

##### **(1) Restrictions that apply in all cases**

Before granting consent to development for the purpose of any public car parking, the consent authority must be satisfied that the public car parking:

- (a) will not prejudice attaining the objectives of this Part, and
- (b) will not encourage commuter car parking nor reduce the proportion of public transport users travelling to the city each day, and
- (c) will be used for short-stay public car parking only that is regulated by a restriction in opening hours or fee structure, or both, and
- (d) will be located underground, and
- (e) will be included for the purpose of calculating floor space ratio in the floor space area of the building in which it is situated, and
- (f) will be consistent with, and does not compromise, high quality urban design of buildings on the land and adjacent to the land on which it is situated, and
- (g) is not likely to cause or increase adverse pedestrian impacts or local or city-wide vehicular traffic impacts, and

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(h) in the opinion of the consent authority, is not likely to cause or contribute to an unacceptable level of vehicle saturation of intersections in the vicinity, or an unacceptable reduction of environmental capacity of roads in the vicinity, of the public car park.

(2) **New public car parks**

Consent may be granted to development for the purpose of public car parking on land where no public car parking already exists, but only where the consent authority is satisfied that the public car parking directly services major retail, cultural, recreational or entertainment uses which, in the opinion of the consent authority, are not reasonably or adequately serviced by either:

- (a) public transport (either existing or planned), or
- (b) existing public car parking.

(3) **Existing tenant car parks**

Without affecting subclause (2), consent may be granted to development for the purpose of public car parking on land on which tenant car parking already lawfully exists, but only to the extent of converting to public car parking any car spaces that are in excess of the maximum number of parking spaces allowed by clause 65 (1).

(4) **Existing public car parks**

Consent may be granted to development for the purpose of public car parking on land on which public car parking already lawfully exists, but only where the consent authority is satisfied that:

- (a) the development will not result in more public car parking spaces on the land than already lawfully exist, and
- (b) the floor space area of all public car parking on the land does not exceed the floor space area of the existing public car parking on the land.

## Part 6 Heritage provisions

### 67 Objectives

The objectives of the heritage provisions are:

- (a) to conserve the heritage of Central Sydney, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in heritage conservation, and

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- (d) to ensure that any development does not adversely affect the heritage significance of heritage items, and
- (e) to provide greater certainty in the management of the heritage of Central Sydney, and
- (f) to encourage high quality design and the continued use or adaptive re-use of heritage items.

**68 Consent required for certain development**

- (1) The following development may be carried out only with development consent:
  - (a) demolition of a heritage item or building in a heritage streetscape,
  - (b) structural or non-structural alterations to the exterior or interior of a heritage item,
  - (c) structural or non-structural alterations to the exterior of a building in a heritage streetscape that is not a heritage item,
  - (d) erection of a sign or advertising structure on a heritage item,
  - (e) erection of a building on the site of a heritage item or building in a heritage streetscape,
  - (f) subdivision of a site of a heritage item.
- (2) However, development consent is not required by this clause if:
  - (a) the proposed development is maintenance or is of a minor nature and, in the opinion of the consent authority, will not adversely affect the heritage significance of the heritage item concerned or of the heritage streetscape concerned, or
  - (b) the proposed development is consistent with a heritage conservation plan that has been approved by the consent authority, if it involves a heritage item, or
  - (c) in the opinion of the consent authority, the proposed development is required as a matter of urgency to ensure public safety.
- (3) A reference to the consent authority in subclause (2) is a reference to the person who would be the consent authority if consent were required.

**69 Consent authority must have regard to heritage conservation**

The consent authority must not grant consent to a development application involving a heritage item unless it has taken into consideration:

- (a) the heritage significance of the heritage item concerned, and

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- (b) the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item and any historic subdivision pattern in the locality, and
  - (c) the heritage inventory assessment report prepared in relation to the heritage item, and
  - (d) any conservation management plan or heritage impact statement required by the consent authority, and
  - (e) any plan of management required by the consent authority, and
  - (f) the provisions of any relevant development control plan or policy adopted by the Council, and
  - (g) the heritage significance of the interiors of any heritage item concerned.

**70 Definition of “materially affects” for the purposes of clauses 71–73**

- (1) For the purposes of clauses 71–73, development on land that comprises or includes the site of a heritage item *materially affects* the item only if:
  - (a) it will reduce or increase the building envelope occupied by the item, or
  - (b) it will be carried out within the airspace above the building envelope occupied by the item.
- (2) However, development does not materially affect a heritage item if, in the opinion of the consent authority, the proposed development will not adversely affect the heritage significance of the heritage item concerned.

**71 Floor space ratio of heritage items**

- (1) The maximum floor space ratio for a heritage item is the floor space ratio of the item when this plan commenced, except as provided by subclauses (2), (3) and (4).
- (2) After considering the matters specified in clause 69, the consent authority may consent to development that will result in that maximum floor space ratio being exceeded, only if:
  - (a) the proposed development will not materially affect a heritage item, and
  - (b) the proposed development involves mainly internal building work or minor additions, and
  - (c) the proposed development is on part of the site not occupied by any existing building of heritage significance, and
  - (d) the floor space ratio complies with clause 54.

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- (3) The consent authority, after considering the matters specified in clause 69, may consent to development that will materially affect a heritage item and that will result in that maximum floor space ratio being exceeded, but only if the consent authority complies with clauses 72 and 73.
- (4) However, subclauses (2) and (3) do not apply so as to allow consent to be granted for development of land that consists of or includes the site of a heritage item that will result in the floor space ratio specified for the land elsewhere in this Chapter being exceeded.

## **72 Development that would materially affect a heritage item**

The consent authority must not grant consent for development that will materially affect a heritage item unless it is satisfied that:

- (a) the item, or the part of the item, affected is not of such heritage significance or landmark value that the proposed development would diminish the heritage of the City of Sydney, and
- (b) the proposed development exhibits design excellence and is superior in quality to the existing heritage item, and
- (c) the proposed development would make a contribution to the quality of the public domain of the City of Sydney superior to that made by the existing heritage item, and
- (d) in the case of partial demolition, the proposed development would conserve the heritage significance (and would not prejudice the continued heritage item status) of the item, would facilitate its continued use or adaptive reuse, and would contribute to the ongoing conservation of the heritage item, or the affected part of the item that will be retained, and
- (e) in the case of complete demolition, the retention of the heritage item would render the site on which it is located incapable of viable continued use or adaptive reuse.

## **73 Process for major changes to heritage items**

- (1) This clause applies to development that will materially affect a heritage item, but only if the development involves:
  - (a) demolition that will result in a reduction by more than 35% of the building envelope of the heritage item, or
  - (b) increasing the size of that building envelope by more than 20%, or
  - (c) building over more than 20% of the footprint of that building envelope within the airspace above the item, but not within the airspace next to the item.

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- (2) The consent authority must not grant consent for development to which this clause applies until after the consent authority:
- (a) has appointed a committee to examine and advise on the merits of the proposal, and
  - (b) is satisfied that the appointed committee has followed an appropriate public process for the purpose of that examination, and
  - (c) has considered the advice of the committee.
- (3) The consent authority may waive the requirement made by subclause (2) if the development is the subject of a development plan and the design of the development has been arrived at through a competitive process.
- (4) Nothing prevents the processes identified in subclause (2) being undertaken in respect of development to which this clause does not apply.

**74 Development within the vicinity of a heritage item**

The consent authority, when considering an application for development within the vicinity of a heritage item, must take into account the impact of the proposed development on the heritage significance of the heritage item.

**75 Development of potential archaeological sites**

The consent authority may grant a consent required by this Part for the carrying out of development on a potential archaeological site only if it has considered an archaeological assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.

**76 Notice to the Heritage Council and Department of Environment and Conservation**

- (1) The consent authority must not grant consent for development that, in the opinion of the consent authority, may have a significant effect on the heritage significance of:
- (a) an item listed on the State Heritage Register, unless the consent authority has notified the Heritage Council of the development and taken into consideration any views of the Heritage Council submitted to it within 28 days of such notice being given, or



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- (b) a site listed on the Aboriginal Sites Register of New South Wales, unless the consent authority has notified the Director-General of the Department of Environment and Conservation of the development and taken into consideration any views received from the Director-General within 28 days of such notice being given.
- (2) Subclause (1) does not apply to development for which approval has been granted by the Heritage Council or the Director-General of the Department of Environment and Conservation.

## **Part 7    Special Areas**

### **77    Objectives for the controls for Special Areas**

The objectives for the controls for Special Areas are:

- (a) to protect Special Areas from development incompatible with the particular character and significance of each Special Area and to retain and enhance its unique character, and
- (b) to reinforce the distinctive attributes and qualities of the built form of Special Areas by ensuring that development has regard to the fabric and prevailing character of each Area in scale, proportions, street alignment, materials and finishes, and
- (c) to conserve and protect heritage items and their settings, and
- (d) to maintain a high level of daylight access to streets, lanes, parks and other public domain spaces, and
- (e) to encourage active street frontages to the public domain, and
- (f) to conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance within Special Areas.

### **78    Identification of Special Areas**

Special Areas are considered to be of significance in terms of the heritage conservation, urban design and planning management of Central Sydney and are shown on the Central Sydney Special Areas Map.

### **79    Objectives for each Special Area**

The consent authority, in considering a development application for land in a Special Area, must have regard to the following matters:

- (a) the development plan provisions of this plan,
- (b) the objectives for the controls for Special Areas set out in clause 77,

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- (c) the character statement and the specific objectives for the Special Area, as set out in Schedule 6,
  - (d) the *Central Sydney Heritage Inventory* maintained by the Council, and any conservation management plan, heritage impact statement or urban design study required by the consent authority,
  - (e) any plan of management required by the consent authority,
  - (f) the provisions of any relevant development control plan or policy adopted by the Council.

## Part 8 Miscellaneous provisions

### 80 Development within the Future Rail Tunnel Investigation Area

Consent may be granted to the carrying out of development below ground level on land identified as the Future Rail Tunnel Investigation Area in Schedule 7, or determined by the consent authority to be within the Future Rail Tunnel Investigation Area, only after the consent authority has referred a copy of the development application to Rail Corporation New South Wales and considered any written comments received from the Rail Corporation within 28 days of the date of referral.

### 81 Referral—Rail Corporation New South Wales

The Consent Authority may consent to the carrying out of development below ground level on land identified as within a rail corridor on the Rail Corridor Map only after referral of the application to Rail Corporation New South Wales and consideration of any written comments received from the Rail Corporation within 21 days of the date of referral.

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Part 1                General

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## Chapter 3 Ultimo-Pyrmont

### Part 1 General

#### 82 Requirement for development consent

- (1) Development may be carried out within Ultimo-Pyrmont only with development consent, except as provided by subclause (2).
- (2) Consent is not required for development that may be carried out on land within Ultimo-Pyrmont as exempt development because of *State Environmental Planning Policy No 60—Exempt and Complying Development*.

#### 83 Effect of planning principles and zone objectives

- (1) The consent authority, before consenting to development, must:
  - (a) have regard to the planning principles for Ultimo-Pyrmont that are relevant to the proposed development, and
  - (b) take into consideration that the aim of this Chapter is that development should be consistent with those planning principles, and
  - (c) be satisfied that carrying out the proposed development will be consistent with attaining the objectives of the zone in which it will be carried out.
- (2) The consent authority, before granting consent for development, must also have regard to the *Ultimo-Pyrmont Urban Development Plan* endorsed by the Council on 25 March 2004, copies of which are available from the office of the Council.

### Part 2 Planning principles for Ultimo-Pyrmont

#### 84 Planning principles for Ultimo-Pyrmont

##### (1) Role and land use activities

The planning principles for Ultimo-Pyrmont's role and land use activities are as follows:

- (a) Development in Ultimo-Pyrmont is to provide for a significant increase in residential population in a mixed-use development pattern also accommodating employment, educational and other uses.

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- (b) Because land values in Ultimo-Pyrmont may reasonably be expected to increase when land in Ultimo-Pyrmont is developed in accordance with this plan, development is to provide affordable housing to ensure that low to moderate income households may continue to be able to live in Ultimo-Pyrmont.
  - (c) Where possible, development is to make use of existing under-utilised buildings and large areas of land which are either vacant or occupied by out of date facilities.
  - (d) Development is to take full advantage of the existing facilities, proximity to Darling Harbour, Central Station and other facilities of the City centre, and the extensive Pyrmont waterfront.
  - (e) Retail development providing for the full range of neighbourhood needs is to be encouraged.
  - (f) Uses at the ground level of buildings fronting the public domain should complement the functions of the public domain.

(2) **Residential development**

The planning principles for Ultimo-Pyrmont's residential development are as follows:

- (a) A diverse housing stock is to be developed in Ultimo-Pyrmont to cater for all households, including singles, couples, families, groups, the elderly, the disabled and lower income earners.
- (b) A mixture of dwelling types and sizes should be provided to enable a diverse community and promote housing choice.
- (c) High quality housing with adequate facilities and sustainable design is to be developed to encourage long-term residents and achieve urban consolidation.

(3) **Social issues**

The planning principles for addressing social issues in Ultimo-Pyrmont are as follows:

- (a) A range of services and facilities should be provided to meet the needs of the existing and new residents and workers, including retail, leisure, recreational and welfare facilities that promote the health and well-being of the community and recognise its cultural and ethnic diversity.
- (b) Urban design is to enhance the conviviality and sense of place of Ultimo-Pyrmont and reflect the character and heritage of Ultimo-Pyrmont.
- (c) Development is to enable surveillance and to enhance street level activity to increase actual and perceived security.

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- (d) Development is to enhance the creation of a community with diverse residents through the provision of a range of dwelling unit types and sizes.
- (e) The needs of existing and future communities, including needs for social facilities and services are to be accommodated.

**(4) Urban design**

The planning principles for urban design in Ultimo-Pyrmont are as follows:

- (a) Building heights are to reflect and emphasise the topography of Ultimo-Pyrmont by increasing in height as distance increases from the nearest waterfront. Building heights should allow a reasonable sharing of distant views from buildings by their occupants.
- (b) The heights and scale of buildings are to form a transition between the high-rise buildings in the City and low-rise buildings in the suburbs adjoining Ultimo-Pyrmont.
- (c) The heights and scale of new buildings are to respect existing buildings in the locality, particularly heritage items and buildings in conservation areas.
- (d) The heights and form of buildings are to take account of visual impact, solar access, wind impact and, where appropriate, the privacy of residences, in order to contribute to a high quality of environmental amenity in intensively used parts of the public domain and in residential areas.
- (e) Buildings fronting the public domain should have appropriate height, bulk, finish and street alignment so as to enhance its quality by complementing its character. In general the scale of street facades must be appropriate to the width of adjoining streets or lanes, adjoining heritage items or other contextual elements.
- (f) Higher buildings may be accommodated:
  - (i) if they will emphasise existing or former high points in the natural ground level on Distillery Hill, Pyrmont Point, Darling Island and adjoining the CSR Stables, they will reflect the former vertical smoke-stack elements of the Pyrmont Point Power Station, or
  - (ii) if they will provide a suitable axial focal point in the vista down to Liverpool Street,
 and they will not compromise the environmental amenity and general scale of buildings in their locality.

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- (g) Development on the waterfront and on adjoining land is to maximise the environmental quality of those parts of the peninsula for all users.

(5) **Public domain**

The planning principles for Ultimo-Pyrmont's public domain are as follows:

- (a) Public recreation areas are to provide for a range of recreational opportunities for the residents of and workers within Ultimo-Pyrmont.
- (b) Coordinated pedestrian and cycling networks are to be provided throughout Ultimo-Pyrmont and to link with the City centre and suburbs adjoining Ultimo-Pyrmont. Access to major natural features such as foreshores and escarpments are to be included.
- (c) The passage of through motor traffic in residential areas and areas of pedestrian and cycling priority is to be discouraged.

(6) **Education**

Development relating to educational establishments should be based on strategies for their growth and response to technological and other changes, and their integration with surrounding development.

(7) **Leisure and recreation**

Full advantage is to be taken of the leisure and recreation facilities and the public open space in the City centre and in surrounding areas (particularly in Ultimo-Pyrmont) and the use of Sydney Harbour for leisure and recreation. Public access to the entire foreshore in Ultimo-Pyrmont is to be provided. Opportunities for waterfront and water-based recreation and tourism activities, compatible with adjoining land uses, are to be provided.

(8) **Heritage**

The items and areas of heritage significance in Ultimo-Pyrmont are to be conserved and enhanced. New development is to complement the character of heritage items and conservation areas. The re-use of heritage buildings through adaptation and modification is to be encouraged.

(9) **Movement and parking**

The planning principles for movement and parking within Ultimo-Pyrmont are as follows:

- (a) A range of housing and work, leisure and service facilities is to be provided in Ultimo-Pyrmont so that the need for travel is minimised.

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 Part 3                Zoning

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- (b) A high degree of accessibility is to be provided to places in and outside Ultimo-Pyrmont for both able and disabled persons. Walking, cycling and use of public transport are to be encouraged as the means of movement.
  - (c) Development in Ultimo-Pyrmont is to facilitate the provision and operation of a comprehensive regional public transport network.
  - (d) Development, particularly employment related development, is to be within the capacities of existing and proposed public transport and arterial road systems.
  - (e) The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.
  - (f) Parking controls are to support public transport strategies of the Government and to reflect road network capacities.
- (10) **Implementation and phasing**
- Development is to contribute towards the efficient use of Ultimo-Pyrmont's existing infrastructure and towards the provision of physical and social infrastructure as part of the development process, in accordance with the provisions of the Act.

## Part 3 Zoning

### 85 Zones in Ultimo-Pyrmont

- (1) Land in Ultimo-Pyrmont is within one of the following zones:
  - (a) Residential,
  - (b) Residential-Business,
  - (c) Public Recreation.
- (2) The zoning of land is shown on the Ultimo-Pyrmont Zoning Map.
- (3) Development for the purposes of roads, rail and light rail transport undertakings and facilities, fire stations and other emergency services facilities, and public utility undertakings are permissible in any zone.

### 86 Residential zone

- (1) The only uses permissible in this zone are:
  - (a) residential development, and
  - (b) open space, and
  - (c) recreational facilities, and
  - (d) community facilities, and

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- (e) non tertiary educational establishments, and
  - (f) small scale restaurants, and
  - (g) retail outlets, and
  - (h) use of premises for commercial undertakings and professional services to serve the neighbourhood, and
  - (i) public utility undertakings, and
  - (j) other uses that the consent authority is satisfied are strictly consistent with the zone objectives.
- (2) The objectives of this zone are:
- (a) to protect existing residential areas and identify future residential areas, and
  - (b) to ensure that land within the zone is primarily used for residential purposes, and
  - (c) to limit the range, scale and locations of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and
  - (d) to prohibit tourist development in residential areas (including serviced apartments, hotels and associated tourist facilities) and to prohibit brothels, and
  - (e) to limit advertising to a level compatible with the creation of a high-quality residential and mixed-use area.
- (3) Non-residential uses are not to be located above the ground floor level of buildings in this zone, except where Activity Strips (as referred to in clause 90) are indicated on the Ultimo-Pyrmont Zoning Map, in which case non-residential uses are also permissible on the first floor.

#### **87 Residential-Business zone**

- (1) Only uses that the consent authority is satisfied are consistent with one or more of the zone objectives are permissible in this zone.
- (2) The objectives of this zone are:
- (a) to promote a wide range of uses, particularly business development including tourist, leisure, commercial, retail and office development consistent with Ultimo-Pyrmont's proximity to the Sydney CBD, harbour locations and transport infrastructure, and
  - (b) to accommodate residential development to a level compatible with adjoining business uses and consistent with the objective of creating a mixed-use area, and



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- (c) to accommodate uses which generate employment opportunities and provide facilities and services that enable people to live and work in the same community, and
  - (d) to ensure that the total amount of employment-generating development is compatible with the traffic capacity of Ultimo-Pyrmont and adjoining areas, and
  - (e) to encourage sustainable transport modes for journeys to work and other trips, including walking, cycling and all forms of public transport, and
  - (f) to limit advertising to a level compatible with the creation of a high-quality mixed-use area.
- (3) Consent is to be granted to development within this zone only if the consent authority is satisfied that carrying out the proposed development will be consistent with the planning principles for Ultimo-Pyrmont, particularly residential provision and amenity.
- (4) Residential development within this zone is not to be located or designed so that the amenity of the development is adversely affected, by an adjoining or nearby use, to a level that is considered inappropriate by the consent authority due to excessive noise or odour or any similar environmental impact.
- (5) Residential development (other than for the purpose of dwellings for employees of a business use located on the same site) is prohibited on land within this zone that is identified by the words "Non-Residential Development" on the Ultimo-Pyrmont Zoning Map.

#### **88 Public Recreation zone**

- (1) Only uses that the consent authority is satisfied are consistent with the zone objectives are permissible in this zone. However, the consent authority may consent to other uses being carried out beneath land used as a public recreation area.
- (2) The objectives of this zone are:
- (a) to establish public recreation areas which serve the needs of residents and workers within Ultimo-Pyrmont and the adjoining suburbs, and
  - (b) to provide public access to all parts of the public domain, especially waterfront areas and escarpments, and
  - (c) to provide a variety of public areas and recreational opportunities, and
  - (d) to provide for facilities that accommodate or are ancillary to recreational activities relating to the use of the public domain.

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- (3) Uses permissible in the zone adjoining the Public Recreation zone are also permissible in the Public Recreation zone for a distance of 10 metres from the zone boundary if, in the opinion of the consent authority, it would allow a better relationship between use of land as a public recreation area and use of the adjoining land and would not decrease the total amount of land that will be available for use as a public recreation area.

**89 Use of unzoned land**

Development may be carried out on any land shown uncoloured on the Ultimo-Pyrmont Zoning Map only if the development is permissible on land adjoining that land.

**90 Activity strips**

- (1) Activity Strips indicated on Ultimo-Pyrmont Zoning Map show the principal streets, nodes and locations for pedestrian activity and interest and retail uses.
- (2) In these locations, development on the ground floor must provide for non-residential uses, including retail outlets, restaurants, neighbourhood facilities and the like that provide people-orientated street frontages, and enhance security and surveillance compatible with adjoining development.

**91 Advertising**

On land in the Residential, Residential-Business or Public Recreation zone, advertisements not related to use of the site are prohibited unless they are displayed on public street furniture, bus shelters, public telephone booths or the like erected by, or on behalf of, a public authority.

**92 Temporary and interim uses**

- (1) The consent authority, while land is not being used for a purpose for which it is zoned, may consent to its use for any other purpose, but only if the consent authority is satisfied that:
- (a) the use will not prejudice the eventual development of the land in accordance with the rest of this Chapter, and
  - (b) appropriate arrangements have been made for reinstatement of the site so that it may be used in accordance with the rest of this Chapter, and
  - (c) the use will not adversely affect residential amenity and permissible development in accordance with this Chapter on other sites in the locality.

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|-----------|--|
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| Chapter 3 | Ultimo-Pyrmont                           |
| Part 4    | Building height and floor space controls |

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- (2) Before granting consent to development as allowed by this clause, the consent authority must be satisfied that the development will cease within such time as the consent authority stipulates.

## **Part 4 Building height and floor space controls**

### **93 Maximum building heights**

- (1) The height of any building must not exceed the maximum building height shown on the Ultimo-Pyrmont Height Map. However, any building on land in the Public Recreation zone must not exceed 7 metres in height.
- (2) Before granting consent for any building that will attain the maximum building height, the consent authority must be satisfied that the building will meet such of the urban design requirements made by this plan as are relevant.

### **94 Application of urban design planning principles**

Before granting consent to the erection of a building, the consent authority must be satisfied that the building will be consistent with the urban design planning principles set out in clause 84 (4).

### **95 Landmark locations**

Buildings in a location shown as a “landmark location” on the Ultimo-Pyrmont Height Map must not exceed the height shown for the location on that map.

### **96 Graduated building heights adjacent to heritage items and conservation areas**

The height of any building adjacent to a heritage item or conservation area must be such as to provide an appropriate transition in height between the building and either the heritage item or the buildings within the conservation area.

### **97 Scale and alignment of building facades**

Before granting consent to the erection of a building, the consent authority must be satisfied that the scale and alignment of the building facades on the street boundary or boundaries are consistent with the width of the street, any adjoining heritage items and other contextual elements, after having regard to any development plan or development control plan approved by the consent authority.

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 Ultimo-Pyrmont  
 Building height and floor space controls

Clause 98  
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**98 Floor space limits for master plan areas in Ultimo-Pyrmont**

- (1) In Ultimo-Pyrmont, the ratio of business floor space of buildings in a master plan area to the site area must not be greater than 2.5:1 to the north of Pyrmont Bridge Road and 3:1 to the south of Pyrmont Bridge Road.
- (2) This clause is subject to clause 115 which may allow a greater floor space ratio.
- (3) In this clause, *business floor space* does not include any part of the gross floor area of a building occupied by a work-based child care centre.

**99 Floor space limits for non-master plan areas in Ultimo-Pyrmont**

- (1) In Ultimo-Pyrmont, the following maximum floor space ratios apply to land that is not within a master plan area. This clause does not allow buildings to exceed maximum heights set by this plan.

| Maximum building height limit for land on which building is situated | Maximum floor space ratio for residential uses | Maximum floor space ratio for business uses |
|--|--|---|
| 9m   | 1.5:1  | 2.0:1                                       |
| 12m  | 2.0:1  | 2.5:1                                       |
| 15m  | 2.5:1  | 3.0:1                                       |
| 21m  | 3.0:1  | 3.5:1                                       |
| 28m  | 3.5:1  | 4.0:1                                       |
| 42m  | 4.0:1  | 5.0:1                                       |

- (2) For a mixed-use building used for both business and residential purposes (and no other purposes), the following formula applies to determine the maximum floor space ratio:

$$MFSR = (B \times FSRB) + (R \times FSRR)$$

where:

*MFSR* is the maximum floor space ratio for the mixed-use building.

*B* is the proportion of business floor space to total floor space within the building.

*FSRB* is the maximum floor space ratio for business uses within the maximum building height area identified in the Table above.

*R* is the proportion of residential floor space to total floor space within the building.

*FSRR* is the maximum floor space ratio for residential uses within the maximum building height area identified in the Table above.

Clause 100      Sydney Local Environmental Plan 2005  
 Chapter 3      Ultimo-Pyrmont  
 Part 5          Heritage conservation

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- (3) For the purposes of this clause, *business floor space* does not include any part of the gross floor area of a building occupied by a work-based child care centre and any such part is taken not to be subject to a business use.

**100 Application of design and height controls to allow maximum floor space in non master plan areas**

Before granting consent for any building on land not within a master plan area that will attain the maximum floor space ratio allowed by other provisions of this plan, the consent authority must be satisfied that the building:

- (a) will meet such of the urban design requirements made by this plan as are relevant, and
- (b) has been designed with regard to any relevant design requirements made by a development control plan, development plan or policy of the Council, and
- (c) will not exceed any maximum height set by this plan.

**Part 5 Heritage conservation**

**101 General considerations**

Consent must not be granted to development of or including a heritage item, in the vicinity of a heritage item, or within a conservation area, unless the consent authority is satisfied that the development will be compatible with the conservation of the heritage significance of the item or the character of the conservation area.

**102 Specific heads of consideration**

Before granting consent to any such development, the consent authority must consider:

- (a) the heritage significance of the heritage item or conservation area, and
- (b) the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and
- (c) the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and
- (d) whether any archaeological site or potential archaeological site would be adversely affected.

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Ultimo-Pyrmont  
Heritage conservation

Clause 103  
Chapter 3  
Part 5

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### **103 Conservation management plans and heritage impact statements**

The consent authority must decline to grant consent for development relating to a heritage item or conservation area unless it has taken into consideration a conservation management plan or heritage impact statement which includes an assessment of the matters listed in clause 102.

### **104 Demolition of heritage items**

- (1) Before granting consent to development which includes demolition of a heritage item, the consent authority must seek the views of the Heritage Council of New South Wales and consider any such views received within 28 days of the day on which notice of the proposed development was given to the Heritage Council.
- (2) The views of the Heritage Council need not be sought if:
  - (a) the development concerned consists only of a partial demolition of a heritage item, and
  - (b) in the opinion of the consent authority, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item.
- (3) The consent authority must not grant consent for development which will result in the complete or substantial demolition of a heritage item unless it is satisfied that the item, or so much of the item as is proposed to be demolished, does not have such heritage significance as would warrant its retention.
- (4) Before granting such consent, the consent authority must also be satisfied that, after the demolition work has been carried out, redevelopment will be carried out that will:
  - (a) result in buildings of a higher architectural and urban design quality (in terms of the principles and other provisions of this plan and of any master plan, development plan or development control plan applying to the site) than were exhibited by the heritage item before the work was carried out, and
  - (b) make a positive contribution to the streetscape, and
  - (c) in the case of partial demolition, enhance the adaptive re-use of the residual part of the heritage item.

### **105 Potential archaeological sites**

Before granting consent to development on land identified as a potential archaeological site in any environmental planning instrument or policy of the Council, the consent authority may request a report on the likely impact of the development on any archaeological material.

Clause 106      Sydney Local Environmental Plan 2005  
Chapter 3      Ultimo-Pyrmont  
Part 6          Master plans

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## Part 6 Master plans

### 106 Requirement for and use of master plans

- (1) Development consent must not be granted for development that relates to land that is, or is within, a master plan area unless:
  - (a) there is a master plan for the land (or for land that includes the land) adopted by the Minister, and
  - (b) the consent authority has taken the master plan into consideration.
- (2) The Minister may waive compliance with this requirement because of the nature of the development concerned, the adequacy of other guidelines that apply to the proposed development or for such other reason as the Minister considers sufficient.
- (3) The following, copies of which are available from the offices of the Council and the Sydney Harbour Foreshore Authority, are taken to be master plans adopted under this Chapter by the Minister:
  - (a) *Darling Island Master Plan*, as amended by Amendment No 1 adopted on 8 April 2002,
  - (b) *Elizabeth Macarthur Bay Master Plan* adopted on 4 July 2002,
  - (c) *Lend Lease Pyrmont Site Master Plan*, as amended by Amendments 1–5, Amendment No 5 being adopted on 2 May 2002,
  - (d) *Pyrmont Point Master Plan*, as amended by Amendment No 1 adopted on 11 May 2000,
  - (e) *Saunders Street, Pyrmont, Master Plan* adopted by the Minister on 27 October 2000,
  - (f) master plan for the former Goodman Fielder site at 50–72 Union Street, Pyrmont adopted on 17 November 2003,
  - (g) *Sydney Fish Markets Master Plan* adopted by the Minister on 16 February 2005.
- (4) Any thing done before the commencement of this plan in accordance with *Sydney Regional Environmental Plan No 26—City West* in respect of a draft master plan for land within Ultimo-Pyrmont is taken to have been done in accordance with this Part.

### 107 Content of master plans

- (1) A master plan is a document consisting of written information, maps and diagrams that makes more detailed provisions, relating to development of land for which a master plan is required, than this plan.

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Ultimo-Pyrmont  
Master plans

Clause 108  
Chapter 3  
Part 6

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- (2) A master plan is to outline long-term proposals for the development of land for which a master plan is required in accordance with this plan and to explain how those proposals address the relevant planning principles and development controls in this plan.

#### **108 Preparation of master plans**

- (1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned or by the Director-General.
- (2) A draft master plan should be prepared following consultation between the owner or lessee and the Director-General and is to illustrate and explain, where appropriate, proposals for the following:
- (a) the phasing of development,
  - (b) the distribution of land uses and, in the Residential-Business zone, proposals for satisfying the principles of mixed residential and business use and public recreation use,
  - (c) networks for pedestrian, cycle and road access and circulation within the site to which the master plan relates,
  - (d) the provision of parking,
  - (e) the subdivision pattern,
  - (f) the provision of infrastructure,
  - (g) building envelopes and built form controls,
  - (h) heritage conservation, implementing the guidelines set out in any applicable conservation policy, and protection of archaeological relics,
  - (i) the decontamination of the master plan site,
  - (j) the provision of public facilities,
  - (k) the provision of open space, its function and landscaping,
  - (l) any other matters stipulated by the Director-General.

#### **109 Consultation**

Before the Director-General recommends that the Minister adopt a master plan:

- (a) a draft of the plan must be advertised in a newspaper circulating in the locality, and exhibited for not less than 21 days for public comment, and
- (b) the views of the Council and of such other public authorities and such community organisations as the Director-General considers relevant must have been sought on the draft, and



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Chapter 3      Ultimo-Pyrmont  
Part 6          Master plans

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- (c) the Director-General must take into account any written submissions made about the content of the plan to the Director-General during the exhibition period.

**110 Adoption of master plans and amendments**

- (1) The Minister may adopt a master plan, or an amendment to any such plan, recommended for adoption by the Director-General or may adopt such a plan or amendment with such variations as the Minister considers appropriate.
- (2) Before adopting a master plan or an amendment to a master plan, the Minister must take into consideration any development consents that have been granted for the land concerned and, in particular, the gross floor area of buildings in which a business use is allowed by those consents.
- (3) When a master plan or an amendment is adopted, the Director-General must ensure that the following are notified of its adoption:
  - (a) the owner of the land concerned,
  - (b) each public authority and community organisation whose views were sought on the draft of the plan,
  - (c) each person who made a written submission about the content of the plan or amendment to the Director-General during the exhibition period.

**111 Amendment of master plans**

- (1) A draft amendment of a master plan may be prepared by or on behalf of the owner or lessee of the land concerned, whether or not at the request of the Director-General, or may be prepared by the Director-General.
- (2) The Director-General may request the preparation of such a draft amendment for the purpose of keeping the master plan up-to-date.
- (3) Before recommending that the Minister adopt a draft amendment which the Director-General considers to be significant, the Director-General may arrange for it to be advertised and exhibited as required for a draft master plan.
- (4) An amendment to a master plan may be dealt with concurrently with a development application relating to the amendment.

**112 Completion of master plan area**

The Minister may, by a notice published in the Gazette, declare that a master plan area is a completed master plan area, if the Minister is satisfied that adequate master plan provisions have been made for the master plan area.

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Ultimo-Pyrmont  
Master plans

Clause 113  
Chapter 3  
Part 6

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**113 Availability of master plans**

A copy of each adopted master plan must be available for inspection at the Head Office of the Department during normal business hours.

**114 Flexible uses of land requiring a master plan**

- (1) Consent may be granted to a use of a part of the land that is subject to a master plan that is not allowed by the zoning of that part but is allowed on another part of the land that is subject to the master plan within a different zone.
- (2) Before such a consent is granted (whether or not pursuant to *State Environmental Planning Policy No 1—Development Standards*) the consent authority must be satisfied that the master plan adequately demonstrates that:
  - (a) a better distribution of land uses will result, and
  - (b) the total of the business floor space of all buildings within the master plan area will not be increased as a result of granting the consent, and
  - (c) the total of the land available for public recreation areas within the master plan area will not be reduced as a result of granting the consent, and
  - (d) public access to the entire foreshore in Ultimo-Pyrmont will not be reduced as a result of granting the consent.

**115 Flexible building heights on land requiring a master plan**

- (1) Consent may be granted, pursuant to *State Environmental Planning Policy No 1—Development Standards*, for a building on land that is subject to a master plan with a height greater than the maximum building height limit shown for the land on the Ultimo-Pyrmont Height Map.
- (2) Before such a consent is granted with respect to any land, the consent authority must be satisfied that the master plan adequately demonstrates that:
  - (a) a better pattern of building heights will result, and
  - (b) there are reductions in building heights on other sites in the master plan area, and
  - (c) the urban design principles for Ultimo-Pyrmont will be achieved for that land, and
  - (d) the greater building height will not adversely affect the quality of the adjoining public domain.

Clause 116      Sydney Local Environmental Plan 2005  
Chapter 3      Ultimo-Pyrmont  
Part 7          Special provisions for certain uses

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## Part 7    Special provisions for certain uses

### 116    Pawnbrokers shops and money lending businesses

- (1) The use of any building or place in Ultimo-Pyrmont for the purpose of carrying on the business of a pawnbroker or any other moneylender is prohibited.
- (2) A pawnbroker is a person who carries on a business of lending money on the security of pawned goods.
- (3) This clause does not apply to the carrying on, in good faith and in the ordinary course of banking or mercantile transactions, of the business of a bank, building society or credit union.

### 117    Brothels

Consent must not be granted for the use of a building or place within the Residential-Business zone for the purpose of carrying on the business of a brothel if the building or place is located:

- (a) within a 200 metre radius of Star City Casino, unless the consent authority has had regard to the likely effect the proposed use will have on the amenity of surrounding residential areas, or
- (b) within a 100 metre radius of a school, place of public worship or community facility, unless the consent authority has had regard to the likely effect the proposed use will have on the school, place or facility and on the amenity of surrounding residential areas.

## Part 8    Affordable housing in Ultimo-Pyrmont

### 118    What are the “Affordable Housing Program” and “total floor area”?

In this Part:

***Affordable Housing Program*** means the *Affordable Housing Revised City West Housing Program* adopted by the Minister in May 2002, copies of which are available from the Department’s Head Office.

***total floor area*** means the total of the areas of each floor of a building. The area of each such floor is taken to be the area within the outer face of the external enclosing walls, but excluding:

- (a) columns, fin walls, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls (other than balconies), and
- (b) ancillary car parking required by the consent authority and any associated internal vehicular and pedestrian access to that car parking, and
- (c) space for the loading and unloading of goods.

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Ultimo-Pyrmont  
Affordable housing in Ultimo-Pyrmont

Clause 119  
Chapter 3  
Part 8

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**119 What are the affordable housing principles?**

The *affordable housing principles* are set out in Schedule 2 to *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*.

**120 Matters for consideration by consent authority**

Before granting consent to any proposed development of land in the Residential or Residential-Business zone within Ultimo-Pyrmont, the consent authority is to take into consideration the following:

- (a) the planning principles for Ultimo-Pyrmont,
- (b) the affordable housing principles,
- (c) the need for development to provide different kinds of housing, including affordable housing, to ensure that very low, low and moderate income households may continue to afford to live in Ultimo-Pyrmont,
- (d) whether land values in Ultimo-Pyrmont may reasonably be expected to rise when land in Ultimo-Pyrmont is developed in accordance with this plan and whether very low to moderate income households may continue to be able to live in Ultimo-Pyrmont,
- (e) the impact of the proposed development on the existing housing within Ultimo-Pyrmont for very low, low and moderate income households,
- (f) the impact of the proposed development on the existing mix and likely future mix of residential housing stock within Ultimo-Pyrmont.

**121 Dedication or contribution for purpose of affordable housing**

- (1) Before granting consent to the carrying out of development (other than subdivision) on land in the Residential or Residential-Business zone within Ultimo-Pyrmont, the consent authority must consider whether an affordable housing condition should be imposed on the consent.
- (2) The following are affordable housing conditions:
  - (a) A condition requiring the payment of a monetary contribution to the consent authority by the applicant to be used for the purpose of providing affordable housing in accordance with the Affordable Housing Program that is the value, calculated in accordance with that program, of the following total amount:
    - (i) 0.8% of so much (if any) of the total floor area to which the development application relates as is intended to be used exclusively for residential purposes, and

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Chapter 3 Ultimo-Pyrmont  
Part 8 Affordable housing in Ultimo-Pyrmont

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- (ii) 1.1% of so much (if any) of that total floor area as is not intended to be used exclusively for residential purposes.
  - (b) If that total amount is sufficient, a condition requiring:
    - (i) the dedication in favour of the consent authority, free of cost, of land of the applicant comprised of one or more complete dwellings with a total floor area of not more than that total amount, each dwelling having a total floor area of not less than 50 square metres, and
    - (ii) if the amount of total floor area of the complete dwelling or dwellings is less than that total amount, the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with the Affordable Housing Program, of the total floor area equivalent to the difference between those amounts, to be used for the purpose of providing affordable housing in accordance with that program.
- (3) To remove any doubt:
  - (a) it does not matter whether the floor area concerned was in existence before, or is created after, the commencement of this Part, or whether or not the floor area concerned replaces a previously existing area, and
  - (b) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any amount that has been contributed under an affordable housing condition.
- (4) This clause authorises the imposition of an affordable housing condition when a consent authority grants consent to the carrying out of development (other than subdivision) on land in the Residential or Residential-Business zone within Ultimo-Pyrmont subject to section 94F (3) (c) and (4) of the Act and clauses 122 and 123.
- (5) However, a consent authority is not authorised to impose an affordable housing condition unless at least one of the circumstances described in section 94F (1) (a)–(d) of the Act exists.
- (6) This clause and any condition imposed under it are subject to section 94G of the Act.

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Ultimo-Pyrmont  
Miscellaneous provisions

Clause 122  
Chapter 3  
Part 9

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**122 Development excepted from this Part**

This Part does not apply to the following development (or to so much of any mixed development that consists of the following development):

- (a) development for the purpose of public housing,
  - (b) development for the purpose of affordable housing,
  - (c) development for the purpose of community facilities,
  - (d) development for residential purposes that will result in the creation of less than 200 square metres of total floor area,
  - (e) development for non-residential purposes that will result in the creation of less than 60 square metres of total floor area,
  - (f) development for the purpose of a public road, a light rail or railway undertaking or a public utility undertaking or facility,
- for no other purpose.

**123 Affordable housing conditions after initial development**

This Part does not authorise an affordable housing condition to be imposed with respect to an amount of total floor area if the consent authority is satisfied that a condition of consent has previously been imposed pursuant to this Part or *Sydney Regional Environmental Plan No 26—City West* with respect to the same or an equivalent amount of total floor area.

**Part 9 Miscellaneous provisions****124 Removal of sandstone**

Removal of sandstone for the provision of car parking or plant or storage associated with future residential or business development is taken to be an ancillary use and not to be extractive industry no matter whether the extracted material is reused or resold.

**125 Services**

Consent must not be granted to development on any land until arrangements have been made for the supply of water, sewerage and drainage, that are satisfactory to Sydney Water Corporation.

**126 Views of other bodies about development in Ultimo-Pyrmont**

Before granting consent to a development application relating to land in Ultimo-Pyrmont, the consent authority must, where it considers it appropriate, seek the views of the Director-General, the Sydney Harbour Foreshore Authority and the Council, if the Council is not the consent authority.

Clause 127      Sydney Local Environmental Plan 2005  
Chapter 3      Ultimo-Pyrmont  
Part 9          Miscellaneous provisions

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**127 Acquisition of land**

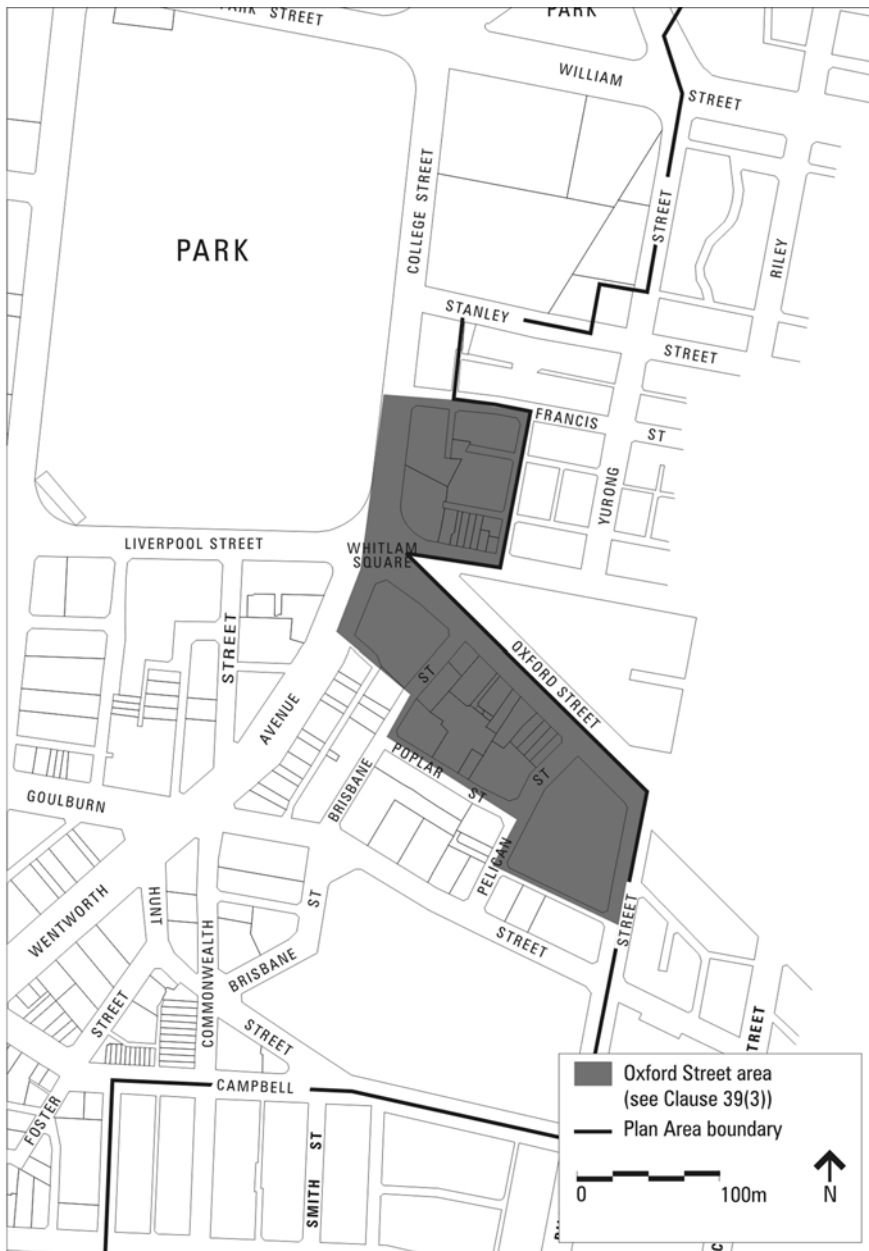
- (1) The owner of land within the Public Recreation zone may, by notice in writing, require the Sydney Harbour Foreshore Authority to acquire the land. This clause does not apply to land owned by a public authority and held by the public authority for public recreation purposes.
- (2) On receipt of the notice, the Sydney Harbour Foreshore Authority is to acquire the land. The Sydney Harbour Foreshore Authority does not, however, have to acquire the land if it might reasonably be required to be dedicated as a condition of development consent.

Sydney Local Environmental Plan 2005

Land excluded from amusement centres

Schedule 1

**Schedule 1 Land excluded from amusement centres**  
(Clause 39 (3))





Sydney Local Environmental Plan 2005

Schedule 2 Sun access plane particulars

## Schedule 2 Sun access plane particulars

(Clause 48 and Dictionary)

**Note.** Diagrams A1 to I2 show the nature and extent of maximum building heights generated by the application of the formula below for the individual sun access planes. Only the values contained in the sun access planes table are to be used in the application of the sun access plane formula.

| Sun access plane diagram | Park or community place | Date     | Time    |
|--------------------------|-------------------------|----------|---------|
| A1                       | Belmore Park            | 21 June  | 12 noon |
| A2                       |                         | 21 June  | 2 pm    |
| B1                       | Hyde Park North         | 21 June  | 12 noon |
| B2                       |                         | 21 June  | 2 pm    |
| C                        | Hyde Park West          | 21 June  | 2pm     |
| D                        | Macquarie Place         | 14 April | 10 am   |
| E                        | Martin Place            | 14 April | 12 noon |
| F1                       | Pitt Street Mall        | 14 April | 12 noon |
| F2                       |                         |          | 1 pm    |
| G                        | The Domain              | 21 June  | 2 pm    |
| H                        | Royal Botanic Gardens   | 21 June  | 2 pm    |
| I1                       | Wynyard Park            | 21 June  | 12 noon |
| I2                       |                         |          | 2 pm    |

### Sun access plane formula

Sun access planes are established for the parks and community places described in the sun access planes table in this Schedule. A sun access plane projects above land shown as affected by the plane on the Central Sydney Height Map and is located by applying the following formula:

$$H = V + (D \times \tan a)$$

where:

**H** is the height, measured in metres, of a point in a sun access plane.

**V** is the height, specified for this factor in the sun access planes table and measured in metres above ground level, at the part of the street alignment specified in the sun access planes table for the relevant sun access plane.

**D** is the horizontal distance, from that part of the street alignment to the point in the sun access plane, measured in metres away from the relevant park or community place along the horizontal bearing (measured from true north) specified in the sun access planes table for the relevant sun access plane.

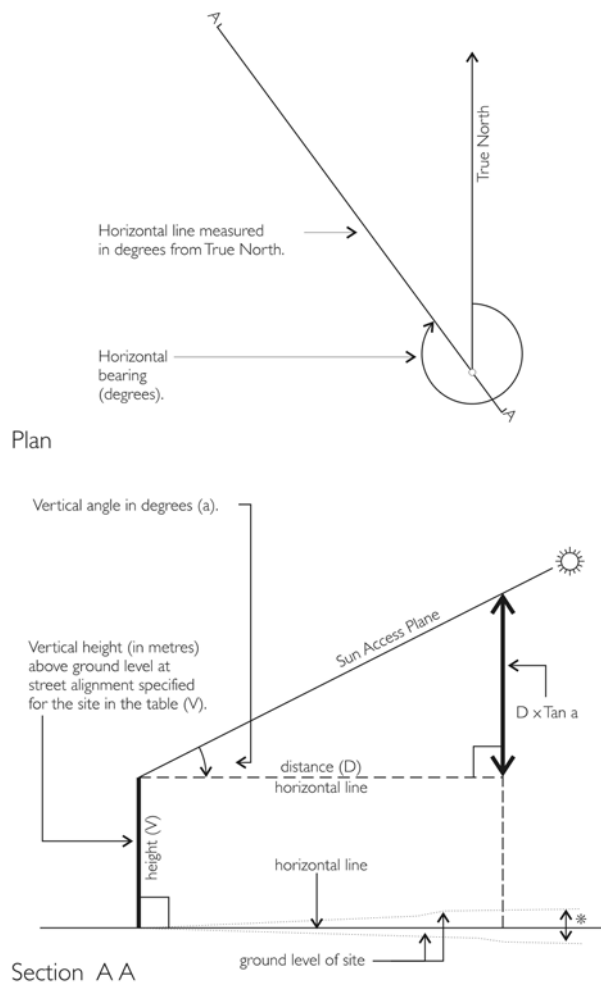
Sydney Local Environmental Plan 2005

Sun access plane particulars

Schedule 2

*a* is the vertical angle in degrees, specified for this factor in the sun access planes table, corresponding to the horizontal bearing for the relevant sun access plane.

**Note.** The following diagram illustrates how the formula applies.



\*Note  
 The sun access plane formula calculates the height to a point on the sun access plane from a point horizontal with ground level at the street alignment. For sites with ground levels different to the street alignment ground level, the difference should be taken into account by the user to determine the height of a point in the sun access plane vertically above ground. The height contours shown on the Explanatory Diagrams A to G take this difference into account.

## Sydney Local Environmental Plan 2005

## Schedule 2 Sun access plane particulars

**Sun access planes table**

| Plane<br>(see<br>Central<br>Sydney<br>Height<br>Map) | Park or<br>community<br>place | Horizontal<br>bearing<br>(degrees) | Vertical<br>angle<br>(degrees)<br>(a) | Vertical height above ground<br>level at part of street alignment<br>(metres) (V)   |
|--|-------------------------------|------------------------------------|---------------------------------------|---|
|  | Belmore Park                  |                                    |                                       |   |
| A1   |                               | 359.05                             | 32.67                                 | 25 m on the northern alignment of Hay Street between a point 95 m west of the western alignment of Pitt Street and the western alignment of Castlereagh Street. |
| A2   |                               | 328.53                             | 25.59                                 | 35 m on the western alignment of Pitt Street between the northern alignment of Barlow Street and a point 25 m north of the northern alignment of Hay Street.    |
|  | Hyde Park North               |                                    |                                       |   |
| B1   |                               | 359.05                             | 32.67                                 | 23.5 m on the northern alignment of St James Road between the eastern alignment of Elizabeth Street and the western alignment of Macquarie Street.              |
| B2   |                               | 328.53                             | 25.59                                 |   |
|  | Hyde Park West                |                                    |                                       |   |
| C  |                               | 328.53                             | 25.59                                 | 45 m on the western alignment of Elizabeth Street between the northern alignment of Liverpool Street and the southern alignment of King Street.                 |
|  | Macquarie Place               |                                    |                                       |   |
| D  |                               | 37.90                              | 38.99                                 | 35 m on the eastern alignment of Loftus Street between the northern alignment of Loftus Lane and the southern alignment of Custom House Lane.                   |
|  | Martin Place                  |                                    |                                       |   |
| E  |                               | 358.44                             | 47.00                                 | 45 m on the northern alignment of Martin Place between the eastern alignment of George Street and the western alignment of Macquarie Street.                    |

Sydney Local Environmental Plan 2005

Sun access plane particulars

Schedule 2

| Plane<br>(see<br>Central<br>Sydney<br>Height<br>Map) | Park or<br>community<br>place | Horizontal<br>bearing<br>(degrees) | Vertical<br>angle<br>(degrees)<br>(a) | Vertical height above ground<br>level at part of street alignment<br>(metres) (V)  |
|--|-------------------------------|------------------------------------|---------------------------------------|--|
|  | Pitt Street Mall              |                                    |                                       |  |
| F1   |                               | 358.44                             | 47.00                                 | 45 m on the northern alignment of King Street between the eastern alignment of Pitt Street and a point 25 m west of the western alignment of Pitt Street.  |
| F2   |                               | 337.50                             | 44.38                                 |  |
|  | The Domain                    |                                    |                                       |  |
| G  |                               | 328.53                             | 25.59                                 | 25 m on the western alignment of Hospital Road and the northern alignment of Prince Albert Road between the southern alignment of Shakespeare Place and the eastern alignment of Macquarie Street. |
|  | Royal Botanic<br>Gardens      |                                    |                                       |  |
| H  |                               | 328.53                             | 25.59                                 | 45 m on the western alignment of Macquarie Street from a point 94 m north of the northern alignment of Bent Street to the southern alignment of the Cahill Expressway.                             |
|  | Wynyard Park                  |                                    |                                       |  |
| I1   |                               | 359.05                             | 32.67                                 | 30 m on the northern alignment of Margaret Street between the eastern alignment of York Street and a point directly north of the eastern alignment of Wynyard Park.                                |
| I2   |                               | 328.53                             | 25.59                                 | 45 m on the western alignment of York Street between the northern alignment of Erskine Street and a point 32 m north of the northern alignment of Margaret Street.                                 |

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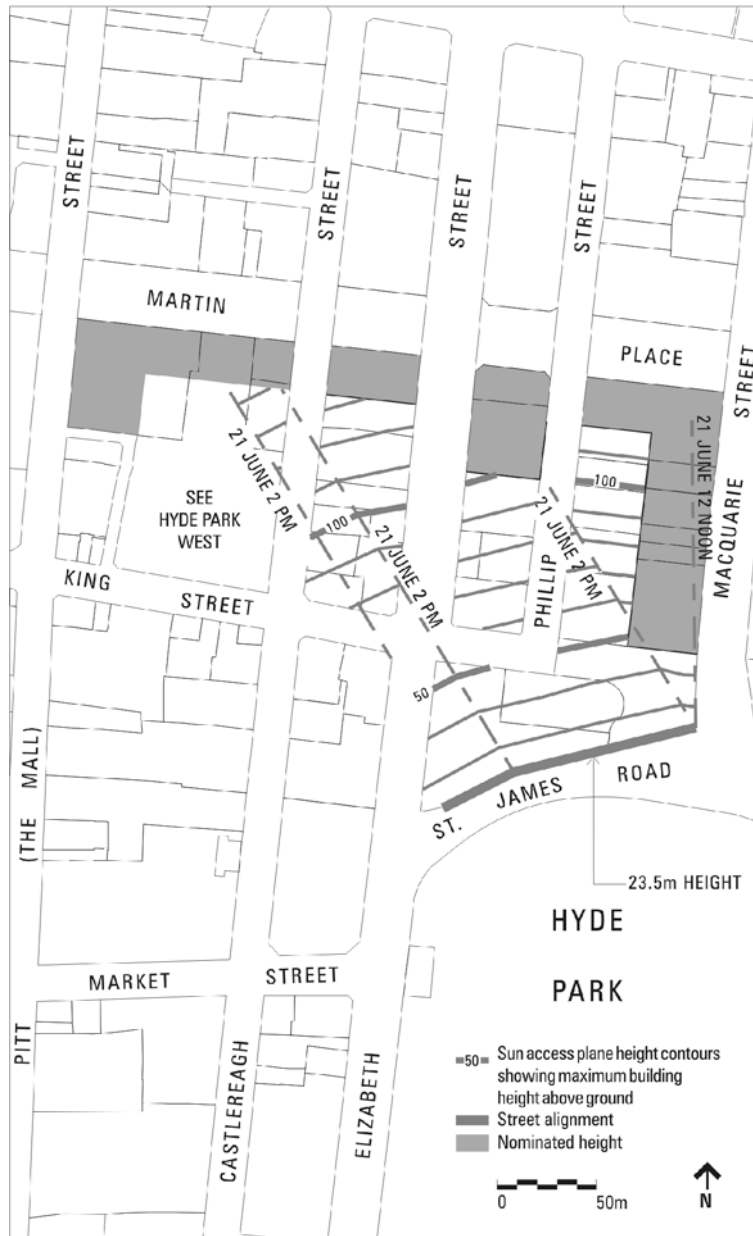
Schedule 2 Sun access plane particulars



Sydney Local Environmental Plan 2005

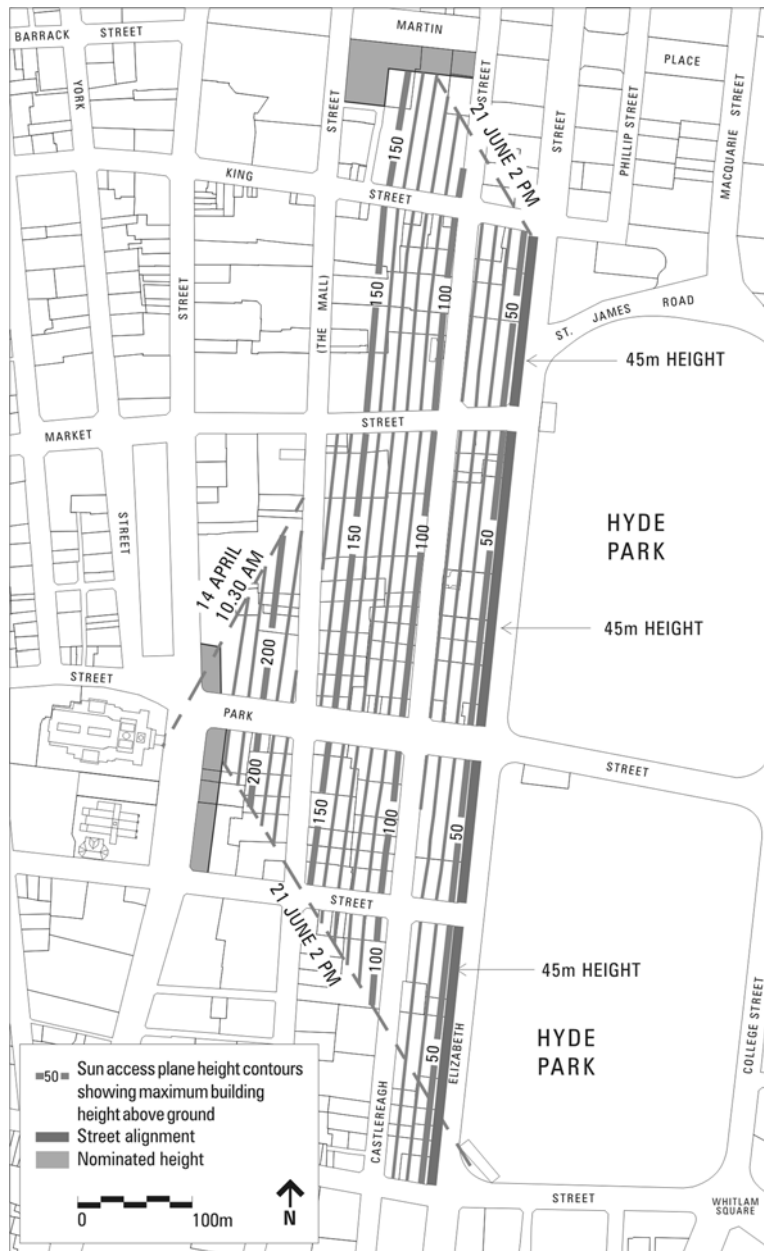
Sun access plane particulars

Schedule 2



Sydney Local Environmental Plan 2005

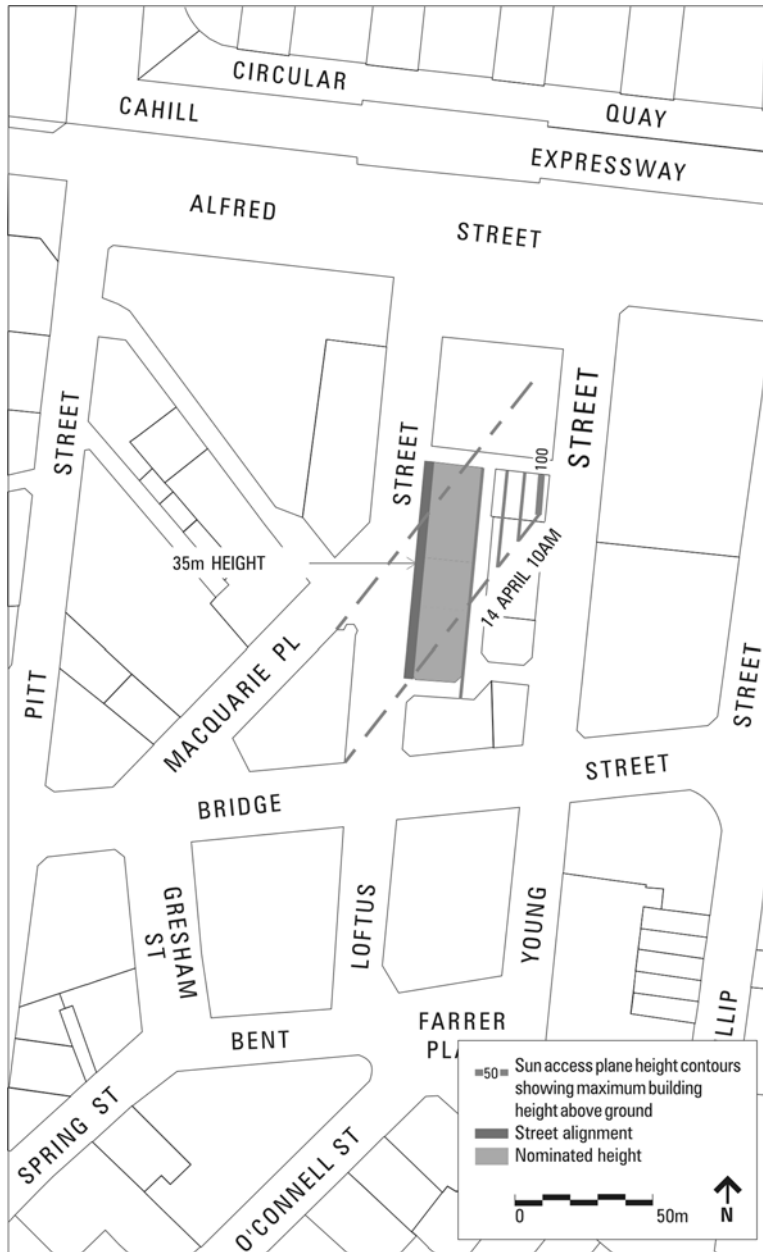
Schedule 2 Sun access plane particulars



Sydney Local Environmental Plan 2005

Sun access plane particulars

Schedule 2





Sydney Local Environmental Plan 2005

Schedule 2 Sun access plane particulars



Sydney Local Environmental Plan 2005

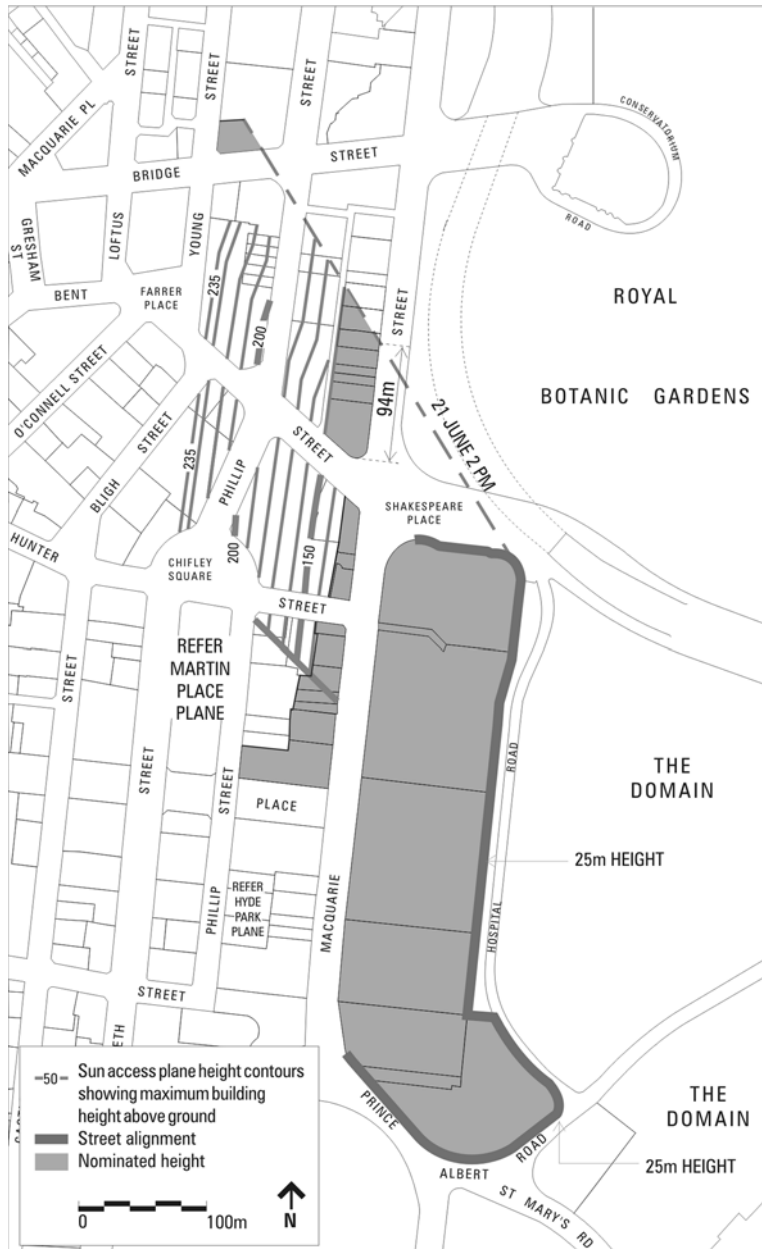
Sun access plane particulars

Schedule 2



Sydney Local Environmental Plan 2005

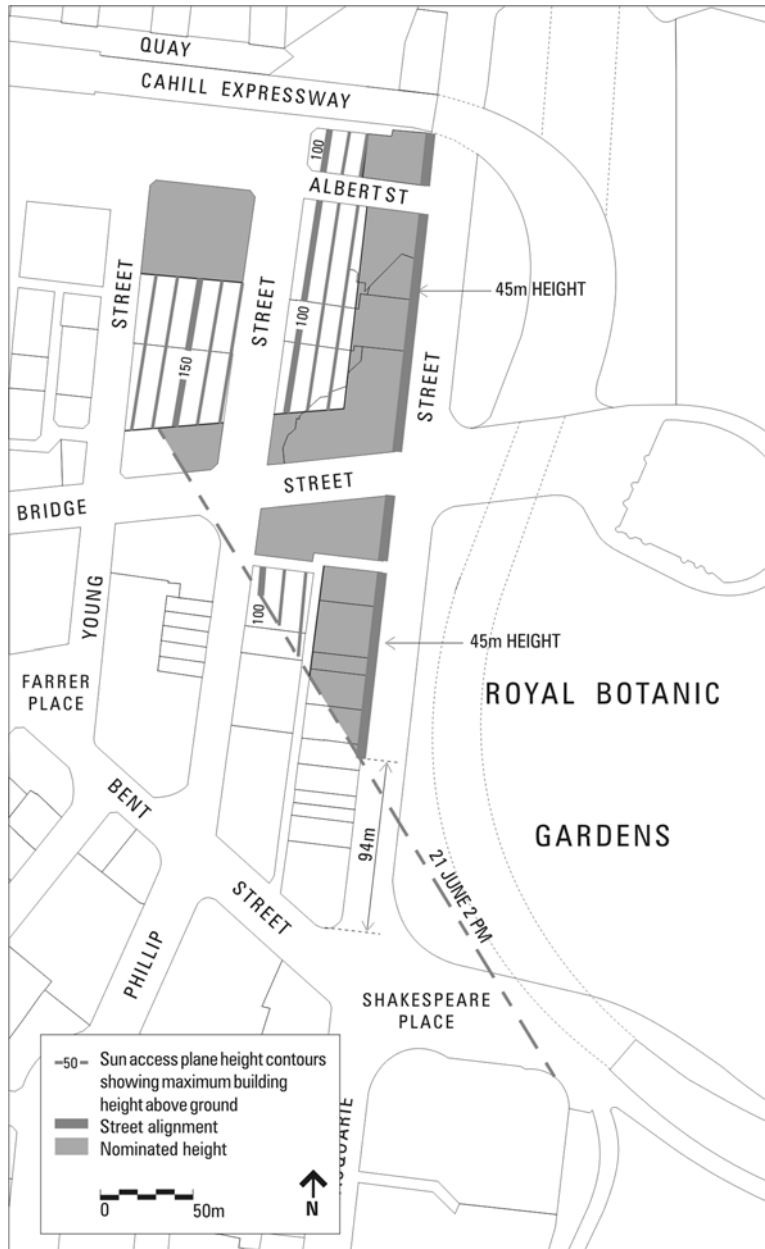
Schedule 2 Sun access plane particulars



Sydney Local Environmental Plan 2005

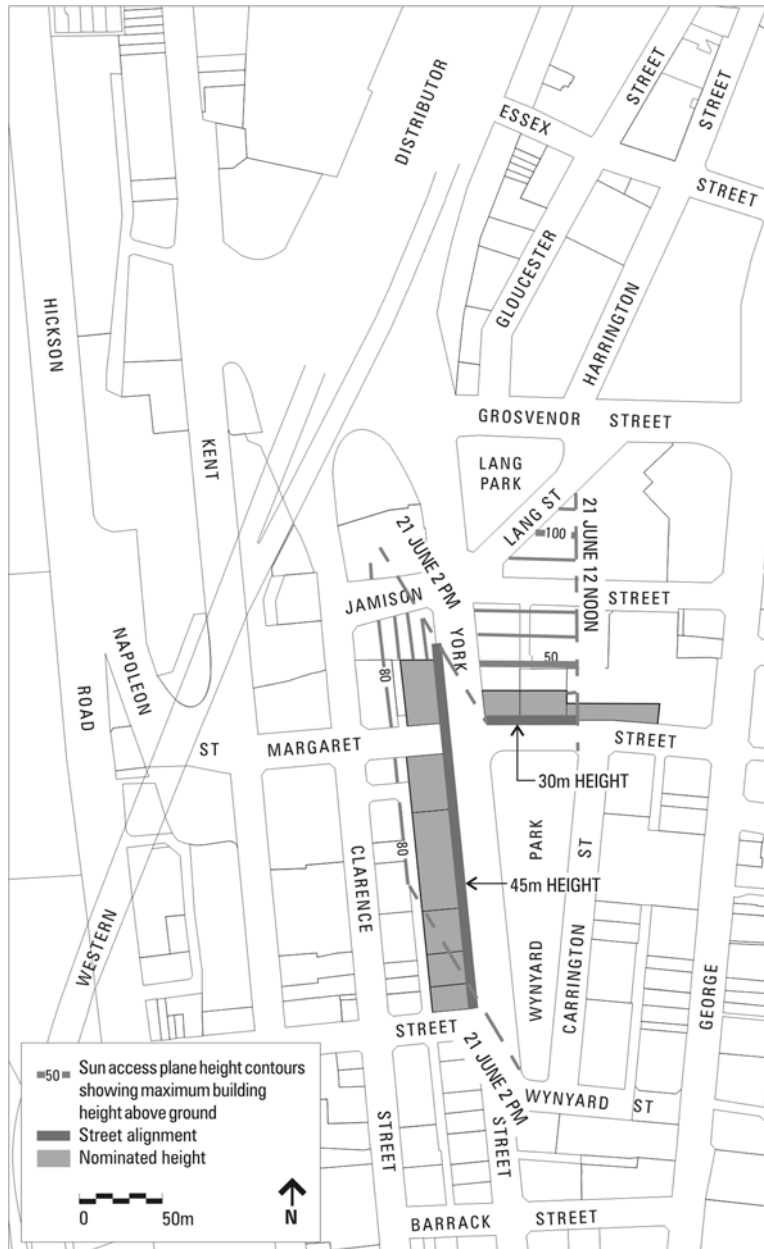
Sun access plane particulars

Schedule 2



Sydney Local Environmental Plan 2005

Schedule 2 Sun access plane particulars



Sydney Local Environmental Plan 2005

Category A and B sites

Schedule 3

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### Schedule 3 Category A and B sites

(Clause 52)



Sydney Local Environmental Plan 2005

Schedule 3 Category A and B sites



Sydney Local Environmental Plan 2005

Category A and B sites

Schedule 3





Sydney Local Environmental Plan 2005

Schedule 3 Category A and B sites



Site 5

Sydney Local Environmental Plan 2005

Floor space ratios for mixed-use development

Schedule 4

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## Schedule 4 Floor space ratios for mixed-use development

(Clauses 54 and 55)

- 1** The additional floor space ratio for a mixed-use development in Area A1 shown on the Central Sydney Floor Space Ratio Map, is up to a maximum of:

$$FSR_{MA} = (A \times 4.5:1) + (B \times 6:1)$$

where:

*FSR<sub>MA</sub>* is the maximum additional floor space ratio that may be achieved for the mixed-use development subject to compliance with clause 54.

*A* is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

*B* is the proportion of residential, serviced apartment and hotel floor space area within the proposed mixed-use development.

- 2** The additional floor space ratio for a mixed-use development in Area A2 shown on the Central Sydney Floor Space Ratio Map is up to a maximum of:

$$FSR_{MA} = (A \times 2:1) + (B \times 3:1) + C$$

where:

*FSR<sub>MA</sub>* is the maximum additional floor space ratio that may be achieved for the mixed-use development with the allocation of heritage floor space to the site subject to compliance with clause 54.

*A* is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

*B* is the proportion of residential, serviced apartment and hotel floor space area within the proposed mixed-use development.

*C* is 1:1 if consent is granted before 1 January 2002 and nil if consent is granted after that date.

## Sydney Local Environmental Plan 2005

## Schedule 4 Floor space ratios for mixed-use development

- 3** The maximum floor space ratio for a mixed-use development in Area B shown on the Central Sydney Floor Space Ratio Map is:

$$FSR_{MA} = (A \times FSR_{COMM}) + (B \times FSR_{HOTEL} + 1:1) + (C \times [FSR_{SA} + 1:1]) + (D \times [FSR_{RES} + 1:1])$$

where:

**$FSR_{MA}$**  is the maximum floor space ratio that can be achieved for the mixed-use development.

**$A$**  is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

**$B$**  is the proportion of hotel floor space area within the proposed mixed-use development.

**$C$**  is the proportion of serviced apartment floor space area within the proposed mixed-use development.

**$D$**  is the proportion of residential building floor space area within the proposed mixed-use development.

**$FSR_{COMM}$**  is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a commercial building in Area B.

**$FSR_{HOTEL}$**  is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a hotel building in Area B.

**$FSR_{SA}$**  is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a serviced apartment building in Area B.

**$FSR_{RES}$**  is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for residential development in Area B.

- 4** The maximum floor space ratio for a mixed-use development in Areas C, D, E, F, G or H shown on the Central Sydney Floor Space Ratio Map is:

$$FSR_M = (A \times FSR_{COMM}) + (B \times FSR_{HOTEL}) + (C \times FSR_{SA}) + (D \times FSR_{RES})$$

where:

**$FSR_M$**  is the maximum floor space ratio that can be achieved for the mixed-use development.

**$A$**  is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

**$B$**  is the proportion of hotel floor space area within the proposed mixed-use development.

**$C$**  is the proportion of serviced apartment floor space area within the proposed mixed-use development.

Sydney Local Environmental Plan 2005

Floor space ratios for mixed-use development

Schedule 4

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***D*** is the proportion of residential building floor space area within the proposed mixed-use development.

***FSR<sub>COMM</sub>*** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a commercial building in that Area.

***FSR<sub>HOTEL</sub>*** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a hotel building in that Area.

***FSR<sub>SA</sub>*** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a serviced apartment building in that Area.

***FSR<sub>RES</sub>*** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for residential development in that Area.

## Sydney Local Environmental Plan 2005

## Schedule 5 Opportunity sites

**Schedule 5 Opportunity sites**

(Clause 56 and Dictionary)

| <b>Site No</b> | <b>Name</b>                            | <b>Address</b>                 | <b>Property details</b>   | <b>Description</b>  |
|----------------|--|--------------------------------|---|---|
| 1              | Endeavour House                        | 46–54 Pitt Street, Sydney      | Lot 1 in DP 62581 and Lot 1 in DP 62940   | Being land bounded by Pitt Street, Bridge Street and Macquarie Street, Sydney                                       |
| 2              | Royal Exchange Building                | 21 Bridge Street, Sydney       | Lot 1 in DP 222751  | Being land bounded by Gresham Street, Bridge Street and Pitt Street, Sydney   |
| 3              | National Australia Bank House          | 243–259 George Street, Sydney  | Lot 2 in DP 630217  | Being land bounded by Jamison Street, George Street and Grosvenor Street, Sydney                                    |
| 4              | AAP Centre                             | 16–32 Jamison Street, Sydney   | Lot 1 in DP 630217  | Being land bounded by Grosvenor Street, Lang Street, Jamison Street and George Street, Sydney                       |
| 5              | Westpac Plaza                          | 265–273 George Street, Sydney  | Lot 100 in DP 597228  | Being land fronting Jamison Street on the north, George Street on the east and Margaret Street on the south, Sydney |
| 6              | State Authorities Superannuation Board | 83–95 Clarence Street, Sydney  | Lot 101 in DP 703679  | Being land fronting Clarence Street on the east and Kent Street on the west, Sydney                                 |
| 7              | Kent Telephone Exchange                | 97–105 Clarence Street, Sydney | Lot 1 in DP 721401, Lots A, B and C in DP 370818, Lot 1 in DP 700955 and Lot 3 in DP 653821 | Being land fronting Clarence Street on the east and Kent Street on the west, Sydney                                 |
| 8              | The Colonial Building                  | 37–51 Martin Place, Sydney     | Lot 1 in DP 55093 and Lot 1 in DP 110109  | Being land bounded by Elizabeth Street, Martin Place and Castlereagh Street, Sydney                                 |

## Sydney Local Environmental Plan 2005

## Opportunity sites

## Schedule 5

| Site No | Name                             | Address                          | Property details  | Description  |
|---------|----------------------------------|----------------------------------|---|--|
| 9       | MLC Centre                       | 19–29 Martin Place, Sydney       | Lot 3 in DP 565938, Lot 5 in DP 588399 and Lot 1 in DP 598704                   | Being land bounded by King Street, Castlereagh Street and Martin Place, Sydney   |
| 10      | Westpac Bank                     | 367–373 George Street, Sydney    | Lot 1 in DP 226337  | Being land fronting George Street on the east and King Street on the north, Sydney   |
| 11      | National Mutual Centre           | 101–109 York Street, Sydney      | Lot 1 in DP 600888  | Being land bounded by Clarence Street, Market Street and York Street, Sydney   |
| 12      | MMI Centre                       | 397–411 Kent Street, Sydney      | Sec 29, Lot 3 in DP 789759  | Being land fronting Sussex Street, Market Street and Kent Street, Sydney   |
| 13      | St Martins Tower                 | 31 Market Street, Sydney         | Lots A and B in DP 442132 and land in DP 60128, DP 61064, DP 62125 and DP 74978 | Being land bounded by York Street, Market Street and Clarence Street, Sydney   |
| 14      | Pacific Power Building           | 201–217 Elizabeth Street, Sydney | Lot 1 in DP 552399  | Being land bounded by Elizabeth Street, Park Street and Castlereagh Street, Sydney   |
| 15      | 227 on Elizabeth                 | 219–227 Elizabeth Street, Sydney | Lot 2 in DP 552399  | Being land bounded by Castlereagh Street, Bathurst Street and Elizabeth Street, Sydney   |
| 16      | Sydney Water Corporation Limited | 115–123 Bathurst Street, Sydney  | Lot 1 in DP 621404  | Being land fronting Pitt Street on the east and Bathurst Street on the north, Sydney<br><b>Note.</b> For the purposes of this Schedule, the description excludes the heritage building on the southern-most portion of the site. |
| 17      | Telstra House                    | 231–249 Elizabeth Street, Sydney | Sec 15, Lot 231 in DP 749873  | Being land fronting Castlereagh Street, Bathurst Street and Elizabeth Street, Sydney   |

## Sydney Local Environmental Plan 2005

## Schedule 5 Opportunity sites

| Site No | Name                | Address                            | Property details  | Description  |
|---------|---------------------|------------------------------------|---|--|
| 18      | Telecom House       | 324–330 Pitt Street, Sydney        | Lot 1 in DP 953879, Lot 1 in DP 183752, Lot 1 in DP 88835, Lot 1 in DP 57216 and Lot 1 in DP 68120  | Being land fronting Pitt Street on the west and Castlereagh Street on the east, Sydney           |
| 19      | Masonic Centre      | 279–285 Castlereagh Street, Sydney | Lot 1 in DP 188822, Lot 1 in DP 779992 and Lot 1 in DP 577055   | Being land fronting Goulburn Street on the south and Castlereagh Street on the east, Sydney      |
| 20      | State Bank Building | 1 Oxford Street, Sydney            | Pt Lots 1 and 2 in DP 505585, Pt Lot 1 in DP 232288, Pt Lot 1 in DP 76229 and land in DP 64799  | Being land bounded by Brisbane Street, Oxford Street and Wentworth Avenue, Sydney                |
| 21      | Sydney Plaza        | 59–69 Goulburn Street, Sydney      | Pt Lot 1 in DP 55636, Pt Lot 1 in DP 56400, Pt Lot 6 in DP 71414, Pt Lot 6 in DP 76562, Lot 1 in DP 173220, Lot 1 in DP 34060 and DP 175078 | Being land fronting Goulburn Street on the north and Cunningham Street on the south-east, Sydney |
| 22      | Oxford Koala Hotel  | Oxford Street, Sydney              | Lot 19 in DP 59434 and Lots 22–23 in DP 61748   | Being land bounded by Oxford Street, Riley Street, Goulburn Street and Pelican Street, Sydney    |
| 23      | McKell Building     | 2 Rawson Place, Sydney             | Lot 6 in DP 820360  | Being land bounded by Pitt Street, Barlow Street, George Street and Rawson Place, Sydney         |
| 24      | Centennial Plaza    | 265 Elizabeth Street, Sydney       | Lots 1, 2 and 3 in DP 778411  | Being land bounded by Foveaux Street, Mary Street, Albion Street and Elizabeth Street, Sydney    |
| 25      | Hilton Hotel        | 255–269 Pitt Street, Sydney        | Lot 1 in DP 556597 and Lot 2 in DP 556597   | Being land fronting Pitt Street to the east and George Street to the west, Sydney                |

## Sydney Local Environmental Plan 2005

## Opportunity sites

## Schedule 5

| <b>Site No</b> | <b>Name</b>              | <b>Address</b>                     | <b>Property details</b>  | <b>Description</b>  |
|----------------|--------------------------|------------------------------------|--------------------------|---|
| 26             | Piccadilly Arcade/Centre | 133–145 Castlereagh Street, Sydney | Part lot 10 in DP 828419 | Being land fronting Castlereagh Street to the east and Pitt Street to the west, Sydney      |
| 27             | St James Arcade/Centre   | 107 Elizabeth Street, Sydney       | Lot 1 in DP 181397       | Being land fronting Elizabeth Street to the east and Castlereagh Street to the west, Sydney |
| 28             | 25 Bligh Street          | 25 Bligh Street, Sydney            | Part lot 2 in DP 587198  | Being land fronting Bligh Street to the east, Sydney  |
| 29             | 55 Clarence Street       | 55 Clarence Street, Sydney         | Lot 46 in DP 802895      | Being land bounded by Margaret Street to the south and Clarence Street to the east, Sydney  |
| 30             | Logical House            | 66 Clarence Street, Sydney         | Lot 1 in DP 786700       | Being land bounded by Erskine Street to the north and Clarence Street to the west, Sydney   |
| 31             | 24 Market Street         | 24 Market Street, Sydney           | Part Lot A in DP 392745  | Being land bounded by Market Street to the south and Kent Street to the west, Sydney        |
| 32             | 307 Pitt Street          | 307 Pitt Street, Sydney            | Lot 6 in DP 69955        | Being land fronting Pitt Street to the east, Sydney   |
| 33             | 309 Pitt Street          | 309 Pitt Street, Sydney            | Lot 1 in DP 901451       | Being land fronting Pitt Street to the east, Sydney   |
| 34             | 359–361 Pitt Street      | 359–361 Pitt Street, Sydney        | Lot 1 in DP 171324       | Being land bounded by Pitt Street to the east and laneway to the north, Sydney              |
| 35             | 453 Kent Street          | 453 Kent Street, Sydney            | Lot 1 in DP 177234       | Being land bounded by Kent Street to the east and Druitt Lane to the south, Sydney          |



Sydney Local Environmental Plan 2005

Schedule 6 Character statements and objectives for Special Areas

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## Schedule 6 Character statements and objectives for Special Areas

(Clause 79 (c))

### 1 Millers Point

#### Character statement

The Millers Point area is highly significant, as one of Sydney's earliest suburbs developed to serve the nearby port. It was the location of windmills, quarries, observatories, fortifications and maritime activities from colonial times. Built evidence remains of some of these as well as early Victorian workers' terraces. Much of the area has high archaeological potential.

The area consists of a residential community, which is unique in city terms for its strong identity and self-containment with employment, housing and community facilities available within the area. Government ownership has played an important role in the area with successive demolitions and redevelopments since the Darling Harbour Resumptions in the 1900s, the involvement of the Sydney Harbour Trust from 1908, the Housing Board in the inter-war period and more recently the Department of Housing.

The area's steep, coastal topography and early development have generated its character and built form with evidence of quarrying, retaining walls, and a public domain which includes public staircases, laneways, pedestrian pathways, bridges and parks of a variety of scales. The area south, along Kent Street, forms a transition in scale to the city, while 2-storey development is a dominant character on Kent Street. There is a significant change in level to the west with the lower buildings addressing Hickson Road. The area affords significant views to and from the water and of the Harbour Bridge. A significant panorama of the Harbour and the City is gained from Observatory Hill.

The area is characterised by a fine grained subdivision pattern, the use of sandstone and other traditional building materials, 2-3 storey residential terraces, similar scaled commercial buildings (often pubs) defining the corners and pitched roofs. While there is a consistency of materials, scale and form, a variety of styles and street alignments are represented, with many of the terraces setback at street level.

#### Objectives

The objectives for this Special Area are as follows:

- (a) to ensure that any new development respects the adjoining development and maintains the predominantly two storey residential character of the area,
- (b) to conserve and reinforce the heritage significance of this Special Area,

Sydney Local Environmental Plan 2005

Character statements and objectives for Special Areas

Schedule 6

- 
- (c) to ensure that any new building respects the adjoining buildings and provides a reasonable stepping to the City's higher buildings,
  - (d) to limit the amount and type of non-residential uses, within this Special Area, so as to ensure the social and cultural mix of Millers Point is maintained,
  - (e) to maintain existing views and vistas into and out of the precinct to the water and Harbour Bridge north and to the city south, and Observatory Park,
  - (f) to ensure that the social and cultural mix of Millers Point is maintained,
  - (g) to conserve the continuity of Millers Point and adapt to meet the continuing needs of the significant uses.

## 2 York Street

### Character Statement

York Street and the streets and lanes surrounding it contain evidence of one of the early warehousing areas in Sydney that serviced Darling Harbour as a working port. The area is typified by its 19th and 20th century, 5–8 storey masonry buildings of a consistent scale, form and character. The architectural emphasis of the buildings located at street intersections are a distinctive characteristic of this area.

The network of lanes, internal courtyards, uniform block pattern with narrow frontages and west-east transport links all present the various layers of the area's past and present commercial/retail character.

The Queen Victoria Building is evidence of early markets in the area. Its grand scale and rare composition with dominant domes appear in many views and terminate vistas within the area, such as that from Mullins Street. There are views through the area between the Harbour and the City, as well as many significant vistas such as that along York Street, which is terminated by the Town Hall to the south.

### Objectives

The objectives for this Special Area are as follows:

- (a) to reinforce the historic subdivision pattern in the design of buildings,
- (b) to conserve and enhance existing significant views between the area and Darling Harbour and the significant vistas terminated by the QVB and the Town Hall, such as those along Mullins Street and York Street,
- (c) to conserve the existing laneways and courtyards and their heritage significance,
- (d) to respond to the historic warehouse typology in the design of buildings.

## Sydney Local Environmental Plan 2005

## Schedule 6 Character statements and objectives for Special Areas

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**3 Hyde Park/College Street****Character Statement**

Hyde Park and College Street form a precinct, which clearly separates the City from the residential areas to the east, forms part of the green eastern edge and frames an important gateway to the City.

The Park has two distinct edges: the north and east, flanking College Street and St James Road, comprise important institutional free-standing sandstone buildings and significant public open spaces including Queens Square, which is one of the earliest examples of formal urban design in central Sydney. The west and south edges consist of commercial development of larger scale with strong street alignment, creating a greater sense of enclosure to the Park.

Hyde Park is the oldest public park in Sydney being reserved for public recreation by Governor Macquarie in 1810 and is prized by Sydneysiders for its recreational opportunities. Its current formal plan, dating from the 1920s, demonstrates the application of City Beautiful principles. It contains significant and symbolic monuments including the war memorial, obelisk and Archibald Fountain.

**Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise the institutional area east of College Street as one of Sydney's pre-eminent public areas characterised by a concentration of heritage items which house activities of State and National significance,
- (b) to reinforce the urban character and scale of College Street by requiring new buildings to be integrated with the form of existing buildings and limiting the height of new buildings to the prevailing height of existing buildings, and to maintain the sense of openness east of Hyde Park,
- (c) to enhance and reinforce the precinct's role as a major gateway to the city from the east, particularly from William Street to Park Street, by ensuring that development does not adversely affect the views when approaching the City,
- (d) to maintain and strengthen the sense of enclosure provided by the buildings to the west and south of Hyde Park, by requiring new buildings to be built to street alignment, to have street frontage heights consistent with the existing development and to have adequate setbacks above those street frontage heights,
- (e) to maintain and enhance views to and through the Park and along College Street to landmark buildings such as St Mary's Cathedral east and Centre Point Tower west,
- (f) to maintain and enhance the role of the precinct as a major recreational open space for Sydney's workers and residents,

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- (g) to protect and extend mid-winter lunchtime sun access to Hyde Park and other open spaces in this Special Area.

#### **4 Haymarket**

##### **Character Statement**

The number of remaining warehouses and service laneways in Haymarket is, along with the name of the area itself, evidence of its historic role as markets and its proximity to the port of Darling Harbour. The area offers evidence of its development following the establishment of Central Station in 1906 and the subsequent decline and resurgence of the area since the markets moved from the City centre. Despite these changes, the area retains a “market” atmosphere, characterised by a diversity of uses, vibrant street life and a diverse social and ethnic mix.

As an area somewhat removed from the City centre, it retains fine grained subdivision patterns, narrow frontages, informal public spaces and generally low building heights. The consistent low street wall, and the absence of the tower form, creates a pleasant microclimate at street level, which is well sunlit and protected from winds.

##### **Objectives**

The objectives for this Special Area are as follows:

- (a) to conserve and reinforce the heritage significance of this Special Area,
- (b) to retain and enhance the urban character and scale of the Haymarket locality by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of heritage items in this Special Area, and to have building setbacks above those street frontage heights,
- (c) to maintain a high level of daylight access to the street by restricting building height and building bulk,
- (d) to recognise and enhance the diversity of uses in the area,
- (e) to maintain and reinforce permeability within the area and the intricacy of the urban fabric by retaining the existing significant lanes, original street pattern, special corner treatment, small allotments and narrow frontages, and encouraging through site links,
- (f) to reinforce the distinct topography of the area by maintaining the layering of development when viewed from Darling Harbour with the City’s higher buildings in the background.

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**5 Wentworth Avenue East****Character Statement**

The significance of the area lies in its establishment as a residential quarter on the fringe of the city and its subsequent redevelopment as a warehousing and industrial area in the early 20th century, following the construction of Central Station nearby. The area also included a number of cinemas.

The area is generally characterised by diversity of building form and subtle variation in development scale and style. It primarily includes two types of development: low-scale residential development, mainly 2 storey Victorian and Federation terrace groups, significant for their continued residential use with some including commercial use at ground level, and medium scale commercial and industrial buildings, predominantly of 5–7 storeys. The function of these buildings is reflected in their forms, with the industrial buildings tending to be of a relatively functional and utilitarian form, while the commercial (hotels and pubs) exhibit greater architectural detailing and ornamentation.

The majority of buildings utilise similar materials, texture and colours, predominantly brick and masonry. There are a few buildings notable for their use of glazed terracotta tiles in the facades; they represent the remaining evidence of the early cinemas and places of mass entertainment within the area, mostly of low scale and simple forms.

The aesthetic significance of the area is also attributed to a number of fine well-detailed and proportioned heritage buildings occupying prominent corner sites with strong visual relationship to each other, particularly along Wentworth Avenue.

The complex network of laneways is physical evidence of the original subdivision pattern and the fine grain of development within the area.

**Objectives**

The objectives for this Special Area are as follows:

- (a) to conserve and reinforce the heritage significance of this Special Area,
- (b) to retain and reinforce the built form of this Special Area by restricting development scale and bulk within this area and maintaining the warehousing typology in the built form of new development,
- (c) to encourage residential and related ground level retail and other active street frontage uses which will contribute to the distinctive character of this Special Area,
- (d) to conserve and enhance the network of existing laneways within the area,

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- (e) to maintain and enhance the existing fine grain development pattern, and prominent and significant corner buildings, and ensure that the relationship between existing and new corner buildings is visually sympathetic.

## **6 Circular Quay**

### **Character Statement**

Circular Quay's significance lies in its position at the head of Sydney Cove, its function as the harbour gateway to the city and as a major celebratory public space. It was the location of the earliest colonial settlement. Customs House and its relationship to the Quay is physical evidence of the importance of the Quay in maritime activities in the 19th and early 20th centuries.

During the 20th century commercial shipping gave way to the pedestrian commuter and transport interchange function which reinforced the place as a major transport hub and a focal point for the City.

The Quay is characterised by significant public spaces facilitating unique views to the water, the Harbour Bridge and the Opera House, and also views from the water to the City beyond. These open spaces are enclosed by buildings of different architectural styles and periods, reflecting the history and development of the Quay. While the buildings to the east of the Quay have a relatively consistent character, scale and form, those to the south exhibit a notable disparity in building scale, form and architectural treatment, representative of their different periods.

### **Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise Circular Quay as a Special Area with a unique character in Central Sydney where Sydney Harbour meets the City, by a series of significant public spaces,
- (b) to reinforce the urban character and scale of Circular Quay by requiring new buildings to be built to the street alignment, and to have a transition of building heights from Circular Quay to the maximum building height of the northern area of Central Sydney,
- (c) to ensure that any development associated with the important transport interchange provided at Circular Quay is consistent with enhancement of the public domain of Circular Quay,
- (d) to ensure that the important history, symbolic value and significance of the Quay and its maritime uses are interpreted in the design of new spaces and buildings,

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- (e) to maintain and enhance views to the water, the Harbour Bridge and the Opera House from various spaces of the Quay, and from the water to the Quay and the City beyond,
  - (f) to maintain and reinforce the image of the area as a major focal point and its function as a celebratory public space.

**7 Bridge Street/Macquarie Place****Character Statement**

Bridge Street was the earliest east-west link across the Tank Stream between George and Macquarie Streets. It is significant for its association with a major colonial government building programme in the 1880's, which included the First Government House and Macquarie Place Reserve. Both the Reserve and Bridge Street represent the early planning of the colony with a street pattern that is reflective of the area's early topography.

The area retains evidence of its establishment by Governor Macquarie as the geographic and administrative centre of the colony, with the sandstone obelisk placed at the centre of Macquarie Place to mark the point from which all distances in the colony were measured.

A cohesive group of landmark sandstone buildings, often occupying whole blocks, define important public spaces and corners. Bridge Street offers an important vista to the Conservatorium of Music to the east and views to the water. Other views are distinguished by significant buildings within the area, especially those with special roof features.

The intact system of supporting lanes, some incorporated within building facades, is rare in the City and improves pedestrian permeability.

**Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise and enhance Bridge Street as one of Sydney's pre-eminent urban spaces as well as the locality of heritage items which have housed activities of State and National significance,
- (b) to protect and extend morning sun access to Macquarie Place and sun access to Bridge Street and First Government House Place,
- (c) to conserve the existing significant laneways in the area and encourage active uses, where compatible with their significance,
- (d) to maintain and reinforce existing important public spaces, intersections and corners, in particular those crowned by significant buildings, such as the Lands Department and the Chief Secretary's Department Building,



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- (e) to maintain and enhance existing views to the water, and also significant vistas to the Lands Department Building from Loftus Street, Macquarie Place and Bridge Street itself, in addition to the vista along Bridge Street to the Conservatorium of Music,
  - (f) to maintain and reinforce the cohesive and rare streetscape character of Bridge Street and Macquarie Place by requiring new buildings to be built to the street alignment and to have overall building heights that reinforce the existing predominant street frontage height.

## **8 Macquarie Street**

### **Character Statement**

Macquarie Street contains a collection of highly significant buildings dating from the early 19th century to the late 20th century. Originally a government precinct, it has expanded to embrace first residential, professional, then commercial and tourism uses.

Macquarie Street forms the eastern built edge of the City. It is characterised by two distinct sides: its western built edge consists of medium scale buildings, stepping up to the city high rise beyond, creating a prominent city skyline when viewed from the Botanic Gardens; while the eastern edge includes the Botanic Gardens and to the south a cohesive rare group of public buildings of national significance, that terminate east-west streets and create significant vistas, particularly from Martin Place.

Macquarie Street is a boulevard of grand and civic character providing a vista terminated to the south by Hyde Park, with views north to the Opera House.

### **Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise Macquarie Street as one of Sydney's pre-eminent public spaces flanked by heritage items which house activities of State and national significance,
- (b) to protect and extend mid-winter lunchtime sun access to Hyde Park, the Royal Botanic Gardens and the Domain,
- (c) to improve and enhance the public domain and pedestrian amenity of the street and promote its image as a grand and civic boulevard,
- (d) to maintain and reinforce the urban character and scale of Macquarie Street and sense of enclosure for the Royal Botanic Gardens by requiring new buildings to be built to the street alignment, to have street frontage heights and building setbacks above street frontage heights consistent with the prevailing scale, form and character of existing buildings nearby,



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- (e) to emphasise Macquarie Street as the eastern built edge of the city and maintain the stepped building form from it westwards towards the north-south ridge of the City centre,
  - (f) to maintain and enhance existing views and vistas to the harbour and Opera House to the north and Hyde Park to the south.

**9 Martin Place****Character Statement**

Martin Place is of social, cultural and historic significance, being the site of various monuments, in particular the Cenotaph, as well as the site of many historical events, which reinforced its image as the civic and ceremonial heart of the City. Its initiation was after the siting of the GPO in 1863, as a small meeting place in the front of the post office. Its subsequent planned evolution and development illustrates the application of city planning principles of the 1880s to 1930s, which culminated in its complete pedestrianisation in 1970. It represents the financial heart of the City, containing significant public and financial buildings.

Martin Place consists of a cohesive group of buildings with a consistent street wall of up to 45 metres. These buildings have similar architectural features, characterised by the use of richly textured masonry facades, intricate architectural detailing, vertical emphasis and grand proportions at street level, representative of their function as housing various public and business institutions. The built form encloses a significant linear public space, with strong vistas terminated to the east and west by significant public buildings. The GPO clock tower is an important landmark visible from various points within Martin Place.

Martin Place is also significant for its supportive network of lanes, being rare examples of pedestrian thoroughfares reminiscent of Victorian Sydney laneways such as Angel Place and Ash Lane.

**Objectives**

The objectives for this Special Area are as follows:

- (a) to conserve and enhance the significance of Martin Place as one of Central Sydney's great civic and ceremonial spaces, and as a valued business location,
- (b) to protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August,
- (c) to protect existing significant vistas to the east and west and ensure that new development will not detrimentally affect the silhouette of the GPO clock tower,

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- (d) to retain and enhance the urban character, scale and strong linear enclosure of Martin Place by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings in the area, and to have building setbacks above those street frontage heights,
  - (e) to retain human scale at street level, while respecting and positively responding to the monumental nature of the place.

## 10 Pitt Street Mall

### Character Statement

Pitt Street Mall is a major retail node and pedestrian space in the City centre. The wide variety of shopping and leisure activities in the area attract a wide range of users.

The intense network of arcades linking Castlereagh Street and George Street enhances permeability within the area. The concentration of small-scale (4–5 storeys) Victorian commercial buildings standing on either side of the Mall contributes to the character of the area.

The consistent low street wall allows for the penetration of a great deal of sunlight to the Mall, especially during lunchtime in winter, which along with its high accessibility makes it a popular meeting place.

### Objectives

The objectives for this Special Area are as follows:

- (a) to recognise and enhance Pitt Street Mall as a key element of Central Sydney's retail core,
- (b) to protect and extend lunchtime and late morning sun access to the Pitt Street Mall from mid-April to the end of August,
- (c) to enhance permeability within the area by reinforcing and expanding the network of arcades in this Special Area,
- (d) to retain and improve the urban character and scale of Pitt Street Mall and its sense of linear enclosure by requiring new development to be built to street alignment and have street frontage heights consistent with the prevailing form of existing buildings in the Area, and to have building setbacks above those street frontage heights,
- (e) to enhance and encourage the use of the Mall as a major pedestrian space and an informal meeting place.

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**11 Wynyard Park/Lang Park****Character Statement**

Wynyard Park is an important space within the public domain and fabric of Central Sydney. The Park is of a Victorian layout and was used as a military parade ground from 1792 to 1848. It was known as Wynyard Square from 1848–1887, and was officially dedicated as a park and an open space for public recreation in 1887.

It is distinguished as a major public transport node. The street edges provide a strong sense of urban enclosure, created by the uniformity of the buildings lining the streets, resulting in the effect of “an urban room”. The majority of these buildings are of a consistent height and street alignment and exhibit similar architectural themes.

Lang Park derives its significance from its dedication as one of the early urban parks in 1866 and its association with the earlier Shot’s Church. The park is considered as a northern gateway to Central Sydney and provides a visual relief in this highly developed area.

**Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise Wynyard Park and Lang Park as important elements of the public domain in the northern part of Central Sydney as well as the role of Lang Park as a northern “gateway” to Central Sydney,
- (b) to protect and extend mid-winter lunchtime sun access to Wynyard Park and Lang Park,
- (c) to retain the sense of urban enclosure provided to Wynyard Park by requiring new buildings to be built to the street alignment, and by requiring street frontage heights and setbacks above them to be compatible with the prevailing form and scale of existing buildings surrounding Wynyard Park,
- (d) to enhance the terminating vistas along Carrington Street, and York Street to the south at its corner with Wynyard Street,
- (e) to ensure that any development associated with the important public transport interchange provided at Wynyard is consistent with enhancement of the public domain of Wynyard Park.

**12 Sydney Square, Sydney Town Hall and St Andrews Cathedral****Character Statement**

Sydney Square is a major public open space framed by the Town Hall and St Andrews Cathedral.

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The Town Hall is one of the State's most important civic buildings. The Town Hall and its civic setting symbolise the long tradition of city government and has been involved in the development of Sydney City since the mid 19th century. The building is one of the grandest and most elaborate and largely intact examples of the 19th century High Victorian style surviving in Australia. The Sydney Town Hall together with St Andrews Cathedral and the Queen Victoria Building in the adjoining Special Area to the north form a remarkably homogeneous group by virtue of their similarities in scale, texture and materials.

The precinct represents the symbolic and visual focus and centre of the city and serves as a landmark feature along George Street, due to its prominent location and association with major civic events. The clock tower of the Town Hall and spires of St Andrews Cathedral either appear in, or terminate many significant vistas, particularly those from Park, George, York and Bathurst Streets.

The area is one of the busiest parts of the city, in terms of both vehicular and pedestrian movement, and with the underground Town Hall Station functions as a major transport node. The steps of the Town Hall attract many people and the Square acts as a major meeting and gathering place (formal and informal) with a wide variety of activity on various levels.

Though the buildings lining the edges of Sydney Square exhibit a diverse range of styles and scales, the majority follow the street alignment and contribute somehow to the relatively undefined sense of the enclosure of the Square and to the urban character of the area.

### **Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise Sydney Square as the pre-eminent public space for civic events and as a community meeting place,
- (b) to protect and extend morning sun access to the steps of the Town Hall and lunchtime sun access to Sydney Square,
- (c) to reinforce the urban character, scale and sense of enclosure of Sydney Square by requiring new buildings surrounding the Square to be built to the street alignment, and to have street frontage heights and setbacks at higher levels consistent with the prevailing form of buildings in this Special Area,
- (d) to ensure that new development lining the four edges of the Square visually continues the Square and provides an appropriate backdrop to the civic character of the area and does not dominate its significant civic buildings that give it a sense of civic significance,

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- (e) to ensure that any development associated with the important public transport interchange provided at Town Hall is consistent with enhancement of the public domain of Sydney Square,
  - (f) to ensure that new development around Sydney Square contributes positively to the definition of the space and has a scale and character that is compatible and complements the civic buildings, in terms of facade composition, building materials, colours and textures and exhibits a rhythm and richness in articulation,
  - (g) to maintain and enhance existing important views and vistas to the clock tower of the Town Hall from Park Street, George Street and York Street, and to the spires of the Cathedral from Bathurst and George Streets, and to allow the silhouette of the Cathedral and Town Hall to be viewed and read against the sky.

**13 Railway Square****Character Statement**

Railway Square is the major visual and functional gateway to the city from west and south. The intersection of George and Pitt Streets is one of Sydney's busiest and largest intersections, which has traditionally dispersed traffic and pedestrians into and out of the city. The original intersection was of a Y shape and was formed in 1807 by the junction of the old and new connection between George Street and Parramatta Road. The continuation of George Street to the south (Lee Street) in 1843 created the existing X shape of the Square.

The Square has functioned over 135 years as a railway station and still acts as a major transport interchange node, allowing change between buses, and heavy and light rail. Historically, it has an association with the first railway line and terminal opened further south in 1855 and also has symbolic importance as the focus of a rail system, which has had a great influence on the development of NSW.

The Central Railway Station was opened in 1902, but was not in a complete form at that time. The station was fully completed in 1921 by the addition of the clock tower, which today acts as a landmark contributing immensely to the visual prominence of the Square. The civic heritage of the Central Railway precinct provides historic continuity and physical links to the precinct's past.

The area is typified by a concentration of low-medium scale (3–7 storeys) heritage buildings and streetscapes, a series of varied interrelated open spaces and a rich mix of uses and activities, including commercial, industrial, institutional and residential. The predominant built form is the warehouse typology, as opposed to the tower form, which prevails in the City centre to the north of the area.

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### Objectives

The objectives for this Special Area are as follows:

- (a) to recognise the role of Railway Square as the western and southern gateway to Central Sydney,
- (b) to reinforce the significance of the existing heritage fabric and complement it with contemporary fabric of high quality architecture and an urban nature and contribute to the layers of meanings and content of the locality,
- (c) to maintain a high level of daylight access to Railway Square and its associated open spaces by restricting building height,
- (d) to maintain and enhance the visual prominence and landmark significance of the clock tower of Central Railway Station in the views and vistas from various points, particularly along Broadway and George Street, when approaching or departing the city,
- (e) to reinforce the urban character and scale of Railway Square by requiring new buildings surrounding the Square to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings adjacent to this Special Area, and to have building setbacks above those street frontage heights,
- (f) to ensure that any development associated with the important public transport interchange provided at Railway Square is consistent with enhancement of the public domain of Railway Square.

## 14 Chifley Square

### Character Statement

The original concept of the semi-circular form was first proposed by John Sulman in 1908. The same concept resurfaced in 1937 and was proposed by City Engineer Garnsey, as a means of relieving traffic congestion at the junction of Hunter and Elizabeth Streets. The scheme was implemented in 1947.

The completion of Qantas House, with a curved form, in 1957 made a major contribution to the creation of Chifley Square. The place was officially named "Chifley Square" in 1961 in honour of the late Hon J.B. Chifley, former Prime Minister of Australia, and a year later Elizabeth Street was extended creating a public square with a traffic island in the middle.

The final semi-circular form of the Square was formed with the completion of Chifley Tower in 1993 to the east of the Square, which completed the curved form of Qantas House to the west. The building was designed by an international designer and follows the picturesque romantic skyscraper style of the early 20th century American office towers. The detailed elements of the building, whether at street or upper levels exhibit a rather lofty and imposing

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presence, expressing the corporate nature of the building, which is entirely appropriate by virtue of its location in the financial core of the city. Further public domain works were implemented in 1996-1997 to reclaim the Square, improve its quality and create a sophisticated public plaza.

The area is characterised by large-scale high rise tower buildings interspersed with lower scale development. Despite the fact that the majority of the towers at the edges of the Square are seen as individual elements within the cityscape, they follow the street alignment at lower levels, with a curved alignment to the north creating a distinct sense of enclosure for the Square. The curved form of the Square and the recent Aurora Place to the east, visible within this setting, create a unique urban landscape within the Sydney CBD and provide a visual relief and break in the intensely built up area of the financial centre.

**Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise and enhance Chifley Square as one of the major public open spaces in the heart of the financial centre of the city,
- (b) to promote and encourage the use of the space as a destination and meeting place for people,
- (c) to interpret the history of the place and its evolution in the design of both public and private domain and create a distinct sense of place inherent in the character of Chifley Square,
- (d) to reinforce the urban character and distinct sense of enclosure of Chifley Square by emphasising and reinforcing the semi-circular geometry of the space, requiring new buildings to be integrated with the form of existing buildings and limiting the height of new buildings,
- (e) to protect and extend sun access to the Square during lunchtime hours from mid-April to the end of August,
- (f) to unify the Square and improve the relationship between the space and the buildings forming it.

**15 Farrer Place****Character Statement**

Historical evidence shows that Farrer Place dates back as early as 1865, mainly being a street. Its original name was Fountain Street as known in 1871, the name was changed in 1880 to Raphael Street, after the name of an alderman between the 1860s and 70s.

In 1935, the Minister for Agriculture requested that Raphael Street and the triangular plantation space fronting the building housing the Department of Agriculture which, at the time, occupied the southern wing of the Department of Education, be renamed as "Farrer Place". This was to commemorate



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William J. Farrer, a noted wheat breeder whose work had incalculable benefit to the wheat growing industry.

The closure of Young Street to traffic formalised the space and gave it the character of a plaza. The place was further enhanced by the development of Governor Macquarie Tower as a major public building, complementing the public and institutional character provided by the Departments of Lands and Education buildings to the west.

The area's location in the heart of the financial core of the city has resulted in large-scale high rise towers, interspersed with lower scale development, mostly with high quality design and elegant rooftops contributing to the skyline of the city. The limited height of the heritage buildings to the north and west allows solar access and provides some visual relief in this highly built up area.

The orientation of the place to the north allows for views to the water and the Harbour Bridge, while the clock tower of the Lands Department building to the west enhances the views from the place and adjoining streets.

### **Objectives**

The objectives for this Special Area are as follows:

- (a) to recognise Farrer Place as one of the important public open spaces in the financial centre of the city for lunchtime meeting, particularly for workers in the vicinity,
- (b) to reinforce the urban character and sense of enclosure of Farrer Place by requiring new buildings to be built to the street alignment and have adequate setbacks above that, and by restraining building bulk and scale, particularly to the east and south of the place,
- (c) to protect and extend winter sun access to the place, particularly during lunchtime,
- (d) to interpret the history of the place and its evolution in the design of new buildings and elements within the public domain and give it its own sense of place,
- (e) to improve, enhance and activate the public domain within the place,
- (f) to maintain and enhance existing views to Sydney Harbour and the Harbour Bridge to the north and vistas to the tower of the Lands Department building to the west.



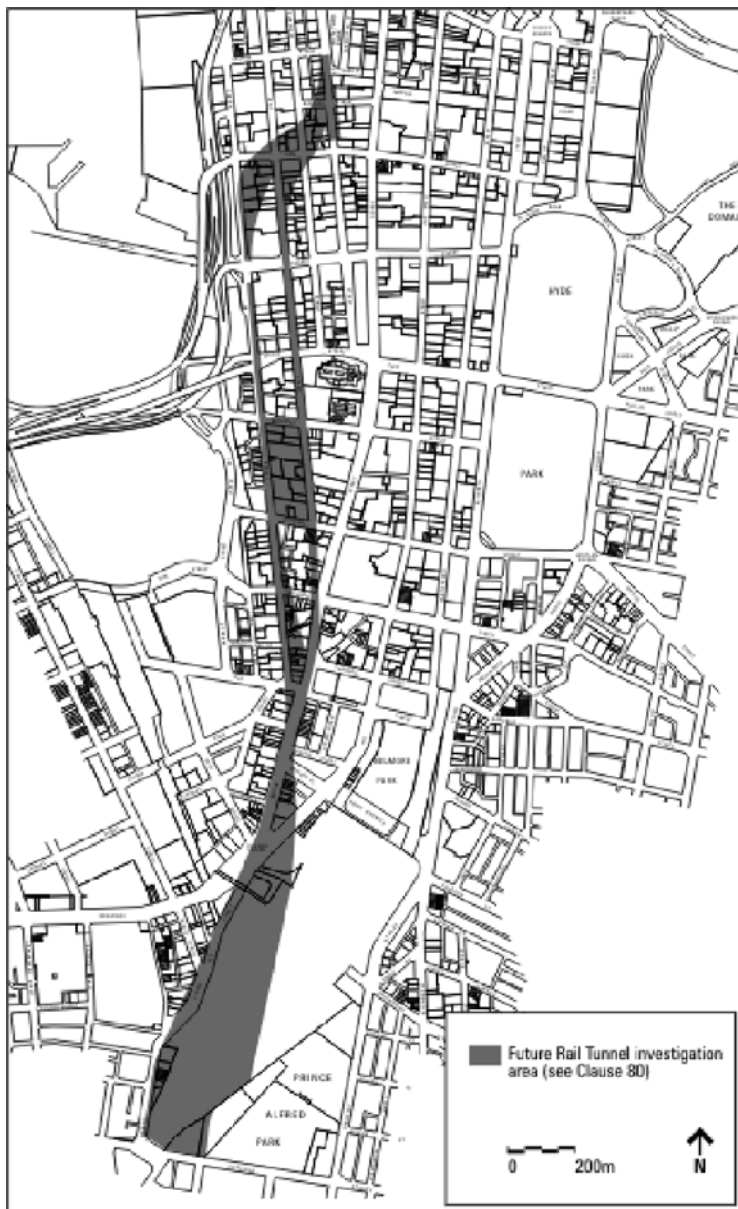
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Schedule 7 MetroWest Investigation Area

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## Schedule 7 MetroWest Investigation Area

(Clause 80)



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Central Sydney heritage items

Schedule 8

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## Schedule 8 Central Sydney heritage items

(Dictionary)

### Part 1 Heritage items

| No | CSHI No | Address                               | Name  |
|----|---------|---------------------------------------|---|
| 1  | 5008D   | 8–12 Abercrombie Street               | Terrace (Part of Carlton United Brewery site) |
| 2  | 1065    | 5–9 Agar Steps Millers Point          | Agar Steps Terrace                            |
| 3  | 4111    | 1–9 Albion Place                      | Former Warehouses                             |
| 4  | 2002    | 31 Alfred Street                      | Customs House                                 |
| 5  | 2000    | 33 Alfred Street                      | AMP Building                                  |
| 6  | 1067    | 1–7 Argyle Place Millers Point        | Building Group                                |
| 7  | 1175    | 9 Argyle Place Millers Point          | Retail Group                                  |
| 8  | 1068    | 6–12 Argyle Place Millers Point       | Group of Buildings                            |
| 9  | 1069    | 24–32 Argyle Place Millers Point      | Terrace                                       |
| 10 | 1070    | 34 Argyle Place Millers Point         | Osborne House                                 |
| 11 | 1071    | 36–44 Argyle Place Millers Point      | Terrace                                       |
| 12 | 1072    | 46–48 Argyle Place Millers Point      | Terrace                                       |
| 13 | 1073    | 50 Argyle Place Millers Point         | Undercliff Cottage                            |
| 14 | 1074    | 52–60 Argyle Place Millers Point      | Undercliff Terrace                            |
| 15 | 1075    | 62–64 Argyle Place Millers Point      | Terrace                                       |
| 16 | 3012    | 3B Art Gallery Road                   | Art Gallery of NSW                            |
| 17 | 3017    | Art Gallery Road                      | The Lodge                                     |
| 18 | 2033    | 2–6 Barrack Street                    | Pinnacle House                                |
| 19 | 2031    | 1 Barrack Street                      | Building                                      |
| 20 | 2032    | 11 Barrack Street                     | Commonwealth Bank Building                    |
| 21 | 4114    | 93 Bathurst Street                    | Church Missionary Society Building            |
| 22 | 4115    | 95 Bathurst Street                    | Bible House                                   |
| 23 | 1076    | 35–37 Bettington Street Millers Point | Palisade Hotel                                |
| 24 | 1077    | 56–60 Bettington Street Millers Point | Terrace                                       |
| 25 | 1078    | 66–68 Bettington Street Millers Point | Building                                      |

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>   | <b>Name</b>                               |
|-----------|----------------|--|---|
| 26        | 2028           | 31 Bligh Street  | NSW Club Building                         |
| 27        | 2039           | 4 Bridge Street  | Cliveden                                  |
| 28        | 2036           | 5–11 Bridge Street   | Former Burns Philp & Co Building          |
| 29        | 2035           | 6 Bridge Street  | Northumberland Insurance                  |
| 30        | 2037           | 13–15A Bridge Street   | Liner House                               |
| 31        | 2038           | 17–19 Bridge Street  | Singapore Airlines House                  |
| 32        | 2170           | 23–33 Bridge Street  | Department of Lands Building              |
| 33        | 2040           | 35–39 Bridge Street  | Department of Education Building          |
| 34        | 2041           | 44 Bridge Street   | Former Booth House                        |
| 35        | 6003           | 43–51 Brisbane Street Surry Hills                                | Motor Traders Association of NSW Building |
| 36        | 6004           | 53–55 Brisbane Street Surry Hills<br>(78–80 Commonwealth Street) | Former Paramount Pictures Studios         |
| 37        | 5006           | 2–6 Broadway   | Sutherlands Hotel                         |
| 38        | 5007           | 20–24 Broadway   | County Clare Inn                          |
| 39        | 5009           | 100–102 Broadway   | Australian Hotel                          |
| 40        | 2042           | 6–8 Bulletin Place   | Former Warehouse                          |
| 41        | 2043           | 10–14 Bulletin Place   | Former Warehouse                          |
| 42        | 2044           | 16–18 Bulletin Place   | Former Warehouse                          |
| 43        | 4117           | 21 Campbell Street   | Capitol Theatre                           |
| 44        | 6009           | 69 Campbell Street Surry Hills                                   | Norman Gibson & Co Building               |
| 45        | 6011           | 82–102 Campbell Street Surry Hills                               | Terrace                                   |
| 46        | 2003           | 2–12 Carrington Street   | Menzies Hotel                             |
| 47        | 2004           | 30–32 Carrington Street  | Lisgar House                              |
| 48        | 2045           | 64–68 Castlereagh Street   | British Airways House                     |
| 49        | 2046           | 65–71 Castlereagh Street   | Culwulla Chambers                         |
| 50        | 4000           | 72–72A Castlereagh Street (155–159 King Street)                  | Trust Building                            |
| 51        | 2049           | 161–163 Castlereagh Street                                       | Legion House                              |
| 52        | 4002           | 169–173 Castlereagh Street                                       | Masonic Club                              |
| 53        | 4207           | 201 Castlereagh Street   | Scientology House                         |
| 54        | 4118           | 201A Castlereagh Street  | St George's Church                        |

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## Central Sydney heritage items

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>  | <b>Name</b>                                |
|-----------|----------------|---|--|
| 55        | 4206           | 203 Castlereagh Street                                      | Porter House                               |
| 56        | 4119           | 211–217 Castlereagh Street                                  | Metropolitan Fire Brigade Building         |
| 57        | 4120           | 219–227 Castlereagh Street                                  | City South Telephone Exchange              |
| 58        | 3033           | 84–104 Cathedral Street Woolloomooloo                       | Commercial Terraces                        |
| 59        | 6031           | Chalmers Street Surry Hills                                 | Railways Institute Building                |
| 60        | 6029           | 2–28 Chalmers Street Surry Hills                            | Dental Hospital                            |
| 61        | 1063           | Circular Quay East  | Sydney Cove Oyster Bar and Portobello Café |
| 62        | 1064           | 2 Circular Quay East  | Sydney Opera House                         |
| 63        | 2051           | 62 Clarence Street  | John Sands Building                        |
| 64        | 2053           | 104–118 Clarence Street                                     | Clarence House                             |
| 65        | 2218           | 105A Clarence Street  | Laurence & Wherry Building                 |
| 66        | 2054           | 120–122 Clarence Street (44 King Street)                    | Former RTA House                           |
| 67        | 4003           | 144 Clarence Street (83–87 York Street)                     | Endeavour Credit Union House               |
| 68        | 4005           | 152–156 Clarence Street                                     | The Cue Clothing Company Building          |
| 69        | 4004           | 153–159 Clarence Street                                     | Red Cross House                            |
| 70        | 4006           | 177–181 Clarence Street                                     | Broughton House                            |
| 71        | 4007           | 183 Clarence Street   | Electricity Substation No 164              |
| 72        | 4008           | 197–199 Clarence Street (also refer to 340 Kent Street)     | Guild House                                |
| 73        | 4010, 4011     | 201–207 Clarence Street (also refer to 346–348 Kent Street) | Guide House and Adjoining Buildings        |
| 74        | 4009           | 204–206 Clarence Street                                     | Aberdeen House                             |
| 75        | 4014           | 226–234 Clarence Street                                     | Trafalgar Square Building                  |
| 76        | 4012           | 236 Clarence Street   | Hotel                                      |
| 77        | 4015           | 281 Clarence Street   | Former Police Station                      |
| 78        | 4016           | 283–285 Clarence Street                                     | Nelson House                               |
| 79        | 4017           | 287–289 Clarence Street                                     | Building                                   |

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>   | <b>Name</b>                                    |
|-----------|----------------|--|--|
| 80        | 6015           | 244 Cleveland Street   | Cleveland Street Public School                 |
| 81        | 6028           | 242 Cleveland Street   | Greek Orthodox Church and Rectory              |
| 82        | 3000           | College Street (2 St Mary's Road)                            | St Mary's Cathedral Site                       |
| 83        | 3004           | 6-8 College Street   | Australian Museum                              |
| 84        | 3005           | 10-12 College Street   | Sydney Grammar School                          |
| 85        | 3001           | Conservatorium Road  | Conservatorium of Music                        |
| 86        | 6046           | 33-35 Cooper Street Surry Hills                              | Building                                       |
| 87        | 6045           | 46 Cooper Street Surry Hills                                 | News Limited Building                          |
| 88        | 3034           | 1 Crown Street Woolloomooloo (50-58 Sir John Young Crescent) | Former Sydney Eye Hospital                     |
| 89        | 1010           | Cumberland Street (36-62 Trinity Avenue Millers Point)       | Sydney Harbour Bridge approaches and curtilage |
| 90        | 1079           | 1A Dalgety Road Millers Point (61 Hickson Road)              | MWS & DB Substation (SPS No 14)                |
| 91        | 1080           | 7-13 Dalgety Road Millers Point                              | Terrace  |
| 92        | 1081           | 15-35A Dalgety Road Millers Point                            | Terrace  |
| 93        | 4018           | 48-58 Druitt Street  | Former Central Agency Building                 |
| 94        | 5056           | Eddy Avenue  | Central Railway Station yard and viaducts      |
| 95        | 4021           | Elizabeth Street   | Bus shelter                                    |
| 96        | 4020           | 108 Elizabeth Street   | St James Station                               |
| 97        | 4124           | 3 Elizabeth Street   | Museum Station                                 |
| 98        | 2068           | 60-70 Elizabeth Street                                       | GIO Building                                   |
| 99        | 4022           | 102 Elizabeth Street   | Supreme Court Buildings                        |
| 100       | 4019           | 113-133 Elizabeth Street (84-110 Castlereagh Street)         | David Jones Building                           |
| 101       | 4127           | 150-152 Elizabeth Street                                     | Cyprus Hellene Club                            |
| 102       | 4128           | 154-158 Elizabeth Street                                     | Metters Building                               |
| 103       | 4129           | 160-162 Elizabeth Street                                     | Crown Hotel                                    |
| 104       | 6052           | 184-196 Elizabeth Street                                     | Wentworth House                                |
| 105       | 4026           | 185 Elizabeth Street   | Mirvac Trust Building                          |
| 106       | 4027           | 187A Elizabeth Street  | The Great Synagogue                            |

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                                       | <b>Name</b>  |
|-----------|----------------|--|--|
| 107       | 6037           | 198–200 Elizabeth Street                             | Newmarket Hotel  |
| 108       | 6047           | 328–344 Elizabeth Street Surry Hills                 | Hibernian House  |
| 109       | 2020           | 42–50 Erskine Street                                 | Retail and Residential Terrace                             |
| 110       | 2021           | 52–54 Erskine Street                                 | Retail and Residential Terrace                             |
| 111       | 2022           | 62–66A Erskine Street                                | Retail and Residential Terrace                             |
| 112       | 2023           | 68–80 Erskine Street                                 | Watch House Terraces and Shops                             |
| 113       | 2024           | 82 Erskine Street                                    | Former Watch House   |
| 114       | 6020           | 2 Foster Street Surry Hills                          | Hollywood Hotel  |
| 115       | 6019           | 35 Foster Street Surry Hills<br>(1 Blackburn Street) | Prospect House   |
| 116       | 6038           | 56–60 Foster Street Surry Hills                      | Edwards & Co Ltd Building                                  |
| 117       | 5058           | George Street  | St Andrew's Cathedral and<br>Chapter House                 |
| 118       | 2064           | 244–246 George Street                                | Metropolitan Hotel   |
| 119       | 2169           | 252 George Street                                    | Former George Patterson House<br>(Tank Stream Way section) |
| 120       | 2069           | 261 George Street                                    | Telford Trust Building                                     |
| 121       | 2070           | 264–278 George Street (87–95 Pitt<br>Street)         | Australia Square Tower                                     |
| 122       | 2071           | 285–287 George Street                                | Beneficial House   |
| 123       | 2072           | 296 George Street                                    | Former Skinners Family Hotel                               |
| 124       | 2076           | 341 George Street                                    | Westpac Bank   |
| 125       | 2077           | 343 George Street                                    | National Australia Bank                                    |
| 126       | 2078           | 348–352 George Street                                | Société Générale Building                                  |
| 127       | 2079           | 354–360 George Street                                | United Permanent Building                                  |
| 128       | 2080           | 365 George Street                                    | ANZ Bank   |
| 129       | 4029           | 375–377 George Street                                | King George Chambers                                       |
| 130       | 4030           | 387 George Street                                    | Georges Electronics Store                                  |
| 131       | 4032           | 396 George Street                                    | Darrell Lea Shop   |
| 132       | 4033           | 412–414 George Street                                | Strand Arcade  |
| 133       | 4173           | 413–421 George Street                                | Former BBC Hardware  |
| 134       | 4034           | 424–430 George Street                                | Dymocks Building   |

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|-----------|----------------|-----------------------|--|
| 135       | 4035           | 429–481 George Street | Queen Victoria Building                        |
| 136       | 4038           | 452–456 George Street | Gowings Building                               |
| 137       | 4131           | 483 George Street     | Town Hall                                      |
| 138       | 4132           | 485 George Street     | Former Bank of NSW                             |
| 139       | 4133           | 531–535 George Street | Vine House                                     |
| 140       | 4134           | 553–555 George Street | ANZ Bank                                       |
| 141       | 4135           | 557–559 George Street | Sir John Young Hotel                           |
| 142       | 4137           | 611–613 George Street | Building                                       |
| 143       | 5014           | 619–625 George Street | Baptist Church House                           |
| 144       | 5015           | 627 George Street     | The Jarvis Centre                              |
| 145       | 5016           | 631 George Street     | Former King George Hotel                       |
| 146       | 5017           | 633–635 George Street | Former Haymarket Post Office                   |
| 147       | 4138           | 640 George Street     | Century Hotel                                  |
| 148       | 5018           | 661–663 George Street | National Australia Bank                        |
| 149       | 5019           | 671–675 George Street | Westpac Bank                                   |
| 150       | 5020           | 681 George Street     | Bank of China                                  |
| 151       | 5021           | 698–704 George Street | Kiss's Building                                |
| 152       | 5022           | 701–705 George Street | Hotel  |
| 153       | 5060,<br>5023  | 715–723 George Street | Great Southern Hotel and<br>Adjoining Building |
| 154       | 5061           | 730–742 George Street | Palace Hotel Building Complex                  |
| 155       | 5024           | 744 George Street     | Haymarket Chambers                             |
| 156       | 5026           | 761–763 George Street | Former Sutton Forest Meat<br>Building          |
| 157       | 5062,<br>5063  | 767–791 George Street | Victorian Commercial Group of<br>Buildings     |
| 158       | 5089           | 770–772 George Street | GIO Building                                   |
| 159       | 5064           | 793–795 George Street | King's Disposal Store                          |
| 160       | 5028           | 814 George Street     | Former Lottery Office Building                 |
| 161       | 5065           | 822 George Street     | Canada House                                   |
| 162       | 5030           | 824–826 George Street | Westpac Bank                                   |

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| No  | CSHI No | Address  | Name   |
|-----|---------|--|--|
| 163 | 5027    | 827–837 George Street                              | Marcus Clark (Building W)<br>Ultimo College, TAFE NSW—<br>Sydney Institute |
| 164 | 5031    | 849–855 George Street                              | Federation Free Style Commercial<br>Building                               |
| 165 | 5029    | 871 George Street                                  | Agincourt Hotel  |
| 166 | 4139    | 4–10 Goulburn Street                               | Trades Hall  |
| 167 | 4140    | 12–14 Goulburn Street                              | Former Trades Hall Hotel   |
| 168 | 4141    | 27–33 Goulburn Street                              | Hoover Complex   |
| 169 | 6034    | 90B Goulburn Street                                | German Lutheran Church   |
| 170 | 6035    | 92–96 Goulburn Street                              | Goldsmiths House   |
| 171 | 6018    | 142–148 Goulburn Street                            | Warehouse  |
| 172 | 5033    | 102–110 Hay Street                                 | Covent Garden Hotel  |
| 173 | 5034    | 181–187 Hay Street                                 | Corporation Building   |
| 174 | 2133    | Hickson Road Millers Point                         | Former Grafton Bond Store  |
| 175 | 1086    | 37 High Street Millers Point                       | Lance Kindergarten   |
| 176 | 1083    | 3–9 High Street Millers Point                      | Terrace Duplexes   |
| 177 | 1084    | 2–36 High Street Millers Point                     | Terrace Duplexes   |
| 178 | 1085    | 38–72 High Street Millers Point                    | Terrace Duplexes   |
| 179 | 1173    | 74–80 High Street Millers Point                    | Terrace Duplexes   |
| 180 | 2005    | 10–14 Hunter Street                                | NSW Sports Club  |
| 181 | 2010    | 30–32 Hunter Street                                | Grand Hotel  |
| 182 | 2011    | 33–39 Hunter Street                                | Perpetual Trustee Building   |
| 183 | 2013    | 60–66 Hunter Street (10 Bligh Street)              | CML Building   |
| 184 | 2014    | 68–96 Hunter Street                                | Former Qantas House  |
| 185 | 8024    | Hyde Park (south)                                  | ANZAC War Memorial   |
| 186 | 2089    | 2–4 Jenkins Street (Part of 30–38<br>Hickson Road) | Former MSB Stores  |
| 187 | 5008A   | Kensington Street                                  | Administration Building (part of<br>Carlton United Brewery site)           |
| 188 | 5072    | 46–48 Kensington Street                            | Terrace  |
| 189 | 4041    | 332–334 Kent Street                                | Merchant & Partners Building   |



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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>  | <b>Name</b>                            |
|-----------|----------------|---|--|
| 190       | 4042           | 336–338 Kent Street   | Merchant & Partners Advertising Agents |
| 191       | 4043           | 340 Kent Street (also refer 197–199 Clarence Street)        | Subito Building                        |
| 192       | 4044           | 342–344 Kent Street   | Royston House                          |
| 193       | 4045           | 346–348 Kent Street (also refer to 201–207 Clarence Street) | Letraset House                         |
| 194       | 4046           | 352–358 Kent Street   | Norton House                           |
| 195       | 4047           | 360–362 Kent Street   | Century House                          |
| 196       | 4048           | 364–372 Kent Street   | Building                               |
| 197       | 4050           | 414–418 Kent Street   | Building                               |
| 198       | 4051           | 420 Kent Street   | Genesisian Theatre                     |
| 199       | 4053           | 435A–441 Kent Street  | Carla Zampatti Building                |
| 200       | 4199           | 469–475 Kent Street   | Former Warehouse                       |
| 201       | 4201           | 477–481 Kent Street   | Civic House                            |
| 202       | 4144           | 484 Kent Street   | Theosophy House                        |
| 203       | 4202           | 499–501 Kent Street   | RCA House                              |
| 204       | 4146           | 531 Kent Street   | Former Judges House                    |
| 205       | 1087           | 1–17 Kent Street Millers Point                              | Oswald Bond Free Stores                |
| 206       | 1089           | 19 Kent Street Millers Point                                | Lord Nelson Hotel                      |
| 207       | 1090           | 21–29 Kent Street Millers Point                             | Retail Group                           |
| 208       | 1091           | 10–12 Kent Street Millers Point                             | Millers Point Post Office              |
| 209       | 1092           | 14–16 Kent Street Millers Point                             | St Brigids Church and School           |
| 210       | 1093           | 18–22 Kent Street Millers Point                             | Terrace                                |
| 211       | 1094           | 24–26 Kent Street Millers Point                             | House of Bodleigh                      |
| 212       | 1095           | 28 Kent Street Millers Point                                | Building                               |
| 213       | 1096           | 30 Kent Street Millers Point                                | Building                               |
| 214       | 1097           | 32–40 Kent Street Millers Point                             | Building                               |
| 215       | 1098           | 33–35 Kent Street Millers Point                             | Captain Cook Hotel                     |
| 216       | 1099           | 42 Kent Street Millers Point                                | Building                               |
| 217       | 1100           | 44 Kent Street Millers Point                                | Building                               |
| 218       | 1101           | 46 Kent Street Millers Point                                | Building                               |

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                                   | <b>Name</b>                 |
|-----------|----------------|--|-----------------------------|
| 219       | 1102           | 37–47 Kent Street Millers Point                  | Alfred's Terrace            |
| 220       | 1103           | 48–52 Kent Street Millers Point                  | Group of Buildings          |
| 221       | 1104           | 49–51 Kent Street Millers Point                  | Terrace                     |
| 222       | 1105           | 53–55 Kent Street Millers Point                  | Terrace                     |
| 223       | 1106           | 54 Kent Street Millers Point                     | Building                    |
| 224       | 1107           | 56–62 Kent Street Millers Point                  | Terrace                     |
| 225       | 1108           | 59–63 Kent Street Millers Point                  | Hexham Terrace              |
| 226       | 1109           | 71–73 Kent Street Millers Point                  | Terrace                     |
| 227       | 1110           | 75–79 Kent Street Millers Point                  | Winsbury Terrace            |
| 228       | 1111           | 82–88 Kent Street Millers Point                  | Blyth Terrace               |
| 229       | 1112           | 83–85 Kent Street Millers Point                  | Terrace                     |
| 230       | 1113           | 81 Kent Street Millers Point                     | Seaforth Terrace            |
| 231       | 1114           | 90–92 Kent Street Millers Point                  | Terrace                     |
| 232       | 1115           | 94 Kent Street Millers Point                     | Toxteth                     |
| 233       | 1116           | 110–114 Kent Street (3 Agar Steps Millers Point) | Carlson Terrace             |
| 234       | 1117           | 115–121 Kent Street Millers Point                | Terrace                     |
| 235       | 1000           | 116–122 Kent Street Millers Point                | Richmond Villa              |
| 236       | 1001           | 123–125 Kent Street Millers Point                | Terrace                     |
| 237       | 1002           | 124–134 Kent Street Millers Point                | Glover Cottages             |
| 238       | 2105           | 173 King Street                                  | St James Church             |
| 239       | 2091           | 23–25 King Street (138 Sussex Street)            | Former Bank and Post Office |
| 240       | 2092           | 29A King Street (Part of 140 Sussex Street)      | Building                    |
| 241       | 2094           | 40 King Street (306 Kent Street)                 | Building                    |
| 242       | 2096           | 58–68 King Street                                | Charles Plaza               |
| 243       | 2097           | 69–75 King Street                                | Reid House                  |
| 244       | 2100           | 104 King Street                                  | Building                    |
| 245       | 2101           | 106 King Street                                  | Bruce & Walsh Building      |
| 246       | 2103           | 147 King Street                                  | Cornelius Court             |
| 247       | 2104           | 153 King Street                                  | Louis Vuitton Building      |

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                             | <b>Name</b>                                |
|-----------|----------------|--|--|
| 248       | 4149           | 53–55 Liverpool Street (1 Douglass Street) | Buckle Chambers                            |
| 249       | 4150           | 69–79 Liverpool Street                     | Retail Terrace                             |
| 250       | 4212           | 76–78 Liverpool Street                     | Former Warehouse                           |
| 251       | 4204           | 88 Liverpool Street                        | Spanish Club                               |
| 252       | 4151           | 98 Liverpool Street                        | Central Police Court and Police Station    |
| 253       | 4152           | 143–147 Liverpool Street                   | Former Mark Foys Building (Downing Centre) |
| 254       | 2216           | 12–14 Loftus Street                        | Gallipoli Legion of Anzacs Club            |
| 255       | 1119           | 1–19 Lower Fort Street Millers Point       | Milton Terrace                             |
| 256       | 1120           | 21–23 Lower Fort Street Millers Point      | Terrace                                    |
| 257       | 1121           | 25–33 Lower Fort Street Millers Point      | Terrace                                    |
| 258       | 1122           | 35 Lower Fort Street Millers Point         | Building                                   |
| 259       | 1123           | 37 Lower Fort Street Millers Point         | Royal College of Radiologists              |
| 260       | 1124           | 39–41 Lower Fort Street Millers Point      | Terrace                                    |
| 261       | 1125           | 43 Lower Fort Street Millers Point         | Bligh House                                |
| 262       | 1126           | 47–53 Lower Fort Street Millers Point      | Terrace                                    |
| 263       | 1127           | 55 Lower Fort Street Millers Point         | Building                                   |
| 264       | 1128           | 57–61 Lower Fort Street Millers Point      | Building                                   |
| 265       | 1129           | 63–65 Lower Fort Street Millers Point      | Terrace                                    |
| 266       | 1130           | 67–73 Lower Fort Street Millers Point      | Eagleton Terrace                           |
| 267       | 1131           | 75–77 Lower Fort Street Millers Point      | Building                                   |
| 268       | 1132           | 79 Lower Fort Street Millers Point         | Shop and Residence                         |
| 269       | 1133           | 81–83 Lower Fort Street Millers Point      | Hero of Waterloo Hotel                     |
| 270       | 1134           | 85 Lower Fort Street Millers Point         | Argyle House                               |
| 271       | 1135           | 18 Lower Fort Street Millers Point         | Harbour View Hotel                         |
| 272       | 1136           | 20–22 Lower Fort Street Millers Point      | Building                                   |
| 273       | 1137           | 24–26 Lower Fort Street Millers Point      | Building                                   |
| 274       | 1138           | 28 Lower Fort Street Millers Point         | Housing                                    |
| 275       | 1139           | 30–42 Lower Fort Street Millers Point      | Terrace                                    |
| 276       | 1140           | 50–56 Lower Fort Street Millers Point      | Garrison Terrace                           |

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|-----------|----------------|---|--|
| 277       | 1141           | 58 Lower Fort Street Millers Point          | Drill Hall                                   |
| 278       | 1142           | 60–62 Lower Fort Street Millers Point       | Holy Trinity Anglican Church and Church Hall |
| 279       | 3035           | 2 Macleay Street Potts Point                | Jenner (Fleet Club)                          |
| 280       | 2107           | 27–31 Macquarie Place                       | Kyle House                                   |
| 281       | 2108           | Macquarie Street                            | Parliament House                             |
| 282       | 2109           | Macquarie Street                            | Sydney Hospital Complex                      |
| 283       | 2110           | Macquarie Street                            | Sydney Hospital—Nightingale Wing             |
| 284       | 2111           | Macquarie Street                            | Sydney Hospital—Chapel Block                 |
| 285       | 3002           | Macquarie Street                            | The Lodge and Entrance Gates                 |
| 286       | 3003           | Macquarie Street                            | Government House and Garden                  |
| 287       | 2112           | Macquarie Street                            | Royal Mint Building                          |
| 288       | 2113           | Macquarie Street                            | Hyde Park Barracks                           |
| 289       | 2114           | 89–91 Macquarie Street                      | Royal Automobile Club                        |
| 290       | 2115           | 93 Macquarie Street                         | Former Health Department Building            |
| 291       | 2116           | 99–113 Macquarie Street                     | Transport House                              |
| 292       | 2117           | 115–119 Macquarie Street                    | Former Treasury Building                     |
| 293       | 2118           | 121 Macquarie Street (50 Phillip Street)    | Chief Secretary's Building                   |
| 294       | 2119           | 123–125 Macquarie Street                    | The Astor                                    |
| 295       | 2120           | 133 Macquarie Street                        | History House                                |
| 296       | 2121           | 135–137 Macquarie Street                    | BMA House                                    |
| 297       | 2122           | 145 Macquarie Street                        | Royal Australian College of Physicians       |
| 298       | 2124           | 175–181 Macquarie Street                    | Wyoming                                      |
| 299       | 2125           | 193 Macquarie Street                        | Hengrove Hall                                |
| 300       | 2126           | 195A Macquarie Street                       | St Stephen's Uniting Church                  |
| 301       | 2219           | 235 Macquarie Street                        | Beenbah Chambers                             |
| 302       | 4054           | 26–32 Market Street                         | Archway Terrace                              |
| 303       | 4208           | 46–48 Market Street (423–427 George Street) | Commonwealth Bank                            |

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|-----------|----------------|---|--|
| 304       | 4055           | 49 Market Street                                | State Theatre  |
| 305       | 4056           | 67–77 Market Street                             | David Jones Building   |
| 306       | 2127           | 1 Martin Place                                  | Sydney General Post Office<br>(Westin Hotel)   |
| 307       | 2128           | 4–10 Martin Place                               | Challis House  |
| 308       | 2130           | 38–46 Martin Place                              | Former MLC Building  |
| 309       | 2131           | 48–50 Martin Place                              | Commonwealth Bank  |
| 310       | 2132           | 53–63 Martin Place                              | APA Building   |
| 311       | 2221           | 65 Martin Place                                 | Reserve Bank   |
| 312       | 1143           | 14–16 Merriman Street Millers Point             | Building   |
| 313       | 1144           | 18 Merriman Street Millers Point                | Building   |
| 314       | 1145           | 20–42 Merriman Street Millers Point             | Terrace  |
| 315       | 1170           | 44–48 Merriman Street Millers Point             | Terrace  |
| 316       | 1147           | Munn Street, Millers Point<br>(25 Hickson Road) | Dalgety's Bond Stores Group of<br>Buildings  |
| 317       | 1148           | 18–20 Munn Street Millers Point                 | Terrace  |
| 318       | 2025           | 12–14 O'Connell Street                          | Manufacturers Mutual Building  |
| 319       | 2026           | 16–18 O'Connell Street                          | Delfin House   |
| 320       | 2027           | 19–21 O'Connell Street                          | Public Trust Office  |
| 321       | 6041           | 21 Oxford Street                                | ANZ Bank   |
| 322       | 6040           | 41 Oxford Street                                | Commonwealth Bank  |
| 323       | 2134           | 4–8 Phillip Street                              | Traffic Court Group (Phillip Street<br>Police Station and Traffic Courts<br>Nos 1 and 2) |
| 324       | 2135           | 39–41 Phillip Street                            | Terrace  |
| 325       | 2136           | 43 Phillip Street                               | Terrace  |
| 326       | 2137           | 45 Phillip Street                               | Terrace  |
| 327       | 2138           | 47 Phillip Street                               | Café de Gallerie   |
| 328       | 2222           | 61 Phillip Street (6 Bligh Street)              | Wentworth Hotel  |
| 329       | 2139           | 42–44 Pitt Street                               | Equitlink House  |
| 330       | 2017           | 64–66 Pitt Street                               | Former Bank of NSW   |
| 331       | 2019           | 75–77 Pitt Street                               | Thai Airways Building  |

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                                    | <b>Name</b>  |
|-----------|----------------|---|--|
| 332       | 2142           | 80–82A Pitt Street                                | QBE Building   |
| 333       | 2145           | 108–120 Pitt Street                               | Commonwealth Bank  |
| 334       | 2146           | 122–122B Pitt Street                              | The Sydney Club  |
| 335       | 2147           | 125 Pitt Street                                   | John & Merivale Building                                     |
| 336       | 2148           | 138–140 Pitt Street                               | Sugar House  |
| 337       | 4059           | 142–144 Pitt Street                               | Grahame's Corner   |
| 338       | 4060           | 158–160 Pitt Street                               | Soul Pattinson Building                                      |
| 339       | 4063           | 181 Pitt Street                                   | American Shoe Store  |
| 340       | 4065           | 194 Pitt Street                                   | Merivale Building  |
| 341       | 4066           | 198–200 Pitt Street                               | City Tattersalls (north)                                     |
| 342       | 4067           | 202–204 Pitt Street                               | City Tattersalls Club  |
| 343       | 4070           | 226–230 Pitt Street                               | Banking House  |
| 344       | 4072           | 249–251 Pitt Street                               | Simpson House  |
| 345       | 4071           | 250 Pitt Street                                   | National Building  |
| 346       | 4153           | 258–260 Pitt Street                               | Criterion Hotel  |
| 347       | 4154           | 262–264 Pitt Street                               | Pilgrim House  |
| 348       | 4155           | 264A Pitt Street                                  | Pitt Street Uniting Church                                   |
| 349       | 4074           | 275–277A Pitt Street                              | Former School of Arts  |
| 350       | 4156           | 280–282 Pitt Street (108 Bathurst Street)         | Lincoln Building   |
| 351       | 4211           | 284–292 Pitt Street                               | International House  |
| 352       | 4158           | 294 Pitt Street                                   | Edinburgh Castle Hotel                                       |
| 353       | 4159           | 323–327 Pitt Street                               | Former YMCA Building   |
| 354       | 4160           | 339–341 Pitt Street (Part of 115 Bathurst Street) | Former Metropolitan Water Sewerage & Drainage Board Building |
| 355       | 4162           | 350 Pitt Street                                   | Former Coles-Fosseys Building                                |
| 356       | 4163           | 360 Pitt Street                                   | Former Coles-Fosseys Building                                |
| 357       | 4165           | 379–383 Pitt Street                               | Fayworth House   |
| 358       | 4157           | 384–388 Pitt Street                               | Civic Hotel  |
| 359       | 5037           | 405–427 Pitt Street                               | CB Hotel   |
| 360       | 5039           | 420–428 Pitt Street                               | Chamberlain Hotel  |

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## Sydney Local Environmental Plan 2005

## Schedule 8 Central Sydney heritage items

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                           | <b>Name</b>                                   |
|-----------|----------------|--|---|
| 361       | 5040           | 441–459 Pitt Street                      | Manning Building                              |
| 362       | 5088           | 461 Pitt Street                          | Former Presbyterian Manse                     |
| 363       | 5041           | 477 Pitt Street                          | Former Fire Engine House                      |
| 364       | 5042           | 479–487 Pitt Street                      | Former Australian Gaslight Co Building        |
| 365       | 5068           | 507 Pitt Street (814A George Street)     | Christ Church St Lawrence, School and Rectory |
| 366       | 4075           | Prince Albert Road                       | Land Titles Office                            |
| 367       | 5043           | Railway Square (2 Lee Street)            | Parcels Post Office                           |
| 368       | 5044           | 1–9 Rawson Place (790–798 George Street) | Station House                                 |
| 369       | 5045           | 11–23 Rawson Place                       | Daking House                                  |
| 370       | 5054           | Regent Street                            | Mortuary Station                              |
| 371       | 5046           | 36 Regent Street                         | Former John Storey Memorial Dispensary        |
| 372       | 5101*          | 54 Regent Street                         | Co-Masonic Temple                             |
| 373       | 6056           | 43–45 Reservoir Street Surry Hills       | Silknit House                                 |
| 374       | 2150           | 1 Shakespeare Place                      | Public Library of NSW                         |
| 375       | 2151           | Sussex Street                            | MWS & DB Building (SPS No 13)                 |
| 376       | 2152           | 20–26 Sussex Street                      | Former Big House Hotel (Moreton's Hotel)      |
| 377       | 2217           | 81 Sussex Street                         | Bristol Arms Hotel                            |
| 378       | 2155           | 107–113 Sussex Street                    | Former Cuthbert's Patent Slip Building        |
| 379       | 2156           | 115–117 Sussex Street                    | Former Royal George Hotel                     |
| 380       | 4195           | 230–232 Sussex Street                    | Former Foley Bros Warehouse                   |
| 381       | 4166           | 281–287 Sussex Street                    | The Vintage Building                          |
| 382       | 4167           | 320–334 Sussex Street                    | Sussex Street Technical College               |
| 383       | 4168           | 349–353 Sussex Street                    | Commerce Building                             |
| 384       | 4196           | 365–375 Sussex Street                    | Commerce House                                |
| 385       | 5050           | 385–387 Sussex Street                    | Star Hotel                                    |
| 386       | 5051           | 431–439 Sussex Street                    | Kien Hay Centre                               |

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## Sydney Local Environmental Plan 2005

## Central Sydney heritage items

## Schedule 8

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                        | <b>Name</b>                               |
|-----------|----------------|---------------------------------------|---|
| 387       | 5052           | 175–179 Thomas Street                 | Former Benevolent Society of NSW Hospital |
| 388       | 1168           | 2–4 Trinity Avenue Millers Point      | Residential Flat Building                 |
| 389       | 1150           | 8–12 Trinity Avenue Millers Point     | Darling House                             |
| 390       | 1151           | 14–22 Trinity Avenue Millers Point    | Terrace                                   |
| 391       | 5084           | 9 Ultimo Road                         | Traveller's Rest Hotel                    |
| 392       | 1004           | Upper Fort Street Millers Point       | National Trust Centre                     |
| 393       | 1153           | Upper Fort Street Millers Point       | Sydney Observatory                        |
| 394       | 6024           | 46–52 Wentworth Avenue                | Griffiths Building                        |
| 395       | 9063           | 42–44 Wentworth Avenue                | Macquarie Hotel                           |
| 396       | 6050           | 68–72 Wentworth Avenue                | Ballarat House                            |
| 397       | 6053           | 80–84 Wentworth Avenue                | Sheffield House                           |
| 398       | 3007           | William Street                        | Former School Building and Hall           |
| 399       | 1154           | 1–63 Windmill Street Millers Point    | Terrace                                   |
| 400       | 1155           | 65 Windmill Street Millers Point      | Building                                  |
| 401       | 1156           | 67 Windmill Street Millers Point      | Building                                  |
| 402       | 1157           | 69 Windmill Street Millers Point      | Building                                  |
| 403       | 1158           | 71 Windmill Street Millers Point      | Building                                  |
| 404       | 1159           | 73 Windmill Street Millers Point      | Building                                  |
| 405       | 1160           | 75 Windmill Street Millers Point      | Building                                  |
| 406       | 1163           | 82 Windmill Street Millers Point      | Building                                  |
| 407       | 1164           | 84 Windmill Street Millers Point      | Building                                  |
| 408       | 1165           | 86–88 Windmill Street Millers Point   | Terrace                                   |
| 409       | 1166           | 90 Windmill Street Millers Point      | Building                                  |
| 410       | 1167           | 92 Windmill Street Millers Point      | Building                                  |
| 411       | 3030           | 1 Wylde Street Potts Point            | Tarana                                    |
| 412       | 3031           | 1 Wylde Street Potts Point            | Bomera                                    |
| 413       | 3039           | 8a Wylde Street Potts Point           | Wyldfel Gardens                           |
| 414       | 2157           | 2 York Street (42–44 Margaret Street) | Scots Church                              |
| 415       | 2158           | 3 York Street                         | St Phillip's Church of England            |
| 416       | 2159           | 14–16 York Street                     | International House                       |

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## Sydney Local Environmental Plan 2005

## Schedule 8 Central Sydney heritage items

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| No  | CSHI No | Address                                | Name                                    |
|-----|---------|--|---|
| 417 | 2160    | 18–20 York Street                      | John Solomon Building                   |
| 418 | 2161    | 19–31 York Street                      | Railway House (Part of Transport House) |
| 419 | 2162    | 22 York Street                         | The Landmark Building                   |
| 420 | 2162    | 24–26 York Street                      | Former Beard Watsons Warehouse          |
| 421 | 4082    | 30 York Street                         | Forbes Hotel                            |
| 422 | 4083    | 38–44 York Street                      | Carlton House                           |
| 423 | 4084    | 43 York Street                         | Occidental Hotel                        |
| 424 | 4086    | 45–47 York Street                      | Former AWA Building                     |
| 425 | 4085    | 46–48 York Street                      | Spiden House                            |
| 426 | 4087    | 50–54 York Street                      | York House                              |
| 427 | 2163    | 63 York Street                         | Kent Hi Fi Store                        |
| 428 | 2164    | 65–69 York Street                      | James Hardie House                      |
| 429 | 2165    | 71 York Street                         | Gardiner House                          |
| 430 | 2166    | 73 York Street                         | Monte Paschi House                      |
| 431 | 2167    | 75 York Street                         | National House                          |
| 432 | 4088    | 77–79 York Street                      | Former Grace Building (Grace Hotel)     |
| 433 | 4089    | 81 York Street                         | Building                                |
| 434 | 4090    | 83–87 York Street                      | NEM House                               |
| 435 | 4093    | 125 York Street                        | Stoddart House                          |
| 436 | 4094    | 127 York Street                        | Merchant Pacific House                  |
| 437 | 4095    | 129 York Street                        | Scripture Union House                   |
| 438 | 4096    | 141 York Street                        | Building                                |
| 439 | 4097    | 143–145 York Street                    | Globe & Pennon House                    |
| 440 | 4098    | 147–149 York Street (80 Druitt Street) | Former RJI House                        |
| 441 | 2168    | 5–7 Young Street                       | Former warehouse                        |
| 442 | 2034    | 36–42 Young Street                     | Former Sydney Hospital Nurses Annexe    |

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**Note.** An address listed in brackets in relation to a building is an address by which the building is also known.

Sydney Local Environmental Plan 2005

Central Sydney heritage items

Schedule 8

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## Part 2 Building elements

| No | CSHI No | Address  | Name  | Element  |
|----|---------|--|---|--|
| 1  | 2001    | 27–29 Alfred Street (Part of 1 Macquarie Place)      | Former Paragon Hotel                                  | Street facades   |
| 2  | 2029    | 1–7 Bent Street (Part of 1 O'Connell Street)         | Former Chatsworth House                               | Street facade  |
| 3  | 5008C   | 26–98 Broadway (Part of Carlton United Brewery site) | Former Irving Street Brewery                          | Chimney stack  |
| 4  | 4174    | 267–277 Castlereagh Street                           | Museum Towers   | Street facade  |
| 5  | 4172    | 8 Central Street (Part of 343–345 Pitt Street)       | Former Warehouse                                      | Street facade  |
| 6  | 4013    | 218–224 Clarence Street                              | Former Cunningham House                               | Street facades, external walls   |
| 7  | 6016    | 52–68 Commonwealth Street                            | Former Mark Foys Warehouse                            | Street facades   |
| 8  | 4126    | 142–148 Elizabeth Street                             | Former Mark Foys Parking Station                      | Street facades, retained original timber, internal structure and trusses   |
| 9  | 4028    | 189–197 Elizabeth Street                             | Australian Consolidated Press                         | Street facade (original)   |
| 10 | 6042    | 368–372 Elizabeth Street Surry Hills                 | Evening Star Hotel                                    | Street facades   |
| 11 | 2169    | 252 George Street                                    | Former George Patterson House (George Street Section) | George Street/ Abercrombie Lane/ Bridge Lane facade, cast iron columns, ties and brackets, water tower structure |
| 12 | 2073    | 319–321 George Street                                | Former Westpac Bank                                   | Street facades, external walls   |
| 13 | 4036    | 432–434 George Street                                | Former Tatler Hotel                                   | Street facade  |
| 14 | 4037    | 436–450 George Street (50–78 Market Street)          | Grace Brothers  | Street facade  |
| 15 | 4040    | 482–496 George Street                                | The Marble Bar  | Interior   |
| 16 | 5059    | 569–581 George Street                                | Former Buckle House                                   | Street facade, awning (reconstructed), partial interior  |

## Sydney Local Environmental Plan 2005

## Schedule 8 Central Sydney heritage items

| No | CSHI No | Address  | Name                                 | Element   |
|----|---------|--|--------------------------------------|---|
| 17 | 4136    | 600 George Street                              | Former Plaza Theatre                 | Street facade, external walls, former foyer, roof structure |
| 18 | 5025    | 750 George Street                              | Former English's Chambers            | Street facades, external walls                              |
| 19 | 5032    | 64 Harbour Street                              | Former Post Office Stores            | Street facades  |
| 20 | 2090    | 341–345 Kent Street (Part of 339 Kent Street)  | The Ambassador                       | Street facade   |
| 21 | 4197    | 365 Kent Street                                | Former Waratah House                 | Street facade   |
| 22 | 4198    | 367–371 Kent Street                            | Former Metropolitan Business College | Street facade   |
| 23 | 4200    | 373–377 Kent Street                            | Former Seabridge House               | Street facade   |
| 24 | 4147    | 537–539 Kent Street                            | Meriton Apartments                   | Street facade   |
| 25 | 4148    | 549–553 Kent Street                            | Former Danchen House                 | Street facades  |
| 26 | 2093    | 38–38A King Street (Part of 339 Kent Street)   | City Hotel                           | Street facades  |
| 27 | 2095    | 46–50 King Street                              | Former York Hotel                    | Street facade   |
| 28 | 2099    | 97–103 King Street (Part of 400 George Street) | Former Sydney Arcade                 | Street facade   |
| 29 | 2228    | 17–21 Macquarie Place (Part of 30 Pitt Street) | Customs House Hotel                  | Street facade, bar  |
| 30 | 2106    | 23–25 Macquarie Place (Part of 30 Pitt Street) | Sirius House                         | Street facade   |
| 31 | 2123    | 171–173 Macquarie Street                       | Horbury House                        | Street facade, external walls, roof form                    |
| 32 | 4057    | 74 Market Street (50–78 Market Street)         | Grace Brothers                       | Street facade   |
| 33 | 2129    | 10A–16 Martin Place                            | Colonial Mutual Life Building        | Street facades  |
| 34 | 2015    | 10–18 Pitt Street (Part of 1 Macquarie Place)  | Former Ship Inn                      | Street facades  |
| 35 | 2016    | 38–40 Pitt Street (Part of 30 Pitt Street)     | Former Post Office                   | Street facade   |

## Sydney Local Environmental Plan 2005

## Central Sydney heritage items

## Schedule 8

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>                                      | <b>Name</b>                              | <b>Element</b>                  |
|-----------|----------------|---|--|---------------------------------|
| 36        | 2018           | 69–73 Pitt Street                                   | Former Darrell James Building            | Street facades, external walls  |
| 37        | 4061           | 162 Pitt Street (Part of 77 Castlereagh Street)     | Skygarden                                | Street facade                   |
| 38        | 4062           | 164–166 Pitt Street (Part of 77 Castlereagh Street) | Skygarden                                | Street facade                   |
| 39        | 4064           | 192 Pitt Street                                     | Former London House                      | Street facades, external walls  |
| 40        | 4068           | 213–219 Pitt Street (50–78 Market Street)           | Grace Brothers (Former Way Building)     | Street facade, partial interior |
| 41        | 4069           | 221–229 Pitt Street (50–78 Market Street)           | Grace Brothers                           | Street facade                   |
| 42        | 4161           | 343–345 Pitt Street                                 | Former Lismore Hotel                     | Street facades                  |
| 43        | 5036           | 398–408 Pitt Street                                 | Former Sydney Tourist Hotel              | Street facade                   |
| 44        | 2220           | 2–6 Spring Street (Part of 1 O'Connell Street)      | Former McNade House                      | Street facade                   |
| 45        | 2154           | 95–99 Sussex Street                                 | Former Hawken and Vance Produce Exchange | Street facade                   |
| 46        | 4078           | 160–166 Sussex Street                               | CMC House                                | Street facade                   |
| 47        | 6051           | 74–78 Wentworth Avenue                              | Gordon House                             | Street facade, external walls   |

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## Sydney Local Environmental Plan 2005

## Schedule 8 Central Sydney heritage items

**Part 3 Archaeological/townscape/landscape items**

| No | CSHI No | Address   | Name   |
|----|---------|---|--|
| 1  | 9000    | Abercrombie Lane (Pitt Street to George Street)                 | Abercrombie Lane   |
| 2  | 9001    | Albion Place (George Street to Kent Street)                     | Albion Place   |
| 3  | 9002A   | Angel Place (Pitt Street to George Street)                      | Angel Place  |
| 4  | 8050    | Argyle Lane/High Lane   | Iron Palisade Fence (for 21m south from Argyle Place, between Argyle Lane and High Lane)       |
| 5  | 1066    | Argyle Place  | Bus Shelter  |
| 6  | 8005    | Argyle Street   | Argyle Place Park  |
| 7  | 8020    | Art Gallery Road  | The Domain   |
| 8  | 9002    | Ash Street (off Angel Place at George Street)                   | Ash Street   |
| 9  | 8013    | Bennelong Point   | Tarpeian Rock  |
| 10 | 8079    | Bligh Street  | Richard Johnson Square   |
| 11 | 9058    | Bridge Lane (between Bridge Street and Tank Stream Way)         | Bridge Lane  |
| 12 | 8001    | Bridge Street and Loftus Street                                 | Macquarie Place (except for the underground portion of the men's toilet, north western corner) |
| 13 | 5008B   | 26–98 Broadway  | No 1 Gate Portal (Part of Carlton and United Brewery site)                                     |
| 14 | 9067    | Bulletin Place (Pitt Street to Macquarie Place)                 | Bulletin Place   |
| 15 | 8006    | Circular Quay East  | Cast Iron Railings   |
| 16 | 8012    | Circular Quay East (between Macquarie Street and Circular Quay) | Moore Stairs   |
| 17 | 8000    | Circular Quay Wharves   | Cast Iron Railings   |
| 18 | 8121    | Cleveland Street and Chalmers Street                            | Prince Alfred Park (except for aboveground toilets adjacent to Chalmers Street)                |
| 19 | 8026/7  | College, William and Cathedral Streets                          | Cook and Phillip Park  |

## Sydney Local Environmental Plan 2005

## Central Sydney heritage items

## Schedule 8

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| No | CSHI No | Address   | Name   |
|----|---------|---|--|
| 20 | 9015    | Custom House Lane (Loftus Street to Young Street)                                       | Custom House Lane  |
| 21 | 8047    | Dalgety Road  | Sandstone Wall and Stairs (wall 137m along western edge of Dalgety Road, stairs between Dalgety Road and Rhodens Lane) |
| 22 | 9023    | Douglass Lane (Sussex Street to Eagar Street)   | Douglass Lane  |
| 23 | 8113    | Eddy Avenue   | Belmore Park (except for aboveground toilets adjacent to Railway Viaduct)  |
| 24 | 8021    | Farm Cove   | Royal Botanic Gardens (including buildings)  |
| 25 | 1185    | Farm Cove Crescent  | Man O' War Steps   |
| 26 | 8071    | Farrer Place  | Palm Trees   |
| 27 | 8041    | George Street   | Cast Iron Urinals (under Harbour Bridge approaches)  |
| 28 | 9068    | George Street (between and at rear of 389–393 Lane George Street and 50–54 York Street) |  |
| 29 | 9005    | George Street (corner Druitt and York Streets)  | Bicentennial Plaza   |
| 30 | 5057    | George Street at Town Hall  | Sydney Square  |
| 31 | 8066    | Grosvenor Street  | Lang Park (except for aboveground toilets, corner of York Street and Grosvenor Street)                                 |
| 32 | 9033    | Hamilton Street (Curtin Place to Hunter Street)   | Hamilton Street  |
| 33 | 8008    | Herald Square, Alfred Street  | Tank Stream Fountain   |
| 34 | 1146    | Hickson Road  | Bridges over Hickson Road  |
| 35 | 8049    | High Street   | Palisade Fence and High Steps (300m from Argyle Place along western edge of High Street)                               |
| 36 | 8029    | High Street   | Mature Trees, Lance Kindergarten (four trees along western edge of site)   |
| 37 | 8078    | Hunter Street   | Chifley Square   |
| 38 | 7002    | Hyde Park to Riley Street   | Busby's Bore   |
| 39 | 9036    | James Lane  | James Lane   |

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## Sydney Local Environmental Plan 2005

## Schedule 8 Central Sydney heritage items

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| No | CSHI No | Address  | Name  |
|----|---------|--|---|
| 40 | 8101    | Jenkins Street (off Gas Lane)  | Jenkins Street  |
| 41 | 8007    | Kent Street Millers Point (opposite High Street)                     | Agar Steps (from Kent Street to Observatory Park)   |
| 42 | 7001    | King Street to Circular Quay   | Tank Stream Tunnel and Tanks  |
| 43 | 8106    | 98–112 Liverpool Street  | Brickfield Place  |
| 44 | 8022    | St James Road, College Street, Liverpool Street and Elizabeth Street | Hyde Park (except for the College and Elizabeth Streets underground portion of the men's toilet, south western corner and aboveground women's toilet at St James Road, Hyde Park North) |
| 45 | 8002    | Macquarie Street (between Shakespeare Place and Tarpeian Rock)       | Palm Trees  |
| 46 | 8004    | Macquarie Street (corner Conservatorium Road)                        | Edward VII Statue   |
| 47 | 8086    | Macquarie Street (south)   | Queens Square   |
| 48 | 9041    | Market Row (off Druitt Street north)                                 | Market Row  |
| 49 | 8085    | Martin Place   | Martin Place  |
| 50 | 9041A   | Mullins Street (York Street to Clarence Street)                      | Mullins Street  |
| 51 | 8031    | Munn Street  | Sandstone Wall and Palisade Fence (80m along northern and western edges of Munn Reserve)  |
| 52 | 8011    | Observatory Hill Millers Point                                       | Observatory Park  |
| 53 | 9045    | Parker Street (Campbell Street to Hay Street)                        | Parker Street   |
| 54 | 9043    | Phillip Lane (Phillip Street to Macquarie Street)                    | Phillip Lane  |
| 55 | 8028    | Prince Albert Road at Art Gallery Road                               | Frazer Memorial Fountain  |
| 56 | 8115    | Railway Square   | Drinking Fountain   |
| 57 | 8048    | Rhodens Lane Millers Point   | Rhodens Lane (between Bettington Street and Clyne Reserve)  |
| 58 | 9049    | Rowe Street (Pitt Street to MLC Centre)                              | Rowe Street   |

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Sydney Local Environmental Plan 2005

Central Sydney heritage items

Schedule 8

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| <b>No</b> | <b>CSHI No</b> | <b>Address</b>   | <b>Name</b>   |
|-----------|----------------|--|---|
| 59        | 8077           | Shakespeare Place (Macquarie Street, adjoining State Library of New South Wales) | Shakespeare Place   |
| 60        | 8052           | Sussex Street (at Napoleon Street)   | Trees and Sandstone Walls   |
| 61        | 8097           | Sydney Square, George Street   | Ward Boundary Marker  |
| 62        | 9051           | Tank Stream Way (between Abercrombie Lane and Bridge Street)                     | Tank Stream Way   |
| 63        | 8105           | Windmill Street at Lower Fort Street   | Ferry Lane (between corner of Windmill Street and Lower Fort Street, and Downshire Street)  |
| 64        | 8082           | Wynyard Street   | Regimental Square   |
| 65        | 8084           | York Street  | Wynyard Park (except for the underground portion of the men's toilet, south western corner) |

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## Sydney Local Environmental Plan 2005

## Schedule 9 Ultimo-Pyrmont heritage items

**Schedule 9 Ultimo-Pyrmont heritage items**

(Dictionary)

| <b>Map reference</b> | <b>Address</b>                            | <b>Description</b>                         |
|----------------------|---|--|
| 36                   | 33–39 Ada Place                           | Terraces                                   |
| 38                   | 50–52 Ada Place                           | Terraces                                   |
| 45                   | 2A Allen Street                           | Edwin Davey & Sons, Flour Mills            |
| 46                   | 22 Allen Street                           | Woolbrokers Arms Hotel                     |
| 47                   | 24 Allen Street                           | Former Woolstore                           |
| 101                  | Bowman Street and Cross Street            | Cast Iron Palisade Fence                   |
| 88                   | Bowman Street                             | Cooperage Building, CSR                    |
| 92                   | Bowman Street                             | Gate House, CSR                            |
| 90                   | Bowman Street                             | Laboratory B, CSR                          |
| 89                   | Bowman Street                             | Main Office, CSR                           |
| 91                   | Bowman Street                             | Tablet House, CSR                          |
| 93                   | Bowman Street                             | Store House, CSR                           |
| 94                   | 120–140 Bowman Street and 83 Point Street | Terraces                                   |
| 3                    | 1–7 Broadway                              |  |
| 2                    | 9–13 Broadway                             |  |
| 1                    | 81 Broadway                               |  |
| 109                  | 238 Bulwara Road                          | Residence                                  |
| 35                   | 242–262 Bulwara Road                      | Terraces                                   |
| 114                  | 247–257 Bulwara Road                      | Former St Francis Xavier Church and School |
| 40                   | 265 Bulwara Road                          | Lord Wolseley Hotel                        |
| 23                   | 286–340 Bulwara Road                      | Terraces                                   |
| 110                  | 365–375 Bulwara Road                      | Terraces and Former Hotel                  |
| 106                  | 1–5 Cross Street                          | Terraces                                   |
| 50                   | Gipps Street                              | Pyrmont Fire Station                       |
| 24                   | 11–63 Hackett Street                      | Terraces                                   |
| 127                  | Harris Street                             | Engineers Store, Former CRS                |

## Sydney Local Environmental Plan 2005

## Ultimo-Pyrmont heritage items

## Schedule 9

| <b>Map reference</b> | <b>Address</b>        | <b>Description</b>                                    |
|----------------------|-----------------------|---|
| 126                  | Harris Street         | Rail Cutting and Rail Bridge                          |
| 128                  | Harris Street         | The Boiler House (Northern Facade), Former CRS        |
| 87                   | 42–44 Harris Street   | Pyrmont Arms Hotel                                    |
| 104                  | 46–52 Harris Street   | Terraces  |
| 85                   | 59 Harris Street      | Royal Pacific Hotel                                   |
| 78                   | 61 Harris Street      | Terminus Hotel  |
| 79                   | 63–65 Harris Street   | Terraces  |
| 80                   | 67 Harris Street      | Terrace   |
| 82                   | 74–80 Harris Street   | Terraces  |
| 72                   | 79–85 Harris Street   | CSR Hostel  |
| 81                   | 82 Harris Street      | Sandstone Bakery                                      |
| 118                  | 99 Harris Street      | Maybanke Kindergarten and Playground                  |
| 65                   | 99–125 Harris Street  | Terraces  |
| 60                   | 135–155 Harris Street | Terraces  |
| 64                   | 146–150 Harris Street | Pyrmont Post Office                                   |
| 59                   | 179 Harris Street     | Bonnington and Company Building                       |
| 58                   | 189–203 Harris Street | Terraces  |
| 57                   | 205–207 Harris Street | Dunkirk Hotel   |
| 56                   | 214–216 Harris Street | Quarryman's Hotel                                     |
| 48                   | 224–302 Harris Street | Terraces  |
| 49                   | 304–308 Harris Street | Commercial Premises                                   |
| 37                   | 451–455 Harris Street | Terraces  |
| 26                   | 494 Harris Street     | Childcare Centre                                      |
| 27                   | 527–529 Harris Street | Glasgow Arms Hotel                                    |
| 9                    | 578–606 Harris Street | Terraces  |
| 13                   | 597–607 Harris Street | Terraces  |
| 10                   | 608–614 Harris Street | Commercial Building                                   |
| 107                  | 622–632 Harris Street | Building U, Ultimo College, TAFE NSW—Sydney Institute |
| 12                   | 629–637 Harris Street | Terraces  |

## Sydney Local Environmental Plan 2005

## Schedule 9 Ultimo-Pyrmont heritage items

| Map reference | Address                              | Description   |
|---------------|--------------------------------------|---|
| 43            | 8 Henry Avenue                       | Electricity Sub-station   |
| 77            | John Street                          | John Street Annex   |
| 86            | 54–66 John Street                    | Terraces  |
| 76            | 75–77 John Street                    | Terraces  |
| 102           | Jones Bay Road                       | Escarpment and Fencing  |
| 97            | Jones Bay Road                       | Naval Stores Building, Darling Island   |
| 99            | Jones Bay Road Wharves 19, 20, 21    | Wharves and Sheds   |
| 98            | Jones Bay Wharf                      | Naval Warehouse, Darling Island   |
| 41            | 41–45 Jones Street                   | Former Woolstore  |
| 19            | 99–109 Jones Street                  | Warehouse   |
| 16            | 111–187 Jones Street                 | Terraces  |
| 44            | 286–318 Jones Street                 | Terraces  |
| 22            | 492–516 Jones Street                 | Millers Self Storage  |
| 20            | 50–52 Macarthur Street               | Terraces  |
| 21            | 66–80 Macarthur Street               | Terraces  |
| 14            | 77–79 Macarthur Street               | Terraces  |
| 5             | Mary Ann Street                      | Building I, Ultimo College, TAFE NSW—Sydney Institute                               |
| 6             | Mary Ann Street                      | Building A, Ultimo College, TAFE NSW—Sydney Institute                               |
| 7             | Mary Ann Street                      | Building B, Ultimo College, TAFE NSW—Sydney Institute                               |
| 8             | Corner Mary Ann and Harris Streets   | Building C, Ultimo College, TAFE NSW—Sydney Institute (former Technological Museum) |
| 17            | 12–22 Mary Ann Street                | Terraces  |
| 108           | 19 Mary Ann Street, Cnr Jones Street | Building H, Ultimo College, TAFE NSW—Sydney Institute                               |
| 11            | 68–80 Mary Ann Street                | Terraces  |
| 125           | 2A–2B Mill Street                    | Terraces  |
| 69            | 63–79 Miller Street                  | Festival Records Pty Ltd  |
| 75            | 5–15 Mount Street                    | Terraces  |

## Sydney Local Environmental Plan 2005

## Ultimo-Pyrmont heritage items

## Schedule 9

| <b>Map reference</b> | <b>Address</b>                             | <b>Description</b>                             |
|----------------------|--|--|
| 74                   | 17 Mount Street                            | McCaffery's Building                           |
| 73                   | 31–41 Mount Street                         | Terraces                                       |
| 51                   | 47–49 Murray Street                        | MMI Building                                   |
| 116                  | 51–53 Murray Street                        | Virgin Building                                |
| 61                   | 1–21 Paternoster Row                       | Terraces                                       |
| 129                  | Pirrama Road                               | Western and Northern Escarpment and Cliff Face |
| 130                  | 17A Pirrama Road                           | Arrow Marine Building                          |
| 95                   | 12–20 Point Street                         | Way's Terrace                                  |
| 52                   | 11 Pyrmont Bridge Road                     | Pyrmont Bridge Road Hotel                      |
| 53                   | 17–21 Pyrmont Bridge Road                  | Westpac Bank Archives                          |
| 119                  | Pyrmont Point                              | Former Pyrmont Baths                           |
| 121                  | Cnr Pyrmont Street and Pyrmont Bridge Road | Sam Horden Fountain                            |
| 132                  | 10–18 Pyrmont Street                       | Warehouses and Terraces                        |
| 83                   | 27–29 Pyrmont Street                       | Cottages                                       |
| 84                   | 37–43 Pyrmont Street                       | St Bede's School, St Bede's Church and Rectory |
| 70                   | 42 Pyrmont Street                          | Pyrmont Power Station, Building A              |
| 71                   | 47–69 Pyrmont Street                       | Schute, Bell, Badgery, Lumby Ltd               |
| 124                  | 91–95 Pyrmont Street                       | Dwellings                                      |
| 54                   | 137 Pyrmont Street                         | Waite and Bull Building                        |
| 117                  | 142–168 Pyrmont Street                     | Terrace houses                                 |
| 39                   | 92–98 Quarry Street                        | Cottage and Terraces                           |
| 33                   | 97 Quarry Street                           | Uniting Church and Harris Centre               |
| 34                   | 102–104 Quarry Street                      | Terraces                                       |
| 105                  | 2–8 Scott Street                           | Terraces                                       |
| 120                  | Union Square                               | War Memorial                                   |
| 62                   | 1 Union Street                             | Commercial Building                            |
| 63                   | 2–22 Union Street                          | Terraces                                       |
| 122                  | 31–33 Union Street                         | Terrace houses                                 |
| 68                   | 35 Union Street                            | Charmelu                                       |

## Sydney Local Environmental Plan 2005

## Schedule 9 Ultimo-Pyrmont heritage items

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| <b>Map reference</b> | <b>Address</b>                | <b>Description</b>                                    |
|----------------------|-------------------------------|---|
| 67                   | 50 Union Street               | The New York Hotel                                    |
| 123                  | 86–94 Union Street            | Terrace houses  |
| 66                   | 94 Union Street               | Pyrmont Bridge Hotel                                  |
| 131                  | Wattle Street                 | Wattle Street Railway Viaduct                         |
| 4                    | Cnr Wattle and Thomas Streets | Building P, Ultimo College, TAFE NSW—Sydney Institute |
| 55                   | 10A Wattle Street             | Water Board Pumping Station                           |
| 42                   | 28–40 Wattle Street           | Former Woolstore                                      |
| 18                   | 430–444 Wattle Street         | Terraces  |
| 15                   | 498–500 Wattle Street         | Vulcan Hotel  |
| 96                   | 4 Way's Terrace               | Cottage   |
| 25                   | William Henry Street          | Power House Museum                                    |
| 111                  | 14–18 William Henry Street    | Millers Self Storage                                  |
| 29                   | 17–59 William Henry Street    | Former Woolstore (facade)                             |
| 112                  | 20–36 William Henry Street    | Terraces  |
| 113                  | 91–97 William Henry Street    | Terraces  |
| 28                   | 103 William Henry Street      | House   |
| 100                  |                               | Escarpment Face                                       |
| 103                  |                               | Railway Cutting                                       |

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Sydney Local Environmental Plan 2005

Dictionary

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## Dictionary

(Clause 6)

**adjoining land**, in relation to land in Central Sydney the subject of a development application, means any other land that abuts the land or that would abut the land if it were not separated from it by a public road.

**advertisement** has the same meaning as in the Act.

**affordable housing** has the same meaning as in the Act.

**aids to navigation** means buoys, signs, lights or other structures, located on the waterway or on dry land, that are designed to assist the safe and efficient movement of vessels on the waterway.

**amusement centre** means a building or place (not being a hotel or pub) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electrically or mechanically operated amusement devices, such as pinball machines, computer or video games and the like.

**backpacker accommodation** in Central Sydney means low cost tourist and visitor accommodation provided in a building or part of a building that may involve use of shared facilities, such as a communal bathroom, kitchen and laundry, and shared sleeping accommodation in which there are two or more persons in a room.

**boarding house** in Central Sydney means low cost residential accommodation provided in a building or part of a building that may involve use of shared facilities, such as a communal bathroom, kitchen and laundry, and shared sleeping accommodation. It includes a hostel and student accommodation.

**brothel** means premises used for prostitution, whether or not used by only one prostitute.

**building envelope**, in relation to a heritage item in Central Sydney, means the volume, measured in cubic metres, of the existing building on the site of the item at the commencement of this plan.

**building in a heritage streetscape** in Central Sydney means a building with a frontage outlined in red on the Central Sydney Heritage Streetscape Map.

**business floor space** in Ultimo-Pyrmont means so much of the gross floor area of a building as is the subject of a business use.

**business use** in Ultimo-Pyrmont means any form of development carried out for a commercial or educational purpose, but does not include residential development or development for the purpose of a public utility undertaking.

**Central Sydney** means the land shown edged heavy red on the Central Sydney Coverage Map.

**Central Sydney Coverage Map** means the map marked "Sydney Local Environmental Plan 2005—Central Sydney Coverage Map", as amended by the maps, or sheets of maps, marked as follows:

## Sydney Local Environmental Plan 2005

## Dictionary

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**Central Sydney Exempt and Complying DCP** means *Central Sydney Development Control Plan 1996—Amendment No 10—Exempt and Complying Development*, as approved by the Council on 20 December 1999.

**Central Sydney Floor Space Ratio Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Floor Space Ratio Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Height Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Height Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Heritage Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Heritage Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Heritage Streetscape Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Heritage Streetscape Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Roads and Pedestrian Thoroughfares Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Roads and Pedestrian Thoroughfares Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Site Identification Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Site Identification Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Special Areas Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Special Areas Map”, as amended by the maps, or sheets of maps, marked as follows:

**Central Sydney Zoning Map** means the map marked “Sydney Local Environmental Plan 2005—Central Sydney Zoning Map”, as amended by the maps, or sheets of maps, marked as follows:

**child care centre** means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a non-government school, within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or a different kind, and whether or not the whole or a part of the building is the premises of a club registered under the *Registered Clubs Act 1976*.

**commercial port operations** means any port-related activity or other operation connected with the carrying of goods or people for business or commercial purposes.

Sydney Local Environmental Plan 2005

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**commercial premises** in Central Sydney means a building or place used as an office or for other business or commercial purposes, such as a bank, building society branch, customer-orientated financial services shop, cinema, club and public car parking area or station.

**communication device** means a satellite communication dish or similar structure, or a television antenna or radio transmission mast or aerial, with a maximum dimension of no more than 5 metres.

**community facility** means a building or place that provides for the physical, social, cultural, religious, educational or intellectual development or welfare of the community, but does not include business floor space not directly related to its community function.

**community land** has the same meaning as in the *Local Government Act 1993*.

**conservation area**, in relation to land within Ultimo-Pyrmont, means land identified on the Ultimo-Pyrmont Heritage Map as a conservation area.

**conservation management plan** means a document prepared in accordance with the *NSW Heritage Manual* to establish the heritage significance of a heritage item and to identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**conservation policy**, in relation to land within Ultimo-Pyrmont, means the guidelines prepared by the Director-General for directing conservation management within Ultimo-Pyrmont.

**demolish** a heritage item or any other building or structure means to damage, deface, destroy, pull down, dismantle or remove it in whole or part.

**development plan** means a development plan adopted under Part 5 of Chapter 1.

**dredge** means remove material from a harbour or river bed for the purpose of maintaining the previously established harbour or river depth, constructing a new or deeper navigational area or channel or re-opening a discontinued navigational area or channel.

**dwelling** in Central Sydney is a form of residential accommodation capable of being separately occupied.

**dwelling-house** means a building containing one but not more than one dwelling.

**ecologically sustainable development** or **ESD** means development that uses, conserves and enhances the community's resources and energy so that the ecological processes on which life depends are maintained and the total quality of life now and in the future can be increased.

**educational establishment** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

**existing height of a building**, in relation to a building within Central Sydney, means the height of the building at 27 December 1996.

**floor** means the space within a building that is situated between one floor level and the floor level above or, if there is no floor above, the ceiling or roof above.



## Sydney Local Environmental Plan 2005

## Dictionary

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**floor space area** or **FSA** of a building in Central Sydney means the sum of the gross horizontal areas of each floor of the building contained within the inner faces of the outer walls measured at a height of 1.5 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors and toilets, but excluding the following:

- (a) the horizontal cross section area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct,
- (b) any underground space permanently set aside within the building for:
  - (i) parking (other than spaces used for public car parking),
  - (ii) the unloading or loading of vehicles, including ramps or other means of access,
  - (iii) storage space that is linked to a residential dwelling or serviced apartment by a strata scheme,
  - (iv) cinemas, recital halls, historic clubs and theatres for public use and other similar public uses or facilities,
- (c) any space for the accommodation of mechanical or electrical plant or equipment servicing the building,
- (d) any terraces and balconies with walls less than 1.5 metres high,
- (e) void spaces in a floor,
- (f) floor area set aside for communal recreational use within a residential building (not exceeding 5 per cent of the floor space area of the building, calculated on the basis that this area has not been excluded).

**floor space ratio** or **FSR**:

- (a) in relation to land within Central Sydney, is defined in clause 58, or
- (b) in relation to land within Ultimo-Pyrmont, means the ratio of the gross floor areas of all buildings on a site to the site area.

**function room area** in Central Sydney means the floor area in hotels and like venues used for the seating of patrons at functions, excluding kitchens, amenities, corridors and vestibules.

**grocery or convenience retailing** in Central Sydney means the sale or provision of goods or services through outlets such as beauty salons, chemists, delicatessens, dry cleaners, electrical repairers, fruiterers, hairdressers, hardware shops, health food shops, newsagents, shoe repairers, supermarkets, video shops and the like, but not take-away food establishments.

**gross floor area** of a building within Ultimo-Pyrmont, means the sum of the areas of each floor of the building, where the area of each floor is taken to be the area within the inner faces of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, but excluding:

## Sydney Local Environmental Plan 2005

## Dictionary

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- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
  - (b) lift towers, cooling towers, machinery and plant rooms, and airconditioning and ventilation ducts, and
  - (c) ancillary car parking and any associated internal designated vehicular and pedestrian access to it, and
  - (d) space for the loading and unloading of goods, and
  - (e) internal public areas, such as arcades, atria and thoroughfares, and terraces and balconies with outer walls less than 1,400 millimetres high.

***height of a building*** on land within Central Sydney means:

- (a) the vertical distance measured in metres to the topmost point of the building (including plant and lift overruns, but excluding communication devices and architectural roof features) from, if the building has frontage to one street, the horizontal plane at the average of the heights of ground level at each end of the street frontage of the building, or
- (b) if the building has frontages to more than one street, the inclined plane at the average of the heights of ground level at each end of the highest and lowest street frontages of the building, unless paragraph (c) or (d) applies, or
- (c) if the building has frontages to two streets forming a street corner, the horizontal plane at the average of the heights of ground level at each end of the higher or highest street frontage of the building, unless paragraph (d) applies, or
- (d) if the building does not have a frontage to a street 10 or more metres wide, the horizontal plane at the average of the heights of ground level at each end of the street frontage of the building to the widest street to which the building has a frontage, unless paragraph (e) applies, or
- (e) if the building does not have a frontage to any street, the inclined plane at the average of the heights of the existing ground level at each end of the highest and lowest sides of the site boundary.

***height of a building*** on land within Ultimo-Pyrmont means the vertical distance measured in metres between the natural surface level of the ground on which the building is sited or, where the natural surface has been excavated, the land of the adjoining public domain, and the ceiling of the topmost habitable floor of the building above that point.

***heritage building*** in Central Sydney means:

- (a) a building with floor space area that is a heritage item, or
- (b) for the purposes only of the provisions of this plan relating to the award and allocation of heritage floor space, a building that the Council and the Central Sydney Planning Committee have both resolved is of sufficient heritage significance to be treated as a heritage item.

## Sydney Local Environmental Plan 2005

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**heritage floor space** in Central Sydney means heritage floor space awarded under this plan.

**heritage impact statement** means:

- (a) in relation to land within Central Sydney, a document that contains an assessment of the heritage significance of a heritage item or a Special Area and of the extent to which a development proposal may affect the heritage significance of the heritage item or Special Area, or
- (b) in relation to land within Ultimo-Pyrmont, a statement that identifies the heritage significance of a heritage item or conservation area, assesses the impact that proposed development will have on that significance and details the measures proposed to minimise that impact.

**heritage inventory assessment report** means the relevant heritage assessment report in relation to a heritage item or a Special Area prepared as part of the City of Sydney Cultural Heritage Database.

**heritage item**, for land in Central Sydney, means:

- (a) a single building described in Part 1 of Schedule 8 and the site on which it is located, being a building and site shown on the Central Sydney Heritage Map, including any structure or landscape item located on or within that site, or
- (b) a group of buildings described in Part 1 of Schedule 8 and the site on which they are located, being buildings and a site shown on the Central Sydney Heritage Map, including any structure or landscape item located on or within that site, or
- (c) a building element described in Part 2 of Schedule 8 the location of which is identified on the Central Sydney Heritage Map, or
- (d) an archaeological, townscape or landscape item described in Part 3 of Schedule 8 the location of which is identified on the Central Sydney Heritage Map.

**heritage item**, for land in Ultimo-Pyrmont, means a building, work, relic, tree or place described in Schedule 9 the site of which is identified on the Ultimo-Pyrmont Heritage Map.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance in relation to the City of Sydney.

**home occupation** in Central Sydney means an occupation carried on in a dwelling house or dwelling in a residential building by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) any use that would have required registration of the building under the *Factories, Shops and Industries Act 1962* immediately before 3 December 1999 (when provisions requiring such registration were repealed), or
- (b) the employment of persons other than those residents, or

## Sydney Local Environmental Plan 2005

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- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
  - (d) the display of goods, whether in a window or otherwise, or
  - (e) the exhibition of any notice, advertisement or sign (other than a notice advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
  - (f) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, or
  - (g) prostitution.

**home occupation** in Ultimo-Pyrmont means any business use of a dwelling or its surrounding land, or both, but only by permanent residents of the dwelling, being a use that does not unreasonably interfere with the use of adjoining properties or the locality.

**hotel** means a building or part of a building that includes premises specified in a hotelier's licence granted under the *Liquor Act 1982* and that provides serviced tourist and visitor accommodation in rooms or self-contained suites. It may also provide function rooms.

**map** means a map deposited in the office of the Council.

**master plan** means a master plan adopted under Part 6 of Chapter 3.

**master plan area** means land in Ultimo-Pyrmont that is shown on the Ultimo-Pyrmont Site Identification Map as a master plan area.

**mixed-use development** means a building, or buildings, in which two or more uses are carried out.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**Opportunity Site** means a site listed in Schedule 5 and shown on the map marked "Sydney Local Environmental Plan 2005—Opportunity Sites Map", as amended by the maps, or sheets of maps, marked as follows:

**place of public worship** means a church, chapel, synagogue, temple or other place of public worship or religious instruction or a place used for religious training.

**Plan Coverage Map** means the map marked "Sydney Local Environmental Plan 2005—Plan Coverage Map", as amended by the maps, or sheets of maps, marked as follows:

**plan of management** means a plan of management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989*, or a draft plan of management that has been exhibited under either of those Acts.

**potential archaeological site**, in Central Sydney, means a site known to the consent authority to have Aboriginal or non-Aboriginal archaeological potential, having regard to the *Archaeological Zoning Plan for Central Sydney*, the City of Sydney Cultural Heritage Database (City of Sydney Archaeological Resource) and the Aboriginal Sites Register of New South Wales.

## Sydney Local Environmental Plan 2005

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**prostitution** means sexual acts or sexual services engaged in return for payment or other reward.

**pub** means premises specified in a hotelier's licence granted under the *Liquor Act 1982* that do not comprise a hotel.

**public car parking** in Central Sydney means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include:

- (a) a pay parking space (within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*), or
- (b) tenant car parking.

**public domain** means land available for public use and includes streets, lanes, squares, playgrounds, parks, open shopping malls, pedestrian walkways and the like.

**public utility undertaking** means any undertaking carried on by, or under the authority of, any Government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of:

- (a) railway, light railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

**Rail Corridor Map** means the map marked "Sydney Local Environmental Plan 2005—Rail Corridor Map" as amended by the maps, or sheets of maps, marked as follows:

**real estate sign** means an advertisement of a temporary nature in respect of a place or premises to which it is attached that contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting, but does not include any such sign when displayed later than 7 days after the sale or letting.

**recreational facility** means a building or place used for sporting, recreation or leisure activities, whether or not operated for the purpose of gain.

**Reduced Level** or **RL** means height above the Australian Height Datum.

**refreshment rooms** means premises in which meals or light refreshments are served to the public for profit or reward, whether or not they are also used for live entertainment or dancing.

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the area of the City of Sydney, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of the City of Sydney whether before or after its occupation by persons of non-Aboriginal extraction.

Sydney Local Environmental Plan 2005

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**residential accommodation** in Central Sydney means a building or part of a building that provides permanent or long term accommodation, and includes residential flat buildings, dwellings, boarding houses, hostels, student accommodation and the like.

**residential development**, in Ultimo-Pyrmont, means the use of land for any form of housing, including housing leased on a short-term basis subject to the *Residential Tenancies Act 1987*, but does not include the use of land for a hotel, a hostel, an apartment hotel (being a building consisting of suites of rooms rented or hired out without being leased on a short-term basis), a boutique hotel, serviced apartments, backpacker accommodation, a motel or the like.

**restricted premises** means a building or place at which:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted, but does not include a newsagency or pharmacy.

**sea wall** means a structure placed partially or wholly along the land/water interface to protect the land from the sea or to stop accelerated erosion of the shoreline.

**serviced apartment** in Central Sydney is a form of tourist and visitor accommodation and means a building or part of a building that provides self-contained accommodation which is serviced or cleaned by the owner or manager of the apartments or the owner's or manager's agents.

**shop** means a building or place used for selling, exposing or offering for sale goods, merchandise or materials, including for grocery and convenience retailing.

**Special Area** means an area designated as a special area on the Central Sydney Special Areas Map.

**street** means any street, road, lane, footpath or other thoroughfare open to or available for use by the public and dedicated as a public road at the commencement of this plan, and Martin Place and the public reserve known as East Circular Quay.

**street frontage height** of a building, in relation to a street to which the building has a frontage, means the vertical distance measured in metres at the centre of the frontage from the average of the street levels at each end of the frontage to the parapet level of the building. The **parapet level** is the horizontal plane in which at least two thirds of the length of the top of the facade of the building adjacent to the street is situated.

**sun access plane** in Central Sydney means a plane established and located in accordance with Schedule 2.

**temporary use** means a use, not being designated development, actually carried out for not more than 40 days, whether consecutive or non-consecutive, in any continuous 365 day period.

Sydney Local Environmental Plan 2005

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**tenant car parking** in Central Sydney means car parking provided in connection with a building which reasonably services the needs of the building and which is used only by a person who resides, works in or visits a use carried on in the building or on the land for which the car parking has been provided. For the purposes of this definition, car parking which reasonably services the needs of a building includes car parking provided in accordance with clauses 65 and 66, a development consent, or a code, policy or other instrument adopted or approved by the Council before the commencement of this plan.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the Council** means the Council of the City of Sydney.

**tourist and visitor accommodation** means a building or part of a building that provides temporary or short term accommodation for travellers and tourists who generally have their principal place of residence elsewhere. Tourist and visitor accommodation includes serviced apartments, backpacker accommodation, hotels, guest houses, bed and breakfast establishments, motels and the like.

**tourist-related uses** means a building or place used for commercial, cultural, entertainment or educational purposes which primarily meet the needs of tourists.

**Ultimo-Pyrmont** means the land shown edged heavy red on the Ultimo-Pyrmont Coverage Map.

**Ultimo-Pyrmont Coverage Map** means the map marked “Sydney Local Environmental Plan 2005—Ultimo-Pyrmont Coverage Map”, as amended by the maps, or sheets of maps, marked as follows:

**Ultimo-Pyrmont Height Map** means the map marked “Sydney Local Environmental Plan 2005—Ultimo-Pyrmont Height Map”, as amended by the maps, or sheets of maps, marked as follows:

**Ultimo-Pyrmont Heritage Map** means the map marked “Sydney Local Environmental Plan 2005—Ultimo-Pyrmont Heritage Map”, as amended by the maps, or sheets of maps, marked as follows:

**Ultimo-Pyrmont Site Identification Map** means the map marked “Sydney Local Environmental Plan 2005—Ultimo-Pyrmont Site Identification Map”, as amended by the maps, or sheets of maps, marked as follows:

**Ultimo-Pyrmont Zoning Map** means the map marked “Sydney Local Environmental Plan 2005—Ultimo-Pyrmont Zoning Map”, as amended by the maps, or sheets of maps, marked as follows:

**underground**, in relation to a building, means any part of the building that is below the average of the ground levels of each street frontage to the building.

**waterfront-related uses** means a building or place used for maritime, recreational or educational purposes associated with the use of Sydney Harbour.

**work-based child care centre** in Ultimo-Pyrmont means a building or place provided by an employer for the purpose of minding or caring for children of its employees.



## Department of Primary Industries

### MINERAL RESOURCES

NOTICE is given that the following applications have been received:

#### EXPLORATION LICENCE APPLICATIONS

(05-293)

No. 2609, SIBERIA MINING CORPORATION LIMITED (ACN 097 650 194), area of 94 units, for Group 1, dated 1 November 2005. (Broken Hill Mining Division).

(05-294)

No. 2610, SIBERIA MINING CORPORATION LIMITED (ACN 097 650 194), area of 100 units, for Group 1, dated 1 November 2005. (Broken Hill Mining Division).

(05-309)

No. 2626, John Leslie LOVE, area of 2 units, for Group 1, dated 28 November 2005. (Sydney Mining Division).

(05-5710)

No. 2627, WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253) and REPUBLIC COAL PTY LIMITED (ACN 079 990 784), area of 10 square kilometres, for Group 9, dated 2 December 2005. (Mining Division).

(05-5557)

No. 2628, Neville Perry ARMSTRONG and Robert ARMSTRONG, area of 12 units, for Group 1, dated 6 December 2005. (Broken Hill Mining Division).

#### MINING LEASE APPLICATIONS

(05-5709)

No. 270, BENGALLA MINING COMPANY PTY LIMITED (ACN 053 909 470), area of about 660 square metres, to mine for coal, dated 28 November 2005. (Singleton Mining Division).

(05-5977)

No. 271, IVANHOE COAL PTY LIMITED (ACN 064 237 154), area of about 12.25 hectares, to mine for coal, dated 29 November 2005. (Orange Mining Division).

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

#### EXPLORATION LICENCE APPLICATIONS

(05-194)

No. 2513, now Exploration Licence No. 6473, PLATSEARCH NL (ACN 003 254 395), Counties of Kennedy and Narromine, Map Sheet (8532), area of 31 units, for Group 1, dated 21 October 2005, for a term until 20 October 2007.

(05-195)

No. 2514, now Exploration Licence No. 6474, PLATSEARCH NL (ACN 003 254 395), County of Narromine, Map Sheet (8532, 8533), area of 35 units, for Group 1, dated 21 October 2005, for a term until 20 October 2007.

(05-211)

No. 2529, now Exploration Licence No. 6479, ROCKWELL RESOURCES PTY LIMITED (ACN 107 798 998), County of Yungnulgra, Map Sheet (7436), area of 72 units, for Group 1, dated 18 November 2005, for a term until 17 November 2007.

(05-224)

No. 2543, now Exploration Licence No. 6480, IVANPLATS SYERSTON PTY LIMITED (ACN 008 755 155), County of Cunningham, Map Sheet (8432), area of 22 units, for Group 2, dated 18 November 2005, for a term until 17 November 2007.

(05-240)

No. 2557, now Exploration Licence No. 6485, SIBERIA MANAGEMENT PTY LTD (ACN 106608986), Counties of Darling and Murchison, Map Sheet (9037), area of 27 units, for Group 1, dated 21 November 2005, for a term until 20 November 2007.

(05-243)

No. 2560, now Exploration Licence No. 6482, RESOURCE MANAGEMENT AND DEVELOPMENT PTY LTD (ACN 078 902 191), Counties of Booroodarra, Mouramba and Robinson, Map Sheet (7934, 8034, 8033), area of 178 units, for Group 1, dated 18 November 2005, for a term until 17 November 2007.

#### MINING LEASE APPLICATION

(C02-0607)

Singleton No. 219, now Mining Lease No. 1570 (Act 1992), HUNTER ENVIRO-MINING PTY LTD (ACN 098 184 126), Parish of Stanford and County of Northumberland, Map Sheet (9132-2-N), area of 7422 square metres, for the purpose of any cable, conveyor, pipeline, telephone line or signal, stockpiling or depositing of overburden, ore or tailings and any drillhole or shaft for ventilation, drainage, access, dated 20 October 2005, for a term until 19 October 2010.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

#### EXPLORATION LICENCE APPLICATION

(04-0587)

No. 2402, INCO RESOURCES (AUSTRALIA) PTY LTD (ACN 096 361 876), County of Poole, Map Sheet (7238, 7239). Withdrawal took effect on 14 November 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources



NOTICE is given that the following applications for renewal have been received:

(C95-2235)

Exploration Licence No. 4918, WHITE MINING (NSW) PTY LIMITED (ACN 089 414 595), AUSTRAL-ASIA COAL HOLDINGS PTY LTD (ACN 113 038 663) and ICRA ASHTON PTY LTD (ACN 097 499 780), area of 370 hectares. Application for renewal received 2 December 2005.

(C97-2542)

Exploration Licence No. 5431, MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of 3733 hectares. Application for renewal received 25 November 2005.

(C98-2716)

Exploration Licence No. 5600, MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of 5780 hectares. Application for renewal received 25 November 2005.

(T98-1028)

Exploration Licence No. 5664, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 22 units. Application for renewal received 2 December 2005.

(T98-1029)

Exploration Licence No. 5665, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 40 units. Application for renewal received 2 December 2005.

(T98-1138)

Exploration Licence No. 5668, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 7 units. Application for renewal received 2 December 2005.

(T99-0050)

Exploration Licence No. 5674, AUSTRALIAN GEOSCIENTISTS PTY LTD (ACN 010 860 625), area of 4 units. Application for renewal received 6 December 2005.

(T99-0144)

Exploration Licence No. 5675, ALKANE EXPLORATION LTD (ACN 000 689 216), area of 87 units. Application for renewal received 2 December 2005.

(T01-0196)

Exploration Licence No. 5915, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 82 units. Application for renewal received 6 December 2005.

(T03-0839)

Exploration Licence No. 6175, EXCO RESOURCES NL (ACN 080 339 671), area of 8 units. Application for renewal received 2 December 2005.

(T03-0842)

Exploration Licence No. 6186, GOLDEN DRAGON RESOURCES PTY LTD (ACN 106 269 738), area of 55 units. Application for renewal received 2 December 2005.

(T95-0240)

Mining Lease No. 1503 (Act 1992), PAJRIM PTY LTD (ACN 002 331 400), area of 5 hectares. Application for renewal received 6 December 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

## RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(04-1213)

Mineral Lease No. 5938 (Act 1906), UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), Map Sheet (9232-1-5), area of 12.95 hectares, for a further term until 14 June 2016. Renewal effective on and from 3 November 2005.

(C90-0237)

Authorisation No. 424, DIRECTOR GENERAL NSW DEPT OF PRIMARY INDUSTRIES ON BEHALF OF THE CROWN, Map Sheet (9030), area of 172 square kilometres, for a further term until 1 May 2009. Renewal effective on and from 29 October 2005.

(C00-1057)

Exploration Licence No. 5860, WHITE MINING (NSW) PTY LIMITED (ACN 089 414 595), AUSTRAL-ASIA COAL HOLDINGS PTY LTD (ACN 113 038 663) and ICRA ASHTON PTY LTD (ACN 097 499 780), County of Durham, Map Sheet (9133), area of 272 hectares, for a further term until 21 May 2007. Renewal effective on and from 1 December 2005.

(T03-0059)

Exploration Licence No. 6111, LFB RESOURCES NL (ACN 073 478 574), County of Bathurst, Map Sheet (8730, 8731), area of 13 units, for a further term until 11 August 2007. Renewal effective on and from 28 November 2005.

(C97-0393)

Consolidated Coal Lease No. 747 (Act 1973), BARGO COLLIERIES PTY LTD, Parish of Bargo, County of Camden; Parish of Couridjah, County of Camden and Parish of Cumbertine, County of Camden, Map Sheet (9029-3-N), area of 4769 hectares, for a further term until 6 November 2025. Renewal effective on and from 21 November 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

## CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

Notice is given that the following authority has been cancelled:

(T02-0397)

Exploration Licence No. 6058, REDMAN MINING LIMITED (ACN 108 048 371), County of Harden, Map Sheet (8528), area of 20 units. Cancellation took effect on 2 December 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

**TRANSFERS**

(05-1575)

Assessment Lease No. 7 (Act 1992), formerly held by ENVIROZEL LIMITED (ACN 010 550 357) and MOSAIC TILE AND POTTERY CO PTY LTD (ACN 000 038 497) has been transferred to ZEOLITE AUSTRALIA PTY LIMITED (ACN 000 038 497). The transfer was registered on 28 November 2005.

(05-1575)

Exploration Licence No. 5400, formerly held by ENVIROZEL LIMITED (ACN 010 550 357) has been transferred to ZEOLITE AUSTRALIA PTY LIMITED (ACN 000 038 497). The transfer was registered on 28 November 2005.

(05-1575)

Mining Lease No. 1356 (Act 1992), formerly held by ENVIROZEL LIMITED (ACN 010 550 357) has been transferred to ZEOLITE AUSTRALIA PTY LIMITED (ACN 000 038 497). The transfer was registered on 28 November 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

# Roads and Traffic Authority

## ROAD TRANSPORT (GENERAL) ACT 2005

Notice Under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

TUMBARUMBA SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

BRIAN PEARSON,  
General Manager,  
Tumbarumba Shire Council,  
(by delegation from the Minister for Roads)  
29 November 2005

### SCHEDULE

**1. Citation**

This Notice may be cited as Tumbarumba Shire Council 25m B-Double route Notice No. 2/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 29 November 2009, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road No. | Road Name  | Starting Point                       | Finishing Point                      | Conditions |
|------|----------|------------|--------------------------------------|--------------------------------------|------------|
| 25   | MR628    | Tooma Road | Elliott Way (RR7603)<br>Intersection | Maragle Road (LR470)<br>Intersection | Nil        |

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

TUMBARUMBA SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

BRIAN PEARSON,  
General Manager,  
Tumbarumba Shire Council,  
(by delegation from the Minister for Roads)  
29 November 2005

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SCHEDULE

**1. Citation**

This Notice may be cited as Tumbarumba Shire Council 25m B-Double route Notice No. 1/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 31 May 2006, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road No. | Road Name    | Starting Point                   | Finishing Point             | Conditions   |
|------|----------|--------------|----------------------------------|-----------------------------|--|
| 25   | LR470    | Maragle Road | Tooma Road (MR628) Intersection. | Forests NSW Boundary (Grid) | <ol style="list-style-type: none"> <li>1. A 20km/hr temporary speed zone to be implemented at the Maragle Creek Bridge until the completion of bridge upgrading works.</li> <li>2. Route to be used in dry weather only.</li> <li>3. Forests NSW use to be in accordance with the Memorandum of Understanding between State Forests and Tumbarumba Shire Council, signed by the TSC General Manager, 12 July 2002.</li> <li>4. Gazettal to remain in force until 31 May 2006.</li> </ol> |

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

NEWCASTLE CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

JANET DORE,  
General Manager,  
Newcastle City Council,  
(by delegation from the Minister for Roads)  
5 December 2005

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SCHEDULE

**1. Citation**

This Notice may be cited as the Newcastle City Council 25 Metre B-Double Notice No. 1/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 1 January 2010, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road No. | Road Name                 | Starting Point                      | Finishing Point | Conditions |
|------|----------|---------------------------|-------------------------------------|-----------------|------------|
| 25   | 000      | Old Maitland Road, Hexham | Pacific Highway (northern entrance) | Galleghan Close |            |
| 25   | 000      | Galleghan Close, Hexham   | Old Maitland Road                   | end             |            |

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

PARRAMATTA CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ROD COOK,  
 Manager,  
 Technical Services,  
 Parramatta City Council  
 (by delegation from the Minister for Roads)  
 14 November 2005

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Parramatta City Council Notice No. 3/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Doubles vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road Name              | Starting Point   | Finishing Point  |
|------|------------------------|------------------|------------------|
| 25   | Devon Street, Rosehill | Colquhoun Street | Durham Street    |
| 25   | Unwin Street           | Colquhoun Street | Kay Street       |
| 25   | Kay Street             | Unwin Street     | Wentworth Street |
| 25   | Wentworth Street       | Kay Street       | Martha Street    |

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

BERRIGAN SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ROWAN PERKINS,  
General Manager,  
Berrigan Shire Council  
(by delegation from the Minister for Roads)

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SCHEDULE

**1. Citation**

This Notice may be cited as the Berrigan Shire Council B-Doubles Notice No. 02/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 22 November 2010, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road No. | Road Name                | Starting Point   | Finishing Point               | Conditions |
|------|----------|--------------------------|------------------|-------------------------------|------------|
| 25   | 00       | Harley Court, Finley     | Rice Mill Road   | Entire length of Harley Court |            |
| 25   | 00       | James Court, Finley      | Rice Mill Road   | Entire length of James Court  |            |
| 25   | 00       | Woodstock Road, Berrigan | Riverina Highway | Auburn-Momalong Road          |            |

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

NARRABRI SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

IAN McCALLUM,  
General Manager,  
Narrabri Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as Narrabri Shire Council Road Train Notice No. 4/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 30 June 2008, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road No. | Road Name                      | Starting Point                   | Finishing Point                   | Conditions |
|------|----------|--------------------------------|----------------------------------|-----------------------------------|------------|
| R.T. | SR36     | Old Turrawan Road,<br>Narrabri | 2.0km South of Newell<br>Highway | 2.20km South of Newell<br>Highway |            |

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

NARRABRI SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Double may be used subject to any requirements or conditions set out in the Schedule.

IAN McCALLUM,  
General Manager,  
Narrabri Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as Narrabri Shire Council 25 Metre B-Double Notice No. 5/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 30 June 2008, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

| Type | Road No. | Road Name                  | Starting Point                                   | Finishing Point                     | Conditions                     |
|------|----------|----------------------------|--|-------------------------------------|--------------------------------|
| 25   | SR28     | Binalong Road,<br>Boggabri | Intersection SR29<br>(Kamilaroi Hwy) and<br>SR28 | Shire Boundary<br>(6.5km from SR29) | Maximum Speed<br>limit 40km/hr |



**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

CAMPBELLTOWN CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PAUL TOSI,  
General Manager,  
Campbelltown City Council  
(by delegation from the Minister for Roads)  
28 November 2005

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SCHEDULE

**1. Citation**

This Notice may be cited as the Campbelltown City Council 25 Metre B-Double Notice No. 1/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within Campbelltown City Council.

| Type | Road Name                      | Starting Point    | Finishing Point                 | Conditions                  |
|------|--------------------------------|-------------------|---------------------------------|-----------------------------|
| 25   | Glenfield Road, Glenfield      | Campbelltown Road | Canterbury Road                 | 10am-3pm,<br>Monday-Friday  |
| 25   | Cambridge Avenue,<br>Glenfield | Canterbury Road   | 900m east of Canterbury<br>Road | 10am-3pm,<br>Monday- Friday |

**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Box Hill  
in the Baulkham Hills Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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**SCHEDULE**

ALL that piece or parcel of land situated in the Baulkham Hills Shire Council area, Parish of Nelson and County of Cumberland, shown as Lot 15 Deposited Plan 1076228, being part of the land in Certificate of Title 111/135743.

The land is said to be in the possession of Perry Coundrelis and Richelle Anne Coundrelis (registered proprietors) and Homepath Pty Limited (mortgagee).

(RTA Papers: FPP 5M1615; RO 31.12361)

## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977, to Clarence Valley Council to designate, advertise and recruit for 12 Indigenous people to work on an Aboriginal Cultural Heritage Project, run in conjunction with the Catchment Management Authority.

This exemption will remain in force for a period of five (5) years from the date given.

Dated this 6th day of December 2005.

BOB DEBUS, M.P.,  
Attorney General

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

#### Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the declared trade of Automotive (Light Vehicle - Mechanical).

#### Citation

The order is cited as the Automotive (Light Vehicle - Mechanical) Order.

#### Order

A summary of the Order is given below.

- (a) Term of Training  
Training shall be given for a nominal period of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.
- (b) Competency Outcomes  
Apprentices will be trained in and learn the relevant competencies contained in the endorsed Automotive Industry Retail, Service & Repair Training Package (AUR05).
- (c) Courses of Study to be undertaken  
Apprentices will undertake the AUR30405 Certificate III in Automotive Mechanical Technology (Light Vehicle) from the Automotive Industry Retail, Service & Repair Training Package (AUR05).

#### Availability for Inspection

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

#### Notice of Making a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the declared trade of Automotive (Heavy Vehicle Mechanical) (Road Transport).

#### Citation

The order is cited as the Automotive (Heavy Vehicle Mechanical) (Road Transport) Order.

#### Order

A summary of the Order is given below.

- (a) Term of Training  
Training shall be given for a nominal period of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.
- (b) Competency Outcomes  
Apprentices will be trained in and learn the relevant competencies contained in the endorsed Automotive Industry Retail, Service & Repair Training Package (AUR05).
- (c) Courses of Study to be undertaken  
Apprentices will undertake the AUR30405 Certificate III in Automotive Mechanical Technology (Heavy Vehicle Road Transport) from the Automotive Industry Retail, Service & Repair Training Package (AUR05).

#### Availability for Inspection

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 55A  
TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

- MACARTHUR TIGERS JUNIOR AUSTRALIAN FOOTBALL CLUB INC Y1215943
- AUSTRALIA AND NEW ZEALAND ASSOCIATION FOR INTERNATIONAL LEGAL EXCHANGE INCORPORATED INC9881456
- NATIONAL SENIORS ASSOCIATION HAWKESBURY BRANCH INCORPORATED INC9880893
- LIONS CLUB OF BROOKVALE INC Y0778107
- NICE CUP OF TEA PRODUCTIONS INCORPORATED INC9881190
- SYDNEY BAN SUK PRESBYTERIAN CHURCH INCORPORATED Y2112706
- MIZAN INCORPORATED INC9881470
- LIONS CLUB OF SYDNEY KOREAN INCORPORATED Y2420546
- COASTLANDS CHRISTIAN CENTRE INCORPORATED Y2906609
- TURNING POINT TELEPHONE COUNSELLING INCORPORATED INC9874149
- NATIONAL AMERICAN SADDLEBRED HORSE SOCIETY (AUSTRALIA) Y2770413

NATIONAL INFRASTRUCTURE AND ENGINEERING FORUM INCORPORATED INC9875519  
 FIJIANA SPORTS & SOCIAL CLUB INC. INC9881055  
 ENTERPRISING COMMUNITIES INCORPORATED INC9880794  
 HOWARD GOWER MINISTRIES INCORPORATED Y2660030  
 GRIFFEN IT WORX INCORPORATED INC9881043  
 OWIT-AUSTRALIA INCORPORATED INC9879351  
 WALLACE CREEK LANDCARE GROUP INCORPORATED INC9875135  
 MATTARA LODGE INCORPORATED Y1941418  
 BANDON GROVE LANDCARE INCORPORATED INC9874818  
 AUSTRALIAN CREDIT PROVIDERS ASSOCIATION INC Y1604146

COLIN CROSSLAND,  
 General Manager,  
 Registry of Co-operatives and Associations,  
 Office of Fair Trading,  
 Department of Commerce  
 2 December 2005

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#### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Sections 55A and 55B

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

ASSOCIATION OF RAILWAY PRESERVATION GROUPS (NSW) INCORPORATED Y1851909  
 LIFE EDUCATION BLUE MOUNTAINS INCORPORATED Y0754617  
 NORTHERN RIVERS AGRICULTURAL DEVELOPMENT ASSOCIATION INCORPORATED Y2558407  
 WOLLONDILLY RESIDENTS ACTION GROUP INCORPORATED INC9878149  
 MAINSTREET AUSTRALIA INCORPORATED Y2778536  
 I.O.G.K.F. INCORPORATED INC9877656  
 OUTREACH CRISIS RECOVERY FELLOWSHIP INCORPORATED INC9874473  
 LIONS CLUB OF SANS SOUCI INCORPORATED Y1650236

COLIN CROSSLAND,  
 General Manager,  
 Registry of Co-operatives and Associations,  
 Office of Fair Trading,  
 Department of Commerce  
 2 December 2005

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#### CASINO CONTROL ACT 1992

Order

PURSUANT to section 66(1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, approve the following amendments to the rules for the playing of the

game of "Big Wheel" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

- (1) Amendments to the rules for the playing of "Big Wheel"
- (a) Big Wheel sub-rule 7.4.3 is repealed and in substitution therefor, the following new sub-rule 7.4.3 is approved:
- 7.4.3 The dealer:
- 7.4.3.1 may spin the wheel, at any time after the results of the previous game are finalised, and
- 7.4.3.2 must spin the wheel as soon as practicable after the wagering period expires.
- (b) Big Wheel sub-rule 9.2 is repealed and in substitution therefor, the following new sub-rule 9.2 is approved:
- 9.2 Rule 9.1 shall not apply to use or control by an agent or employee of the casino operator or an inspector where such person is acting in the course of their duty.

This Order shall take effect from the date of publication in the *New South Wales Government Gazette*.

Signed at Sydney, this 7th day of December 2005.

BRIAN FARRELL,  
 Chief Executive,  
 for and on behalf of the Casino Control Authority

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#### DISTRICT COURT RULES 1973

Appointment

IN pursuance of Part 2, Rule 2(1) of the District Court Rules 1973, I appoint the following vacation period:

Summer vacation for 2006/2007 shall commence on 16 December 2006 and conclude on 28 January 2007.

Dated at Sydney this 5th day of December 2005.

R. O. BLANCH,  
 Chief Judge

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#### DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at all Courts and at the times that I have directed the Court sit in its criminal jurisdiction during the financial year 2005-2006 and pursuant to section 173 of the District Court Act 1973, I direct that the District Court shall also sit in its criminal jurisdiction at all Courts and at the times that I have directed the Court sit in its civil jurisdiction during the financial year 2006-2007.

Dated this 5th day of December 2005.

R. O. BLANCH,  
 Chief Judge

**DISTRICT COURT ACT 1973**

District Court of New South Wales

Direction

IN pursuance of section 32(3) of the District Court Act 1973, I direct that for the financial year 2006-2007 all proceedings (other than proceedings before the Registrar), in the District Court of New South Wales in relation to which the proper place is a place specified in Column 1 hereunder, shall be continued by the Court sitting at the place specified opposite that place in Column 2 hereunder:

| <b>COLUMN 1</b> | <b>COLUMN 2</b> |
|-----------------|-----------------|
| Bega            | Batemans Bay    |
| Bourke          | Dubbo           |
| Braidwood       | Queanbeyan      |
| Casino          | Lismore         |
| Cessnock        | Maitland        |
| Cobar           | Dubbo           |
| Condobolin      | Orange          |
| Cooma           | Queanbeyan      |
| Coonamble       | Dubbo           |
| Cootamundra     | Wagga Wagga     |
| Corowa          | Albury          |
| Cowra           | Orange          |
| Deniliquin      | Albury          |
| Forbes          | Orange          |
| Glen Innes      | Armidale        |
| Goulburn        | Queanbeyan      |
| Grafton         | Coffs Harbour   |
| Gundagai        | Wagga Wagga     |
| Gunnedah        | Tamworth        |
| Hay             | Griffith        |
| Inverell        | Armidale        |
| Kempsey         | Port Macquarie  |
| Leeton          | Griffith        |
| Lithgow         | Bathurst        |
| Liverpool       | Sydney          |
| Moree           | Tamworth        |
| Moruya          | Bega            |
| Moss Vale       | Queanbeyan      |
| Mudgee          | Dubbo           |
| Murwillumbah    | Lismore         |
| Muswellbrook    | Maitland        |
| Narrabri        | Tamworth        |
| Narrandera      | Griffith        |
| Nowra           | Batemans Bay    |
| Nyngan          | Dubbo           |
| Parkes          | Orange          |
| Quirindi        | Tamworth        |
| Scone           | Maitland        |
| Singleton       | Maitland        |
| Tumut           | Wagga Wagga     |
| Walgett         | Dubbo           |
| Wellington      | Dubbo           |
| Wentworth       | Broken Hill     |
| Wyalong         | Griffith        |
| Yass            | Queanbeyan      |
| Young           | Wagga Wagga     |

Dated at Sydney this 5th day of December 2005.

R. O. BLANCH,  
Chief Judge**HEALTH SERVICES ACT 1997**Order Amending the Scale of Fees for Hospital and  
Other Health Services

PURSUANT to section 69 of the Health Services Act 1997, I, JOHN HATZISTERGOS, Minister for Health, do by this Order hereby amend the currently applying Scale of Fees for hospital services and other health services to the extent and in the manner set forth in the Schedule below, to take effect from the date of gazettal of this order.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Health**SCHEDULE**

Delete section 1A.10 "Private, (Private) Same Day Admissions and Ineligible Patients-Charges for Surgically Implanted Prosthesis" in its entirety and insert instead the following matter:

1A.10 Private, (Private) Same Day Admissions and Ineligible Patients-Charges for the Fitting of Surgically Implanted Prosthesis and Medical Devices

The charge for the fitting of any specific surgically implanted prosthesis or medical device item shall be:

- i. where there is a single dollar amount specified for an item, that dollar amount; or
- ii. where there is a minimum and maximum benefit dollar amount specified for an item, a dollar amount being the minimum benefit amount, the maximum benefit amount or an amount within that dollar range,

as determined in writing from time to time in respect of that item by the Minister for Health of the Commonwealth, or the Minister's Delegate, pursuant to paragraph (bl) and (bm) of Schedule 1 of the National Health Act 1953 (Commonwealth). Such charges shall take effect on any date determined by the Commonwealth Minister for Health or the Minister's delegate in respect of that item.

**LOCAL GOVERNMENT ACT 1993**

Bathurst Water Supply Augmentation Stage 2E

Ben Chifley Dam Upgrade

Vesting of Land and Interest in Land in Bathurst Regional  
Council

THE Minister for Utilities of the State of New South Wales, declares that the land and interest in land described in the Schedule hereto, which were acquired for the purpose of the Bathurst Water Supply Augmentation Stage 2E - Ben Chifley Dam Upgrade Scheme are vested in Bathurst Regional Council.

CARL SCULLY, M.P.,  
Minister for Utilities**SCHEDULE**

Land

Lots 1 to 26 inclusive, Deposited Plan 859300 (SB52130).

Lots 31 to 33 inclusive, Deposited Plan 859300 (SB52130).



Lots 35 to 44 inclusive, Deposited Plan 859300 (SB52130).

Lots 1 to 4, Deposited Plan 1007180 (SB55049).

Lot 134, Deposited Plan 1032664 (SB55182).

#### Interest in Land

Easement rights as described under the heading Easement to Flood in the terms set out hereunder over the sites shown in:

Deposited Plan 859300 (SB52130) as: '(A) EASEMENT FOR FLOOD VARIABLE WIDTH' within Lot 1, Deposited Plan 791697; Lots 1 and 2, Deposited Plan 570867; Lot 125, Deposited Plan 757061; Lot 15, Deposited Plan 757061; Lot 1, Deposited Plan 125597; Lot 1, Deposited Plan 125743; Lot 2, Deposited Plan 791697; Lots 14 and 16, Deposited Plan 750400; Lot 2, Deposited Plan 581131; Lot A, Deposited Plan 118157; Lot 1, Deposited Plan 799684; Lots 304 and 305, Deposited Plan 757056; Lots 2 and 3, Deposited Plan 630055; Lot 1, Deposited Plan 125745; Road 20.115 wide shown within Lot 1, Deposited Plan 125745; Road 20.115 wide shown within Lot 2, Deposited Plan 630055 and also Public Highway notified in *Government Gazette* dated 4 June 1954, Page 1662.

Easement rights as described under the heading Easement to Flood in the terms set out hereunder over the site shown in:

Deposited Plan 1007180 (SB55049) as: '(A) PROPOSED EASEMENT FOR FLOOD (VARIABLE WIDTH)'.

#### Easement to Flood

An easement or right to use the surface of the land by causing to flow, be and remain thereon such waters as shall from time to time flow, be and remain thereon as a consequence of the construction and maintenance of Ben Chifley Dam being part of the Bathurst Water Supply Stage 2E - Ben Chifley Dam Upgrade Scheme.

NSW Department of Commerce Reference: 308.

### NATIONAL PARK ESTATE (SOUTHERN REGION RESERVATIONS) ACT 2000

Order to Exclude an Access Road from Triplarina Nature Reserve and to Reserve all Other Access Roads as part of Triplarina Nature Reserve

I, ROBERT DEBUS, M.P., Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the National Park Estate (Southern Region Reservations) Act 2000 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 7(6)(a) and (b):

1. The access road described in the Schedule hereunder is excluded from the reservation of Triplarina Nature Reserve and is vested in the Minister administering National Parks and Wildlife Act 1974.
2. All other access roads not so excluded are reserved as part of Triplarina Nature Reserve.

BOB DEBUS, M.P.,  
Minister for the Environment

### SCHEDULE

County of St Vincent, Parish of Nowra, City of Shoalhaven, being the access road 20 metres wide, adjacent and parallel to the western boundaries of Lot 10, DP 786688; Lot 27, DP 793694; Lots 31 and 32, DP 805539; Lots 35-38, DP 810807; Lots 45-47, DP 817153 and southern boundaries of Lots 47-53, DP 817153; Lots 54-56, DP 863040: NPWS/05/23346.

Note: Any section of road not formerly State Forest at the commencement of this Act, is not vested in the Minister.

### PESTICIDES ACT 1999

#### Notice Under Section 48(4)

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

ALAN RITCHIE,  
Manager,  
Dangerous Goods,  
Environment Protection Authority  
(by delegation)

### SCHEDULE

#### Pilot (Pesticide Rating) Licence

| Name and address of Licensee                                   | Date of Granting of Licence |
|--|-----------------------------|
| Mr Andrew Jason COWAN,<br>76 Raywood Road,<br>Elmore VIC 3558. | 7 December 2005.            |

### POISONS AND THERAPEUTIC GOODS ACT 1966

#### Order Under Clause 171(1) Poisons and Therapeutic Goods Regulation 2002

#### Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Dr Ian Robert HUTCHINS of 213 Faithfull Street, Goulburn NSW 2580, prohibiting him, until further notice, as a medical practitioner from having possession of and supplying drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This Order is to take effect on and from 7 December 2005.

ROBYN KRUK,  
Director-General

Department of Health, New South Wales.  
Sydney, 1 December 2005.

### PRACTICE NOTE SC CL 8

Supreme Court Common Law Division – Media Access to Sexual Assault Proceedings Heard in Camera

#### Commencement

1. This Practice Note commences 1 December 2005.

**Application**

- This Practice Note applies to proceedings under Part 2A of the Criminal Procedure Act 1986.

**Definitions**

- None applicable.

**Introduction**

- The purpose of this Practice Note is:
  - to provide arrangements under s291C(2) of the Criminal Procedure Act 1986, for the media to access sexual assault proceedings heard in camera.

**Media representatives to contact the registrar**

- In circumstances where s291C(2) applies, and such arrangements are sought, the media representative should contact the registrar of the court where the proceedings are to be held.
- Upon application by a media representative, the registrar will discuss with the media representative the reasonable and practical options available. Wherever possible, the application is to be made prior to the date of hearing. The longer the period of notice given to the registrar the more likely it will be that a practical arrangement can be made.
- The registrar will discuss with the media representative the options available and then provide a written report to the court advising what is reasonably practical to provide pursuant to s291C(2). The court will then determine what arrangements should be made and these will usually be announced in court.

**Responsibility for costs incurred**

- Any additional costs incurred in making arrangements pursuant to s291C(2) are to be met by the media representative (e.g. cost of installing live audio/visual feeds, cost of a sheriff/court officer to supervise access to a remote audio/visual feed, cost of providing a real time or a daily transcript). The registrar may require an undertaking to be given by the media representative to pay the additional costs.

**Electronic recordings not to be made**

- If the media is given electronic access to the evidence, the media must not make an electronic recording of the proceedings.

J. J. SPIGELMAN, A.C.,  
Chief Justice of New South Wales  
1 December 2005

**Related information**

Practice Note SC CL 8 was issued and commenced on 1 December 2005.

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration under Section 5

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the ORANGE CITY TIRED LIONS OVER 35's TOUCH FOOTBALL to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Touch Football.

Dated: Sydney, 7th November 2005.

ROB THOMSON,  
Deputy Chairperson,  
Sporting Injuries Committee

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration under Section 5

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the BRONTE SWIMMING CLUB INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Swimming.

Dated: Sydney, 7th December 2005.

ROB THOMSON,  
Deputy Chairperson,  
Sporting Injuries Committee

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration under Section 5

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the NORTH COAST ACADEMY OF SPORT to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Cycling and Tennis.

Dated: Sydney, 23rd November 2005.

ROB THOMSON,  
Deputy Chairperson,  
Sporting Injuries Committee

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration under Section 5

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the AIDS COUNCIL OF NSW INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Skateboard Riding.

Dated: Sydney, 9th November 2005.

ROB THOMSON,  
Deputy Chairperson,  
Sporting Injuries Committee

**TERMINATION OF LEASE TO KERRI BURNS FOR GENERAL STORE, HILL END HISTORIC SITE, HILL END**

IT is hereby notified that pursuant to the provisions of Clause 11 of the Deed of Lease made the 28th day of September 2001, between the Minister for Environment for the State of New South Wales (as Lessor) and Kerri Burns (as Lessee) in respect of premises know as the General Store, Hill End Historic Site, Hill End, the said lease is hereby cancelled and forfeited.

Dated this 9th day of December 2005.

BOB DEBUS, M.P.,  
Minister for the Environment

**TOW TRUCK INDUSTRY ACT 1998**

## Tow Truck Authority of New South Wales

## Protective Clothing Policy

TOW truck operators, as a condition of their licence must ensure that each driver complies with the Tow Truck Authority's Protective Clothing Policy. Drivers must comply with any directions of the TTA relating to the wearing or use of clothing or equipment for protection or safety purposes. Operators are also required to ensure that any person working at a salvage site complies with the Protective Clothing Policy.

Persons must wear<sup>1</sup> at all times when driving, standing or assisting in the use or operation of a licensed tow truck on a road or road related area:

- Industrial clothing of material approved under AS/NZS 4399-1996 (UPF 40-50+). It is preferred that the clothing be clearly marked with the operator's trading name.
- Fully enclosed protective footwear that is approved as type 1 to standard AS/NZS 2210.2-2000.
- During wet weather when working outside the tow truck, rain wear with reflective markings manufactured with materials approved under AS/NZS 1906.4-1997 Class F & Class R
- A reflective vest or jacket at all times while driving or working outside the tow truck. The vest or jacket must be clearly visible and approved under AS/NZS 4602-1999.
- When driving or operating a Category A tow truck (4 digit TT plates) the word "TOWING" must be printed in block letters at least 7cm high across the back of the vest and jacket.

- During daylight hours a fluorescent shirt approved under Australian Standard 4602:1999 may be worn instead of the reflective vest or jacket.
- When driving or operating a Category A tow truck (4 digit TT plates) the word "TOWING" must be printed in block letters at least 7cm high across the back of the fluorescent shirt.
- Protective gloves where appropriate, and surgical gloves when dealing with blood and fluids in or around a vehicle.

All persons should also have available for their use<sup>2</sup>:

- Protective sun screen lotion/cream/spray at or above SPF 30+ rating;
- Headwear that provides sun protection; and
- Protective sunglasses of a standard equal or better than AS 1067-1990.

Operators may choose to:

- Provide the equipment; or
- Reimburse their staff for the cost of such equipment.

TERRY HICKEY,  
General Manager

**Footnotes**

<sup>1</sup> Stockists of this clothing are listed under "Industrial and Protective Clothing" in the Yellow Pages. The TTA endorses the Cancer Council recommendation that long sleeve shirts and trousers are worn (Skin cancer and outdoor workers – a guide for employers & a guide for workers are available free of charge from the WorkCover bookshop – 9370 5303)

<sup>2</sup> The Cancer Council NSW stocks all these items



**TOW TRUCK INDUSTRY ACT 1998**

Tow Truck Authority of NSW – Fees and Charges – December 2005

| <b>ITEM</b>  | <b>COST</b> | <b>NOTES</b>  |
|--|-------------|---|
| <b>Driver Certificate</b><br>Driver Certificate                      | \$152 p/a   | Includes \$90 non refundable administration fee   |
| Replacement D/C  | \$25        |   |
| Reissue conditional D/C  | \$25        |   |
| Re-application for Expired conditional D/C (within 5 business days)  | \$90        | Expired greater than 5 business days -full re-application will apply  |
| <b>Operator License</b><br>Operator licence – Metro                  | \$770 p/a   | Includes \$260 non refundable administration fee  |
| Operator licence – Country   | \$537 p/a   | Includes \$260 non refundable administration fee  |
| Plate – Metro  | \$290       | Per TT plate - per annum  |
| Plate – Country  | \$120       | Per TT plate - per annum  |
| Amendment fee  | \$50        | Amendment / variation to operator licence   |
| Replacement O/L  | \$25        |   |
| Reissue conditional O/L  | \$25        |   |
| Re-application for Expired conditional O/L (within 5 business days)  | \$260       | Expired greater than 5 business days -full re-application will apply  |
| <b>Mutual Recognition</b><br>Driver Certificate – Mutual Recognition | \$120 p/a   | Includes \$70 non refundable administration fee   |
| Operator licence – Mutual Recognition                                | \$430 p/a   | Includes \$180 non refundable administration fee  |
| Plate – Mutual Recognition   | \$120       | Per TT plate - per annum  |
| <b>Other</b><br>Investigation fee                                    | At cost     | Any further investigation by the TTA to verify suitability, requiring the purchase of information from another agency (eg interstate records) |

Note: Any refund that may be made by the TTA as a result of a refused or failed application will not be made until any internal reviews or appeals in respect of the application are finalised.

**DISTRICT COURT ACT 1973**

Direction

IN pursuance of sections 32 and 173 of the District Court Act 1973, I direct the District Court to sit in its Civil and Criminal jurisdictions at the places and at the times as shown in the attached Schedules.

Dated at Sydney this 5th day of December 2005.

R. O. BLANCH,  
Chief Judge

**DISTRICT COURT OF NEW SOUTH WALES – CALENDAR OF SITTINGS 2006-07**

| VENUE                     | TIME    | 26/06/06 | 03/07/06 | 10/07/06 | 17/07/06 | 24/07/06 | 31/07/06 | 07/08/06 | 14/08/06 | 21/08/06 | 28/08/06 | 04/09/06 | 11/09/06 | 18/09/06 | 25/09/06 | 02/10/06 | 09/10/06 | 16/10/06 | 23/10/06 | 30/10/06 | 06/11/06 | 13/11/06 | 20/11/06 | 27/11/06 | 04/12/06 | 11/12/06 |  |
|---------------------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--|
| ALBURY                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| ARMIDALE                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| BATEMANS BAY              | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| BATHURST                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| BEGA                      | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| BOURKE                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| BROKEN HILL               | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| CAMPBELLTOWN              | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| COFFS HARBOUR             | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| COONAMBLE                 | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| DUBBO                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| DUBBO at Mudgee           | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| DUBBO at Orange           | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| EAST MAITLAND             | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| GOSFORD                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| GOULBURN                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| GRAFTON                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| GRIFFITH                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| INVERELL                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| LISMORE                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| MAITLAND at East Maitland | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| MOREE                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| NEWCASTLE                 | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| NOWRA                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| ORANGE                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| PARKES                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| PARRAMATTA                | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| PENRITH                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| PORT MACQUARIE            | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| QUEANBEYAN                | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| SYDNEY                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| TAMWORTH                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| TAREE                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| WAGGA WAGGA               | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |
| WOLLONGONG                | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |

DISTRICT COURT OF NEW SOUTH WALES – CALENDAR OF SITTINGS 2006-07

| VENUE                     | TIME    | 29/01/07 | 05/02/07 | 12/02/07 | 19/02/07 | 26/02/07 | 05/03/07 | 12/03/07 | 19/03/07 | 26/03/07 | 02/04/07 | 09/04/07 | 16/04/07 | 23/04/07 | 30/04/07 | 07/05/07 | 14/05/07 | 21/05/07 | 28/05/07 | 04/06/07 | 11/06/07 |  |  |
|---------------------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--|--|
| ALBURY                    | 10.00am | CR       | CR       |          |          |          |          |          |          | CR       | CR       |          |          |          |          |          |          |          |          |          |          |  |  |
| ARMIDALE                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          | CR       | CR       |          |          |          |          |          |          |          |  |  |
| BATEMANS BAY              | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| BATHURST                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| BEGA                      | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| BOURKE                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| BROKEN HILL               | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| CAMPBELLTOWN              | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| COFFS HARBOUR             | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| COONAMBLE                 | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| DUBBO                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| DUBBO at Mudgee           | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| DUBBO at Orange           | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| EAST MAITLAND             | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| GOSFORD                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| GOULBURN                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| GRAFTON                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| GRIFFITH                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| INVERELL                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| LISMORE                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| MAITLAND at East Maitland | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| MOREE                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| NEWCASTLE                 | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| NEWCASTLE                 | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| ORANGE                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| PARKES                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| PARRAMATTA                | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| PENRITH                   | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| PORT MACQUARIE            | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| QUEANBEYAN                | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| SYDNEY                    | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| TAMWORTH                  | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| TAREE                     | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| WAGGA WAGGA               | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |
| WOLLONGONG                | 10.00am |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |  |  |

**ELECTRICITY SUPPLY ACT 1995****Notice of Approval of Amendment of Greenhouse Gas Benchmark Rule****Greenhouse Gas Benchmark Rule (Demand Side Abatement)****No. 3 of 2003**

Notice of Amendment of Greenhouse Gas Benchmark Rule by the Minister for Utilities under section 97K(4) of the Electricity Supply Act 1995

I, Patrick Carl Scully, Minister for Utilities, pursuant to section 97K(4) and (5) of the Electricity Supply Act 1995, hereby give notice of approval of amendment to Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003, the amendments of which are described in Schedule 1 of the notice hereto, and the amended Rule is set out in Schedule 2 of the notice hereto.

The amendment of the Rule takes effect from the date of gazettal.

A copy of the amended Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003 may also be obtained through the Department of Energy, Utilities and Sustainability's website at [www.deus.nsw.gov.au](http://www.deus.nsw.gov.au).

Dated at Sydney, this 1st day of December 2005.

PATRICK CARL SCULLY, M.P.,  
Minister for Utilities

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**SCHEDULE 1****[1] Minister's Name and title**

- 1.1 Omit "Frank Ernest Sartor, MP"
- 1.2 Insert "Patrick Carl Scully, MP"
- 1.3 Omit "Energy and" after "Minister for"

**[2] Clause 1 Name and Commencement**

- 2.1 In clause 1.1 omit "11 June 2004" and insert "9 December 2005"
- 2.2 In clause 1.2 omit "3 October 2003" and insert "11 June 2004"
- 2.3 In clause 1.2 omit "Previous" and insert "June" at the two occurrences of "Previous"
- 2.4 In clause 1.3(b) omit "New South Wales Greenhouse Abatement Certificates (NGACs)" and insert "NGACs"
- 2.5 In the paragraph following clause 1.4(b), omit "the Previous Rule or this Rule." after "31 December 2004 under either" and insert "the October Rule, the June Rule or this Rule. A person will be deemed to have made an election (to apply or not to apply a particular Rule) if the person:"
- 2.6 In clause 1.4 omit "2004" after "before 31 December" and insert "2005" at the two occurrences of "2004"
- 2.7 In clause 1.4 insert:
- "(c) notifies the Scheme Administrator of its election in writing; or
  - (d) registers any NGACs on or after 11 June 2004 that are consistent only with such an election having been made."
- 2.8 In clause 1.5 insert "(and associated clauses and Methods)" after "under those Equations"
- 2.9 In clause 1.5 omit "Previous" after "default factor under the" and insert "October"

**[3] Clause 2 Objects of the Rule**

Insert "reduction in electricity consumption where there is no negative effect on production or service levels," after "eligible on-site electricity generation,"

**[4] Clause 6 Persons eligible to create NGACs under this Rule**

In clause 6.2 omit "Previous" and insert "June Rule, the October" after "whether under this Rule, the"

**[5] Clause 7 Activities that constitute Demand Side Abatement**

- 5.1 In clause 7.1(b) omit "before" after "in respect of that *Demand Side Abatement*" and insert "after"

- 5.2 In clause 7.4(a) omit “New South Wales;” after “be implemented in” and insert “:”
- 5.3 In clause 7.4(a) insert:
- “(i) New South Wales; or
  - (ii) another jurisdiction in which a mandatory scheme intended to promote the reduction of greenhouse gas emissions, approved by the Minister for this purpose, is in operation,”
- 5.4 In clause 7.4(b) insert “, subject to clause 7.8, if implemented in the Australian Capital Territory has or will have an Implementation Date on or after 1 January 2004, or if implemented in New South Wales” after “which”
- 5.5 In clause 7.4(c)(iv) omit “or” after “other sources of energy;”
- 5.6 In clause 7.4(c) insert new sub-clause:  
“(v) reducing electricity consumption level where there is no negative effect on production or service levels; or”
- 5.7 In clause 7.5, insert “or activities,” after “involves multiple Installations”
- 5.8 In the second paragraph of the Note following clause 7.7(d), insert “, removal of redundant installed capacity” after “reduction of excessive lighting”
- 5.9 Insert a new clause “7.8 Transitional arrangements for the Australian Capital Territory” before clause “8 Creation of NGACs from Demand Side Abatement”
- 5.10 Insert a new clause “7.8.1 For Demand Side Abatement activity in the Australian Capital Territory, an accredited abatement certificate provider is entitled to create abatement certificates for a Demand Side Abatement Activity that took place from 1 January 2005.”
- 5.11 Insert a new note after clause 7.8.1, “Note: This includes amendments to existing accreditations or a new accreditation.”
- 5.12 Insert a new clause “7.8.2 Clause 7.8.1 applies only to applications lodged with the Scheme Administrator (completed to the satisfaction of, and in a form acceptable to, the Scheme Administrator) prior to 31 December 2005.”

**[6] Clause 8 Creation of NGACs from Demand Side Abatement**

- 6.1 In clause 8.1.1(b)(v) omit “or” after “to the nomination;”
- 6.2 Renumber clause 8.1.1(c) as 8.1.1(d) and insert new clause 8.1.1(c):
- “(c) a person who is a Generator implementing a Demand Side Abatement Project using the Generation Emissions Method in clause 12; or”
- 6.3 In clause 8.1.1(d), omit “that criteria” and insert “the criteria in clause 8.1(a), (b) or (c)” after “unless the person satisfies”
- 6.4 In clause 8.1.2(b) insert “, activity” after “in relation to each Installation”

**[7] Clause 8.3 Creation of up to 2000 NGACs able to be brought forward using the Project Impact Assessment Method**

- 7.1 Insert a new note after clause 8.3.3(c),
- “Note: The NSW Pool Coefficient for the year in which the abatement is deemed to occur (i.e. the year in which the certificates will be registered) should be used in calculating the number of NGACs to be brought forward.”

**[8] Clause 9.4 New Installations other than New Office Buildings to be better than best existing installation**

- 8.1 In clause 9.4(d)(i), insert “or another jurisdiction approved by the Minister for the purposes of clause 7.4(a)(ii)” after “in New South Wales”
- 8.2 In clause 9.4(d)(ii), insert “or another jurisdiction approved by the Minister for the purposes of clause 7.4(a)(ii)” after “in New South Wales”

**[9] Clause 11 Default Abatement Factors Method**

- 9.1 In clause 11.1 insert “or activity” after “if the Installations”
- 9.2 In clause 11.3(b) insert “or activity” after “of the relevant Installation or Installations”
- 9.3 In Equation 3 insert “or Activities” after “Number of Installations”
- 9.4 In the second dot point under “Where:” insert “*or Activities*” after “*Number of Installations*”

- 9.5 In the second dot point under “Where:” insert “or activities that have been undertaken”
- 9.6 In the third dot point under “Where:” insert “or activity” after “type of Installation”
- 9.7 In the fourth dot point under “Where:” insert “or another jurisdiction approved by the Minister for the purposes of clause 7.4(a)(ii) ” after “in New South Wales”
- 9.8 Insert a new clause after Equation 3 “

“11.4 Where an Installation Discount Factor of 1.0 is applied in Equation 3, the energy source is considered to be known in respect of a:

- (a) Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa); or
- (b) AAA Flow restrictor that achieves the same effect as a AAA rated showerhead (that is consuming less than 9 L water / minute at a water pressure of 250 kPa).”

- 9.9 Insert a new clause 11.5

“11.5 Where the Demand Side Abatement Activity involves the removal and disposal of a refrigerator, an Installation Discount Factor of 1.0 applies in **Equation 3.**”

#### [10] Clause 12 Generation Emissions

In clause 12.3(a) insert “manufactured methane or Qualifying Putrescible Waste or” after “or sewage gas or”

#### [11] Clause 13 Definitions and Interpretation

11.1 In the definition “**Distribution System**” omit “which is registered under” after “(as that term is defined in the National Electricity Code)” and insert “in respect of which a person is registered as a “Network Service Provider” under”

11.2 Insert a new definition ““**Generator**” means a Generator as that term is defined in the Generation Rule” after the definition “Generation Rule”

11.3 In the definition “**Implementation Date**” insert “or activity” after “In the case of an Installation”



- 11.4 In the definition “**Implementation Date**” insert “with an Installation Discount Factor of 1.0” after using the Default Abatement Factors method”
- 11.5 In the definition “**Implementation Date**” insert “or the date on which the activity took place” after “or reached practical completion”
- 11.6 In the definition “**Implementation Date**” omit “Confidence” after “if a lesser” and insert “Installation Discount”
- 11.7 Insert a new definition ““**June Rule**” means the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* as in force on 11 June 2004 and is defined in clause 1.2” after the definition “Installation”
- 11.8 Insert a new definition ““**October Rule**” means the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* as in force on 3 October 2003.” after the definition “NSW Pool Coefficient”
- 11.9 Insert a new definition ““**Qualifying Putrescible Waste**” means Qualifying Putrescible Waste as that term is defined in the Generation Rule.”
- 11.10 Omit ““**Previous Rule**” means the Greenhouse Gas Benchmark Rule (Demand Side Abatement) that commenced on 3 October 2003.”
- 11.11 In the definition “**Transmission System**” omit “which is registered under” after “(as that term is defined in the National Electricity Code)” and insert “in respect of which a person is registered as a “Network Service Provider” under”

## [12] Schedule A – Default factors and supporting information

- 12.1 In Table 1, in the title row insert “or Activity” after “Installation”
- 12.2 In Table 1, after the second row (not including the title row), insert a new third row with the entry in the column titled “Installation or Activity” being “Compact fluorescent lamp that has a manufacturer's rating of 15,000 hours or more” and the entry in the column titled “Default Emissions Abatement Factors” being “0.9”
- 12.3 In Table 1, after the third row (not including the title row), insert a new fourth row with the entry in the column titled “Installation or Activity” being “Compact fluorescent lamp that has a manufacturer's rating of 12,000 hours or more” and the entry in the column titled “Default Emissions Abatement Factors” being “0.7”

- 12.4 In Table 1, after the fourth row (not including the title row), insert a new fifth row with the entry in the column titled "Installation or Activity" being "Compact fluorescent lamp that has a manufacturer's rating of 10,000 hours or more" and the entry in the column titled "Default Emissions Abatement Factors" being "0.6"
- 12.5 In Table 1, after the seventh row (not including the title row), insert a new eighth row with the entry in the column titled "Installation or Activity" being "35 Watt Infrared Coated Halogen lamp" and the entry in the column titled "Default Emissions Abatement Factors" being "0.05"
- 12.6 In Table 1, after the eighth row (not including the title row), insert a new ninth row with the entry in the column titled "Installation or Activity" being "45 Watt (or greater) Infrared Coated Halogen lamp" and the entry in the column titled "Default Emissions Abatement Factors" being "0.07"
- 12.7 In Table 1, after the ninth row (not including the title row), insert a new tenth row with the entry in the column titled "Installation or Activity" being "Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to an electric-boosted solar hot water system" and the entry in the column titled "Default Emissions Abatement Factors" being "1.6"
- 12.7 In Table 1, after the twelfth row (not including the title row), insert a new thirteenth row with the entry in the column titled "Installation or Activity" being "Flow restrictor that achieves the same effect as a AAA rated showerhead (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system using electricity as its energy source" and the entry in the column titled "Default Emissions Abatement Factors" being "4.0"
- 12.8 In Table 1, after the thirteenth row (not including the title row), insert a new fourteenth row with the entry in the column titled "Installation or Activity" being "Flow restrictor that achieves the same effect as a AAA rated showerhead (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system for which the energy source is not known" and the entry in the column titled "Default Emissions Abatement Factors" being "3.1"
- 12.9 In Table 1, after the fourteenth row (not including the title row), insert a new fifteenth row with the entry in the column titled "Installation or Activity" being "Refrigerator that is 10 or more years old, 250 litres or greater in gross volume and in working order but not providing the primary refrigeration service of a household, on removal, for disposal and destruction, with appropriate disposal of the refrigerant" and the entry in the column titled "Default Emissions Abatement Factors" being "8.0"

12.10 In Table 2 under the heading "Energy Source" insert "\*" after "Gaseous" and at the bottom of Table 2 insert "\*\*Note: where the Fossil Fuel is Waste Coal Mine Gas, the applicable factor under Table 2 is the Applicable State factor for natural gas."

## SCHEDULE 2

### Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003

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Patrick Carl Scully, MP  
Minister for Utilities

#### 1 Name and commencement

- 1.1 This Rule is the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* and commences on 9 December 2005.
- 1.2 At its commencement, this Rule amends the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* that commenced on 11 June 2004 (June Rule), to the extent that this Rule differs from the June Rule.
- 1.3 Without limiting the circumstances in which this Rule applies, this Rule applies to:
- (a) the accreditation of Abatement Certificate Providers (in respect of demand side abatement activities) after the commencement of this Rule (regardless of the date of application for accreditation);
  - (b) the calculation and creation of NGACs (in respect of demand side abatement activities) registered after the commencement of this Rule (regardless of the date of accreditation of the Abatement Certificate Provider), subject to clauses 1.4 and 1.5; and
  - (c) the ongoing eligibility of a person to remain accredited as an Abatement Certificate Provider for the purpose of the Scheme Administrator exercising its powers under the Act and Regulations, after the commencement of this Rule, to vary, suspend or cancel a person's accreditation as an Abatement Certificate Provider (in respect of demand side abatement activities).
- 1.4 A person who, before 31 December 2005:
- (a) is accredited as an Abatement Certificate Provider (in respect of demand side abatement activities); or
  - (b) has made an application, acceptable to the Scheme Administrator, to become an Abatement Certificate Provider (in respect of demand side abatement activities), and is subsequently accredited as an Abatement Certificate Provider under this Rule pursuant to that application,

may elect (such election to be made only once) to calculate its entitlement to create NGACs in respect of demand side abatement activities occurring on or before 31 December 2005 under either the October Rule, the June Rule or this Rule. A person will be deemed to have made an election (to apply or not to apply a particular Rule) if the person:

- (c) notifies the Scheme Administrator of its election in writing; or
- (d) registers any NGACs on or after 11 June 2004 that are consistent only with such an election having been made.

- 1.5 A person who, on or before 31 December 2004, is accredited as an Abatement Certificate Provider (in respect of demand side abatement activities) may calculate its entitlement to create NGACs in respect of demand side abatement activities occurring on or before 31 December 2007 using the 30% default factor under Equations 13 and 16 of the *Gas Benchmark Rule (Generation) No. 2 of 2003* which commenced on 3 October 2003, rather than the default factor under those Equations (and associated clauses and Methods) of that Rule as amended since that date, if the person would otherwise have been entitled to use that 30% default factor under the October Rule.
- 1.6 If a person to whom clause 1.4 or 1.5 applies is accredited as an Abatement Certificate Provider after the commencement of this Rule, the Scheme Administrator must assess the application for accreditation using the eligibility criteria under this Rule.

## 2 Objects of the Rule

The object of this Rule is to provide specific arrangements for the creation and calculation of NGACs where greenhouse gas emissions are reduced through increased efficiency of electricity consumption, eligible on-site electricity generation, reduction in electricity consumption where there is no negative effect on production or service levels, and substitution of sources of energy for electricity or substitution of electricity for other sources of energy. The Rule aims to reduce greenhouse gas emissions through measures associated with the demand for electricity.

## 3 Application of the Rule

Without limiting the persons to whom this Rule applies, this Rule applies to Abatement Certificate Providers accredited to create NGACs in respect of Demand Side Abatement in accordance with Part 8A Division 4 of the Act, the Regulations and this Rule.

## 4 Status and Operation of the Rule

This Rule is a Greenhouse Gas Benchmark Rule made under Part 8A of the Act.

## 5 Eligibility to be an Accredited Abatement Certificate Provider in respect of Demand Side Abatement

A person is eligible to be an Accredited Abatement Certificate Provider under this Rule if:

- (a) the person is an *Abator*, as that term is defined in clause 8.1; and
- (b) the accreditation is in respect of *Demand Side Abatement*, as that term is defined in clause 7.

Note: Under the Regulations, a person must also have record keeping arrangements with respect to the activity approved by the Scheme Administrator. Further matters must also be satisfied under the Regulations if the accreditation is in respect of a proposed (rather than existing) Demand Side Abatement Project.

## 6 Persons eligible to create NGACs under this Rule

- 6.1 Despite any other provision in this Rule only Accredited Abatement Certificate Providers accredited for the purpose set out in clause 5 may create NGACs under this Rule.

- 6.2 A person may not create NGACs in respect of greenhouse gas abatement if that person or another person has previously validly created NGACs or LUACs in respect of the same abatement, whether under this Rule, the June Rule or any other Benchmark Rule.

## 7 Activities that constitute Demand Side Abatement

- 7.1 *Demand Side Abatement* as defined in this Rule is:

- (a) an "activity" for the purposes of the Act;
- (b) an "existing demand side abatement activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *Demand Side Abatement* after the Implementation Date of the *Demand Side Abatement Project* giving rise to it; and
- (c) a "proposed demand side abatement activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *Demand Side Abatement* before the Implementation Date of the *Demand Side Abatement Project* giving rise to it.

- 7.2 *Demand Side Abatement* is the ongoing operation of the changes implemented by a Demand Side Abatement Project that promotes a reduction in greenhouse gas emissions.

- 7.3 *Demand Side Abatement* does not include any reduction in greenhouse gas emissions prior to 1 January 2003, regardless of the Implementation Date of the *Demand Side Abatement Project*.

- 7.4 *Demand Side Abatement Project* is a project:

- (a) implemented or to be implemented in:
  - (i) New South Wales; or
  - (ii) another jurisdiction in which a mandatory scheme intended to promote the reduction of greenhouse gas emissions, approved by the Minister for this purpose, is in operation,
- (b) which, subject to clause 7.8, if implemented in the Australian Capital Territory has or will have an Implementation Date on or after 1 January 2004, or if implemented in New South Wales has or will have an Implementation Date on or after:
  - (i) 1 January 2002;
  - (ii) 1 January 1997 in respect of an activity that was validly claimed as Electricity Sales Foregone under the Emissions Workbook;
  - (iii) 1 January 1997 in respect of a Generating System that generates electricity using Renewable Energy Sources; or
  - (iv) 1 July 1997 in respect of a Generating System having a nameplate rating of 30MW or less that generates electricity using Fossil Fuels; and
- (c) that results or will result in reduced greenhouse gas emissions compared with the greenhouse gas emissions without that project by:

- (i) modifying Installations or usage of Installations (including installing additional components) resulting in a reduction in the consumption of electricity compared to what would have otherwise been consumed;
  - (ii) replacing an Installations with another Installation or Installations that consume less electricity;
  - (iii) installing New Installation that consumes less electricity than other Installations of the same type, function, output or service;
  - (iv) substituting an Installation using other sources of energy for an Installation using electricity, or substituting an Installation using electricity for an Installation using other sources of energy;
  - (v) reducing electricity consumption where there is no negative effect on production or service levels; or
- (d) substituting electricity from a Generating System for electricity from another source, to supply End-User Equipment within the same End-User Complex as the Generating System.

7.5 For the purposes of clause 7.4, the Scheme Administrator may in its discretion determine whether a project that involves multiple Installations or activities, or occurs across multiple Sites constitutes one or more Demand Side Abatement Projects.

7.6 The Scheme Administrator may determine whether a Demand Side Abatement Project which was previously claimed as Electricity Sales Foregone, but which has in some manner changed since it was so claimed:

- (a) constitutes the same Demand Side Abatement Project as was previously claimed; or
- (b) also includes a new Demand Side Abatement Project to the extent of the change,

having regard to whether the classification as one or more Demand Side Abatement Projects produces outcomes consistent with the objects of the Scheme.

7.7 Demand Side Abatement Projects do not include activities:

- (a) of electricity supply by a retail supplier, or electricity purchase from a retail supplier by a customer, from the NSW Electricity Network, under a representation by the retail supplier that there is a reduction in greenhouse gas emissions because the electricity supplied is connected with, or represents an amount equal to, the generation of electricity from a particular energy source;

Note: This is intended to exclude from this Rule the creation of NGACs because of the purchase of electricity under "Green Power" accredited or similar schemes that is eligible to create NGACs or RECs at the point of generation.

- (b) within the NSW Electricity Network to reduce losses in the distribution or transmission of electricity;

Note: No Rules covering reduced losses in the NSW Electricity Network from activities within the NSW Electricity Network are being developed at this stage. Reduced losses from Demand Side Abatement by improving the power factor of a Site can be claimed using the Project Impact Assessment Method in clause 9.

- (c) to install solar hot water heating systems that are eligible to create RECs; or
- (d) that reduce electricity consumption by reducing the scope or quantity of production or service derived from the use of that electricity.

Note: Reduced energy consumption not due to specific actions to improve efficiency or other eligible activities does not qualify as a Demand Side Abatement Project. Mild weather, lower production, closing down part of a site, or reducing the quality or quantity of service derived from the use of that electricity do not qualify as Demand Side Abatement Projects.

Reducing electricity consumption where there is no negative effect on production or service levels (eg reduction of excessive lighting, removal of redundant installed capacity or the installation of more energy efficient equipment) is Demand Side Abatement and is not excluded by this clause.

## 7.8 Transitional arrangements for the Australian Capital Territory

- 7.8.1 For Demand Side Abatement activity in the Australian Capital Territory, an accredited abatement certificate provider is entitled to create abatement certificates for a Demand Side Abatement Activity that took place from 1 January 2005.

Note: This includes amendments to existing accreditations or a new accreditation.

- 7.8.2 Clause 7.8.1 applies only to applications lodged with the Scheme Administrator (completed to the satisfaction of, and in a form acceptable to, the Scheme Administrator) prior to 31 December 2005.

## 8 Creation of NGACs from Demand Side Abatement

### 8.1 The Abator

- 8.1.1 The *Abator* is:

- (a) the person who is:
  - (i) in respect of a Demand Side Abatement Project whose Implementation Date is prior to 1 July 2002 for which a retail supplier previously claimed Electricity Sales Foregone, that retail supplier;
  - (ii) in respect of a Demand Side Abatement Project that is a Generating System which has an Implementation Date prior to 1 January 2002 (other than those for which a retail supplier previously claimed Electricity Sales Foregone), the "Generator" as defined under the



Generation Rule with respect to that Generating System (as if that definition formed part of this Rule); or

- (iii) in respect of any other Demand Side Abatement Project, contractually liable (or otherwise liable if there is no contract) to pay for the energy consumed by End-User Equipment in the Installation or Site that is the subject of the Demand Side Abatement Project at the Implementation Date of the Demand Side Abatement Project ; or

Note: Where confusion exists, the Abator in (iii) above is the retail or wholesale customer that is named in the contract, or if no contract exists is liable (by statute, convention or otherwise) to pay the electricity charges derived from a meter with a National Meter Identifier (NMI) in the National Electricity Market.

- (b) a person nominated, to the satisfaction of the Scheme Administrator, to be the Abator in respect of the Demand Side Abatement (nominee) by one of the following persons (nominator):
  - (i) the person in (a); or
  - (ii) a person previously nominated to be the Abator,
 provided that:
  - (iii) the nominator has not previously nominated another person to be the Abator, or if the nominator has done so, that previous nomination is not still effective;
  - (iv) the nomination is in writing and signed by the nominator; and
  - (v) the nominee consents to the nomination;
- (c) a person who is a Generator implementing a Demand Side Abatement Project using the Generation Emissions Method in clause 12; or
- (d) a person whom the Scheme Administrator is satisfied will be a person in (a) or (b), provided that the person will not be entitled to create NGACs unless that person satisfies the criteria in clause 8.1(a), (b) or (c) at the Implementation Date of the Demand Side Abatement Project.

8.1.2 Without limiting clause 8.1.1(c), in relation to a Demand Side Abatement Project in which the person seeking accreditation proposes to be nominated by multiple persons to be the Abator in relation to multiple Installations and/or Sites, the person is eligible to be accredited in respect of that project even if not all of the nominations have been made as at the date of accreditation, provided that:

- (a) the Scheme Administrator approves the form of the nomination and the process by which nomination forms are signed; and
- (b) the accreditation in relation to each Installation, activity or Site, and the right to create NGACs in relation to them, only comes into effect upon each respective nomination being made.

Note: Section 97ED(1) of the Act provides that the creation of an NGAC must be registered with the Scheme Administrator for the NGAC to have effect. Section 97ED(4) provides that

NGACs are registered with the Accredited Abatement Certificate Provider creating them (that is, the Abator) as the owner.

## 8.2 Number of NGACs that may be created from Demand Side Abatement

In respect of any Demand Side Abatement, the Abator may create the *Number of NGACs* calculated using:

- (a) the Project Impact Assessment Method in clause 9;
- (b) the Metered Baseline Method in clause 10;
- (c) the Default Abatement Factors Method in clause 11; or
- (d) the Generation Emissions Method in clause 12,

provided that:

- (e) the Scheme Administrator approves the method used (being one of the methods in (a) to (d)) before any NGACs are created using that method (which approval may be conditional upon applying the method in a particular manner that is permitted under this Rule);
- (f) the method used must produce a result reasonably reflecting the extent to which emissions are abated for the Demand Side Abatement undertaken;
- (g) assumptions used in that calculation are reasonable and follow common engineering practice;
- (h) those NGACs are reasonably attributable to the Demand Side Abatement in respect of which the calculation is made;
- (i) in the case of the Project Impact Assessment Method (other than in the case of NGACs brought forward under clause 8.3), the Metered Baseline Method or the Generation Emissions Method, the time period over which those NGACs are calculated must reasonably reflect to the satisfaction of the Scheme Administrator the time period over which greenhouse gas emissions are abated by the Demand Side Abatement in respect of which the calculation is made;
- (j) in the case of NGACs brought forward under clause 8.3, the Scheme Administrator considers that the Demand Side Abatement in respect of which those NGACs are created is reasonably likely to occur during the time period by reference to which those NGACs were calculated;
- (k) the calculation includes only greenhouse gas emissions attributable to the consumption or combustion of energy sources classified as stationary energy sources in the National Greenhouse Gas Inventory Methodology; and
- (l) emissions or emission reductions due to energy sources other than electricity are only included in the calculations in respect of Demand Side Abatement Projects that substitute other energy sources for electricity, or electricity for other energy sources, or are consumed in Generating Systems that supply

End-User Equipment within the same End-User Complex as the Generating System.

### 8.3 Creation of up to 2000 NGACs able to be brought forward using the Project Impact Assessment Method

Note: Section 97EC(1) of the Act provides that any NGACs may be created immediately after the activity in respect of which it was created takes place. Under this Rule, the relevant "activity" is the Demand Side Abatement; that is, the ongoing effects of a Demand Side Abatement Project. Therefore each NGAC may be created immediately after the reduction in greenhouse gas emissions represented by that NGAC occurs.

However, section 97EC(3) and (4) provides that in certain circumstances the date Demand Side Abatement is deemed to have occurred (for the purpose of NGAC creation) can be brought forward. To reduce transaction costs associated with creating NGACs for smaller projects the Abator may elect to bring forward the creation of up to 2000 NGACs.

When all of any Demand Side Abatement previously brought forward to create NGACs in respect of a Demand Side Abatement Project has actually occurred, another tranche of up to 2000 NGACs can be created, up to the lifetime Demand Side Abatement of the project.

This section does not prevent claims for more than 2000 NGACs in respect of abatement that has already occurred. That is, larger projects abating more than 2000 tonnes of CO<sub>2</sub>-e per annum may still claim the entire amount each year, after the abatement has occurred.

- 8.3.1 For the purposes of section 97EC of the Act, if the number of NGACs entitled to be created and calculated using the Project Impact Assessment Method in respect of any single Demand Side Abatement Project is equal to or less than 2000 per annum, then the Abator may elect for the Demand Side Abatement that gives rise to the entitlement to create the number of NGACs determined in accordance with clause 8.3.2 to be deemed to have occurred (for the purpose of the entitlement to create NGACs but not for any other purpose) on a date determined in accordance with clause 8.3.3.
- 8.3.2 The maximum number of NGACs that can be created per annum as a result of Demand Side Abatement being deemed to have occurred on a date determined under clause 8.3.3 is the lesser of :
- (a) 2000; or
  - (b) the remaining lifetime number of NGACs entitled to be created in respect of the Demand Side Abatement Project, where such number is determined, to the satisfaction of the Scheme Administrator, with reference to:
    - (i) the number of NGACs that are otherwise eligible to be created over a given period, determined in accordance with this Rule and to the satisfaction of the Scheme Administrator; and
    - (ii) any likely performance degradation of the Installation that will tend to result in greenhouse gas emissions abated in one period being lower than greenhouse gas emissions abated in preceding periods of equal duration; and
    - (iii) the expected lifetime of the Installation, taking into account the characteristics of the equipment, its usage, typical frequency of

replacement, and the use of the Site and Installation remaining the same.

8.3.3 The date on which the Demand Side Abatement is deemed to occur under clause 8.3.1 is the latter of:

- (a) 1 January 2003; or
- (b) the Implementation Date of the Demand Side Abatement Project; and
- (c) the first date by which all of any Demand Side Abatement previously brought forward under clause 8.3.1 to create NGACs in respect of the same Demand Side Abatement Project has actually occurred.

Note: The NSW Pool Coefficient for the year in which the abatement is deemed to occur (i.e. the year in which the certificates will be registered) should be used in calculating the number of NGACs to be brought forward.<sup>[11]</sup>

#### 8.4 Adjustment of number of NGACs that may be created for GGAP funded projects

Despite any other provision in this Rule, if on or after 1 January 2003 approval for GGAP funding has been granted for a project, the maximum number of NGACs that an Accredited Abatement Certificate Provider can create under this Rule from the number of tonnes of carbon dioxide equivalent of greenhouse gas emissions abated by the project equals the percentage of the total number of NGACs that it is otherwise entitled to create under this Rule from that project corresponding to the percentage of project funding that is not provided by GGAP.

Note: For example, if GGAP funding represents 20% of total project funding, then the Accredited Abatement Certificate Provider can only create NGACs for 80% of the eligible abatement achieved.

### 9 Project Impact Assessment Method

Note: The Project Impact Assessment Method determines the number of NGACs an Accredited Abatement Certificate Provider is entitled to create on the basis of an engineering assessment of only the equipment, process, or system that is the subject of Demand Side Abatement.

The Project Impact Assessment Method is most appropriate when abatement is small compared to site electricity consumption, unexplained variation in baseline energy consumption is high, or baseline energy consumption data for the site is unavailable.

Reduced energy consumption from energy sources other than electricity is only to be used in these calculations where it is a result of a fuel substitution or on-site generation project that is part of the Demand Side Abatement Project.

#### 9.1 Number of NGACs under the Project Impact Assessment Method

Using the Project Impact Assessment Method, *Number of NGACs* is calculated using **Equation 1**.

**Equation 1**

Number of NGACs = Emissions Abated x Confidence Factor

Where:

- *Number of NGACs* is in t CO<sub>2</sub>-e abated
- *Emissions Abated* (in t CO<sub>2</sub>-e) is calculated in **Equation 2**
- *Confidence Factor* depends on the type of engineering assessment performed under clause 9.2 and is assigned to the calculation according to clause 9.3

### Equation 2

Emissions Abated = Reduced Energy Consumption x Emissions Coefficient

If the consumption of more than one energy source is affected by Demand Side Abatement, Emissions Abated must be calculated for each energy source and totalled, according to the formula:

$$\text{Emissions Abated} = \sum_S \text{Reduced Energy Consumption}_s \times \text{Emissions Coefficient}_s$$

Where:

- *Emissions Abated* is in t CO<sub>2</sub>-e
- *Reduced Energy Consumption* is the extent to which the energy consumption of the equipment, process, or system is as a consequence of Demand Side Abatement different to what it otherwise would have been and is to be calculated in accordance with the engineering assessment in clause 9.2
- *Emissions Coefficient* is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.
- *S* is each source of energy affected by the Demand Side Abatement
- Units used for each energy source, and the emissions coefficient applicable to each energy source, should be appropriate for that energy source. The units should be MWh for electricity, or GJ for most other energy sources.

## 9.2 Engineering assessment of Reduced Energy Consumption

Accredited Abatement Certificate Providers choosing to use the Project Impact Assessment Method in respect of any Demand Side Abatement are for the purposes of **Equation 2** to calculate the Reduced Energy Consumption of only the equipment, process, or system the subject of Demand Side Abatement using an engineering assessment or model:

- (a) that uses reasonable assumptions and generally accepted engineering methods, models, and formulae;

- (b) in which the methods, models and formulae used to assess the Demand Side Abatement are chosen by the Accredited Abatement Certificate Provider, but the assessment is assigned a Confidence Factor under clause 9.3 reflecting the accuracy of the engineering assessment conducted;
- (c) that takes account of:
  - (i) the consumption of the existing equipment, systems or processes, or for the purposes of clause 9.4 a typical New Installation thereof that represents the best existing Installation of that type as described in that section, compared with its replacement;
  - (ii) the performance of the equipment, systems or processes, including degradation over time;
  - (iii) the operating characteristics of the equipment, systems or processes, including hours of use, degree of loading, usage, operating patterns and behaviour, ambient conditions and any other relevant factors; and
  - (iv) any of the default factors set out in Tables 3a, 3b or 3c of Schedule A to this Rule if the variable that the value represents is relevant to the assessment or, if the Accredited Abatement Certificate Provider proposes to use a different value for the same purpose, other values acceptable to the Scheme Administrator.

### 9.3 Confidence Factor

The *Confidence Factor* is:

- (a) 1.0, if the engineering assessment determines energy consumption to a high level of accuracy based on logged or equivalent data from the Installation such as:
  - (i) hours of operation for the Installation determined from measurements taken over time or other logged data, or a simpler method where this yields an equivalent level of accuracy;
  - (ii) allowances for any variance in input characteristics and usage, degree of loading, or output characteristics for the Installation over time determined from measurements or other logged data, or a simpler method where this yields an equivalent level of accuracy;
  - (iii) operating environment and ambient conditions over time for the Installation determined from measurements or other logged data, or a simpler method where this yields an equivalent level of accuracy;
  - (iv) Installation characteristics using a full performance curve from manufacturers' or measured data, or a simpler method where this yields an equivalent level of accuracy; and
  - (v) performance degradation of the Installation over time using detailed calculations and manufacturers' or measured degradation characteristics, or a simpler method where this yields an equivalent level of accuracy,

(including where the engineering assessment relies upon default factors from Tables 3a, 3b or 3c of Schedule A to this Rule),

or, if the engineering assessment does not meet the level of accuracy corresponding with those criteria:

- (b) 0. 9, if the engineering assessment determines energy consumption to a lesser level of accuracy from that described in (a), based on estimations from logged data, records or equivalent data such as:
  - (i) hours of operation for the Installation estimated from records, or a simpler method where this yields an equivalent level of accuracy;
  - (ii) allowances for any variance in input characteristics and usage, degree of loading, or output characteristics for the Installation over time estimated from records, or a simpler method where this yields an equivalent level of accuracy;
  - (iii) operating environment and ambient conditions over time estimated for the Installation from records or average measurements, or a simpler method where this yields an equivalent level of accuracy;
  - (iv) Installation characteristics taking account of performance at full and part load or discrete operating modes, or a simpler method where this yields an equivalent level of accuracy; and
  - (v) estimates of performance degradation of the Installation over time using manufacturers' or other representative degradation characteristics, or a simpler method where this yields an equivalent level of accuracy,

or, if the engineering assessment does not meet the level of accuracy corresponding with those criteria:

- (c) 0.8.

#### **9.4 New Installations other than New Office Buildings to be better than best existing installation**

For New Installations other than New Office Buildings, before being entitled to create NGACs under clause 8.2(a) an Accredited Abatement Certificate Provider must demonstrate to the Scheme Administrator by reference to:

- (a) any benchmarking or performance indicators established and published by a body recognised by the Scheme Administrator, including industry associations;
- (b) the type of equipment, process, or system and level of consumption considered typical for new installations, taking into account recent installations of this type of equipment, process, or system and Australian and global developments in technology; and
- (c) the type of improved equipment, process, or system proposed to be installed and the level of energy consumption,



that the Number of NGACs calculated are only in respect of greenhouse gas emissions per unit of output or service below the greenhouse gas emissions per unit of output or service from a comparable Installation having:

- (d) the lowest greenhouse gas emissions per unit of output or service from energy consumption of all existing Installations having the same function, output or service:
  - (i) in New South Wales or another jurisdiction approved by the Minister for the purposes of clause 7.4(a)(ii); or
  - (ii) if there is no such Installation in New South Wales or another jurisdiction approved by the Minister for the purposes of clause 7.4(a)(ii), in Australia; or
- (e) if there is no value that can be determined under (d), a level of greenhouse gas emissions per unit of output or service determined by the Scheme Administrator.

## 10 Metered Baseline Method

Note: The Metered Baseline Method uses measurements of energy consumption “before” the Demand Side Abatement Project takes place to establish a “baseline” energy consumption standard for the Site being considered. The same measurements performed “after” Demand Side Abatement measures have commenced will establish new levels of energy consumption, with the difference representing the impact of the abatement measures.

Emissions Abated are adjusted by a Confidence Factor that is calculated based on the size of the abatement relative to the unexplained variance in the baseline.

The Metered Baseline Method relies on the remainder of the Site operating as it did before the Demand Side Abatement Project was implemented. Where changes other than the Demand Side Abatement Project will affect metered consumption, the results will not reasonably reflect the abatement due to the Demand Side Abatement Project, and NGACs cannot be created using the Metered Baseline Method. Consequently, the Metered Baseline Method should not be used where changes other than the Demand Side Abatement Project have taken place during the baseline period, or are anticipated during the life of the Demand Side Abatement Project for which NGACs will be claimed. This does not prevent additional Demand Side Abatement Projects at the same Site from being implemented and assessed against the original baseline.

- 10.1 The Metered Baseline Method in this clause 10 may only be used to calculate *Number of NGACs* if measurements made pursuant to this clause 10 are of a standard and duration enabling the *Number of NGACs* to be determined to a level of accuracy satisfactory to the Scheme Administrator.
- 10.2 Using the Metered Baseline Method, *Number of NGACs* is calculated under:
  - (a) clause 10.5, using a baseline per unit of output;
  - (b) clause 10.6, using a baseline unaffected by output;
  - (c) clause 10.7, using a normalised baseline; or



- (d) clause 10.8, using a baseline normalised by means of a methodology adapted from the Australian Building Greenhouse Rating Scheme,

provided that all of the NGACs that the Accredited Abatement Certificate Provider seeks to create in respect of Demand Side Abatement can reasonably be attributed to the corresponding abatement.

- 10.3 The period over which any baseline is determined under this clause 10, using energy measurements before the Implementation Date of the Demand Side Abatement Project, must include 1 or more periods preceding the implementation of the Demand Side Abatement Project, but after 1 January 1997, excluding any time periods that are not representative of normal operating Site consumption due to factors including plant shutdown or major maintenance. The time periods used to determine the baseline must be acceptable to the Scheme Administrator.
- 10.4 The Abatement Certificate Provider must use utility meters or other metering equipment acceptable to the Scheme Administrator.

Note: Sub-metering may be used to effectively reduce the size of the Site considered for baseline calculations, thereby increasing abatement relative to the baseline and hence the confidence factor.

#### 10.5 Baseline per unit of output

Note: This Metered Baseline Method is most appropriate where consumption is strongly linked to output (for example, in aluminium smelting). Where the relationship is non-linear, or there are multiple products or changes in raw materials affecting consumption, another method of normalising the baseline should be used.

Increased or decreased consumption of energy sources other than electricity should only be included where the change in the consumption of that energy source is directly related to the Demand Side Abatement Project (that is for fuel substitution and generation projects). Reductions in consumption of other sources of energy that are not related to projects that primarily reduce emissions from electricity consumption are not included.

*Number of NGACs* may be calculated using **Method 1**, provided that:

- (a) the consumption of all energy sources for the Site are linear functions of output;
- (b) Fixed Energy Consumption, which is the energy consumption of the Site that does not vary with variations in output, can be measured or estimated;
- (c) output has not changed by more than 50% from the average output over the period during which the *Variable Energy Baseline* was measured, and
- (d) the *Variable Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Demand Side Abatement Project, up to a maximum of 5 years, but after 1 January 1997, and excluding any periods after the Implementation Date of the Demand Side Abatement Project that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

**Method 1**Step (1)

Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

- (a) a minimum of one day and a maximum of one year; and
- (b) if there is a regular cycle to the consumption of energy sources on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Emissions Abated<sub>s</sub>*, for each energy source, S, affected by the Demand Side Abatement Project by repeating Steps (2A) to (2G) for each energy source, and for each time period  $T_a$  by reference to which the Abator seeks to create NGACs by repeating Steps (2E) to (3) for each such period..

## Step (2A)

The *Fixed Energy Consumption* (in MWh or GJ) is the consumption of energy source, S, for the Site that does not vary with variations in output, and is:

- determined by estimating or extrapolating from measurements taken during plant downtime or estimated or determined mathematically from multiple periods;
- a reasonable reflection of the consumption unaffected by output, and will lead to emissions abated calculations that are reasonable, and
- over a period before Demand Side Abatement commences and the duration of which is equal to the Measurement Period.

Step (2B)

Calculate *Variable Consumption<sub>Tb</sub>* (in MWh / unit of output or GJ / unit of output) for  $n$  time periods  $T_b$ :

$$(\text{Total Consumption}_{T_b} - \text{Fixed Energy Consumption}) / \text{Output}_{T_b}$$

Where:

- $T_b$  denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Total Consumption<sub>Tb</sub>* (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time period  $T_b$
- *Output<sub>Tb</sub>* is the number of units of output during each time period  $T_b$
- $n$  is the number of time periods,  $T_b$ , where  $n$  must be at least 1

Step (2C) Calculate *Variable Energy Baseline* (in MWh / unit of output or GJ / unit of output):

$$\left\{ \sum_{T=1}^n \text{Variable Consumption}_{Tb} \right\} / n$$

Step (2D) Calculate *Baseline Variability* (in MWh / unit of output or GJ / unit of output), which is the unexplained variance in the baseline, as:

- where  $n > 2$ :

$$\text{Baseline Variability} = (\text{Maximum Variable Consumption}_{Tb} - \text{Minimum Variable Consumption}_{Tb}) / 2$$

- where  $n \leq 2$ :

$$\text{Baseline Variability} = 10\% \text{ of Variable Energy Baseline}$$

Where:

- *Maximum Variable Consumption<sub>Tb</sub>* is the value for Variable Consumption<sub>Tb</sub> that is the greatest of all  $n$  time periods  $Tb$
- *Minimum Variable Consumption<sub>Tb</sub>* is the value for Variable Consumption<sub>Tb</sub> that is the lowest of all  $n$  time periods  $Tb$

Step (2E) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each time period  $T_a$  by reference to which the Abator seeks to create NGACs:

$$(\text{Output}_{Ta} \times \text{Variable Energy Baseline} + \text{Fixed Energy Consumption}) - \text{Total Consumption}_{Ta}$$

Where:

- $T_a$  denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption<sub>Ta</sub>* (in MWh or GJ) is the consumption of energy source,  $S$ , for the Site measured by metering that consumption over a time period  $T_a$
- *Output<sub>Ta</sub>* is the number of units of output during the time period  $T_a$ .

Step (2F) Calculate *Confidence Factor*:

$$\text{Confidence Factor} = 1 - (\text{Baseline Variability} / \text{Variable Energy Baseline})$$

Step (2G) Calculate *Emissions Abated<sub>s</sub>* (in t CO<sub>2</sub>-e) for each time period  $T_a$  by reference to which the Abator seeks to create NGACs:

$$\text{Emissions Abated}_s = \text{Reduced Energy Consumption} \times \text{Confidence Factor} \times \text{Emissions Coefficient}_s$$

Where:

- *Emissions Coefficient<sub>s</sub>* is:

- for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
- for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (3) Calculate *Number of NGACs* (in t CO<sub>2</sub>-e) for each time period T<sub>a</sub> by reference to which the Abator seeks to create NGACs:

If  $\sum_s \text{Emissions Abated}_s \geq 0$ :

$$\text{Number of NGACs} = \sum_s \text{Emissions Abated}_s$$

or

If  $\sum_s \text{Emissions Abated}_s < 0$ :

$$\text{Number of NGACs} = 0$$

#### 10.6 Baseline unaffected by output

Note: This Metered Baseline Method is most appropriate where consumption is not linked to output. For example, schools and swimming pools.

*Number of NGACs* may be calculated using **Method 2**, provided that

- (a) the consumption of all energy sources for the Site is independent of output; and
- (b) the *Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Demand Side Abatement Project, to a maximum duration of 5 years, but after 1 January 1997, and excluding any periods that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

#### **Method 2**

##### Step (1)

Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

- (a) a minimum of one day and a maximum of one year; and
- (b) if there is a regular cycle to the consumption of energy sources on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Emissions Abated<sub>s</sub>* for each energy source, S, affected by the Demand Side Abatement Project by repeating Steps (2A) to (2E) for each energy source, and for each time period T<sub>a</sub> by reference to which the Abator seeks to create NGACs by repeating Steps (2C) to (3) for each such period.

Step (2A) Calculate *Energy Baseline* (in MWh or GJ):

$$\left\{ \sum_{T=1}^n \text{Total Consumption}_{Tb} \right\} / n$$

Where:

- *Tb* denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Total Consumption<sub>Tb</sub>* (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time periods *Tb*
- *n* is the number of time periods, *Tb*, where *n* must be at least 1

Step (2B) Calculate *Baseline Variability* (in MWh or GJ), which is the variance in the baseline, as:

where  $n > 1$ :

$$\text{Baseline Variability} = (\text{Maximum Total Consumption}_{Tb} - \text{Minimum Total Consumption}_{Tb}) / 2$$

where  $n = 1$ :

$$\text{Baseline Variability} = 10\% \text{ of Energy Baseline}$$

Where:

- *Maximum Total Consumption<sub>Tb</sub>* is the value for Total Consumption<sub>Tb</sub> that is the greatest of all *n* time periods *Tb*
- *Minimum Total Consumption<sub>Tb</sub>* is the value for Total Consumption<sub>Tb</sub> that is the lowest of all *n* time periods *Tb*
- 

Step (2C) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each time period T<sub>a</sub> by reference to which the Abator seeks to create NGACs:

$$\text{Energy Baseline} - \text{Total Consumption}_{Ta}$$

Where:

- $T_a$  denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption* $_{T_a}$  (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period  $T_a$

Step (2D) Calculate *Confidence Factor*:

$$\text{Confidence Factor} = 1 - (\text{Baseline Variability} / \text{Energy Baseline})$$

Step (2E) Calculate *Emissions Abated* $_s$  (in t CO<sub>2</sub>-e) for each time period  $T_a$  by reference to which the Abator seeks to create NGACs:

Reduced Energy Consumption x Confidence Factor x Emissions Coefficient $_s$

Where:

- *Emissions Coefficient* $_s$  is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (3) Calculate *Number of NGACs* (in t CO<sub>2</sub>-e) for each time period  $T_a$  by reference to which the Abator seeks to create NGACs:

If  $\sum_s \text{Emissions Abated}_s \geq 0$ :

$$\text{Number of NGACs} = \sum_s \text{Emissions Abated}_s$$

or

If  $\sum_s \text{Emissions Abated}_s < 0$ :

$$\text{Number of NGACs} = 0$$

## 10.7 Normalised baselines

Note: This Metered Baseline Method normalises energy consumption for a Site to remove explainable variation from the baseline. For example, adjusting for variations in ambient conditions or variations in input characteristics. The factors chosen for the normalisation must cause the variability that is removed and not be the result of spurious correlations.

Option C of the International Performance Measurement and Verification Protocol can be used for guidance as to the normalisation of baselines, particularly for complex cases.

*Number of NGACs* may be calculated using **Method 3**, provided that

- (a) the *Normalisation Variables* in respect of which the *Total Consumption* is normalised are variables corresponding to factors that are a reason for change in *Total Consumption*; and
- (b) the *Normalised Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Demand Side Abatement Project, to a maximum duration of 5 years, but after 1 January 1997, and excluding any periods that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

### Method 3

#### Step (1)

Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

- (a) a minimum of one day and a maximum of one year; and
- (b) if there is a regular cycle to the consumption of energy sources on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Emissions Abated<sub>s</sub>* for each energy source, S, affected by the Demand Side Abatement Project by repeating Steps (2A) to (2F) for each energy source, and for each time period  $T_a$  by reference to which the Abator seeks to create NGACs by repeating Steps (2D) to (3) for each such period. .

Step (2A) Calculate *Normalised Consumption<sub>Tb</sub>* (in MWh or GJ) for  $n$  time periods  $T_b$  by normalising the Total Consumption<sub>Tb</sub> to determine the consumption that would have occurred for period  $T_b$  had the conditions at time  $T_a$  existed, using:

- (a) a set of normalisation coefficients, which are one or more coefficients calculated to account for the variation in Total Consumption<sub>Tb</sub> per unit of change for each corresponding Normalisation Variable used in (b); and
- (b) a set of values, which are the difference between the values of the Normalisation Variables for each time period  $T_b$ , and the values of the

Normalisation Variables for one time period  $T_a$ , determined by measurements or other data sources.

Where:

- $T_b$  denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- $T_a$  denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption<sub>T<sub>b</sub></sub>* (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time period  $T_b$
- $n$  is the number of time periods,  $T_b$ , where  $n$  must be at least 1
- *Normalisation Variables* are the variables in respect of which the Total Consumption<sub>T<sub>b</sub> is normalised and must correspond to factors that are a reason for change in Total Consumption<sub>T<sub>b</sub></sub></sub>

Step (2B) Calculate *Normalised Energy Baseline*(in MWh or GJ):

$$\left\{ \sum_{T=1}^n \text{Normalised Consumption}_{T_b} \right\} / n$$

Step (2C) Calculate *Baseline Variability* (in MWh or GJ), which is the unexplained variance in the baseline, as:

where  $n > 1$ :

$$\text{Baseline Variability} = (\text{Maximum Normalised Consumption}_{T_b} - \text{minimum Normalised Consumption}_{T_b}) / 2$$

where  $n = 1$ :

$$\text{Baseline Variability} = 10\% \text{ of Normalised Energy Baseline}$$

Where:

- Maximum *Normalised Consumption<sub>T<sub>b</sub></sub>* is the value for Normalised Consumption<sub>T<sub>b</sub> that is the greatest of all  $n$  time periods  $T_b$</sub>
- Minimum *Normalised Consumption<sub>T<sub>b</sub></sub>* is the value for Normalised Consumption<sub>T<sub>b</sub> that is the lowest of all  $n$  time periods  $T_b$</sub>
- Step (2D) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each time period  $T_a$  by reference to which the Abator seeks to create NGACs:

$$\text{Normalised Energy Baseline} - \text{Total Consumption}_{T_a}$$

Where:

- $T_a$  denotes a time period, after the Implementation Date of the Demand



Side Abatement Project, the duration of which is equal to the Measurement Period

- *Total Consumption<sub>Ta</sub>* (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period T<sub>a</sub>

Step (2E) Calculate *Confidence Factor*:

Confidence Factor = 1 - (Baseline Variability / Normalised Energy Baseline)

Step (2F) Calculate *Emissions Abated<sub>s</sub>* (in t CO<sub>2</sub>-e) for each time period T<sub>a</sub> by reference to which the Abator seeks to create NGACs:

Reduced Energy Consumption x Confidence Factor x Emissions Coefficient<sub>s</sub>

Where:

- *Emissions Coefficient<sub>s</sub>* is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (3) Calculate *Number of NGACs* (in t CO<sub>2</sub>-e) for each time period T<sub>a</sub> by reference to which the Abator seeks to create NGACs:

If  $\sum_s \text{Emissions Abated}_s \geq 0$ :

*Number of NGACs* =  $\sum_s \text{Emissions Abated}_s$

**or**

If  $\sum_s \text{Emissions Abated}_s < 0$ :

*Number of NGACs* = 0

## 10.8 Office Building Australian Building Greenhouse Rating Scheme baseline

Note: This Metered Baseline Method is one acceptable method for normalising baselines for New or Existing Office Buildings.

*Number of NGACs* may be calculated using **Method 4** only for New or Existing Office Buildings.

#### **Method 4**

##### Step (1)

The *Measurement Period* is the duration of time over which all measurements in this Method will be taken and is twelve months.

Step (2) *Normalised Emissions Baseline* (in kg CO<sub>2</sub>-e / m<sup>2</sup>) is:

- (a) for a New Office Building, the normalised emissions per unit of area that is the lesser of:
- (i) the threshold for achieving an ABGR 4 star rating; or
  - (ii) the minimum ABGR rating required for the Office Building by a consent authority, as that term is defined in the *Environmental Planning and Assessment Act 1979*,

corrected to use instead of the ABGR default emission factor, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or

- (b) for an Existing Office Building, calculated as

$$\left\{ \sum_{T=1}^n \text{Normalised Emissions}_{Tb} \right\} / n$$

Where:

- *Tb* denotes a time period, before the Implementation Date of a Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Normalised Emissions<sub>Tb</sub>* (in kg CO<sub>2</sub>-e / m<sup>2</sup>) is for the Site the normalised emissions per unit of area, over mutually exclusive time periods, *Tb*, before the Implementation Date of the Demand Side Abatement Project, determined under the ABGR modified to use:
  - for all electricity supplied from a Transmission System or Distribution System including Green Power as that term is used in the National Green Power Accreditation Program, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set

- out in Table 4 of Schedule A to this Rule; or
- for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.
- $n$  is the number of time periods,  $T_b$ , before Demand Side Abatement, and  $n$  must be at least 1.

Step (3) Baseline Variability, which is the unexplained variance in the baseline, is:

- (a) for a New Office Building, 0; or
- (b) for an Existing Office Building, calculated as:

where  $n > 1$ :

$$\text{Baseline Variability} = (\text{Maximum Normalised Emissions}_{T_b} - \text{Minimum Normalised Emissions}_{T_b}) / 2$$

where  $n = 1$ :

$$\text{Baseline Variability} = 5\% \text{ of Normalised Emissions Baseline}$$

Where:

- *Maximum Normalised Emissions<sub>T<sub>b</sub></sub>* is the value for Normalised Emissions<sub>T<sub>b</sub></sub> that is the greatest of all  $n$  time periods  $T_b$
- *Minimum Normalised Emissions<sub>T<sub>b</sub></sub>* is the value for Normalised Emissions<sub>T<sub>b</sub></sub> that is the lowest of all  $n$  time periods  $T_b$

Step (4) Calculate the Emissions Abated as:

Normalised Emissions Baseline - Normalised Emissions<sub>T<sub>a</sub></sub>

Where:

- *Emissions Abated* is in kg CO<sub>2</sub>-e / m<sup>2</sup>
- *Normalised Emissions<sub>T<sub>a</sub></sub>* (in kg CO<sub>2</sub>-e / m<sup>2</sup>) is for the Site the normalised emissions per unit of area, for a time period  $T_a$  after Demand Side Abatement and the duration of which is equal to the Measurement Period, determined under the ABGR modified to use:
  - for all electricity supplied from a Transmission System or Distribution System including Green Power as that term is used in the National Green Power Accreditation Program, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor

for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (5) Calculate *Confidence Factor*:

$$\text{Confidence Factor} = 1 - (\text{Baseline Variability} / \text{Normalised Emissions Baseline})$$

Step (6) Calculate *Number of NGACs* (in t CO<sub>2</sub>-e):

If Emissions Abated  $\geq 0$ :

$$\text{Number of NGACs} = \text{Emissions Abated} \times \text{Net Lettable Area}_{Ta} \times (\text{Gross Emissions}_{Ta} / \text{Normalised Emissions}_{Ta}) \times \text{Confidence Factor} / 1000$$

**or**

If Emissions Abated  $\times$  Net Lettable Area<sub>Ta</sub>  $\times$  (Gross Emissions<sub>Ta</sub> / Normalised Emissions<sub>Ta</sub>)  $\times$  Confidence Factor  $< 0$ :

$$\text{Number of NGACs} = 0$$

Where:

- *Net Lettable Area<sub>Ta</sub>* (in m<sup>2</sup>) is the occupied net lettable area of the building determined in accordance with the ABGR for the period Ta
- *Gross Emissions<sub>Ta</sub>* (in kg CO<sub>2</sub>-e / m<sup>2</sup>) is the uncorrected Greenhouse Gas emissions for the period Ta

## 11 Default Abatement Factors Method

Note: The Default Abatement Factors Method can be used for the installation of common equipment such as refrigerators and certain electric motors. A program of multiple installations of the same type is considered a single Demand Side Abatement Project.

- 11.1 The Default Abatement Factors Method in this clause 11 may only be used to calculate *Number of NGACs* if the Installation or activity is listed in **Table 1**

Note: The Default Abatement Factors in Table 1 take account of failures or removal of an item after the Implementation Date and before the end of its normal service life.

- 11.2 Using the Default Abatement Factors Method, *Number of NGACs* is calculated using **Equation 3**.
- 11.3 Where *Number of NGACs* is calculated using the Default Abatement Factors Method in this clause 11, the Demand Side Abatement that is the subject of that calculation is deemed to have taken place (for the purpose of the entitlement to create NGACs but not for any other purpose) on the later of: .

- (a) 1 January 2003; and
- (b) the Implementation Date of the relevant Installation or Installations or activity.

### Equation 3

Number of NGACs = Number of Installations or Activities x Abatement Factor x  
Installation Discount Factor

Where:

- *Number of NGACs* is in t CO<sub>2</sub>-e
- *Number of Installations or Activities* is the quantity of a certain type of Installation that has been installed or activities that have been undertaken
- *Abatement Factor* is the Default Emissions Abatement Factor corresponding to that type of Installation or activity in **Table 1** of Schedule A to this Rule
- *Installation Discount Factor* is a factor to be applied to take account of the risk that under a particular program design some items may not be installed, and is:
  - 1.0, if the Scheme Administrator is satisfied that the Installation or Installations have been installed, which may be on the basis of a written statement from an appropriately trained person who performed the installation or contractor invoices; or
  - 0.9, if the Scheme Administrator is satisfied that the Installation or Installations have been sold for the purposes of being installed, but does not have sufficient evidence to be satisfied that the Installations have been installed; or
  - 0.8, if the Scheme Administrator is satisfied that a person has taken possession of the Installation or Installations for the purposes of being installed, but does not have sufficient evidence to be satisfied that the Installations have been sold or installed; or
  - another value determined using a methodology approved by the Scheme Administrator.
- In this Equation, a reference to the risk of an item not being installed means the risk of the item not being installed either at all or in New South Wales or another jurisdiction approved by the Minister for the purposes of clause 7.4(a)(ii).

11.4 Where an Installation Discount Factor of 1.0 is applied in Equation 3, the energy source is considered to be known in respect of a:

- (a) Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa); or
- (b) AAA Flow restrictor that achieves the same effect as a AAA rated showerhead (that is consuming less than 9 L water / minute at a water pressure of 250 kPa).

11.5 Where the Demand Side Abatement Activity involves the removal and disposal of a refrigerator, an Installation Discount Factor of 1.0 applies in **Equation 3**.

## 12 Generation Emissions

Note: Where part of the electricity generated is exported into the NSW Electricity Network or an interconnected Transmission or Distribution System, and part is consumed by End-User Equipment within the same End-User Complex as the Generating System, only that part that is so consumed is eligible to create NGACs under this Rule. The remainder is separately eligible to create NGACs under the Generation Rule.

- 12.1 The Generation Emissions Method in this clause 12 may only be used to calculate *Number of NGACs* to the extent that the electricity generated by a Generating System is supplied to End-User Equipment within the same End-User Complex as the Generating System.
- 12.1A For the purposes of clause 12.1, electricity generated by a Generating System will be taken to be supplied within the same End-User Complex as the Generating System to the extent that the electricity is not exported into the NSW Electricity Network or a Transmission or Distribution System interconnected with the NSW Electricity Network, regardless of whether or not the owner of the Generating System also owns the relevant End-User Equipment.
- 12.2 Using the Generation Emissions Method, *Number of NGACs* is calculated using **Equation 4**.

### Equation 4

$$\text{Number of NGACs} = \text{Eligible Generation} \times (\text{NSW Pool Coefficient} \times \text{Emissions Intensity Adjustment Factor} - \text{Emissions Intensity})$$

Where:

- *Number of NGACs* is in t CO<sub>2</sub>-e and is in respect of the time period over which the Eligible Generation occurs
- *Eligible Generation* (in MWh) is calculated in **Equation 5**
- *NSW Pool Coefficient* is the NSW Pool Coefficient determined by the Tribunal using clause 9.1 of the Compliance Rule for the year in which the electricity was generated
- *Emissions Intensity* (in t/MWh) is calculated using **Equation 6**
- *Emissions Intensity Adjustment Factor* is the value in Table 9 of Schedule A to the Generation Rule appropriate to the Generating System being connected at an End-User Complex

### Equation 5

$$\text{Eligible Generation} = \text{Self Generated Site Use} - \text{RECs Created/MLF} \times (\text{Self Generated Site Use} / \text{Sent Out Generation})$$

Where:

- *Eligible Generation* is in MWh and is in respect of a calendar year or part thereof
- *Self Generated Site Use* (in MWh) is the portion of the electricity generated by the Generating System that is consumed End-User Equipment within the same End-User Complex as the Generating System, determined by:

- metered electricity generated by the Generating System where this is available; or
- calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10.
- *RECs Created* (in MWh) are the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System that constituted the *Sent Out Generation*
- *Sent Out Generation* (in MWh), in respect of the Generating System, is Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the Total Greenhouse Gas Emissions. If this metered information is not available it may be determined by calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10
- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

#### Equation 6

Emissions Intensity = Total Greenhouse Gas Emissions / Sent Out Generation

Where:

- *Emissions Intensity* is in t CO<sub>2</sub>-e/MWh
- *Total Greenhouse Gas Emissions* (in t CO<sub>2</sub>-e) is determined using clause 10 of the Generation Rule, in respect of the time period over which the Eligible Generation occurs
- *Sent Out Generation* (in MWh) is, in respect of the Generating System, Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the Total Greenhouse Gas Emissions. If this metered information is not available, it may be determined by calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10
- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System

12.3 Using the Generation Emissions Method, in addition to the number of NGACs in clause 12.2, the Abator may create NGACs from that portion of electricity which is used within the same End-User Complex which is:

- (a) generated using landfill gas or sewage gas or manufactured methane or Qualifying Putrescible Waste or cogeneration from renewable sources according to, and as if it were the Generator referred to in clause 9.5 of the Generation Rule; or
- (b) from cogeneration according to clause 10.2 of the Generation Rule, or if the benefit from the heat is in the form of electricity avoided, from



cogeneration according to the Project Impact Assessment Method under this Rule.

### 13 Definitions and Interpretation

13.1 In this Rule:

“**ABGR**” means the Australian Building Greenhouse Rating Scheme Methodology.

“**Act**” means the *Electricity Supply Act 1995*.

“**Benchmark Rules**” means the rules under Part 8A, Division 11 of the Act.

“**Compliance Rule**” means *Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003*.

“**Demand Side Abatement**” has the meaning given to it in clause 7.

“**Demand Side Abatement Project**” has the meaning given to it in clause 7.

“**Distribution System**” is a “distribution system” (as that term is defined in the National Electricity Code) in respect of which a person is registered as a “Network Service Provider” under the National Electricity Code.

“**Electricity Sales Foregone**” has the meaning given to it under the Electricity Sales Foregone Framework.

“**Electricity Sales Foregone Framework**” means the methodology described in the document entitled *Greenhouse Gas Emissions from Electricity Supplied in NSW: Framework for Calculation of Electricity Sales Foregone*, published by the Ministry of Energy and Utilities in February 1999.

“**Emissions Workbook**” means the methodology described in the document entitled *Greenhouse Gas Emissions from Electricity Supplied in NSW: Emissions Workbook* published by the Ministry of Energy and Utilities in October 2000.

“**End-User Complex**” is as described in clause 12.1A.

“**End-User Equipment**” means electricity consuming equipment that is not associated with the generation of electricity or generated ancillary loads.

“**Existing Office Building**” means an Office Building which was first occupied prior to 1 January 2002.

“**Fossil Fuel**” means coal seam gas drained from mines as an integrated part of coal mining operations, black coal, brown coal, natural gas, fuels derived from petroleum, or coal seam methane.

“**Generation Rule**” means *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003*

“**Generator**” means a Generator as that term is defined in the Generation Rule.

“**Generating System**” means a system comprising one or more of the physical generators of electricity and all the related equipment capable of functioning as a single entity.



“**GGAP**” means the Greenhouse Gas Abatement Program administered by the Australian Greenhouse Office of the Commonwealth.

“**Implementation Date**” means the date on which the reduction in greenhouse gas emissions resulting from a project commences. In the case of a single Demand Side Abatement Project that involves multiple Installations or occurs across multiple Sites, it means the date on which the reduction in greenhouse gas emissions resulting from the first Installation or occurring at the first Site commences. In the case of an Installation or activity where NGACs are calculated using the Default Abatement Factors method with an Installation Discount Factor of 1.0, it means the date on which the Installation was commissioned or reached practical completion or the date on which the activity took place, or, if a lesser Installation Discount Factor applies, the date on which the Installations are sold or receipt acknowledged.

“**Installation**” means energy consuming equipment, processes, or systems, including the equipment directly consuming energy, and other equipment that causes, controls or influences the consumption of energy, and includes (in the context of clause 10.8) a New Office Building.

“**June Rule**” means the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* as in force on 11 June 2004 and is defined in clause 1.2

“**New Installation**” means an Installations where no Installations of the same type, function, output or service was previously in its place (but does not include additional components installed in the course of modifying an Installation), and includes (in the context of clause 10.8) a New Office Building.

“**New Office Building**” means an Office Building which was first occupied on or after 1 January 2002.

“**NGAC**” (New South Wales Greenhouse Abatement Certificate) is a transferable abatement certificate under section 97F of the Act, which is created in accordance with the Generation Rule, Sequestration Rule, or this Rule.

“**NSW Electricity Network**” means all electricity Transmission Systems and Distribution Systems located in New South Wales..

“**NSW Pool Coefficient**” is defined in section 97AB of the Act and determined by the Tribunal under section 97BF of the Act, in accordance with clause 9.1 of the Compliance Rule. The relevant NSW Pool Coefficient for the purposes of this Rule is that for the year in which the abatement occurred.

“**October Rule**” means the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* as in force on 3 October 2003.

“**Office Building**” means a Site that can be rated under the ABGR.

“**ORER**” means the Commonwealth Office of the Renewable Energy Regulator established under the RE(E) Act.

“**Qualifying Putrescible Waste**” means Qualifying Putrescible Waste as that term is defined in the Generation Rule.

“**REC**” means a renewable energy certificate as defined in s 97AB of the Act.

“**RECs Created**” is defined in Equation 5.

“**RE(E) Act**” means the *Renewable Energy (Electricity) Act 2000* (Cth).

“**RE(E) Regulation**” means the *Renewable Energy (Electricity) Regulations 2001* (Cth).

“**Regulations**” means regulations made pursuant to Part 8A of the Act.

“**Renewable Energy Source**” means an eligible renewable energy source under the RE(E) Act.”

“**Scheme Administrator**” is defined in section 97AB of the Act.

“**Sequestration Rule**” means *Greenhouse Gas Benchmark Rule (Carbon Sequestration) No.5 of 2003*.

“**Site**” means all End-User Equipment and Generating Systems for which the electricity consumed or supplied is measured by the same utility meter allocated a National Meter Identifier (NMI) under the National Electricity Code, or by other meters or logging devices measuring a part of this site, and approved by the Scheme Administrator (whether alone or in combination with the utility meter)..

Note: Meters other than utility meters that measure part of the consumption of a Site can be used to “sub-meter” consumption related to Demand Side Abatement. In this case, the Site would become only that part of the Installation that has its consumption recorded by that meter, provided it meets the requirement of the Scheme Administrator.

Meters other than “utility” meters (those allocated a NMI) can only be used to sub-meter loads within an individual Site, not aggregate several Sites.

“**Total Greenhouse Gas Emissions**” is defined in Equation 6.

“**Transmission System**” is a “transmission system” (as that term is defined in the National Electricity Code) in respect of which a person is registered as a “Network Service Provider” under the National Electricity Code.

“**Tribunal**” has the meaning given to it under the Act.

13.2 Notes in this Rule do not form part of the Rule.

13.3 A reference in this Rule to an entitlement to create a number of NGACs is to be taken as an entitlement to create a lesser number of NGACs.

13.4 For the purpose of this Rule the terms and expressions used in this Rule have the same meaning as in the Act or as defined in Part 8A of the Act, except the terms that are expressly defined in this Rule.

13.5 A reference to accreditation in respect of a Demand Side Abatement Project means accreditation in respect of Demand Side Abatement from the Demand Side Abatement Project.

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## Schedule A – Default factors and supporting information

**Table 1: Default Emissions Abatement Factors**

| <b>Installation or Activity</b>   | <b>Default Emissions Abatement Factors</b> |
|---|--|
| Natural gas (or LPG) storage or instantaneous hot water system (not solar) replacing an existing electric hot water system (not solar)  | 20   |
| Natural gas (or LPG) boosted solar hot water system replacing an electric hot water system (not solar). Additional NGACs for non-solar water heating (solar contribution is claimable as RECs)                                  | 6  |
| Compact fluorescent lamp that has a manufacturer's rating of 15,000 hours or more   | 0.9  |
| Compact fluorescent lamp that has a manufacturer's rating of 12,000 hours or more   | 0.7  |
| Compact fluorescent lamp that has a manufacturer's rating of 10,000 hours or more   | 0.6  |
| Compact fluorescent lamp that has a manufacturer's rating of 8,000 hours or more  | 0.5  |
| Compact fluorescent lamp that has a manufacturer's rating of 5,000 hours or more  | 0.3  |
| 35 Watt Infrared Coated Halogen lamp  | 0.05                                       |
| 45 Watt (or greater) Infrared Coated Halogen lamp   | 0.07                                       |
| Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system using electricity as its energy source  | 4.0  |
| Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system for which the energy source is not known                                      | 3.1  |
| Flow restrictor that achieves the same effect as a AAA rated showerhead (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system using electricity as its energy source | 4.0  |

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|   |                 |     |
|---|-----------------|-----|
| Flow restrictor that achieves the same effect as a AAA rated showerhead (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system for which the energy source is not known                                 |                 | 3.1 |
| Refrigerator that is 10 or more years old, 250 litres or greater in gross volume and in working order but not providing the primary refrigeration service of a household, on removal, for disposal and destruction, with appropriate disposal of the refrigerant. |                 | 8.0 |
| Refrigerator / freezer  | 2.5 Star Rating | -   |
|   | 3 Star Rating   | -   |
|   | 3.5 Star Rating | 0.1 |
|   | 4 Star Rating   | 0.6 |
|   | 4.5 Star Rating | 1.0 |
|   | 5 Star Rating   | 1.4 |
|   | 5.5 Star Rating | 1.8 |
|   | 6 Star Rating   | 2.5 |
| Freezer   | 2.5 Star Rating | -   |
|   | 3 Star Rating   | 0.7 |
|   | 3.5 Star Rating | 0.8 |
|   | 4 Star Rating   | 0.9 |
|   | 4.5 Star Rating | 1.0 |
|   | 5 Star Rating   | 1.1 |
|   | 5.5 Star Rating | 1.2 |
|   | 6 Star Rating   | 1.3 |
| Clothes washer  | 2.5 Star Rating | 1.3 |
|   | 3 Star Rating   | 1.6 |
|   | 3.5 Star Rating | 1.9 |
|   | 4 Star Rating   | 2.2 |
|   | 4.5 Star Rating | 2.5 |
|   | 5 Star Rating   | 2.9 |
|   | 5.5 Star Rating | 3.2 |
|   | 6 Star Rating   | 3.5 |
| Clothes drier   | 2.5 Star Rating | -   |
|   | 3 Star Rating   | 0.3 |
|   | 3.5 Star Rating | 0.4 |
|   | 4 Star Rating   | 0.6 |
|   | 4.5 Star Rating | 0.7 |

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|            |                 |     |
|------------|-----------------|-----|
|            | 5 Star Rating   | 0.9 |
|            | 5.5 Star Rating | 1.0 |
|            | 6 Star Rating   | 1.2 |
| Dishwasher | 2.5 Star Rating | -   |
|            | 3 Star Rating   | -   |
|            | 3.5 Star Rating | -   |
|            | 4 Star Rating   | 0.1 |
|            | 4.5 Star Rating | 0.2 |
|            | 5 Star Rating   | 0.3 |
|            | 5.5 Star Rating | 0.4 |
|            | 6 Star Rating   | 0.5 |

In this Table:

“**Star Rating**” means the star rating under assigned under the National Appliance and Equipment Energy Efficiency Program

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**Table 2: Carbon Dioxide Emission Factors**

| <b>Energy Source</b> | <b>Application / Usage</b>                             | <b>kt CO<sub>2</sub>/PJ</b> |
|----------------------|--|-----------------------------|
| Coal                 | Coal used in public electricity generation (ASIC 3611) | 92.0                        |
|                      | Coals used in steel industry                           | 93.0                        |
|                      | Black coal used by other industry                      | 90.0                        |
|                      | Brown coal used by industry                            | 88.3                        |
|                      | Coke   | 119.5                       |
|                      | Coal by-products (gaseous)                             | 37.0                        |
|                      | Coal by-products (coal tar and BTX)                    | 81.0                        |
|                      | Brown coal briquettes                                  | 105.0                       |
| Petroleum            | Liquefied petroleum gas (LPG)                          | 59.4                        |
|                      | Naphtha  | 66.0                        |
|                      | Lighting kerosene                                      | 69.7                        |
|                      | Power kerosene   | 69.7                        |
|                      | Aviation gasoline                                      | 68.0                        |
|                      | Aviation turbine fuel                                  | 69.7                        |
|                      | Heating oil  | 69.7                        |
|                      | Fuel oil   | 73.6                        |
|                      | Automotive diesel oil (ADO)                            | 69.7                        |
|                      | Industrial diesel fuel (IDF)                           | 69.7                        |
|                      | Refinery fuel  | 68.1                        |
|                      | Other petroleum products                               | 68.6                        |
|                      | Solvents   | 66.0                        |
|                      | Lubricants and greases                                 | 73.7                        |
| Bitumen              | 80.7   |                             |
| Gaseous*             | Natural gas - NSW                                      | 50.8                        |
|                      | Natural gas - Victoria                                 | 51.0                        |
|                      | Natural gas - SA                                       | 50.8                        |
|                      | Natural gas - Queensland                               | 51.1                        |
|                      | Natural gas - ACT                                      | 50.8                        |
|                      | Town gas (tempered LPG)                                | 59.0                        |
| Biomass              | Wood and wood waste (dry)                              | 94.0                        |
|                      | Bagasse  | 96.8                        |

\*Note: Where the Fossil Fuel is Waste Mine Coal Gas, the applicable factor under Table 3 is the Applicable State factor for natural gas.

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**Table 3a: Default Efficiencies**

| Application                         | Device type       | Default Efficiency |
|-------------------------------------|-------------------|--------------------|
| Electric Water heating              | Off peak          | 85%                |
|                                     | Continuous        | 90%                |
| Electric Space heating              | Resistance        | 100%               |
|                                     | Reverse cycle     | 280%               |
| Electric Cooking                    | Hotplate          | 60%                |
|                                     | Oven              | 50%                |
| Electric Industrial heat            | Boiler            | 90%                |
| Natural gas and LPG Water heating   | Instantaneous     | 75%                |
|                                     | Storage           | 60%                |
| Natural gas and LPG Space heating   | Flued heater      | 70%                |
| Wood space heating                  | Closed combustion | 50%                |
|                                     | Open fire         | 20%                |
| Natural gas and LPG Cooking         | Burners           | 50%                |
|                                     | Oven              | 45%                |
| Natural gas and LPG Industrial heat | Boiler            | 80%                |
| Bagasse Industrial heat             | Boiler            | 60%                |

**Table 3b: Default Efficiency Improvements for High Efficiency Motors**

| Rating of HEM                           | Default lifetime (years) | Default efficiency improvement                          |
|---|--------------------------|---|
| High Efficiency Motor of less than 3 kW | 7                        | 8% of the annual electricity consumption of the motor   |
| High Efficiency Motor of 3-7.5 kW       | 7                        | 5% of the annual electricity consumption of the motor   |
| High Efficiency Motor of 11-37 kW       | 7                        | 2.5% of the annual electricity consumption of the motor |
| High Efficiency Motor of 45-90 kW       | 7                        | 1.5% of the annual electricity consumption of the motor |
| High Efficiency Motor of 110-185 kW     | 7                        | 1% of the annual electricity consumption of the motor   |

In this table:

“**High Efficiency Motor**” means a motor meeting the High Efficiency levels specified in Australian Standard / New Zealand Standard 1359.5

**Table 3c: Default loss savings from Power Factor Correction at end-user’s premises**

| Size of PFC installation covered by this default formula                        | Default lifetime (years) | Annual energy saving           |
|---|--------------------------|--------------------------------|
| Power Factor Correction of less than 1000 kVAr installed at an End-User Complex | 7                        | 0.06 MWh pa per kVAr installed |

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**Table 4: Average Distribution Loss Factor**

| Average Distribution Loss Factor |
|----------------------------------|
| 1.058                            |

Note: This is the weighted average of distribution losses for the NSW Distribution System. Transmission losses are already included in the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule, and no further adjustment is required for Installations connected to the Transmission System.



## Protection of the Environment Operations (Waste) Regulation 2005

### The ash from burning uncontaminated wood, timber, forestry residues or paper exemption 2005

#### Name

1. This exemption is to be known as 'The ash from burning uncontaminated wood, timber, forestry residues or paper exemption 2005'.

#### Commencement

2. This exemption commences on 1 December 2005.

#### Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

#### Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of fly ash and bottom ash from any furnace is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Ash from burning uncontaminated wood, timber, forestry residues or paper may only be applied to land where the conditions of this exemption are met.

#### Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers and suppliers.

#### Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, ash from burning uncontaminated wood, timber, forestry residues or paper to land. The consumer will generally be the landholder responsible for the land to which the ash is applied.
- **In-ash** means the ash from burning uncontaminated wood, timber, forestry residues or paper prior to blending, mixing or otherwise processing.
- **Processor** means a person who mixes, blends or otherwise incorporates the ash from uncontaminated wood, timber, forestry residues or paper into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, ash from uncontaminated wood, timber, forestry residues or paper to a party processing

these substances or applying these substances to land. The supplier will generally be the generator of the ash from uncontaminated wood, timber, forestry residues or paper.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

### Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

**Table 1**

| <b>Column 1</b>           | <b>Column 2</b>  |
|---------------------------|--|
| <b>Responsible person</b> | <b>Provisions from which the responsible person is exempt</b>  |
| Supplier                  | clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]  |
| Processor                 | clause 6 of the Regulation [Residue waste not to be applied to certain land]   |
| Consumer                  | section 48 of the Act [Licensing requirement—scheduled activities (premises based)]<br>section 88 of the Act [Contributions by licensee of waste facilities]<br>clause 6 of the Regulation [Residue waste must not be applied to certain land] |

### Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to ash from burning uncontaminated wood, timber, forestry residues or paper.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of ash from burning uncontaminated wood, timber, forestry residues or paper where the in-ash contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

### Maximum contaminant concentrations

9. The in-ash contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

**Table 2**

| Column 1<br>Contaminant                         | Column 2<br>Maximum concentration |
|---|-----------------------------------|
| Boron (mg/kg)                                   | 60                                |
| Electrical conductivity EC <sub>se</sub> (dS/m) | 4                                 |
| Arsenic (mg/kg)                                 | 20                                |
| Copper (mg/kg)                                  | 100                               |
| Chromium <sub>(total)</sub> (mg/kg)             | 100                               |
| Lead (mg/kg)                                    | 100                               |

### Test methods

- 10.1 Test methods for measuring boron concentrations in ash from burning uncontaminated wood, timber, forestry residues or paper require:
- 10.1.1 Analysis using the hot water soluble method for boron, Wear J.I. 1965, *Methods of Soil Analysis, Part 2* (ed. C.A. Black), pages 1062–3, American Society of Agronomists, Madison, Wisconsin.
- 10.1.2 Reporting as mg/kg dry weight.
- 10.2 Test methods for measuring arsenic, chromium, copper and lead concentrations in ash from burning uncontaminated wood, timber, forestry residues or paper require:
- 10.2.1 Sample preparation by digesting ash using USEPA 3051 or equivalent.
- 10.2.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption).
- 10.2.3 Reporting as mg/kg dry weight.
- 10.3 Test methods for measuring electrical conductivity concentrations in ash from burning uncontaminated wood, timber, forestry residues or paper require:
- 10.3.1 Sample preparation by mixing 1 part ash with 5 parts distilled/deionised water.
- 10.3.2 Measurement technique—National Environment Protection Council, Method 104 'Electrical Conductivity', *Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999* available at: [www.ephc.gov.au/pdf/cs/cs\\_03\\_lab\\_analysis.pdf](http://www.ephc.gov.au/pdf/cs/cs_03_lab_analysis.pdf) (or equivalent analytical method with a 'detection limit' < 10% of the stated 'electrical conductivity' limit in the General Exemption).
- 10.3.3 Report as 'electrical conductivity' in deciSeimens per metre (dS/m).

## Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

### 11.1 Chemical characterisation

- 11.1.1 Suppliers of ash from burning uncontaminated wood, timber, forestry residues or paper must, initially, fully chemically characterise their ash from burning uncontaminated wood, timber, forestry residues or paper.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their ash from burning uncontaminated wood, timber, forestry residues or paper at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the ash from burning uncontaminated wood, timber, forestry residues or paper, initial characterisation of the ash from burning uncontaminated wood, timber, forestry residues or paper must be repeated.
- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1, 10.2 and 10.3.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

### 11.2 Maximum allowable contaminant concentrations

- 11.2.1 The in-ash contaminants specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

### 11.3 Information to be provided to processor

- 11.3.1 Suppliers who provide ash from burning uncontaminated wood, timber, forestry residues or paper to a processor must provide a written statement of compliance to the processor with each transaction of ash from burning uncontaminated wood, timber, forestry residues or paper, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide ash from burning uncontaminated wood, timber, forestry residues or paper to processors must provide the processor with a copy of this exemption and the MSDS.

### 11.4 Information to be provided to consumer

- 11.4.1 Suppliers who cause or permit the provision of ash from burning uncontaminated wood, timber, forestry residues or paper to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the ash from burning uncontaminated wood, timber, forestry residues or paper, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of ash from burning uncontaminated wood, timber, forestry residues or paper.
- 11.4.2 Suppliers who cause or permit the provision of ash from burning uncontaminated wood, timber, forestry residues or paper to consumers

for direct land application must provide the consumer with a copy of this exemption and the MSDS.

#### **11.5 *Monitoring and record keeping***

- 11.5.1 Suppliers of ash from burning uncontaminated wood, timber, forestry residues or paper shall undertake routine testing of representative samples to ensure that the quality of the ash from burning uncontaminated wood, timber, forestry residues or paper is consistently maintained.
- 11.5.2 At a minimum, suppliers of ash from burning uncontaminated wood, timber, forestry residues or paper must test the ash from burning uncontaminated wood, timber, forestry residues or paper three times a year where less than 1000 tonnes of ash from burning uncontaminated wood, timber, forestry residues or paper is provided to processors and/or consumers in total. Where more than 1000 tonnes of ash from burning uncontaminated wood, timber, forestry residues or paper is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

#### **Processor responsibilities**

12. The following conditions only apply where the ash from burning uncontaminated wood, timber, forestry residues or paper is mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of ash from burning uncontaminated wood, timber, forestry residues or paper, refer to section 13, 'Consumer responsibilities'.

#### **12.1 *Maximum allowable contaminant concentrations***

- 12.1.1 Prior to mixing, blending or otherwise incorporating them into a commercial land application material, the processor must ensure that the in-ash contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

#### **12.2 *Information to be provided to the consumer***

- 12.2.1 Where ash from burning uncontaminated wood, timber, forestry residues or paper is mixed, blended or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that commercial land application material to the consumer.

#### **12.3 *Monitoring and record keeping requirements***

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of ash from burning uncontaminated wood, timber, forestry residues or paper, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of ash from burning uncontaminated wood, timber, forestry residues or paper received, the supplier's name and the

period over which the ash from burning uncontaminated wood, timber, forestry residues or paper was received must be kept for a period of three years.

### **Consumer responsibilities**

13. The following conditions only apply where ash from burning uncontaminated wood, timber, forestry residues or paper is directly applied to the land. These conditions do not apply where ash from burning uncontaminated wood, timber, forestry residues or paper is mixed or blended with, or otherwise incorporated into, a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

#### **13.1 *Soil application***

13.1.1 The ash from burning uncontaminated wood, timber, forestry residues or paper must be incorporated into the topsoil.

#### **13.2 *Monitoring and record keeping requirements***

13.2.1 Consumers applying ash from burning uncontaminated wood, timber, forestry residues or paper to land shall obtain and keep a written statement with each transaction of ash received, certifying that the ash from burning uncontaminated wood, timber, forestry residues or paper complies with the relevant conditions of this exemption.

13.2.2 Records of the quantity of ash from burning uncontaminated wood, timber, forestry residues or paper received, the supplier's name and the date the ash from burning uncontaminated wood, timber, forestry residues or paper was received must be kept for a period of three years.

### **Exemption Granted**

**Mark Gorta**  
**Manager, Waste Management Section**  
**Environment Protection Authority**

## Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such change on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.



## Appendix 1—Guidance

### **Where the supplier and consumer are the same person**

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the ash from burning uncontaminated wood, timber, forestry residues or paper and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

### **What is a 'transaction'?**

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of ash from burning uncontaminated wood, timber, forestry residues or paper from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

### **Information to be included in a statement of compliance**

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

### **Environmentally appropriate land application of ash from burning uncontaminated wood, timber, forestry residues or paper**

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the ash from burning uncontaminated wood, timber, forestry residues or paper should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc. Any potential consequential implications for agricultural produce or future land use should also be considered.

While maximum contaminant concentration limits and application rates are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application and should normally be no more than the agronomic rate for the most limiting factor.



As a guide, EPA recommends that the following in soil contaminant concentrations following application of ash from burning uncontaminated wood, timber, forestry residues or paper to soil should not be exceeded. It should be noted that these limits are provided as a guide only and plants may display symptoms of toxicity, and/or reductions in yield may occur at values below these limits.

| <b>Contaminant</b>                       | <b>Maximum in soil</b> |
|--|------------------------|
| Boron (extractable concentrations)       | 10 mg/kg               |
| Electrical conductivity EC <sub>se</sub> | 4 dS/m                 |

## Protection of the Environment Operations (Waste) Regulation 2005

### The ash from burning bagasse and cane trash exemption 2005

#### Name

1. This exemption is to be known as 'The ash from burning bagasse and cane trash exemption 2005'.

#### Commencement

2. This exemption commences on 1 December 2005.

#### Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

#### Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of ash from burning bagasse and cane trash is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Ash from burning bagasse and cane trash may only be applied to land where the conditions of this exemption are met.

#### Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers and suppliers.

#### Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, ash from burning bagasse and cane trash to land. The consumer will generally be the landholder responsible for the land to which the ash from burning bagasse and cane trash is applied.
- **In-ash** means the ash from burning bagasse and cane trash prior to blending, mixing or otherwise processing.
- **Processor** means a person who mixes, blends or otherwise incorporates ash from burning bagasse and cane trash into a land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, ash from burning bagasse and cane trash to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the ash from burning bagasse and cane trash.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

### Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

**Table 1**

| <b>Column 1</b>           | <b>Column 2</b>  |
|---------------------------|--|
| <b>Responsible person</b> | <b>Provisions from which the responsible person is exempt</b>  |
| Supplier                  | clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]  |
| Processor                 | clause 6 of the Regulation [Residue waste not to be applied to certain land]   |
| Consumer                  | section 48 of the Act [Licensing requirement—scheduled activities (premises-based)]<br>section 88 of the Act [Contributions by licensee of waste facilities]<br>clause 6 of the Regulation [Residue waste not to be applied to certain land] |

### Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to ash from burning bagasse and cane trash.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of ash from burning bagasse and cane trash where the in-ash contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The Processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

### Maximum contaminant concentrations

9. The in-ash contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

**Table 2**

| <b>Column 1</b>                                 | <b>Column 2</b>              |
|---|------------------------------|
| <b>Contaminant</b>                              | <b>Maximum concentration</b> |
| Boron (mg/kg)                                   | 60                           |
| Electrical conductivity EC <sub>se</sub> (dS/m) | 4                            |
| Mercury (mg/kg)                                 | 1                            |

## Test methods

- 10.1 Test methods for measuring boron concentrations in ash from bagasse and cane trash require:
- 10.1.1 Analysis using hot water soluble method for boron, Wear J.I. 1965, *Methods of Soil Analysis, Part 2* (ed. C.A. Black), pp 1062–3, American Society of Agronomists, Madison, Wisconsin.
  - 10.1.2 Reporting as mg/kg dry weight.
- 10.2 Test methods for measuring mercury concentrations in ash from bagasse and cane trash require:
- 10.2.1 Cold-vapour atomic absorption (sample preparation and analytical method) USEPA 7471A (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption).
  - 10.2.2 Reporting as mg/kg dry weight.
- 10.3 Test methods for measuring electrical conductivity concentrations in ash from burning bagasse and cane trash require:
- 10.3.1 Sample preparation by mixing 1 part ash with 5 parts distilled/deionised water.
  - 10.3.2 Measurement technique—National Environment Protection Council, Method 104 'Electrical Conductivity', *Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999* available at: [www.ephc.gov.au/pdf/cs/cs\\_03\\_lab\\_analysis.pdf](http://www.ephc.gov.au/pdf/cs/cs_03_lab_analysis.pdf) (or equivalent analytical method with a 'detection limit' < 10% of the stated 'electrical conductivity' limit in the General Exemption).
  - 10.3.3 Reporting as 'electrical conductivity' in deciSeimens per metre (dS/m).

## Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

### 11.1 **Chemical characterisation**

- 11.1.1 Suppliers of ash from burning bagasse and cane trash must, initially, fully chemically characterise their ash from burning bagasse and cane trash.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their ash from burning bagasse and cane trash at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the ash from burning bagasse and cane trash, initial characterisation of the ash from burning bagasse and cane trash must be repeated.
- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1, 10.2 and 10.3.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

### 11.2 **Maximum allowable contaminant concentrations**

- 11.2.1 The in-ash contaminants specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance, and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

**11.3 Information to be provided to processor**

- 11.3.1 Suppliers who provide ash from burning bagasse and cane trash to a processor must provide a written statement of compliance to the processor with each transaction of ash from burning bagasse and cane trash, certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide ash from burning bagasse and cane trash to processors must provide the processor with a copy of this exemption and the MSDS.

**11.4 Information to be provided to consumer**

- 11.4.1 Suppliers who cause or permit the provision of ash from burning bagasse and cane trash to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the ash from burning bagasse and cane trash, certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of ash from burning bagasse and cane trash.
- 11.4.2 Suppliers who cause or permit the direct provision of ash from burning bagasse and cane trash to consumers must provide the consumer with a copy of this exemption and the MSDS.

**11.5 Monitoring and record keeping**

- 11.5.1 Suppliers of ash from burning bagasse and cane trash shall undertake routine testing of representative samples to ensure that the quality of the suppliers' ash from burning bagasse and cane trash quality is consistently maintained.
- 11.5.2 At a minimum, suppliers of ash from burning bagasse and cane trash must test the ash from burning bagasse and cane trash three times a year where less than 1000 tonnes of ash from burning bagasse and cane trash is provided to processors and/or consumers in total. Where more than 1000 tonnes of ash from burning bagasse and cane trash is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

**Processor responsibilities**

12. The following conditions only apply where the ash from burning bagasse and cane trash is mixed, blended or otherwise incorporated into a land application material prior to land application. For requirements relating to the direct land application of ash from burning bagasse and cane trash, refer to section 13, 'Consumer responsibilities'.

**12.1 Maximum allowable contaminant concentrations**

- 12.1.1 Prior to mixing, blending or otherwise incorporating them into a land application material, the processor must ensure that the in-ash contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

**12.2 Information to be provided to the consumer**

- 12.2.1 Where ash from burning bagasse and cane trash is mixed, blended or otherwise incorporated into a land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that land application material to the consumer.

**12.3 Monitoring and record keeping requirements**

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of ash from burning bagasse and cane trash certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of ash from burning bagasse and cane trash received, the supplier's name and the period over which the ash from burning bagasse and cane trash was received must be kept for a period of three years.

**Consumer responsibilities**

13. The following conditions only apply where ash from burning bagasse and cane trash is directly applied to the land. These conditions do not apply where the ash from burning bagasse and cane trash is mixed or blended with, or otherwise incorporated into, a land application material. The following conditions must be met by the consumer for this exemption to apply.

**13.1 Soil application**

- 13.1.1 The ash from burning bagasse and cane trash must be incorporated into the topsoil.

**13.2 Monitoring and record keeping requirements**

- 13.2.1 Consumers applying ash from burning bagasse and cane trash to land shall obtain and keep a written statement with each transaction of ash from burning bagasse and cane trash received, certifying that the ash from burning bagasse and cane trash complies with the relevant conditions of this exemption.
- 13.2.2 Records of the quantity of ash from burning bagasse and cane trash received, the supplier's name and the date the ash was received must be kept for a period of three years.

**Exemption Granted**

**Mark Gorta**  
**Manager, Waste Management Section**  
**Environment Protection Authority**

## Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

## Appendix 1—Guidance

### **Where the supplier and consumer are the same person**

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the ash from bagasse and cane trash and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

### **What is a 'transaction'?**

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of ash from bagasse and cane trash from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

### **Information to be included in a statement of compliance**

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

### **Environmentally appropriate land application of ash from bagasse and cane trash**

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the ash from bagasse should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc. Any potential consequential implications for agricultural produce or future land use should also be considered.

While maximum contaminant concentration limits and application rates are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application and should normally be no more than the agronomic rate for the most limiting factor.



As a guide, EPA recommends that the following in soil contaminant concentrations following application of ash from bagasse and cane trash to soil should not be exceeded. It should be noted that these limits are provided as a guide only, and plants may display symptoms of toxicity, and/or reductions in yield may occur at values below these limits.

| <b>Contaminant</b>                       | <b>Maximum in soil</b> |
|--|------------------------|
| Boron (extractable concentrations)       | 10 mg/kg               |
| Electrical conductivity EC <sub>se</sub> | 4 dS/m                 |

## Protection of the Environment Operations (Waste) Regulation 2005

### The fly ash and bottom ash from burning NSW or Queensland coal exemption 2005

#### Name

1. This exemption is to be known as 'The fly ash and bottom ash from burning NSW or Queensland coal exemption 2005'.

#### Commencement

2. This exemption commences on 1 December 2005.

#### Duration

3. This exemption is valid until 1 December 2006 or until otherwise revoked by the Environment Protection Authority by notice published in the Government Gazette.

#### Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of fly ash and bottom ash from any furnace is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Fly ash and bottom ash produced by any furnace that burns only NSW or Queensland coal may only be applied to land where the conditions of this exemption are met.

#### Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of suppliers, processors and consumers.

#### Definitions

6. In this exemption:

- **Burning NSW or Queensland coal** means burning coal that was mined in NSW or Queensland. It is recognised that other substances, such as oil, may be used as ignition start-up fuels. Burning NSW or Queensland coal is taken to include the use of such materials during the start-up process.
- **Consumer** means a person who applies, or causes or permits the application of, fly ash or bottom ash to land. The consumer will generally be the landholder responsible for the land to which the ash is applied.
- **Fly ash or bottom ash** means fly ash or bottom ash from burning NSW or Queensland coal.
- **In-ash** means the fly ash or bottom ash prior to blending, mixing or otherwise processing.

- **Processor** means a person who mixes, blends or otherwise incorporates fly ash or bottom ash into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, fly ash or bottom ash to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the fly ash or bottom ash.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

### Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

**Table 1**

| <b>Column 1</b>           | <b>Column 2</b>  |
|---------------------------|--|
| <b>Responsible person</b> | <b>Provisions from which the responsible person is exempt</b>  |
| Supplier                  | clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]  |
| Processor                 | clause 6 of the Regulation [Residue waste not to be applied to certain land]   |
| Consumer                  | section 48 of the Act [Licensing requirement—scheduled activities (premises based)]<br>section 88 of the Act [Contributions by licensee of waste facilities]<br>clause 6 of the Regulation [Residue waste not to be applied to certain land] |

### Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to fly ash or bottom ash generated from burning NSW or Queensland coal.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of fly ash or bottom ash where the in-ash contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

### Maximum contaminant concentrations

9. The in-ash contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

**Table 2**

| <b>Column 1</b>                                 | <b>Column 2</b>              |
|---|------------------------------|
| <b>Contaminant</b>                              | <b>Maximum concentration</b> |
| Boron (mg/kg)                                   | 60                           |
| Electrical conductivity EC <sub>se</sub> (dS/m) | 4                            |

**Test methods**

10.1 Test methods for measuring boron concentrations in fly ash or bottom ash require:

- 10.1.1 Analysis using hot water soluble method for boron, Wear, J.I. 1965, *Methods of Soil Analysis, Part 2* (ed. C.A. Black), pp 1062–3, American Society of Agronomists, Madison, Wisconsin.
- 10.1.2 Reporting as mg/kg dry weight.

10.2 Test methods for measuring electrical conductivity concentrations in fly ash or bottom ash require:

- 10.2.1 Sample preparation by mixing 1 part ash with 5 parts distilled/deionised water.
- 10.2.2 Measurement technique—National Environment Protection Council, Method 104 'Electrical Conductivity', *Schedule B (3) Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999* available at [www.ephc.gov.au/pdf/cs/cs\\_03\\_lab\\_analysis.pdf](http://www.ephc.gov.au/pdf/cs/cs_03_lab_analysis.pdf) (or equivalent analytical method with a 'detection limit' < 10% of the stated 'electrical conductivity' limit in the General Exemption).
- 10.2.3 Reporting as 'electrical conductivity' in deciSeimens per metre (dS/m)

**Supplier responsibilities**

11. The following conditions must be met by the supplier for this exemption to apply:

**11.1 Chemical characterisation**

- 11.1.1 Suppliers of fly ash or bottom ash must initially fully chemically characterise their fly ash or bottom ash.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their fly ash or bottom ash at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the fly ash or bottom ash, initial characterisation of the fly ash or bottom ash must be repeated.
- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1 and 10.2.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

**11.2 Maximum allowable contaminant concentrations**

- 11.2.1 The in-ash contaminants specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance, and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

**11.3 Information to be provided to processor**

- 11.3.1 Suppliers who provide fly ash or bottom ash to a processor must provide a written statement of compliance to the processor with each transaction of fly ash or bottom ash, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide fly ash or bottom ash to processors must provide the processor with a copy of this exemption and the MSDS.

**11.4 Information to be provided to consumer**

- 11.4.1 Suppliers who cause or permit the provision of fly ash or bottom ash to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the fly ash or bottom ash, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of fly ash or bottom ash.
- 11.4.2 Suppliers who cause or permit the provision of fly ash or bottom ash to the consumer for direct land application must provide the consumer with a copy of this exemption and the MSDS.

**11.5 Monitoring and record keeping**

- 11.5.1 Suppliers of fly ash or bottom ash must undertake routine testing of representative samples to ensure that the quality of the fly ash or bottom ash is consistently maintained.
- 11.5.2 At a minimum, suppliers of fly ash or bottom ash must test the fly ash or bottom ash three times a year where less than 1000 tonnes of fly ash or bottom ash is provided to processors and/or consumers in total. Where more than 1000 tonnes of fly ash or bottom ash is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

**Processor responsibilities**

12. The following conditions only apply where the fly ash or bottom ash is mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of fly ash or bottom ash, refer to section 13, 'Consumer responsibilities'.

**12.1 Maximum allowable contaminant concentrations**

- 12.1.1 Prior to mixing, blending or otherwise incorporating fly ash or bottom ash into a commercial land application material, the processor must ensure that the in-ash contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

**12.2 Information to be provided to the consumer**

- 12.2.1 Where fly ash or bottom ash is mixed, blended or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations

regarding appropriate application rates, of that commercial land application material to the consumer.

### **12.3 *Monitoring and record keeping requirements***

12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of fly ash or bottom ash, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption.

12.3.2 Records of the quantity of fly ash or bottom ash received, the supplier's name and the period over which the fly ash or bottom ash was received must be kept for a period of three years.

### **Consumer responsibilities**

13. The following conditions only apply where fly ash or bottom ash is directly applied to the land. These conditions do not apply to fly ash or bottom ash that is mixed, blended or otherwise incorporated into a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

#### **13.1 *Soil application***

13.1.1 The fly ash or bottom ash must be incorporated into the topsoil.

#### **13.2 *Monitoring and record keeping requirements***

13.2.1 Consumers applying fly ash or bottom ash to land shall obtain and keep a written statement with each transaction of fly ash or bottom ash received, certifying that the fly ash or bottom ash complies with the relevant conditions of this exemption.

13.2.2 Records of the quantity of fly ash or bottom ash received, the supplier's name and the date the fly ash or bottom ash was received must be kept for a period of three years.

### **Exemption Granted**

**Mark Gorta**  
**Manager, Waste Management Section**  
**Environment Protection Authority**

## Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

## Appendix 1—Guidance

### **Where the supplier and consumer are the same person**

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the fly ash or bottom ash and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

### **What is a 'transaction'?**

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of fly ash or bottom ash from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

### **Information to be included in a statement of compliance**

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

### **Environmentally appropriate land application of fly ash and bottom ash**

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the fly ash or bottom ash should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc. Any potential consequential implications for agricultural produce or future land use should also be considered.

While maximum contaminant concentration limits and application rates are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application and should be no more than the agronomic rate for the most limiting factor.

As a guide, EPA recommends that the following in soil contaminant concentrations following application of fly ash or bottom ash to soil should not be exceeded. It should be



noted that these limits are provided as a guide only and plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the these limits.

| <b>Contaminant</b>                       | <b>Maximum in soil</b> |
|--|------------------------|
| Boron (extractable concentrations)       | 10 mg/kg               |
| Electrical conductivity EC <sub>se</sub> | 4 dS/m                 |

## Protection of the Environment Operations (Waste) Regulation 2005

### The foundry sand exemption 2005

#### Name

1. This exemption is to be known as 'The foundry sand exemption 2005'.

#### Commencement

2. This exemption commences on 1 December 2005.

#### Duration

3. This exemption is valid until 1 April 2006 or until otherwise revoked by the Environment Protection Authority by notice published in the Government Gazette.

#### Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of foundry sand is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Foundry sand may only be applied to land where the conditions of this exemption are met.

#### Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of suppliers, processors and consumers.

#### Definitions

6. In this exemption:

- **Foundry sand** means material recovered from the moulds used in the hot casting of metals, comprised predominantly of sand. Foundry sand does not include other materials from foundries such as bag dusts, dross and slags.
- **In-sand** means the chemical levels in the foundry sand prior to blending, mixing or otherwise processing.
- **Supplier** means a person who supplies, or causes or permits the supply of, foundry sand to a processor. The supplier will generally be the generator of the foundry sand.
- **Processor** means a person who mixes, blends or otherwise incorporates foundry sand with other materials to make compost or artificial soil.
- **Consumer** means a person who applies compost or artificial soil which incorporates foundry sand to land for the purpose of growing plants.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

### Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

**Table 1**

| Column 1           | Column 2   |
|--------------------|--|
| Responsible person | Provisions from which the responsible person is exempt   |
| Supplier           | clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]  |
| Processor          | clause 6 of the Regulation [Residue waste not to be applied to certain land]   |
| Consumer           | section 48 of the Act [Licensing requirement—scheduled activities (premises based)]<br>section 88 of the Act [Contributions by licensee of waste facilities]<br>clause 6 of the Regulation [Residue waste not to be applied to certain land] |

### Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 The exemption only applies to foundry sand from the casting of iron and/or aluminium. Foundry sand from the casting of other materials, including brass, bronze, stainless steel or any other metal alloys, combination of alloys or hot dipping or surface treating is excluded from this exemption.
- 8.2 The foundry sand must be mixed or blended with, or otherwise incorporated into, compost or artificial soil.
- 8.3 The direct application to land of foundry sand is not permitted.
- 8.4 The supplier, processor and consumer must not cause or permit the use of foundry sand where the in-sand chemicals identified in section 9 and listed in Column 1 of Table 2 do not conform with the concentrations listed in Column 2 of Table 2.
- 8.5 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.6 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.7 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

### Chemical concentrations

9. The in-sand chemical concentrations listed in Column 1 of Table 2 must comply with the concentrations listed in Column 2 of Table 2.

**Table 2**

| <b>Column 1</b>                          | <b>Column 2</b>              |
|--|------------------------------|
| <b>Chemical</b>                          | <b>Maximum concentration</b> |
| 1 Zinc (mg/kg on a dry mass basis)       | 100                          |
| 2 Copper (mg/kg on a dry mass basis)     | 75                           |
| 3 Molybdenum (mg/kg on a dry mass basis) | 20                           |
| 4 Arsenic (mg/kg on a dry mass basis)    | 7.5                          |
| 5 Cadmium (mg/kg on a dry mass basis)    | 1                            |
| 6 Chromium (mg/kg on a dry mass basis)   | 75                           |
| 7 Lead (mg/kg on a dry mass basis)       | 30                           |
| 8 Selenium (mg/kg on a dry mass basis)   | 5                            |
| 9 Nickel (mg/kg on a dry mass basis)     | 40                           |
| 10 Silver (mg/kg on a dry mass basis)    | 7.5                          |
| 11 Beryllium (mg/kg on a dry mass basis) | 2                            |
| 12 Fluoride (mg/kg on a dry mass basis)  | 7.5                          |
| 13 Mercury (mg/kg on a dry mass basis)   | 0.3                          |

**Test methods**

10.1 Test methods for measuring chemicals 1–12 in foundry sand require:

- 10.1.1 Sample preparation by digesting foundry sand using USEPA 3051 or equivalent.
- 10.1.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption, ie 5 mg/kg for lead and 0.1 mg/kg for cadmium).
- 10.1.3 Reporting as mg/kg dry weight.

10.2 Test methods for measuring mercury concentrations in foundry sand require:

- 10.2.1 Cold-vapour atomic absorption (sample preparation and analytical method) using USEPA 7471A (or equivalent analytical method with a 'detection limit' < 20% of the stated total concentration in the General Exemption, ie 0.03 mg/kg).
- 10.2.2 Reporting as mg/kg dry weight.

**Supplier responsibilities**

11. The following conditions must be met by the supplier for this exemption to apply:

**11.1 Chemical characterisation**

- 11.1.1 Suppliers must, initially, chemically characterise their foundry sand by taking 20 individual samples, by taking one sample from each batch of foundry sand or each truckload or skip bin of foundry sand (whichever is more frequent) that is removed from the foundry for reuse.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their foundry sand at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the foundry sand, initial characterisation of the foundry sand must be repeated.

- 11.1.4 The contaminants specified in Table 2 must be measured in accordance with the test methods specified in 10.1 and 10.2.
- 11.1.5 A mean and a 95% confidence interval should be calculated for each chemical listed in Column 1 of Table 2 to illustrate compliance with Column 2, Table 2, 95% of the time.
- 11.1.6 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

#### 11.2 **Maximum allowable chemical concentrations**

- 11.2.1 The in-sand chemical or chemical values specified in Column 1 of Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance, and must not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

#### 11.3 **Information to be provided to processor**

- 11.3.1 Suppliers of foundry sand must provide a written statement of compliance to the processor with each transaction of foundry sand, certifying that the foundry sand complies with the relevant conditions of this exemption. The certificate must be provided prior to mixing the foundry sand with other materials.
- 11.3.2 The supplier must provide a copy of this exemption and the MSDS to the processor.

#### 11.4 **Monitoring and record keeping**

- 11.4.1 Suppliers of foundry sand shall undertake routine testing of representative samples to ensure that the quality of the supplier's foundry sand is consistently maintained.
- 11.4.2 At a minimum, suppliers of foundry sand must test the foundry sand three times a year where less than 1000 tonnes of foundry sand is provided to processors and/or consumers in total. Where more than 1000 tonnes of foundry sand is provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.4.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.4.4 Characterisation and routine test results shall be kept for a minimum of three years.
- 11.4.5 Suppliers of foundry sand must keep records of all transactions for three years, including the name and address of the processor of each transaction of foundry sand.

### **Processor responsibilities**

12. The following conditions must be met by the processor for this exemption to apply.

#### 12.1 **Incorporation into compost or artificial soil**

- 12.1.1 The foundry sand must be incorporated into a commercial compost or artificial soil.
- 12.1.2 The foundry sand must be incorporated into a commercial compost or artificial soil at a rate not greater than 10% of dry volume in any mix.

**12.2 Information to be provided to the consumer**

- 12.2.1 The processor must provide the consumer with recommendations on the appropriate use, including recommendations regarding appropriate application rates, for commercial land application materials which are mixed or blended with, or otherwise incorporate, foundry sand.

**12.3 Monitoring and record keeping requirements**

- 12.3.1 Processors shall obtain and keep a written statement of compliance from the supplier with each transaction of foundry sand, certifying that the foundry sand complies with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of foundry sand supplied, the supplier's name and the date the foundry sand was received must be kept for a period of three years.

**Consumer responsibilities**

13. The following conditions must be met by the consumer for this exemption to apply:

- 13.1 Foundry sand must not be applied to land unless it is a constituent of commercial compost or artificial soil.

**Exemption Granted**

**Mark Gorta**  
**Manager, Waste Management Section**  
**Environment Protection Authority**

## Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required when additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Contaminant limits and blending rates are specified as maximums only. These rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

## Appendix 1—Guidance

### **Where the supplier and consumer are the same person**

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the foundry sand and that show compliance with 11.2 'Maximum allowable chemical concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

### **What is a 'transaction'?**

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of foundry sand from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

### **Information to be included in a statement of compliance**

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

### **Environmentally appropriate land application of compost and artificial soil containing foundry sand**

The conditions outlined in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed.

The consumer of the compost or artificial soil made from foundry sand should consider whether the proposed application site is suitable for a land application program. EPA recommends that consideration be given to such factors as the soil type, slope, proximity to watercourses and potable water supplies, depth to groundwater and bedrock, suitability for plants etc.

While maximum contaminant concentration limits are specified in this document, lower application rates or no application may be appropriate for some soils. Application rates should be determined as appropriate to local conditions prior to application.

As a guide, EPA recommends that the following contaminant concentrations in the finished compost or artificial soils made with foundry sand should not be exceeded. It



should be noted that these limits are provided as a guide only and plants may display symptoms of toxicity and/or reductions in yield at values below these limits.

| <b>Contaminant</b>               | <b>Maximum in compost or artificial soil</b> |
|----------------------------------|--|
| Total lead (mg/kg dry weight)    | < 50 mg/kg dry weight                        |
| Total cadmium (mg/kg dry weight) | < 1 mg/kg dry weight                         |
| Total mercury (mg/kg dry weight) | < 0.15 mg/kg dry weight                      |

Note: The test methods listed in 10.1 and 10.2 should be used to determine the concentration of the contaminants in compost and manufactured soil products.

## Protection of the Environment Operations (Waste) Regulation 2005

### The lime and gypsum residues from drinking water treatment exemption 2005

#### Name

1. This exemption is to be known as 'The lime and gypsum residues from drinking water treatment exemption 2005'.

#### Commencement

2. This exemption commences on 1 December 2005.

#### Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

#### Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of lime and gypsum residues from any industrial or manufacturing process is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Lime and gypsum residues from drinking water treatment may only be applied to land where the conditions of this exemption are met.

#### Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers, processors and suppliers.

#### Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, lime and gypsum residues from drinking water treatment to land. The consumer will generally be the landholder responsible for the land to which the lime and gypsum residues are applied.
- **Lime and gypsum residues from drinking water treatment** are the residues from water treated for human consumption or uses associated with human consumption using lime or gypsum. These residues may include calcium oxide, calcium hydroxide, calcium sulphate, calcium carbonate, magnesium hydroxide, magnesium sulphate, sodium sulphate, magnesium silicates and natural organic matter (NOM).

- **Processor** means a person who mixes, blends or otherwise incorporates lime and gypsum residues from drinking water treatment into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, lime and gypsum residues from drinking water treatment to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the lime and gypsum residues from drinking water treatment.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

### Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

**Table 1**

| <b>Column 1</b>           | <b>Column 2</b>  |
|---------------------------|--|
| <b>Responsible person</b> | <b>Provisions from which the responsible person is exempt</b>  |
| Supplier                  | clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]  |
| Processor                 | clause 6 of the Regulation [Residue waste not to be applied to certain land]   |
| Consumer                  | section 48 of the Act [Licensing requirement—scheduled activities (premises based)]<br>section 88 of the Act [Contributions by licensee of waste facilities]<br>clause 6 of the Regulation [Residue waste not to be applied to certain land] |

### Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to lime and gypsum residues from drinking water treatment.
- 8.2 The supplier must comply with all requirements specified in section 9, 'Supplier responsibilities'.
- 8.3 The processor must comply with all requirements specified in section 10, 'Processor responsibilities'.
- 8.4 The consumer must comply with all requirements specified in section 11, 'Consumer responsibilities'.

## Supplier responsibilities

9. The following conditions must be met by the supplier for this exemption to apply:

### 9.1 *Chemical characterisation*

- 9.1.1 Suppliers of lime and gypsum residues from drinking water treatment must, initially, fully chemically characterise their lime and gypsum residues from drinking water treatment.
- 9.1.2 Suppliers must repeat the full chemical characterisation of their lime and gypsum residues from drinking water treatment at least every three years.
- 9.1.3 Where there is a change in inputs that is likely to affect the contaminants in the lime and gypsum residues from drinking water treatment, initial characterisation of the lime and gypsum residues from drinking water treatment must be repeated.
- 9.1.4 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

### 9.2 *Information to be provided to processor*

- 9.2.1 Suppliers who provide lime and gypsum residues from drinking water treatment to a processor must provide a written statement of compliance to the processor with each transaction of lime and gypsum residues from drinking water treatment, certifying that the lime and gypsum residues from drinking water treatment comply with the relevant conditions of this exemption. The statement of compliance must be provided prior to mixing, blending or otherwise incorporating the lime and gypsum residues from drinking water treatment with other materials.
- 9.2.2 Suppliers who provide lime and gypsum residues from drinking water treatment to processors must provide the processor with a copy of this exemption and the MSDS.

### 9.3 *Information to be provided to consumer*

- 9.3.1 Suppliers who cause or permit the provision of lime and gypsum residues from drinking water treatment to consumers for direct land application must provide the consumer with a written statement of compliance, a copy of this exemption and the MSDS.

### 9.4 *Monitoring and record keeping*

- 9.4.1 Suppliers of lime and gypsum residues from drinking water treatment must undertake routine testing of representative samples to ensure that the quality of the lime and gypsum residues from drinking water treatment is consistently maintained.
- 9.4.2 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 9.4.3 Results shall be kept for a minimum of three years.
- 9.4.4 Records of the quantity of lime and gypsum residues from drinking water treatment supplied, the processor's or consumer's name and the period over which the lime and gypsum residues from drinking water treatment were received must be kept for a period of three years.

### **Processor responsibilities**

10. The following conditions only apply where the lime and gypsum residues from drinking water treatment are mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of lime and gypsum residues from drinking water treatment, refer to section 11, 'Consumer responsibilities'.

#### **10.1 Information to be provided to the consumer**

- 10.1.1 Where lime and gypsum residues from drinking water treatment are mixed, blended or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that commercial land application material to the consumer.

#### **10.2 Monitoring and record keeping requirements**

- 10.2.1 Processors must obtain and keep a written statement from the supplier with each transaction of lime and gypsum residues from drinking water treatment, certifying that the lime and gypsum residues from drinking water treatment comply with the relevant conditions of this exemption.
- 10.2.2 Records of the quantity of lime and gypsum residues from drinking water treatment received, the supplier's name and the period over which the lime and gypsum residues from drinking water treatment were received must be kept for a period of three years.

### **Consumer responsibilities**

11. The following conditions only apply where lime and gypsum residues from drinking water treatment are directly applied to the land. These conditions do not apply to processed commercial land application products that contain lime and gypsum residues from drinking water treatment. The following conditions must be met by the consumer for this exemption to apply.

#### **11.1 Soil application**

- 11.1.1 The soil to which the lime and gypsum residues from drinking water treatment will be applied must be characterised prior to the initial application of the lime and gypsum residues from drinking water treatment, to determine appropriate application rates.
- 11.1.2 Application rates must be equal to or less than the agronomic rate for the most limiting factor.
- 11.1.3 The lime and gypsum residues from drinking water treatment must be incorporated into the topsoil.

#### **11.2 Monitoring and record keeping requirements**

- 11.2.1 Records of the supplier's name and the date the lime and gypsum residues from drinking water treatment were received must be kept for a period of three years.
- 11.2.2 Consumers must obtain and keep a written statement with each transaction of lime and gypsum residues from drinking water treatment, certifying that the lime and gypsum residues from drinking water treatment comply with the relevant conditions of this exemption.

### **Exemption Granted**

**Mark Gorta**  
**Manager, Waste Management Section**  
**Environment Protection Authority**

## Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

## Appendix 1—Guidance

### **Where the supplier and consumer are the same person**

Records required to be kept by the supplier, as specified in section 9, 'Supplier responsibilities', that relate to 9.1 'Chemical characterisation' of the residues, are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

### **What is a 'transaction'?**

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of residues from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

### **Information to be included in a statement of compliance**

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

## Protection of the Environment Operations (Waste) Regulation 2005

### The lime and gypsum residues from plasterboard exemption 2005

#### Name

1. This exemption is to be known as 'The lime and gypsum residues from plasterboard exemption 2005'.

#### Commencement

2. This exemption commences on 1 December 2005.

#### Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

#### Background

4. The land application of a number of wastes and waste-derived substances for the purposes of growing vegetation is prohibited. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of lime and gypsum residues from any industrial or manufacturing process is also prohibited.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Lime and gypsum residues from plasterboard may only be applied to land where the conditions of this exemption are met.

#### Authority

5. This exemption is made under Clause 54 of the Protection of the Environment Operations (Waste) Regulation 2005 and Part 2 of the Protection of the Environment Operations (Waste) Regulation 1996. This exemption is a general exemption and is given in respect of consumers, processors and suppliers.

#### Definitions

6. In this exemption:

- **Consumer** means a person who applies, or causes or permits the application of, lime and gypsum residues from plasterboard to land. The consumer will generally be the landholder responsible for the land to which the lime and gypsum residues from plasterboard is applied.
- **Lime and gypsum residues from plasterboard** are the residues from plasterboard from manufacturing, construction or fit-outs which comprise > 80% calcium sulphate dihydrate, < 10% paper, < 10% natural clays, < 10% paraffin waxes, < 10% mica, < 2% crystalline silica, with minor quantities (< 5%) of starch and fibrous glass.
- **In-plasterboard** means the lime and gypsum residues from plasterboard prior to blending, mixing or otherwise processing.



- **Processor** means a person who mixes, blends or otherwise incorporates lime and gypsum residues from plasterboard into a commercial land application material.
- **Supplier** means a person who supplies, or causes or permits the supply of, lime and gypsum residues from plasterboard to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the lime and gypsum residues from plasterboard.

For further information on the terms used in this document, refer to Appendix 1—Guidance.

### Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

**Table 1**

| <b>Column 1</b>           | <b>Column 2</b>  |
|---------------------------|--|
| <b>Responsible person</b> | <b>Provisions from which the responsible person is exempt</b>  |
| Supplier                  | clause 6 of the Protection of the Environment Operations (Waste) Regulation 1996 (the Regulation) [Residue waste not to be applied to certain land]  |
| Processor                 | clause 6 of the Regulation [Residue waste not to be applied to certain land]   |
| Consumer                  | section 48 of the Act [Licensing requirement—scheduled activities (premises based)]<br>section 88 of the Act [Contributions by licensee of waste facilities]<br>clause 6 of the Regulation [Residue waste not to be applied to certain land] |

### Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to lime and gypsum residues from plasterboard.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of lime and gypsum residues from plasterboard where the in-plasterboard contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, 'Supplier responsibilities'.
- 8.4 The processor must comply with all requirements specified in section 12, 'Processor responsibilities'.
- 8.5 The consumer must comply with all requirements specified in section 13, 'Consumer responsibilities'.

### Maximum contaminant concentrations

9. The in-plasterboard contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

**Table 2**

| Column 1     | Column 2              |
|--------------|-----------------------|
| Contaminant  | Maximum concentration |
| Lead (mg/kg) | 100                   |

### Test methods

10.1 Test methods for measuring lead concentrations in lime and gypsum residues from plasterboard require:

- 10.1.1 Sample preparation by digesting plasterboard using USEPA 3051 or equivalent.
- 10.1.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of the stated total concentration in the General Exemption).
- 10.1.3 Reporting as mg/kg dry weight.

### Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

#### 11.1 *Chemical characterisation*

- 11.1.1 Suppliers of lime and gypsum residues from plasterboard must, initially, fully chemically characterise their lime and gypsum residues from plasterboard.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their lime and gypsum residues from plasterboard at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the lime and gypsum residues from plasterboard, initial characterisation of the lime and gypsum residues from plasterboard must be repeated.
- 11.1.4 The contaminant specified in Table 2 must be measured in accordance with the test methods specified in 10.1.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety 1994, *National Code of Practice for the Preparation of Material Safety Data Sheets*, AGPS, Canberra.

#### 11.2 *Maximum allowable contaminant concentrations*

- 11.2.1 The in-plasterboard contaminants specified in Column 1, Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance and must not exceed the maximum contaminant concentration specified in Column 2, Table 2.

#### 11.3 *Information to be provided to processor*

- 11.3.1 Suppliers who provide lime and gypsum residues from plasterboard to a processor must provide a written statement of compliance to the processor with each transaction of lime and gypsum residues from plasterboard, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.

- 11.3.2 Suppliers who provide lime and gypsum residues from plasterboard to processors must provide the processor with a copy of this exemption and the MSDS.

**11.4 Information to be provided to consumer**

- 11.4.1 Suppliers who cause or permit the provision of lime and gypsum residues from plasterboard to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the lime and gypsum residues from plasterboard, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of lime and gypsum residues from plasterboard.
- 11.4.2 Suppliers who cause or permit the direct provision of lime and gypsum residues from plasterboard to consumers must provide a copy of this exemption and the MSDS to the consumer.

**11.5 Monitoring and record keeping**

- 11.5.1 Suppliers of lime and gypsum residues from plasterboard shall undertake routine testing of representative samples to ensure that the quality of the supplier's lime and gypsum residues is consistently maintained.
- 11.5.2 At a minimum, suppliers of lime and gypsum residues from plasterboard must test the lime and gypsum residues from plasterboard three times a year where less than 1000 tonnes of lime and gypsum residues from plasterboard are provided to processors and/or consumers in total. Where more than 1000 tonnes of lime and gypsum residues from plasterboard are provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

**Processor responsibilities**

12. The following conditions only apply where the lime and gypsum residues from plasterboard are mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of lime and gypsum residues from plasterboard, refer to section 13, 'Consumer responsibilities'.

**12.1 Maximum allowable contaminant concentrations**

- 12.1.1 Prior to mixing, blending or otherwise incorporating them into a commercial land application material, the processor must ensure that the in-plasterboard contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

**12.2 Information to be provided to the consumer**

- 12.2.1 Where lime and gypsum residues from plasterboard are mixed or blended with, or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate

application rates, of that commercial land application material to the consumer.

**12.3 *Monitoring and record keeping requirements***

- 12.3.1 Processors must obtain and keep a written statement from the supplier with each transaction of lime and gypsum residues from plasterboard certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of lime and gypsum residues from plasterboard received, the supplier's name and the period over which the lime and gypsum residues from plasterboard were received must be kept for a period of three years.

**Consumer responsibilities**

13. The following conditions only apply where lime and gypsum residues from plasterboard are directly applied to the land. These conditions do not apply to lime and gypsum residues from plasterboard that is mixed, blended or otherwise incorporated into a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

**13.1 *Soil application***

- 13.1.1 The soil to which the lime and gypsum residues from plasterboard will be applied must be characterised prior to the initial application of the lime and gypsum residues from plasterboard to determine appropriate application rates.
- 13.1.2 Application rates must be equal to or less than the agronomic rate for the most limiting factor.
- 13.1.3 The lime and gypsum residues from plasterboard must be incorporated into the topsoil.

**13.2 *Monitoring and record keeping requirements***

- 13.2.1 Consumers applying lime and gypsum residues from plasterboard must obtain and keep a written statement with each transaction, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 13.2.2 Records of the supplier's name and the date the lime and gypsum residues from plasterboard were received must be kept for a period of three years.

**Exemption Granted**

**Mark Gorta  
Manager, Waste Management Section  
Environment Protection Authority**

## Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material, and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

## Appendix 1—Guidance

### **Where the supplier and consumer are the same person**

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the lime and gypsum residues and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

### **What is a 'transaction'?**

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of lime and gypsum residues from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

### **Information to be included in a statement of compliance**

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.

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# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### COFFS HARBOUR CITY COUNCIL

#### Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named roads as follows:

#### Location

Off Godwins Close, Coffs Harbour at Lots 1-5 DP 1070205

Off Roselands Drive, Coffs Harbour at Lot 3091 DP 1073265

Off Rutland Street, Sawtell at Lot 2 DP 1062056

The General Manager, Coffs Harbour City Council, Locked Bag 155, NSW 2450. [1801]

#### New Name

Kapyong Glade

Barnet Street  
Carrall Close

Paddymelon  
Circuit

25km north north west SR 49  
36km south west SR 51  
22km south west SR 52  
39km east SR 53  
38km north SR 54  
61km west SR 55  
28km south east SR 56  
59km north west SR 57  
4km south SR 58  
36km north north west SR 60 a  
52km west SR 60 b  
35km south south west SR 64  
5km south SR 65  
32km north SR 66  
22km south east SR 68  
45km south east SR 73  
48km south east SR 74  
38km south west SR 75  
35km east SR 77  
35km east SR 78  
32km south east SR 79  
49km west SR 82  
73km north north west SR 83  
2km north west SR 86  
41km south east SR 87  
40km south south east SR 89  
43km south south east SR 90  
31km south east SR 91  
34km north SR 92  
31km south east SR 93  
43km south east SR 95  
45km north SR 97  
41km south west SR 98  
32km south SR 99  
46km north north east SR 100  
14km east SR 101  
36km west SR 102  
21km north east SR 103  
31km north east SR 108  
25km north SR 109  
53km north SR 110  
55km north west SR 111  
39km north SR 113  
23km south SR 119  
38km south SR 123  
43km south east SR 126  
1km east MR 129 b  
1km south west MR 129 q  
53km south south east SR 129  
34km south east SR 133  
34km west SR 134  
52km north west SR 135  
28km north east SR 136  
60km north west SR 138  
45km north west SR 139  
9km south SR 140 a  
42km east SR 148  
61km west SR 149  
3km south SR 151  
41km east SR 152  
20km west SR 153  
16km south SR 154  
4km south SR 155  
49km west MR 202  
8km south SR 203  
4km east MR 383  
16km south MR 7515

Offendorf Lane  
Moonya Road  
Combara Road  
Willowvale Road  
Wingadee Road  
Coolebah Road  
Sunny Park Road  
Nedgera Road  
Back Dubbo Road  
Ningear Road  
Quandong Road  
Sandgate Road  
Gadsens Lane  
Gidgera Road  
Loma Road  
Weenya Road  
Mena Road  
Wairoa Road  
Murrainman Road  
BECKS ROAD  
Gumin Gumin Road  
Haydens Lane  
Dusty Swamp Road  
Carinda Road  
Box Ridge Road  
McGlynns Road  
Fishers Road  
Newhaven Road  
Terembone Road  
Baronne Road  
Herrings Lane  
Ginee Road  
West Emby Road  
Back Avoca Road  
Hollywood Road  
Bulgan Road  
Warrabah Road  
Walliga Road  
Coonamoona Road  
Thara Road  
Gidgimbilla Road  
Quabatho Road  
Winnabah Road  
Ulundry Road  
Byrnes Road  
Barnagratty Road  
Baradine Road  
Quambone Road  
Warrangwong Road  
Kelvingrove Road  
Bowra Road  
Ellimeek Road  
Wilgaroo Road  
Trafalgar Road  
Toora Road  
Orwell Road  
Bungarie Road  
Dynong Road  
Scotts Road  
Rosewood Road  
Tooloon South Road  
Lowlands Road  
Abattoirs Road  
Wegala Road  
Shacks Road  
Pilliga Road  
Warren Road

### COONAMBLE SHIRE COUNCIL

NOTICE is hereby given that Coonamble Shire Council, in pursuance of section 162 of the Roads Act 1993, has named roads as follows:

#### Location

#### from Coonamble

#### Designation

#### New Name

6km north SR 1  
1km south SR 2  
43km south east SR 3  
22km south west SR 4  
50km south east SR 6  
27km north west SR 7  
53km north north west SR 8  
51km south south east SR 9  
27km north north east SR 10  
40km south SR 11  
1km south SR 12  
50km west SR 13  
42km north west SR 14  
18km north west SR 15  
35km south south east SR 16  
6km south east SR 17 a  
38km south east SR 17 b  
47km south south east SR 18  
41km south SR 19  
17km east SR 20  
37km north north east SR 21  
33km north north east SR 24  
44km south south east SR 25  
12km north north east SR 26  
30km north north east SR 27  
24km south east SR 29 a  
22km south south east SR 29 b  
25km south east SR 30  
18km east SR 33  
8km south west SR 34  
18km south SR 35  
41km north north west SR 36  
42km north north west SR 37  
26km south south east SR 38  
38km south SR 39  
33km east SR 40  
17km north north west SR 41  
42km south south east SR 42  
44km south south east SR 44  
44km south east SR 46  
41km north north east SR 47

Billeroy Road  
Tooraweenah Road  
Mt Tenandra Road  
Emby Road  
Wingidgeon Road  
Come By Chance Road  
Kensington Road  
Summit Road  
Gilgooma Road  
Bullagreen Road  
Back Gular Road  
Sandy Camp Road  
Merri Merri Road  
Beanbah Road  
Mungery Road  
Warrena Road  
Wongy Road  
Wattle Creek Road  
Gulargambone Road  
Killara Lane  
Teridgerie Road  
Floddenfield Road  
Gunnawarra Road  
Vatua Lane  
Merryoula Road  
Thurloo Road  
Wilber Road  
Willowdowns Road  
Urawilkie Road  
Kenilworth Lane  
Morningside Road  
Whitewood Road  
Conimbia Road  
Calga Road  
Collie Road  
Erdavale Road  
Nelgowrie Road  
Memsie Road  
Cordale Road  
Narritagah Road  
Newbank Lane

No objections to the proposed names were received within the prescribed period of time. JOHN J. GRIFFITHS, General Manager, Coonamble Shire Council, PO Box 249, Coonamble NSW 2829. [1790]



**MURRAY SHIRE COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MURRAY SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of a secondary school. Dated at Mathoura this 5th day of December 2005. G. J. MURDOCH, General Manager, Murray Shire Council, PO Box 21, Mathoura NSW 2710.

**SCHEDULE**

Lot 274, DP 1084357. [1793]

**MURRAY SHIRE COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MURRAY SHIRE COUNCIL declares with the approval of His Excellency the Lieutenant Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of residential subdivision. Dated at Mathoura this 5th day of December 2005. G. J. MURDOCH, General Manager, Murray Shire Council, PO Box 21, Mathoura NSW 2710.

**SCHEDULE**

Section 30, DP 758656. [1794]

**SHOALHAVEN CITY COUNCIL**

Roads Act 1993

Section 16

DEDICATION of land set aside for the purpose of a road in a subdivision affected before 1 January 1920 (the commencement of the Local Government Act 1919).

Notice is hereby given that Shoalhaven City Council (by resolution No 1250 of 20th September 2005) in accordance with the provisions of Section 16 and 17 of the Roads Act 1993, declares that the land described in the Schedule below is dedicated as Public Road and vested in Council. R. D. Pigg, General Manager, Shoalhaven City Council, PO Box 42, Nowra NSW 2541. File 8107-04.

**SCHEDULE**

Those roads named as 'NEBRASKA ROAD', 'PELICAN ROAD', 'MOWBRAY ROAD' (now being the extension of Clarendon Crescent), 'FISHERMAN ROAD' and 'WATERPARK ROAD' and contained wholly within DP9699 and partly within Certificate of Title Vol. 2785 Fol 245

[1800]

**TWEED SHIRE COUNCIL**

Roads Act 1993, Section 10

Dedication of Lands as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 1st June 2005, has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

**SCHEDULE**

Lot 3, DP 1064338. [1792]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CARMELA PANTE, late of Haberfield, in the State of New South Wales, who died on 25th July 2005, must send particulars of his/her claim to the executor, c.o. Mercuri & Co., Solicitors, PO Box 198, Five Dock NSW 2046, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 28th November 2005. MERCURI & CO., Solicitors, PO Box 198, Five Dock NSW 2046 (DX 21014, Drummoyne). [1789]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PETER WILSON MACDONALD, late of Toukley, in the State of New South Wales, retired, who died on 10th May 2005, must send particulars of his claim to the administratrix, Cheryl Ann Robinson, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy NSW 2256, within one (1) calendar month from publication of this notice. After that time the assets may be conveyed and distributed having regard only to the claims of which at the time of distribution she has notice. Letters of Administration with the Will annexed was granted in New South Wales on 21st November 2005. PENINSULA LAW, Solicitors, 103-105 Blackwall Road (PO Box 162), Woy Woy NSW 2256, (DX 8806, Woy Woy), tel.: (02) 4342 1277. [1795]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of EVELINE ALICE WILLEBRANDS, late of 20 Stanton Street, Liverpool, in the State of New South Wales, home duties/retired, who died on 18th February 2005, must send particulars of his/her claim to the executors, Eric Rolf Willebrands (also known as Rolf Willebrands) Paul Richard Willebrands and Robert Christian Willebrands (also known as Chris Willebrands), c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 28th November 2005. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, (PO Box 1163, Liverpool BC 1871), (DX 5034, Liverpool), tel.: (02) 9601 7300. [1796]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARGARET BAILEY, late of Guildford, in the State of New South Wales, who died on 20th August 2005, must send particulars of their claim to the executors, Neil Bailey and Elsbeth McCredie, c.o. Messrs Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted on 9th November 2005. MESSRS BARTON & CO., Solicitors, Polaris, 128/121-133 Pacific Highway, Hornsby NSW 2077, (PO Box 344, Hornsby 1630), tel.: (02) 9476 1744. [1797]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MERLE JEAN CAMPBELL, late of Bassendean Nursing Home, 27 Hamilton Street, Bassendean, in the State of Western Australia, home duties, who died on 5th July 2005, must send particulars of his/her claim to the executrix, Jeanette Margaret Oswald, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executrix has notice. Probate was granted in New South Wales on 18th November 2005. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, (PO Box 1163, Liverpool BC 1871), (DX 5034, Liverpool), tel.: (02) 9601 7300. [1798]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAVIS THIBOU late of Cronulla in the State of New South Wales widow, who died on 15 September 2005 must send particulars of their claim to the executor, Helen Louise Quinn care of Truman Hoyle Lawyers, Level 11, 68 Pitt Street Sydney NSW, DX 263 SYDNEY, ref: DLS(SR)4833 within one calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 29 November 2005. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street, Sydney, NSW, (DX 263 Sydney), Ref DLS (SR) 4833, tel.: (02) 9226 9888. [1799]

NOTICE of voluntary liquidation is hereby given in accordance with Section 509 (2) of the Corporations Law, that the final meeting of the members of FLAKOWICZ HOLDINGS PTY LTD, ACN 001 047 105 (in liquidation) will be held at 11th Floor, 155 Castlereagh Street, Sydney, NSW, 2000 on Friday, 9th December, 2005, at 10:00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the Company have been disposed of in the course of the winding up. Dated at Sydney this 6th day of December 2005. R. D. ELLINSON, liquidator, Level 11, 155 Castlereagh Street, Sydney, NSW 2000, tel.: (02) 9283 2444. [1802]

### COMPANY NOTICES

NOTICE of special resolution.—CAMPBELL PASTORAL PTY LTD, ACN 001 219 370.—At a general meeting of members of the abovenamed company duly convened and held at “Avondale”, Narrabri, New South Wales, on 12th October 2005, the special resolution set out below was duly passed. Special Resolution: “That the company be wound up voluntarily and that Leonard John Richardson be appointed liquidator for the purpose of such winding up”. Dated 12th October 2005. LEONARD JOHN RICHARDSON, Liquidator, 14 Macarthur Parade, Main Beach, Queensland 4217, tel.: (07) 5532 8251. [1788]

### OTHER NOTICES

#### STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973

PROPOSED termination of Strata Scheme No. 16779 being property situate at 120-126 Cathedral Street, Woolloomooloo.—Notice is given of an intention to apply to the Registrar-General for an order terminating the above strata scheme and the consequent winding up of the Owners Corporation pursuant to section 51A of the Strata Schemes (Freehold Development) Act 1973. Any person having any claim against the Owners Corporation of the above Strata Scheme or any estate or interest in or claim against any of the lots comprised in the Strata Scheme is required on or before 31st December 2005, to send particulars of the estate, interest or claim to DAVID LE PAGE, Solicitor, 33 Bligh Street, Sydney NSW 2000, tel.: (02) 9221 0052. [1791]

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