



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 77
Friday, 16 June 2006

Published under authority by Government Advertising

LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 13 June 2006

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Act passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 45, 2006 -An Act to amend the Snowy Hydro Corporatisation Act 1997 to prevent the sale of shares in Snowy Hydro Limited held by the State of New South Wales without the approval of both Houses of Parliament. [Snowy Hydro Corporatisation Amendment (Parliamentary Scrutiny of Sale) Act 2006]

John Evans
Clerk of the Parliaments

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 10 December 2004

IT is hereby notified, for general information, that His Excellency the Lieutenant Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 90 2004 – An Act to amend the Special Commission of Inquiry (James Hardie Records) Act 2004 to make further provision with respect to transferred records; and for other purposes. [Special Commission of Inquiry (James Hardie Records) Amendment Bill]

Act No. 91 2004 – An Act to repeal certain Acts and instruments and provisions of Acts and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Statute Law (Miscellaneous Provisions) Bill (No 2)]

Act No. 92 2004 – An Act to amend the Health Services Act 1997 with respect to the control and management of area health services and statutory health corporations; and for other purposes. [Health Services Amendment Bill]

Russell D. Grove PSM
Clerk of the Legislative Assembly

Proclamations



New South Wales

Proclamation

under the

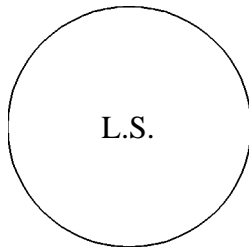
Commission for Children and Young People Amendment Act
2005 No 108

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Commission for Children and Young People Amendment Act 2005*, do, by this my Proclamation, appoint 16 June 2006 as the day on which that Act (except sections 4 and 5, Schedule 1 [1]–[3], [9], [10], [12]–[14], [19]–[37], [39]–[43], [45]–[49], [51], [53] and [56] and Schedule 2) commences.

Signed and sealed at Sydney, this 7th day of June 2006.

By His Excellency's Command,



REBA MEAGHER, M.P.,
Minister for Youth

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence amendments to the *Commission for Children and Young People Act 1998* that relate to the functions of the Commissioner for the Commission for Children and Young People, powers to require information for monitoring or auditing purposes, the time within which proceedings for offences must be commenced, a review of the Act and other minor matters.

Regulations



New South Wales

Local Government (General) Amendment (Rates and Charges) Regulation 2006

under the

Local Government Act 1993

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

KERRY HICKEY, M.P.,
Minister for Local Government

Explanatory note

Under section 548 of the *Local Government Act 1993*, a council that imposes an ad valorem rate may specify the minimum rates to be levied. The object of this Regulation is to amend the *Local Government (General) Regulation 2005* to increase the maximum amount of any such minimum rate that may be specified by a council from \$366 to \$379.

This Regulation is made under the *Local Government Act 1993*, including sections 548 (3) (a) and 748 (the general regulation-making power).

Clause 1 Local Government (General) Amendment (Rates and Charges) Regulation
 2006

Local Government (General) Amendment (Rates and Charges) Regulation 2006

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Rates and Charges) Regulation 2006*.

2 Amendment of Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* is amended by omitting the matter “\$366” from clause 126 and by inserting instead the matter “\$379”.



New South Wales

Passenger Transport (Bus Services) Amendment (Expiry of Operators' Accreditations) Regulation 2006

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

JOHN WATKINS, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to extend the period for which certain accreditations of operators of bus services are in force.

Clause 120 of the *Passenger Transport (Bus Services) Regulation 2000* prescribes the expiry dates (subject to specified conditions) of the operators' accreditations that were in force on 1 September 1997 (the commencement date of the *Passenger Transport Amendment Act 1997*) and were preserved by a savings and transitional provision (clause 8 of Schedule 3 to the *Passenger Transport Act 1990*). At present, the last date so prescribed is 30 June 2006.

This Regulation provides for a further expiry date of 31 March 2007. In doing so, it repeals those provisions of clause 120 (1) that prescribe expiry dates that have now passed.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power) and clause 2 of Schedule 3 (the power to make regulations of a savings or transitional nature).

Clause 1 Passenger Transport (Bus Services) Amendment (Expiry of Operators' Accreditations) Regulation 2006

Passenger Transport (Bus Services) Amendment (Expiry of Operators' Accreditations) Regulation 2006

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (Bus Services) Amendment (Expiry of Operators' Accreditations) Regulation 2006*.

2 Amendment of Passenger Transport (Bus Services) Regulation 2000

The *Passenger Transport (Bus Services) Regulation 2000* is amended as set out in Schedule 1.

Passenger Transport (Bus Services) Amendment (Expiry of Operators' Accreditations) Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 12O Existing accreditations

Omit clause 12O (1). Insert instead:

- (1) For the purposes of clause 8 of Schedule 3 to the Act, the date prescribed in respect of an existing accreditation of an operator of a bus service is as set out in this subclause and subclause (2):
 - (a) the prescribed date in relation to a holder of an existing accreditation who applied for renewal of the accreditation, and paid the renewal fee, on or after 1 January 2006 but before 1 April 2006 is 30 June 2006, and
 - (b) the prescribed date in relation to a holder of an existing accreditation who applies for renewal of the accreditation, and pays the renewal fee, on or after 1 April 2006 but before 1 January 2007 is 31 March 2007.

[2] Clause 12O (2)

Omit "30 June 2006". Insert instead "31 March 2007".

Orders



New South Wales

Conveyancers Licensing Amendment (Vero Insurance) Order 2006

under the

Conveyancers Licensing Act 1995

I, the Minister for Fair Trading, in pursuance of section 8 of the *Conveyancers Licensing Act 1995*, make the following Order.

Dated, this 7th day of June 2006.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Order is to specify a policy of professional indemnity insurance that is an approved policy for the purposes of the *Conveyancers Licensing Act 1995*.

This Order is made under section 8 of the *Conveyancers Licensing Act 1995*.

Clause 1 Conveyancers Licensing Amendment (Vero Insurance) Order 2006

Conveyancers Licensing Amendment (Vero Insurance) Order 2006

under the

Conveyancers Licensing Act 1995

1 Name of Order

This Order is the *Conveyancers Licensing Amendment (Vero Insurance) Order 2006*.

2 Amendment of Conveyancers Licensing Order 2000

The *Conveyancers Licensing Order 2000* is amended by inserting after clause 3 (h) the following paragraph:

- (i) the master policy of professional indemnity insurance (Number FI304753DF) of Vero Insurance Limited covering the period from 1 July 2006 to 30 June 2007.

OFFICIAL NOTICES**Appointments****HOME BUILDING AMENDMENT ACT 2004**

Home Warranty Insurance Scheme Board

Appointment of Chairperson and Members

PURSUANT to section 89F of the Home Building Amendment Act 2004 and Schedule 1 thereto, I hereby appoint the following person as a member of the Home Warranty Insurance Scheme Board:

Ms Susan CLARK.

This appointment will expire on 31 December 2008.

Dated this 8th day of June 2006.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST
ACT 1980**

Appointment

Royal Botanic Gardens And Domain Trust

HIS Excellency the Lieutenant Governor, with the advice of the Executive Council, in pursuance of section 6 of the Royal Botanic Gardens and Domain trust Act 1980, has approved the appointment of Tom Pinzone as a member of the Royal Botanic Gardens and Domain Trust from 26 April 2006 to 25 April 2010.

BOB DEBUS, M.P.,
Minister of the Environment

Department of Lands

GOULBURN OFFICE

159 Auburn Street (PO Box 748), Goulburn NSW 2580

Phone: (02) 4824 3700 Fax: (02) 4822 4287

NOTIFICATION OF CLOSING OF A 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 public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

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

SCHEDULE

*Parish – Bullongong; County – Murray;
Land District – Braidwood; L.G.A. – Palerang.*

Lot 1, DP 1085451 (not being land under the Real Property Act).

File No.: GB04 H 536:JK.

Note: On closing, the title for the land in Lot 1, DP 1085451 remains vested in the State of New South Wales as Crown Land.

GRAFTON OFFICE

76 Victoria Street (Locked Bag 10), Grafton NSW 2460

Phone: (02) 6640 2000 Fax: (02) 6640 2035

ASSIGNMENT OF CORPORATE NAMES OF RESERVE TRUSTS

PURSUANT to Claus 4 (3), of Schedule 8 of the Crown Lands Act 1989, the names specified in Column 1 of the Schedules hereunder are assigned to the reserve trust constituted as trustees for the reserves specified in Column 2 of the Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2
Tewinga Community Centre (R90895) Reserve Trust	Reserve No. 90895 For Community Purposes, Notified 9 September 1977, at Tewinga File Reference: GF 89 R 34

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Brad Downham (new member)	Woodenbong War Memorial Reserve Trust	Reserve No. 74787 Public Purpose: War Memorial Notified: 21 March 1952 File Reference: GF81R279

For a term commencing the date of this notice and expiring
13 February 2008.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 6900 Fax: (02) 4428 6988

ERRATUM

IN the *New South Wales Government Gazette* of 24 March 2006, Folio 1495, under the heading of "Notification of Closing of Public Road" in the Land District of Moruya, the Description where "DP 1091235" is stated, the term "subject to easement for footway created by Deposited Plan 1091235" is added to after "DP 1091235".

File Nos. NA04 H 126 and NA04 H 127.

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

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 9 June 2006, Folio 4010, under the heading of "RESERVATION OF CROWN LAND" in Column 2 after the word "heritage" delete the word "protection" and insert the word "conservation".

File Reference: 06/0419.

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

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

APPOINTMENT OF TRUST BOARD MEMBER

PURSUANT to section 93 of the Crown Lands Act 1989, the person whose name is specified in Column 1 of the Schedule hereunder, is appointed for the term of office specified thereunder, as member of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Anne JONES (new member).	Mt St Joseph Trust.	Reserve No.: 100102. Public Purpose: Community purposes. Notified: 26 June 1987. File No.: MN84 R 130/2.

Term of Office

For a term commencing the date of this notice and expiring 31 March 2009.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

Description

Land District – Metropolitan; L.G.A. – Mosman.

Lot 20, DP 1096518 at Mosman, Parish Willoughby (Sheet 4), County Cumberland.

File No.: MN04 H 151.

Note: On closing, title for the land in Lot 20 remains vested in Mosman Municipal Council as operational land.

Description

Land District – Picton; L.G.A. – Campbelltown.

Lots 1 and 2, DP 1096803 at Ambarvale, Parish St Peter (Sheet 3), County Cumberland.

File No.: MN04 H 317.

Notes: 1. On closing, title for the land in Lots 1 and 2 remains vested in Campbelltown City Council as operational land.

2. The road is closed subject to the easement to drain water 3 wide, the easement for overland flow 3 wide as shown in DP 1096803.

Department of Natural Resources

WATER ACT 1912

APPLICATIONS for licences under section 10 of Part 2 of the Water Act 1912, have been received as follows:

ABROCHILD PTY LIMITED for a pump on the Paterson River on an easement within Lot 9//37244, Parish of Gresford, County of Durham, for water supply for stock and domestic purposes and irrigation of 17.0 hectares (improved pasture) (new licence and permanent water transfer from 20SL047997) (Reference: 20SL061671).

John Anthony THOMPSON and Jennifer Mary THOMPSON for a pump on the Paterson River on Lot 120//792782, Parish of Lewinsbrook, County of Durham, for irrigation of 17.0 hectares (improved pasture) (split of existing licence 20SL047997) (Reference: 20SL061672).

John Kenneth HUGHES and Lorraine Gai HUGHES for a pump on Cravens Creek on Lot 3//1092476, Parish of Craven, County of Gloucester, for irrigation of 0.5 hectares (improved pasture) (split of existing licence 20SL045236) (Reference: 20SL061662).

John Kenneth HUGHES and Lorraine Gai HUGHES for a pump on Cravens Creek on Lot 4//1092476, Parish of Craven, County of Gloucester, for irrigation of 1.0 hectare (improved pasture) (split of existing licence 20SL045236) (Reference: 20SL061663).

John Kenneth HUGHES and Lorraine Gai HUGHES for a pump on Cravens Creek on Lot 5//1092476, Parish of Craven, County of Gloucester, for irrigation of 5.0 hectares (improved pasture) (split of existing license 20SL045236) (Reference: 20SL061664).

GUCANE PTY LIMITED for a pump on Bakers Creek on Lot 21//876984, Parish of Tiri, County of Gloucester, for irrigation of 4.0 hectares (improved pasture) (split of existing licence 20SL061097) (Reference: 20SL060674).

Any inquiries regarding the above should be directed to Brian McDougall (02) 4904 2546.

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

VICKI MCBRIDE,
A/Resource Access Manager,
Hunter Region

Department of Natural Resources,
PO Box 2213, Dangar NSW 2309.

WATER ACT 1912

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

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Murrumbidgee Valley

FORESTS NSW for 3 earth block dams with regulators on an unnamed watercourse, Lots 13 and 43, DP 751745 and Crown Land adjacent to Lot 751745, an earth block dam with regulator and wing wall and a diversion channel on Yarrangery Creek, Pt Lot 5, DP 751745, Parish of Yarrangery, County of Cooper, for environmental rehabilitation being forestry conservation (replacement licence to include additional works) (Reference: 40SL71099).

Any enquires regarding the above should be directed to the undersigned (telephone: [02] 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region

Department Natural Resources,
PO Box 156, Leeton NSW 2705.

WATER ACT 1912

AN application for a licence under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

KELLYVILLE COUNTRY CLUB LIMITED for a pump on the Hawkesbury River on Pt Lot 1//797462, Parish of Pitt Town, County of Cumberland, for water supply for recreation purposes (greens and tees) and irrigation of 30.0 hectares (fairways) (replacement licence – permanent transfer of 39.0 megalitres from 10SL034824) (no increase in annual water entitlement) (not subject to the 1995 Hawkesbury/Nepean Embargo) (Reference: 10SL056721) (GA2:462893).

WAYNE CONNERS,
Natural Resource Project Officer,
South Coast Region

Department of Natural Resources,
PO Box 3720, Parramatta NSW 2124.

Department of Planning



New South Wales

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)

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*. (G91/00211/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)*.

2 Aims of plan

The aims of this plan are to rezone the land to which this plan applies and to make other related amendments to the *Coffs Harbour City Local Environmental Plan 2000*:

- (a) to protect Macauleys Headland, and
- (b) to allow appropriate land uses, and
- (c) to provide environmental protection and enhancement of coastal vegetation.

3 Land to which plan applies

This plan applies to Lots 100–102, DP 1080766, Diggers Beach Road, Coffs Harbour, as shown edged heavy black on the map marked “Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)”, deposited in the office of the Coffs Harbour City Council.

4 Amendment of Coffs Harbour City Local Environmental Plan 2000

Coffs Harbour City Local Environmental Plan 2000 is amended as set out in Schedule 1.

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 10)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 What zones apply in this Plan?

Omit “Environmental Protection 7C Coastal Acquisition Zone (Zone 7C)” from the clause.

Insert instead “Environmental Protection 7C Coastal Zone (Zone 7C)”.

[2] Clause 9 How does the development control table work?

Omit “Acquisition” from the heading to the matter relating to Environmental Protection Zone 7C Coastal Acquisition Zone in the Table to clause 9.

[3] Clause 9, Table

Omit “nominated by the Coastal Council of NSW for acquisition under the Coastal Lands Protection Scheme” from item 1 (Objectives of zone) in the matter relating to the Environmental Protection 7C Coastal Acquisition Zone.

[4] Clause 18 Subdivision and erection of dwellings within rural and environmental protection zones

Omit “Acquisition” from the matter relating to Environmental Protection 7C Coastal Acquisition Zone in the Table to clause 18 (6).

[5] Clause 20 Acquisition of land for community or public purposes

Omit “Zone 5A, 6A or 7C” from clause 20 (5).

Insert instead “Zone 5A or 6A”.

[6] Clause 20, Table

Omit the matter relating to Zone 7C.

[7] Dictionary

Insert in appropriate order in the definition of *the map*:

Coffs Harbour City Local Environmental Plan 2000
(Amendment No 10)



New South Wales

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

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*. (S03/00582/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)*.

2 Aims of plan

This plan aims to amend *Dubbo Local Environmental Plan 1998—Urban Areas* and the zoning map supporting that plan so as to do the following:

- (a) clarify the emergency facilities and infrastructure that may be built on flood prone land,
- (b) more adequately address bushfire management issues,
- (c) replace the terms “urban strategy” and “development strategy”, wherever they occur in the plan, with the term “urban development strategy” and replace the term “dwellings” in certain places in the plan with the term “dwelling houses”,
- (d) allow the Council of the City of Dubbo to permit conversion of interim additional dwellings for other permissible uses in certain circumstances,
- (e) provide for the acquisition by the Council of land required for public purposes,
- (f) generally prohibit medium density housing in Zone 2 (a) Residential Suburban Zone,
- (g) permit, with development consent and subject to certain notification, development for the purposes of extended family units or vehicle body repair workshops in certain zones,
- (h) permit, without development consent, the use of land for the purposes of home based child care establishments and home occupations in certain zones,
- (i) permit, with development consent, the use of land within Zone 3 (b) for vehicle repair stations, and permit, with

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7) Clause 3

development consent and subject to certain notification the use of land in Zone 3 (e) for vehicle repair stations,

- (j) permit, with development consent, the use of land in Zones 4 (a) and 4 (b) for the purpose of ancillary dwellings in certain circumstances,
- (k) permit, with development consent, the use of certain land for the purposes of a corner shop,
- (l) permit, with development consent, additional uses on certain land and remove a prohibition on a particular use of land,
- (m) make various amendments to the heritage provisions of the plan, provide more detailed descriptions of heritage items and their locations and identify additional heritage items,
- (n) introduce “bushrock removal” and “firewood collection” as defined land uses,
- (o) make various zoning and mapping amendments,
- (p) add certain definitions to the Dictionary to the plan and amend certain existing definitions,
- (q) make various minor administrative changes to the plan.

3 Land to which plan applies

- (1) This plan applies to the land to which *Dubbo Local Environmental Plan 1998—Urban Areas* applies.
- (2) In relation to permitting additional uses and removing a prohibition, this plan applies to the following land:
 - (a) Lot 200, DP 1037184, Wingewarra Street (“Apex Oval”),
 - (b) land located in Zone 3 (e) that has frontage to Darling Street between Cobra Street and Erskine Street,
 - (c) land located within Zone 3 (d) that is on the western side of Whylandra Street between Alfred Street and Mansour Street.
- (3) In relation to permitting the use of certain land for the purposes of a corner shop, this plan applies to the following land:
 - (a) Lot 6, Section 33, DP10232, 150 Cobra Street,
 - (b) Lot 1, DP309752, 152 Cobra Street.
- (4) In relation to the identification of additional heritage items, this plan applies to the following land:
 - (a) Lot 11, DP 1050240, Palmer Street (RAAF Stores Depot),
 - (b) Lot 8, DP 1022049, 4R Cooreena Road (Dubbo City Airport site).

Clause 3 Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

- (5) In relation to rezoning, this plan applies to the following land:
- (a) part Lot 622, DP 1059911, Minore Road, shown edged heavy black and coloured red on sheet 1 of the map marked “Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)” (*the map*) held in the office of the Council of the City of Dubbo,
 - (b) Lots 436 and 418–426, DP 1038532, Turnberry Terrace, and Lots 468 and 469, DP 1044385, Carnoustie Drive, shown edged heavy black and coloured pink on sheet 1 of the map,
 - (c) Lot 1004, DP 882156, Lots 48 and 49, DP 229075 and Lots 82 and 83, DP 247402, Minore Road, Lots 274 and 275, DP 883435, St Andrews Drive, and Lot 43, DP 874518, Pinehurst Avenue, shown edged heavy black and coloured dark green on sheet 1 of the map,
 - (d) Lot 33, DP 587374 (SP 35975), 283 Darling Street and Lot 420, DP 611984 (SP 18462), 295 Darling Street, shown edged heavy black and coloured red on sheet 2 of the map,
 - (e) Lots 284–296, DP 1047242, Lachlan Way and Lot 231, DP 1054719, Sheraton Road (formerly part Lot 192, DP 1028522, Sheraton Road), shown edged heavy black and coloured pink on sheet 3 of the map,
 - (f) Lot 232, DP 1054719, Shoalhaven Parkway, shown edged heavy black and coloured dark green on sheet 3 of the map,
 - (g) part Lot C, DP 415844, part Lot 141, DP 788195, and part Lot 13, DP 597771, 267–283 Wellington Road, shown edged heavy black and coloured dark green on sheet 4 of the map,
 - (h) part Lot 7, DP 30609, 63–65 Boundary Road, shown edged heavy black and coloured blue on sheet 5 of the map,
 - (i) part Lot 7, DP 30609, 63–65 Boundary Road, shown edged heavy black and uncoloured on sheet 5 of the map,
 - (j) Lots 54 and 55, DP 262350, 25 and 23 Bruce Avenue and Lot 2, DP 520443, 74 Victoria Street, shown edged heavy black and coloured light blue with pink hatching on sheet 6 of the map,
 - (k) Lot 143, DP 1016886, Lot 833, DP 1009068 and Lot 1, DP 1043450, Bunglegumbie Road, shown edged heavy black and coloured yellow with purple hatching on sheet 7 of the map,
 - (l) Lot 2, DP 833034, 101–103 Erskine Street (Dubbo Railway Bowling Club), shown edged heavy black and coloured green on sheet 8 of the map,

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7) Clause 3

- (m) part Lot 5, DP 1006205 and part DP 754308, Railway Lands, shown edged heavy black and coloured yellow with purple hatching on sheet 8 of the map,
- (n) part Lot 24, DP 811060, Cobbora Road, shown edged heavy black and coloured yellow with purple hatching on sheet 9 of the map,
- (o) Lot 14, DP 730849, Cobbora Road and Lot 23, DP 811061, Pegasus Place, shown edged heavy black and coloured dark green on sheet 9 of the map,
- (p) Lot 5, DP 1261, 243 Darling Street, shown edged heavy black and coloured light blue on sheet 10 of the map,
- (q) Lot 31, DP 857832, 19R Yarrandale Road, shown edged heavy black and coloured purple on sheet 11 of the map,
- (r) Lot 210, DP 754308, Boothenba Road, shown edged heavy black and coloured yellow with purple hatching on sheet 12 of the map,
- (s) land owned by the Council that is designated for open space or recreational use and is not located in Zone 6 (a) Public Open Space Zone, being as follows:
 - (i) Lot 11, DP 702559, Birch Avenue, shown edged heavy black and coloured dark green on sheet 13 of the map,
 - (ii) Lot 16, DP 788433, Gregory Court, shown edged heavy black and coloured dark green on sheet 14 of the map,
 - (iii) Lot 20, DP 259668, Forrest Crescent, shown edged heavy black and coloured dark green on sheet 15 of the map,
 - (iv) Lot 24, DP 787190, Falconer Way and Lot 64, DP 812659, York Street, shown edged heavy black and coloured dark green on sheet 16 of the map,
 - (v) Lot 47, DP 258491, North Burrabadine Road, shown edged heavy black and coloured dark green on sheet 17 of the map,
 - (vi) Lot 13, DP 250332, Narromine Road, shown edged heavy black and coloured dark green on sheet 18 of the map,
 - (vii) Lot 24, DP 809855, Twickenham Drive, shown edged heavy black and coloured dark green on sheet 19 of the map,
 - (viii) Lot 11, DP 810650, Jack William Drive, shown edged heavy black and coloured dark green on sheet 20 of the map,
 - (ix) Lot B, DP 391292 and Lots 3–5, DP 239, 51–55 Jubilee Street, shown edged heavy black and coloured dark green on sheet 21 of the map,

Clause 4 Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

- (x) part Lot 2, DP 1050512, St Georges Terrace, shown edged heavy black and coloured dark green on sheet 22 of the map,
- (t) part Lot 27, DP 837818, Silkwood Close and part Lot 2000, DP 1031663, Currawong Road, shown edged heavy black and coloured yellow on sheet 23 of the map,
- (u) part Lot 2000, DP 1031663, Currawong Road, shown edged heavy black and uncoloured on sheet 23 of the map,
- (v) part Lot 2000, DP 1031663, Currawong Road, shown edged heavy black and coloured dark green on sheet 23 of the map.

4 Amendment of Dubbo Local Environmental Plan 1998—Urban Areas

Dubbo Local Environmental Plan 1998—Urban Areas is amended as set out in Schedule 1.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Aims and objectives

Omit “and the 1994–1997 *Dubbo State of the Environment Reports*” in clause 3 (2).

Insert instead “, the 1994–1997 *Dubbo State of the Environment Reports* and subsequent legislation”.

[2] Clause 3 (2)

Insert before the heading “Development Opportunity Objectives”:

Sustainability Objective

To ensure that all forms of new urban development conform to the principles of ecologically sustainable development and do not exceed the servicing capacity of the land on which the development is carried out.

[3] Clause 3 (2), Development Opportunity Objectives

Omit “availability” wherever occurring from the matter under the headings “*Urban development*” or “*Industrial*”.

Insert instead “supply”.

[4] Clause 3 (2), Environmental Management Objectives

Omit all matter relating to *Urban development*.

[5] Clause 3 (2), Environmental Management Objectives

Omit all matter relating to *Bushfire*. Insert instead:

Bushfire

To protect life, property and the environment from bushfire hazards by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

[6] Clause 8 Flood prone land

Omit clause 8 (1). Insert instead:

- (1) Consent may be granted to development for the purposes of emergency services, emergency facilities, emergency operation centres or the like that, in the opinion of the consent authority, are essential in times of major flooding, but only in a location where the consent authority is satisfied that they will be fully operational during a probable maximum flood.
- (1A) Consent may be granted to development for the purposes of essential infrastructure, such as water supply, sewerage, telephones, electricity and the like, but only in a location where the consent authority is satisfied that the infrastructure will be fully operational during a probable maximum flood.
- (1B) Despite subclause (1A), consent may be granted to development for the purposes of such essential infrastructure in any other location, but only if, in the opinion of the consent authority:
 - (a) it is not practicable for the infrastructure to be in a location referred to in subclause (1A), and
 - (b) the design and construction of the infrastructure will render the infrastructure flood proof or will ensure that services can be easily restored after a flood.

[7] Clause 8A

Insert after clause 8:

8A Bushfire protection

- (1) This clause applies to the following land:
 - (a) all land identified as bushfire prone land on the bush fire prone land map,
 - (b) land taken to be bushfire prone land under clause 42 of Schedule 6 to the Act,
 - (c) land that, in the opinion of the consent authority, is prone to bushfire.
- (2) The consent authority must not grant consent to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) there is no significant threat to the lives of residents, visitors or emergency services personnel that may be created or increased as a result of the development or the access arrangements to and from the development, and

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

-
- (b) the measures adopted in relation to the development to avoid or mitigate the threat of bushfire (including the siting of the development, design of structures and materials used, clearing of vegetation, fuel reduced areas and landscaping and fire control aids, such as roads and water supplies) are adequate for the locality and will not result in unacceptable or unsustainable environmental impacts, and
 - (c) the development will not cause any significant increase in demand for emergency services during bushfire events that would decrease the ability of emergency service personnel to effectively control major bushfires, and
 - (d) the development is unlikely to have a significant adverse effect on the implementation of strategies for bushfire control or fuel management adopted by the Council.

[8] Clause 9 Development along Transport Corridors

Omit clause 9 (2) (a) and (b). Insert instead:

- (a) one of the following applies:
 - (i) the access to the land concerned is from another road (that is not a Transport Corridor), and that access is at least 90 metres from the centre line of the road that is a Transport Corridor,
 - (ii) the development will not prejudice future improvements to, or realignment of, any relevant classified road, as may be indicated to the Council from time to time by the Roads and Traffic Authority, and

[9] Clause 9 (2) (f)

Insert at the end of clause 9 (2) (e):

- , and
- (f) the land comprises a lot that has access to a Transport Corridor and was lawfully created by a subdivision, the consent for which was granted before the appointed day.

[10] Clause 13 Subdivision of land generally

Insert “house” after “existing dwelling” in clause 13 (2).

[11] Clauses 13 (3), 36 (1), 48 (4), 50 (4), 56 (4), 63 (6) and 64 (4)

Omit “dwellings” wherever occurring. Insert instead “dwelling houses”.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

-
- [12] **Clauses 22 (3), 31 (3), 34 (3), 36 (3), 39 (3) and 41 (3)**
Insert “; home based child care establishments” in alphabetical order.
- [13] **Clauses 22 (3), 26 (3), 31 (3), 34 (3), 36 (3), 39 (3), 41 (3), 46 (3), 47 (3), 48 (3), 49 (3), 50 (3), 54 (3), 55 (3), 56 (3), 59 (3), 60 (3), 63 (3) and 64 (3)**
Insert “; home occupations” in alphabetical order.
- [14] **Clauses 22 (5), 34 (5), 36 (5), 39 (5) and 41 (5)**
Omit “home based child care establishments;” wherever occurring.
- [15] **Clauses 22 (5), 26 (6), 46 (6), 55 (5), 56 (5) and 63 (6)**
Omit “kennels;” wherever occurring.
Insert instead “companion animal facilities;” in alphabetical order.
- [16] **Clause 24 Dwelling houses on land within Zone 1 (b)**
Insert “house” after “dwelling” wherever occurring in clause 24 (a) and (d).
- [17] **Clause 25 Interim additional dwelling on land within Zone 1 (b)**
Omit clause 25 (c). Insert instead:
(c) the consent authority is satisfied that the dwelling is for an interim period only and that the dwelling is:
(i) transportable, or
(ii) capable of being converted to another use permissible on, and consistent with the lawful primary use of, the land concerned, and
- [18] **Clause 26 Zone 1 (e) Urban Expansion Zone—general development controls**
Omit “urban strategy” from clause 26 (2) (d) (i).
Insert instead “urban development strategy”.
- [19] **Clause 27 Subdivision of land within Zone 1 (e)**
Omit “a development strategy” from clause 27 (2).
Insert instead “an urban development strategy”.
- [20] **Clauses 28 (b) and (c), 31 (1), 42, 43 and 63 (6)**
Insert “house” after “dwelling” wherever occurring.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

[21] Clause 29 Interim additional dwelling on land within Zone 1 (e)

Omit clause 29 (c). Insert instead:

- (c) the consent authority is satisfied that the dwelling is for an interim period only and is:
 - (i) transportable, or
 - (ii) capable of being converted to another use permissible on, and consistent with the lawful primary use of, the land concerned, and

[22] Clauses 31 (4), 34 (4), 36 (4), 39 (4), 41 (4), 46 (6) and 48 (4)

Omit “home occupations;” wherever occurring.

[23] Clauses 31 (5), 34 (5), 36 (5), 39 (5), 41 (5), 49 (5) and 64 (5)

Insert “extended family units;” in alphabetical order.

[24] Clause 31 (5)

Omit “medium density housing (on land shown 2 (B)—Mixed Density in *Dubbo City Development Control Plan 1991—Urban Lands* where such land is also in Central or South Dubbo and not identified as within the character conservation area on the Zoning Map);”.

[25] Clause 38 Dwelling houses on land within Zone 2 (c)

Insert “house” after “single dwelling” in clause 38.

[26] Clause 44 Interim additional dwelling on land within Zone 2 (e)

Omit clause 44 (c). Insert instead:

- (c) the consent authority is satisfied that the dwelling is for an interim period only and that the dwelling is:
 - (i) transportable, or
 - (ii) capable of being converted to another use permissible on, and consistent with the lawful primary use of, the land concerned, and

[27] Clauses 46 (6) and 63 (6)

Insert “bushrock removal;” and “firewood collection;” in alphabetical order.

[28] Clause 46 (6)

Reinsert “turf farming;” in alphabetical order.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

-
- [29] **Clause 47 Zone 3 (b) Sub-regional Business Zone—general development controls**
Insert “vehicle repair stations;” in alphabetical order in clause 47 (4).
- [30] **Clause 49 Zone 3 (d) Tourism and Leisure Zone—general development controls**
Omit “drainage; dwellings” from clause 49 (4).
Insert instead “drainage; dwelling houses”.
- [31] **Clause 49 (4)**
Omit “dwelling or dwellings”. Insert instead “dwelling house”.
- [32] **Clause 49 (5)**
Omit “land in Whylandra Street”.
Insert instead “land on the eastern side of Whylandra Street”.
- [33] **Clause 50 Zone 3 (e) Special Business Zone—general development controls**
Insert “restaurant rooms (on land that has frontage to Darling Street between Cobra Street and Erskine Street);” in alphabetical order in clause 50 (4).
- [34] **Clause 50 (5)**
Omit “(where the sites are in Bourke Street, North Dubbo)” wherever occurring.
- [35] **Clause 54 Zone 4 (a) Light Industrial Zone—general development controls**
Omit “dwellings (where used in conjunction with a light industry and situated on the same land as that light industry)” from clause 54 (4).
Insert instead “dwelling houses (where ancillary to another lawful use of the land and situated on the same land as that lawful use)”.
- [36] **Clause 54 (5)**
Insert “; vehicle body repair workshops” in alphabetical order.
- [37] **Clause 55 Zone 4 (b) General Industrial Zone—general development controls**
Omit “dwellings (where used in conjunction with an industry and situated on the same land as that industry)” from clause 55 (4).
Insert “dwelling houses (where ancillary to another lawful use of the land and situated on the same land as that lawful use)”.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

[38] Clause 59 Zone 5 (a) Institutional Zone—general development controls

Omit “adopted by the consent authority” from clause 59 (2) (c).

Insert instead “adopted by the Council”.

[39] Clause 60 Zone 5 (b) Utilities Zone—general development controls

Insert “urban” after “subsequent” in clause 60 (7) (c).

[40] Clause 63 Zone 6 (b) Private Open Space Zone—general development controls

Omit “land fronting Brisbane Street and the Newell Highway between Myall and Talbragar Streets” from clause 63 (7).

Insert instead “land within Zone 6 (b) that fronts Brisbane Street and the Newell Highway between Myall Street and the Talbragar River”.

[41] Part 4

Omit the Part. Insert instead:

Part 4 Conservation of heritage items

64A Heritage objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the City of Dubbo, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved.

65 Protection of heritage items and relics

- (1) The following development may be carried out only with development consent:
 - (a) demolishing or moving a heritage item,
 - (b) altering a heritage item by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
 - (c) altering a heritage item by making structural changes to its interior,

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

-
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (e) moving the whole or a part of a heritage item,
 - (f) erecting a building on, or subdividing, land on which a heritage item is located.
- (2) Development consent is not required by this clause if:
- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item, and
 - (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument,
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.
- (5) The assessment referred to in subclause (4) must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

-
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) the heritage significance of the item as part of the environmental heritage of the Dubbo City local government area, and
 - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (c) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

66 Application for demolition

- (1) The consent authority must not grant a consent for the demolition of a building (being a consent required by clause 65) unless it has been provided with and has taken into consideration a development application for any building that is proposed to take the place of the building to be demolished.
- (2) The consent authority may grant consent for the demolition of a building or item in excess of fifty years old only after the heritage significance of that building or item has been investigated.

67 Conservation incentives relating to heritage items

- (1) The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this plan, if the consent authority is satisfied that:
 - (a) the retention of the heritage item depends on the granting of consent, and
 - (b) the proposed development is in accordance with a conservation management plan that has been approved by the consent authority, and
 - (c) the granting of consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan is carried out, and

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

-
- (d) the proposed development would not adversely affect the heritage significance of the heritage item or its setting, and
 - (e) the proposed development would not have any significant adverse affect on the amenity of the surrounding area.
- (2) When considering an application for consent for the use of a building that is a heritage item, or the erection or use of a building on a site on which there is a heritage item, the consent authority may:
- (a) exclude from its calculation of the floor space of the buildings erected on the land or the other buildings, the floor space of the heritage item for the purpose of determining the number of parking spaces to be provided on the land, or
 - (b) reduce the minimum site area requirements for the purpose of determining the number of dwellings permissible on the land,

but only if the consent authority is satisfied that the conservation of the heritage item depends on the consent authority excluding the floor space of the heritage item or reducing the minimum site area requirements.

68 Heritage advertisements and notifications

- (1) The following development is identified as advertised development:
 - (a) the demolition of a heritage item,
 - (b) the carrying out of any development allowed by clause 67.
- (2) Before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance, the consent authority must notify the Heritage Council of the application and take into consideration any comments received in response within 28 days after the notice is sent.

69 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

-
- (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item.
- (3) Such consent must not be granted unless the consent authority has considered a heritage impact statement that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

70 Archaeology

- (1) Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:
- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
 - (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of the Department of Environment and Conservation of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.
- (2) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

-
- (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
 - (3) Subclause (2) does not apply if the proposed development:
 - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

[42] Clause 72 Redevelopment of certain corner shops

Add the following items to the Table to clause 72:

150 Cobra Street	lot 6 Section 33 DP 10232 (dwelling and shopfront)
152 Cobra Street	lot 1 DP 309752 (incorporating mini mart and takeaway food shops and dwelling at rear)

[43] Clause 73

Insert after clause 72:

73 Acquisition of land for public purposes

- (1) The Council is the authority of the State that will be the relevant authority to acquire land within zone 5 (b) or 6 (a) if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) Until the land referred to in subclause (1) is acquired by the Council, development may be carried out on that land with the consent of the consent authority.
- (3) In determining whether to grant consent to proposed development as referred to in subclause (2), the consent authority must take into consideration:
 - (a) the effect of the proposed development on the costs of acquisition, and
 - (b) the costs of reinstatement of the land for the purposes for which the land is to be acquired, and
 - (c) the imminence of acquisition.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

[44] Schedule 1 Dictionary

Omit “kennels” from the definition of *animal establishment* in Part 1.

Insert instead “companion animal facilities”.

[45] Schedule 1, Part 1

Omit the definitions of *bulky goods sales room or showroom*, *farmstay establishment*, *guest house or hostel* and *kennel*.

Insert instead in alphabetical order:

bulky goods sales room or showroom means a building or place used predominantly for the sale of bulky goods by wholesale, retail, auction or hire. It includes a hardware store, timber or metal yard, kitchen or bathroom showroom, brick or paving centre (including a brick or paving display centre) or a building or place used predominantly for equipment or plant hire.

bushrock removal means the removal of natural surface deposits of rock from rock outcrops or from areas of native vegetation. The rocks may be loose rocks on rock surfaces or on the soil surface, or may have been removed from rock outcrops by excavation or blasting. Bushrock removal does not include the removal of rock from approved mining or quarrying activities, the salvage of rock where the removal of rock is necessary for any development that is the subject of a development consent or is carried out, or approved, by a public authority, or the removal of rocks from paddocks when it constitutes a necessary part of the carrying out of routine agricultural activity.

companion animal facility means a building or place used for the training, breeding or boarding of companion animals (within the meaning of the *Companion Animals Act 1998*), including greyhounds, for commercial purposes.

extended family unit means a single dwelling, or a part of an existing dwelling, that is subordinate to another dwelling (*the main dwelling*) and that:

- (a) has self-contained cooking, sleeping and bathing facilities, and
- (b) shares site access, utility and laundry facilities with the main dwelling, and
- (c) has a maximum floor area of 60 square metres, and
- (d) is on the same lot as the main dwelling, and
- (e) is designed and constructed as adaptable housing (Level C) in accordance with AS 4299—1995, *Adaptable housing*.

Note. An extended family unit is commonly known as a “granny flat”.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

farmstay establishment means an established farming enterprise:

- (a) that provides temporary accommodation and entertainment for tourists within any building on the land concerned, and
- (b) that is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation (who may or may not normally reside in the building), and
- (c) that forms part of the day-to-day operation of the farm, and
- (d) that is located so as not to reduce the agricultural potential of the land concerned or introduce potential land use conflict with adjoining properties, and
- (e) that does not contain facilities in rooms for the preparation of meals by guests, and
- (f) where any clothes washing facilities that are available to guests are shared by guests.

firewood collection means the cutting, collection and removal of timber for the purposes of supplying firewood for commercial purposes. It does not include any of the following:

- (a) forestry,
- (b) the removal of timber in association with other development that is the subject of a development consent or is carried out, or approved, by a public authority,
- (c) the removal of timber from land when it constitutes a necessary part of routine agricultural and land management activities, such as bushfire hazard reduction.

guest house or hostel means any building:

- (a) that provides temporary overnight accommodation for short-term travellers, and
- (b) that is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation (who may normally reside in the building), and
- (c) where breakfast is offered to guests, and
- (d) that does not contain facilities in rooms for the preparation of meals by guests, and
- (e) where any clothes washing facilities that are available to guests are shared by guests, and

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

(f) that does not accommodate more than 20 guests.

[46] Schedule 1, Part 1, definition of “depot”

Omit “plant”. Insert instead “equipment”.

[47] Schedule 1, Part 1, definition of “depot”

Omit “elsewhere defined in this Part”.

Insert instead “used for the parking or storage of up to two vehicles that weigh less than 5 tonnes (GVM) each, being vehicles that are not used for the storage or transport of hazardous or dangerous substances”.

[48] Schedule 1, Part 1, definition of “home business”

Insert “involve the employment of more than three persons and does not” after “but does not”.

[49] Schedule 1, Part 1, definition of “medium density housing”

Omit “two or more dwellings”.

Insert instead “three or more dwellings (whether or not attached)”.

[50] Schedule 1, Part 1, definition of “medium density housing”

Omit “at ground level”.

[51] Schedule 1, Part 1, definition of “medium density housing”

Insert “or an extended family unit” after “semi-detached housing”.

[52] Schedule 1, Part 1, definition of “utility undertaking”

Omit paragraphs (d) to (f) of the definition. Insert instead:

(d) telecommunications facilities, or

(e) emergency services facilities or operations centres or the like.

[53] Schedule 1, Part 1, definition of “vehicle repair station”

Insert “servicing or” after “carrying out”.

[54] Schedule 1, Part 1, definition of “warehouse or distribution centre”

Omit “mainly”. Insert instead “predominantly”.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

[55] Schedule 1, Part 2

Omit the definitions of *archaeological site*, *demolish*, *heritage item*, *heritage significance*, *interim additional dwelling*, *maintenance*, *potential archaeological site*, *relic* and *sustainable*.

Insert instead in alphabetical order:

adopted or *approved*, in relation to a document or matter, means that the document or matter has been considered and adopted by formal resolution of the Council at a Council meeting.

archaeological site means the site of one or more relics.

bulky goods means goods or materials that are of such size, shape, quantity or weight as to require a large area for the handling, storage or display of the item for sale or hire, and that require:

- (a) direct vehicular access to the site of the building or place by customers, for the purpose of loading vehicles with the goods or materials after purchase, or
- (b) separate delivery using specialised vehicles or equipment, and includes automotive parts and accessories, floor coverings and tiles, electrical goods, computer equipment, whitegoods, furniture, office supplies, agricultural supplies, swimming pools and spas, tanks and camping and sports equipment, but does not include clothing, footwear, food, beverages, manchester, haberdashery, small electronic goods (including cameras and videos), household accessories or decorations, toys, lighting, books, videos or DVDs.

bushfire means a fire involving grass, scrub or forest.

bushfire prone land map has the same meaning as in the Act.

conservation management plan means a document prepared in accordance with the requirements of the Department of Environment and Conservation that documents the heritage significance of an item, relic or archaeological site and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

demolish, in relation to a heritage item, means wholly or partly destroy, dismantle or deface the heritage item.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, relic, archaeological site, place of Aboriginal heritage significance or potential place of Aboriginal heritage significance, and

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

-
- (b) an assessment of the impact that proposed development will have on that significance, and
 - (c) proposals for measures to minimise that impact.

heritage item means:

- (a) a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 5, or
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

interim additional dwelling means a dwelling referred to in clause 25, 29 or 44.

maintenance, in relation to a heritage item, means the ongoing protective care of a heritage item. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features, such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of contemporary cultural significance.

potential archaeological site means a site:

- (a) that is specified in Schedule 7 and described in that Schedule as a potential archaeological site, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the City of Dubbo area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the City of Dubbo area.

subdivision of land has the same meaning as it has in the Act.

urban development strategy means a written document (which may include maps and plans), and describes a future direction and character for the growth and development of all or part of the City. It also includes specific development strategies for land uses, such as residential, commercial, industrial, institutional and recreational land uses.

[56] Schedule 1, Part 2, definition of “Zoning Map”

Insert in appropriate order in the definition:

Dubbo Local Environmental Plan 1998—Urban Areas
(Amendment No 7)

[57] Schedule 3 Additional uses of land

Insert “(Strata Plan No 19646)” after “162468” in the matter relating to Lot B DP 162468, 92–94 Brisbane Street.

[58] Schedule 3

Omit the matter relating to the land at Wheelers Lane. Insert instead:

Lot 3 DP 258008, 56 Wheelers Lane (designated as “Orana Mall” on the Zoning Map) within Zone 3 (b)—a 200 square metre fast food outlet that exceeds the maximum floorspace ratio allowed by clause 51.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

[59] Schedule 3

Insert at the end of the Schedule:

Land that is comprised in one lot (being land that before the appointed day was known as Lot 1 Section 3 DP 758201, Lot 233 DP 822451 or Lot 331 DP 754308)—development for the purpose of any of the following:

- (a) bed and breakfast accommodation, but only if the development is ancillary to the use of the land as a vineyard,
- (b) no more than two self-contained cabins for the short term accommodation of tourists, but only if the development is ancillary to the use of the land as a vineyard,
- (c) a wine tasting or refreshment area, but only if the development is ancillary to the use of the land as a winery.

Lot A or B DP 346429, 100–102 Bultje Street—development for the purpose of medical consulting rooms.

Lot 200 DP 1037184, Wingewarra Street (“Apex Oval” site)—development for the purpose of a club or restaurant room.

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

[60] Schedule 5

Omit the Schedule. Insert instead:

Schedule 5 Heritage items

Note. The map marked “Heritage Items” identifies each of the following items by the relevant heritage item (H) number specified in the following table. The map is held in the office of the Council.

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
Belmore Street	7		House	8	5	907	8394	1520242	Local	H1
Bishop Street	1		Shop front	A		337776	8420	1520245	Local	H2
	19		Brick house	N		383165	8431	1520404	Local	H3
Bourke Street		“Ranelagh”	Brick house & curtilage	518		603598	6972	1520254	Local	H4
		“Tantallon”	Rendered rammed earth house	21		715331	6974	1520103	Local	H5
	106		Brick house	18		5855	7032	1520264	Local	H6
	108		Brick house	17		5855	7033	1520266	Local	H7
	110		House, garden & fence	16		5855	7034	1520267	Local	H8
	122	“Eastonville”	Brick house	17	20	1541	9076	1520123	Local	H9
	135		Brick cottage	6	18	758361	9111	1520270	Local	H10
	137		Brick cottage	1		996193	9112	1520271	Local	H11
Brisbane Street	72	“Old Macquarie Brewery”	Victorian stone building	2		580341	9498	1520279	Local	H12
	79	“Hub of the West Lodge”	Brick house (now motel/guest house)	781		997786	9520	1520275	Local	H13
	81		Timber cottage	1		783042	9521	1520276	Local	H14
	101–105	Ben Furney Flour Mills	Assorted buildings	100		808182	16173	1520278	Local	H15
	137	Dubbo Courthouse	Courthouse, curtilage & fence	7		40398	9774	1520280	Local	H16
				15	4	758361	9775			

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
	142	Dubbo Lands Office	Two storey timber & iron building	3	11	758361	9741	1520293	Local	H17
	144		Two storey brick building	1	11	10863	9742	1520294	Local	H18
	156	Holy Trinity Anglican Church	Stone church buildings	6	10	758361	9749	1520297	Local	H19
				7	10	758361	21946			
	161	Commercial Hotel	Hotel building	A		164067	9787	1520281	Local	H20
	162	Brotherhood House	Residential building	5	10	758361	9750	1520298	Local	H21
	169	“Westbury”	Two storey house	3		507416	9793	1520138	Local	H22
	200	St Brigids Catholic Church	Sandstone church building & curtilage	8	8	758361	9761	1520299	Local	H23
	200	Catholic Presbytery	Two storey brick building	6	8	758361	9763	1520300	Local	H24
	201		Brick cottage	1		794729	9809	1520285	Local	H25
	203	“Aberdour”	Brick cottage	1		794604	9810		Local	H26
	234	“Araluen”	Weatherboard cottage	1		137398	21496	1520301	Local	H27
	236	“Moirā”	Weatherboard cottage	1		136745	8456	1520302	Local	H28
	270		House	2	A	9489	8480	1520304	Local	H29
Bultje Street	41–45	Convent of Mercy	Two storey brick building	9		758361	9853	1520305	Local	H30
	52	“Iownit”	Brick house	5		6604	9829	1520310	Local	H31
	104		Brick house	A		390552	9134	1520312	Local	H32
	105		Brick house	6		491	9177	1520308	Local	H33
				7		491	9178			
	108		Brick house	2		225613	9136	1520314	Local	H34
	114	“Dalkeith”	Brick cottage	5		225613	9139	1520317	Local	H35

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
	117	“Pretoria”	Brick house & fence	4		978043	6603	1520309	Local	H36
	122	“Hazeldene”	Brick house	2		579472	9143	1520140	Local	H37
Bunglegumbie Road	6R	“Mount Olive”	Stone cottage	3		250606	11958	1520494	Local	H38
Buninyong Road		Old Buninyong School	Former school building	302		754308	5341	1520480	Local	H39
Cadell Street	6		Brick bungalow	12		740060	21977	1520320	Local	H40
Carrington Avenue	40	“Mayville”	Weatherboard cottage	12	9	2335	9861	1520321	Local	H41
Church Street	31–33	Former Masonic Hall	Two storey brick commercial building	12		531603	9917	1520328	Local	H42
	36	Salvation Army Citadel	Brick building	1		67318	9896	1520331	Local	H43
	64– 66	“The Drop Inn”	Brick “Drop Inn” building	A		376141	15522	1520333	Local	H44
		Wesley Centre Uniting Church	Brick church building						Local	H45
Cobra Street	44	“The Sheiling”	Brick semi-detached dwelling	A		406488	9939	1520338	Local	H46
	46	“...onbar”	Brick semi-detached dwelling	B		406488	9940	1520338	Local	H47
	91	“Yandoya”	House	3		6278	8584		Local	H48
	121		Brick house	A		191927	8593	1520337	Local	H49
Cooreena Road	4R	“Dubbo City Airport”	Airport facility & associated infrastructure	8		1022049	20590		Local	H50
Crum Avenue	7		Stone house	1		207464	931	1520340	Local	H51
Dalton Street	18B	“Lowana”	Brick bungalow	31		1053233	21369	1520341	Local	H52
Darling Street	54		Weatherboard bungalow	3		37494	9539	1520345	Local	H53
	75		Brick house & fence	5	14	758361	9572	1520344	Local	H54

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
	82		Two storey brick terrace dwelling	21	16	595680	9551	1520346	Local	H55
	84		Two storey brick terrace dwelling	22	16	595680	9552	1520346	Local	H56
	86		Two storey brick terrace dwelling	23	16	595680	9553	1520346	Local	H57
	106		Stone cottage	4		1006205	20316		Local	H58
	111		Stone house	701		1020026	9583		Local	H59
	116	Old Fire Station	Two storey brick fire station building	1		1038705	9231	1520357	Local	H60
	179	Dubbo Public School Principal's Residence	Brick house	12	10	758361	21644	1520349	Local	H61
	181	Dubbo Public School	Brick school buildings	1		724331	9958	1520351, 1520142, 1520350, 1520352, 1520150	State	H62
	207		Rendered ashlar coursing cottage	1	9	3138	9965	1520354	Local	H63
	209		Two storey brick terrace dwelling	A	9	435243	9966	1520355	Local	H64
	211		Two storey brick terrace dwelling	B	9	435243	9967	1520355	Local	H65
	212		House	C		398000	8618	1520362	Local	H66
	213		Two storey brick terrace dwelling	C	9	435243	9968	1520355	Local	H67
	215		Two storey brick terrace dwelling	D		435243	9969	1520355	Local	H68
	224		Brick bungalow & fence	80		555353	8624	1520363	Local	H69
	331		House	102		569156	8674	1520358	Local	H70
Dulhunty Avenue	12		Bungalow	20	79	10150	7856	1520367	Local	H71

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
Dunedoo Road		Beni Church	Church building	74		754287	18799	1520477	Local	H72
Erskine Street	21		Timber bungalow	1		329002	9616	1520368	Local	H73
	28–32		Brick building & fence	8	A	2699	9599	1520370	Local	H74
	45	Former Police station and residence	Brick building	701		1020026	9583	1520369	Local	H75
	62–66	Western Star Hotel	Brick hotel building	513		878055	19770		Local	H76
	68		Semi-detached housing building	514		878055	19771	1520371	Local	H77
Eulomogo Road	24L (see also Pinedale Road)		Pise house	65		754287	12702		Local	H78
Fitzroy Street	68		Rendered cottage	17		710	7136	1520373	Local	H79
	120		Stone cottage	3	1	286	7156	1520374	Local	H80
	146		Timber cottage	2	2	286	7169	1520375	Local	H81
		Dubbo Showground	Old grandstand	310		754308	6716	1520377	Local	H82
	169		Brick bungalow	10	24	589	7216	1520376	Local	H83
	225		Fibro/ weatherboard shop building	3		11646	8693	1520378	Local	H84
	253		Brick house	89		730974	17038	1520382	Local	H85
	261	“Tutuila”	Weatherboard house	A		414981	8710	1520383	Local	H86
Gipps Street	123		Brick cottage	A		1165	9327	1520400	Local	H87
	125		Brick house	1		904148	21930	1520401	Local	H88
	125A									
	127		Brick cottage						Local	H89
	131		Two storey brick house	1		347462	9339	1520399	Local	H90
	148		Brick bungalow	3		9051	8721	1520405	Local	H91

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
	155		Brick bungalow	1		321360	15621	1520404	Local	H92
	178		Brick house	2		307406	8742	1520407	Local	H93
	188	"Belmont"	Brick house	B		398171	8746	1520408	Local	H94
Hennessy Road		"Holmwood"	Brick house & former schoolhouse	1341		787623	1	1520491	Local	H95
				1342		787623				
Jannali Road			World War II military fuel depot	1		431554	6252		Local	H96
Jubilee Street	34		Timber cottage	A		392233	3254		Local	H97
Macleay Street	37		Brick house	6		999302	9671	1520413	Local	H98
	68		Brick semi-detached dwelling	A		406931	7302	1520414	Local	H99
	70		Brick semi-detached dwelling	B		406931	7303	1520414	Local	H100
	72		Timber cottage	7		469	7304	1520415	Local	H101
Macquarie Street	69–79	"Macquarie Chambers"	Two storey commercial building	2		654866	16727	1520417	Local	H102
				3		654867	10065			
	87–89	Westpac Bank	Two storey commercial building	10		758361	10068	1520418	Local	H103
	98	Old Post Office	Two storey commercial building with clock tower	101		833808	17674	1520071	Local	H104
	110–114	National Australia Bank	Two storey commercial building	1		995606	10007	5045275	State	H105
	116–120A	"Colonial Mutual"	Three storey commercial building	1		607846	10008	5045497	State	H106
	131–135	"Commercial Union Assurance"	Two storey commercial building	1		1012065	10082	1520421	Local	H107
	146–162	"The Western Stores"	Two storey department store building	5	5	758361	10022	1520430	Local	H108
				1		906696	10021			

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
	193	Old Shire building	Two storey stone commercial building	51		591672	10094	1520008	State	H109
	195–197	“Kemwah”	Two storey brick commercial building	11		601633	10095	1520423	State	H110
	215		Brick house	9	2	475	10103	1520424	Local	H111
		“Old Dubbo Gaol”	Assorted stone buildings & timber structures, including residence	4		40398	10003	1520070	Local	H112
	228–234	Formerly “Dubbo Museum”	Two storey masonry commercial building	1		545488	10529	1520431	Local	H113
	302		Brick house	14	A	32693	8836	1520532	Local	H114
	342		Brick bungalow	1		166714	8846	1520441	Local	H115
	380	“Cardiff”	Brick house	21		595176	8034	1520443	Local	H116
	385	“Regand Park”	Brick house	9		545272	8325	1520053	Local	H117
Mitchell Street	4		Rendered cottage	3		816639	16898	1520533	Local	H118
	6		Brick cottage	2		816639	16897	1520446	Local	H119
Myall Street	29		Brick house	6		37776	9693	1520141	Local	H120
	34		Brick house	12		37456	9689	1520450	Local	H121
	160		Brick cottage	5		12828	7441	1520452	Local	H122
	170	Dubbo Base Hospital	Two storey brick hospital building	32		747737	7443	3540096	Local	H123
Nancarrow Street	8	“Bonnie-Rigg”	Brick house	4	2	9744	8904	1520452	Local	H124

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
Obley Road	21L	“Cootha”	Stone house	9		753233	12266	1520482	Local	H125
	23L	“Dundullimal”	Timber slab homestead building, timber shed and stone stables	1		800756	15307	1520017, 1520486, 1520518, 1520517	State	H126
Old Dubbo Road		“Old Dubbo Homestead”	House site including visible wall	31		738069	12593	1520519	Local	H127
	2R	“Miriam”	Weatherboard house	2		807767	4064	1520492	Local	H128
Palmer Street		“RAAF Stores Depot”	Corrugated iron hangars, corrugated iron storage sheds, other buildings, underground communications bunker	11		1050240	21324	1520148	State	H129
Pinedale Road	(see also Eulom2og o Road)		Pise house	65		754287	12702		Local	H78
Quinn Street	7		Brick bungalow	15	2	6277	8966	1520456	Local	H130
	11		Masonry cottage	13	2	6277	8968	1520457	Local	H131
	14		Brick cottage	13		529558	8947	1520175	Local	H132
	15		Brick cottage	2	2	6278	8970	1520459	Local	H133
	16		Brick bungalow, fence & gate	1		210658	8948	1520176	Local	H134
	19		Brick house	4	2	6278	8972	1520460	Local	H135
	20		Weatherboard/ fibro bungalow	10	1	6278	8950	1520177	Local	H136
	23	“Westcliff”	Brick house	6	2	6278	8974	1520461	Local	H137
31		Brick bungalow	7	2	9051	8978	1520463	Local	H138	
Short Street	12		Brick house	10	41	758361	6843	1520181	Local	H139

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Schedule 1 Amendments

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
Smith Street	13		Brick bungalow	21	A	32693	9015	1520185	Local	H140
	16		Brick bungalow, garden & front fence	1	D	33637	9001	1520187	Local	H141
Talbragar Street	79–97	Castlereagh Hotel	Two storey brick hotel building	11	4	758361	21790	1520189	Local	H142
	112–120	Pastoral Hotel	Two storey brick hotel building	2		82915	10137	1520191	Local	H143
		Old Station Master's Residence (adjacent to Dubbo Railway Station)	Two storey stone building	2		1006205	20314	1520192	Local	H144
		Dubbo Railway Station	Stone railway station building			754308	18775	1520096	State	H145
Tamworth Street	27		Brick bungalow, fence & gates	3		10150	8256	1520199	Local	H146
	39		Brick bungalow	91		591302	8262	1520202	Local	H147
	44		Brick bungalow, front fence & gardens	13		249150	9040	1520209	Local	H148
		14			249150	9041				
	45		Brick bungalow, front fence & gardens	3		15230	8265	1520203	Local	H149
	47	“Chesney”	Brick house	4		15230	8266	1520204	Local	H150
	63	“Waratah” (formerly “Baringa”)	Brick house	340		718588	8277	1520205	Local	H151
69		Brick bungalow & garden	1		323434	8279	1520206	Local	H152	
Taylor Street	62		Brick house	11		510310	3765	1520197	Local	H153
Thorby Avenue	8		Weatherboard house & front fence	1		516023	8286	1520210	State	H154
Wellington Road			World War II communications bunker/hut	120		660001	12626		Local	H155

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 7)

Amendments

Schedule 1

Street	No	Name	Item	Lot	Sec	DP	Council Parcel Identifier	State Heritage Inventory No	Level of Heritage Significance	Heritage Item (H) Number
Wingewarra Street	72	St Andrews Church	Brick/stone church building	19			1062953 21642	1520216	State	H156
		St Andrews Church	Brick church hall building					1520218	State	H157
	83	CWA Rooms	Brick building	9	9	2389	10213	1520212	Local	H158
	93		Brick semi-detached dwelling	1			350237 10219	1520214	Local	H159
	95		Brick semi-detached dwelling	1			668818 10220	1520214	Local	H160
	133		Brick house & garden	10			872973 20226	1520219	Local	H161
	149		Brick house & garden	1	20	1541	9418	1520221	Local	H162
	173	“Weeroona”	Brick house	1	1	10770	9431	1520223	Local	H163
Other		Macquarie River Rail Bridge (west of railway station)	Iron lattice girder bridge					1520527	State	H164



New South Wales

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

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*. (S00/01509/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage*.

2 Aims of plan

This plan aims to amend *Marrickville Local Environmental Plan 2001 (the 2001 plan)*:

- (a) to introduce 2 heritage conservation areas as a response to the findings of the *Marrickville Heritage Study Review 2001*, and
- (b) to make amendments to certain heritage-related provisions in the 2001 plan.

3 Land to which plan applies

- (1) To the extent that this plan relates to the aim set out in clause 2 (a), it applies to land within the Marrickville local government area and, in particular, to land shown coloured green on Sheets 1–5 of the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 25)” deposited in the office of Marrickville Council.
- (2) To the extent that this plan relates to the aim set out in clause 2 (b), it applies to all the land to which the 2001 plan applies.

4 Amendment of Marrickville Local Environmental Plan 2001

Marrickville Local Environmental Plan 2001 is amended as set out in Schedule 1.

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 49

Omit the clause. Insert instead:

49 Certain minor works

Development consent is not required by clause 48 if:

- (a) in the opinion of the consent authority, the proposed development:
 - (i) is of a minor nature or consists of maintenance of a heritage item, or of a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) will not adversely affect the heritage significance of the heritage item or of the heritage conservation area, and
- (b) the proponent has notified the consent authority in writing of the proposed development, and
- (c) the consent authority has advised the proponent in writing before any of the proposed development is carried out that:
 - (i) it is satisfied that the proposed development will comply with paragraph (a), and
 - (ii) the proposed development is not prohibited development.

[2] Clause 55

Omit the clause. Insert instead:

55 Matters to take into account in areas shown in distinctive colouring and edged heavy black on the map marked "Marrickville Local Environmental Plan No 111 (Amendment No 1)"

- (1) Before granting consent to the carrying out of development on land within an area shown by distinctive colouring and edged heavy black on the map marked "Marrickville Local Environmental Plan No 111 (Amendment No 1)", the consent authority is to have regard to the effect of carrying out the proposed development on the heritage significance of buildings situated on land within the area, and, if the proposed development is development for the purpose of a building, must make an assessment of:

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

Schedule 1 Amendments

-
- (a) the pitch and form of the roof, if any, and
 - (b) the style, size, proportion and position of the openings for windows or doors, if any, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with those of the materials used on existing buildings situated on land within the area.
- (2) Subclause (1) does not apply to the carrying out of development on land within an area shown by distinctive colouring and edged heavy black on the map marked “Marrickville Local Environmental Plan No 111 (Amendment No 1)”, if:
- (a) in the opinion of the consent authority, the proposed development:
 - (i) is of a minor nature or consists of maintenance, and
 - (ii) will not adversely affect the heritage significance of buildings situated on land within the area, and
 - (b) the proponent has notified the consent authority in writing of the proposed development, and
 - (c) the consent authority has advised the proponent in writing before any of the proposed development is carried out that:
 - (i) it is satisfied that the proposed development will comply with paragraph (a), and
 - (ii) the proposed development is not prohibited development.

[3] Schedule 1 Definitions

Omit “in distinctive colouring and edged heavy black” from the definition of *heritage conservation area*.

Insert instead “coloured green”.

[4] Schedule 1, definition of “heritage conservation area map”

Omit the definition. Insert instead:

heritage conservation area map means Sheets 1–5 of the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 25)”, as amended by the maps, or specified sheets of maps, marked as follows:

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage

Amendments

Schedule 1

[5] Schedule 1, definition of “heritage item”

Omit the definition. Insert instead:

heritage item means a building, work, relic, tree or place, a component of a building, work, relic, tree or place and its curtilage or a group of buildings, works, relics or trees which is described in Part 1 of Schedule 5 and shown by distinctive colouring, lettered and edged heavy black on the heritage item map.

[6] Schedule 1

Insert in alphabetical order:

heritage item map means the map marked “Marrickville Local Environmental Plan 2001—Heritage Items”, as amended by the maps, or specified sheets of maps, marked as follows:

Marrickville Local Environmental Plan 2001 (Amendment No 1)—Sheet 2

[7] Schedule 5, heading

Omit the heading. Insert instead:

**Schedule 5 Heritage items, heritage
conservation areas and
archaeological sites**

[8] Schedule 5, Part 1

Omit the heading “Heritage conservation map reference” wherever occurring.

Insert instead “Heritage item map reference”.

Marrickville Local Environmental Plan 2001 (Amendment No 25)—Heritage
 Schedule 1 Amendments

[9] Schedule 5, Part 2

Insert after the heading to the Part:

Name of Heritage Conservation Area (HCA)	Locality and description
HCA 1 The Abergeldie Estate	Dulwich Hill—Land shown coloured green and marked “Heritage Conservation Area (HCA 1)” on Sheet 1 of the heritage conservation area map.
HCA 2 King Street/Enmore Road	Newtown and Enmore—Land shown coloured green and marked “Heritage Conservation Area (HCA 2)” on Sheets 2–5 of the heritage conservation area map.

[10] Schedule 5, Part 3, heading

Omit “significant”.



New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 230)

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*. (WOL2000508/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 230)

Shoalhaven Local Environmental Plan 1985 (Amendment No 230)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 230)*.

2 Aim of plan

The aim of this plan is to provide for the use of dwellings as short-term rental accommodation for visitors without the need for development consent.

3 Land to which plan applies

This plan applies to all land situated in the City of Shoalhaven to which *Shoalhaven Local Environmental Plan 1985* applies.

4 Amendment of Shoalhaven Local Environmental Plan 1985

Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

Shoalhaven Local Environmental Plan 1985 (Amendment No 230)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Clause 20BB

Insert after clause 20BA:

20BB Short-term accommodation

Despite any other provision of this plan, development consent is not required for the use of a dwelling as short-term rental accommodation for visitors (except bed and breakfast accommodation).



New South Wales

Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)

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*. (QUE0000221/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)

Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)*.

2 Aims of plan

This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Palerang, being part of Lot 27, DP 855517, adjacent to Turallo Creek, Bungendore, Parish of Currandooly, as shown edged heavy black on the map marked "Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)" deposited in the office of Palerang Council.

4 Amendment of Yarrowlumla Local Environmental Plan 2002

Yarrowlumla Local Environmental Plan 2002 is amended by inserting in alphabetical order of locality in Part 4 of Schedule 2 in Columns 1, 2 and 3, respectively, the following words:

Bungendore

Land adjacent to Turallo Creek	Part of Lot 27, DP 855517, Parish of Currandooly, as shown edged heavy black on the map marked "Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)"	Nil.
--------------------------------	---	------

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land in the Local Government Area of Shoalhaven

THE Minister administering the Environmental Planning and Assessment Act 1979, 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 Environmental Planning and Assessment Act 1979.

Dated at Sydney, this 8th day of March 2006.

By Her Excellency's Command,

FRANK SARTOR, M.P.,
Minister for Planning

SCHEDULE

1. All that piece or parcel of land situated in the Local Government Area of Shoalhaven, Parish of Bherwerre, County of St Vincent, being Lot 180, Deposited Plan 536100, being the whole of the land comprised in Folio Identifier 180/536100 said to be in the ownership of FHR HOLDINGS PTY LIMITED.

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 227

Instrument of Delegation to Director-General

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 227 of the Fisheries Management Act 1994 ('the Act'), do by this instrument:

1. revoke the delegation signed by me on 6 December 2003, only in respect of the delegated power under section 183 of the Act, and any revocation revived as a result of this revocation; and
2. delegate my functions under section 183 of that Act to the Director-General subject to the following conditions:
 - (a) The Minister's Office must be consulted prior to making any section 183 quarantine order; and
 - (b) The order is required urgently for fish or human health protection purposes; or
 - (c) The order relates to the implementation of a Ministerial approved fishery management strategy or Ministerial approved fishery policy, or
 - (d) The order revokes, renews or makes minor amendments to an existing quarantine order.

Dated this 6th day of June 2006.

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

FISHERIES MANAGEMENT ACT 1994

Section 228

Instrument of Delegation

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 228 of the Fisheries Management Act 1994 ('the Act'), do by this instrument:

1. revoke the instruments of delegation signed by me and dated 6 July 2004, regarding the delegation of certain powers to the Deputy Director-General Agriculture and Fisheries and the Executive Director, Biosecurity, Compliance and Mine Safety and any delegations revived as a result of this revocation; and
2. delegate all my functions under the Act and subdelegate all those functions delegated to me by the Minister pursuant to section 227 of the Act, to the persons who from time to time hold the following positions:
 - (a) Deputy Director-General, Agriculture, Fisheries and Regional Relations;
 - (b) Executive Director, Biosecurity, Compliance and Mine Safety.

Dated this 13th day of June 2006.

B. D. BUFFIER,
Director-General,
NSW Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(06-236)

No. 2754, TRITTON RESOURCES LIMITED (ACN 100 095 494), area of 67 units, for Group 1, dated 7 June 2006. (Cobar Mining Division).

(06-237)

No. 2755, REVEAL RESOURCES PTY LIMITED (ACN 120 095 141), area of 63 units, for Group 1, dated 8 June 2006. (Cobar Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATION

(05-298)

No. 2615, now Exploration Licence No. 6564, P S & G F FORWOOD PTY LTD (ACN 006 109 780), Counties of Cowper and Gunderbooka, Map Sheet (8137, 8138), area of 30 units, for Group 1, dated 18 May 2006, for a term until 17 May 2008.

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

NOTICE is given that the following applications for renewal have been received:

(04-1403)

Authorisation No. 451, COALEX PTY LTD (ACN 000 694 315), area of 699.7 hectares. Application for renewal received 9 June 2006.

(T00-0026)

Exploration Licence No. 5748, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 21 units. Application for renewal received 8 June 2006.

(05-3727)

Exploration Licence No. 5869, GOLDRAP PTY LTD (ACN 059 731 636), area of 17 units. Application for renewal received 8 June 2006.

(T00-0144)

Exploration Licence No. 5964, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 38 units. Application for renewal received 8 June 2006.

(T03-0877)

Exploration Licence No. 6268, SAMS REEF MINING PTY LIMITED (ACN 108 530 712), area of 120 units. Application for renewal received 8 June 2006.

(T03-0844)

Exploration Licence No. 6269, AUSTRALIA ORIENTAL MINERALS NL (ACN 010 126 708), area of 19 units. Application for renewal received 9 June 2006.

(T03-0852)

Exploration Licence No. 6273, DRAKE RESOURCES LTD (ACN 108 560 069), area of 67 units. Application for renewal received 8 June 2006.

(C87-0088)

Mineral Lease No. 1157 (Act 1906), AUSTAR COAL MINE PTY LIMITED (ACN 111 910 822), area of 10.24 hectares. Application for renewal received 7 June 2006.

(T83-0219)

Mining Lease No. 1196 (Act 1973), BORAL BRICKS PTY LTD (ACN 082 448 342), area of 33.17 hectares. Application for renewal received 6 June 2006.

(T84-1165)

Private Lands Lease No. 1155 (Act 1924), BORAL BRICKS PTY LTD (ACN 082 448 342), area of 25.39 hectares. Application for renewal received 6 June 2006.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(05-1976)

Exploration Licence No. 5474, PROBO MINING LIMITED (ACN 079 938 819), IMPERIAL MINING (AUST) NL (ACN 062 193 266) and PEREGRINE MINERAL SANDS NL (ACN 009 307 591), Counties of Perry, Wentworth and Windeyer, Map Sheet (7331, 7431), area of 366 units, for a further term until 22 April 2007. Renewal effective on and from 31 May 2006.

(T03-0967)

Exploration Licence No. 6237, NORVALE PTY LTD (ACN 009 333 742) and PATHFINDER EXPLORATION PTY LTD (ACN 009 214 859), County of Raleigh, Map Sheet (9436), area of 14 units, for a further term until 6 May 2008. Renewal effective on and from 8 June 2006.

(T03-0842)

Exploration Licence No. 6186, GOLDEN DRAGON RESOURCES PTY LTD (ACN 106 269 738), County of Narromine, Map Sheet (8532, 8533), area of 54 units, for a further term until 27 January 2008. Renewal effective on and from 11 April 2006.

(T88-0496)

Private Lands Lease No. 1252 (Act 1924), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 8.2099 hectares, for a further term until 11 February 2020. Renewal effective on and from 1 May 2006.

(T92-0261)

Private Lands Lease No. 350 (Act 1924), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 1.07 hectares, for a further term until 11 February 2020. Renewal effective on and from 1 May 2006.

(T92-0414)

Private Lands Lease No. 3827 (Act 1906), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 1.95 hectares, for a further term until 11 February 2020. Renewal effective on and from 1 May 2006.

(T92-0176)

Gold Lease No. 3980 (Act 1906), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 1.619 hectares, for a further term until 11 February 2020. Renewal effective on and from 1 May 2006.

(T92-0175)

Mining Purposes Lease No. 745 (Act 1973), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 5159 square metres, for a further term until 11 February 2020. Renewal effective on and from 1 May 2006.

(T91-0631)

Mining Lease No. 1020 (Act 1973), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Cooney, County of Sandon; and Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 12.1 hectares, for a further term until 11 February 2020. Renewal effective on and from 1 May 2006.

(T90-0206)

Mining Lease No. 6282 (Act 1973), STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), Parish of Metz, County of Sandon, Map Sheet (9236-1-N), area of 3.149 hectares, for a further term until 11 February 2020. Renewal effective on and from 19 May 2006.

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

PETROLEUM (ONSHORE) ACT 1991

04/4523

Notice of Moratorium

Dooralong and Yarramalong Valleys

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources, pursuant to section 91(1) of the Petroleum (Onshore) Act 1991, hereby designate that petroleum titles will not be granted in respect of the lands defined by the nine (9) graticular blocks set out in the Schedule hereto.

The moratorium, operative from the date of gazettal, shall remain in force indefinitely.

SCHEDULE

Sydney 1:1,000,000 sheet:

Blocks:

952
953
1024
1025
1096
1097
1168
1169
1170

IAN MACDONALD, M.L.C.,
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

FAIRFIELD 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 and 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

ALAN YOUNG,
General Manager
Fairfield City Council
(by delegation from the Minister for Roads)
23 May 2006

SCHEDULE

1. Citation

This Notice may be cited as the Fairfield City Council 25 Metre B-Double and 4.6 Metre High Vehicle Route Notice No. 1/2006.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010, unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles and 4.6m high 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
25m.	Seville Road.	72 Seville Road.	102 Seville Road.
4.6m.	Seville Road.	Mandarin Street.	102 Seville Road.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

KEMPSEY 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.

ALAN BURGESS,
General Manager,
Kempsey Shire Council
(by delegation from the Minister for Roads)
31 May 2006

SCHEDULE**1. Citation**

This Notice may be cited as Kempsey Shire Council 19/25 Metre B-Double Vehicle Route Notice No. 1/2006.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 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	Conditions
25m.	Stuarts Point Road.	H10 – Pacific Highway.	Ocean Street.	Only between 9 am to 3 pm, excluding school holidays.
25m.	Ocean Street.	Stuarts Point Road.	Marine Parade.	Only between 9 am to 3 pm, excluding school holidays.
25m.	Marine Parade.	Ocean Street.	Fishermans Reach Road.	Only between 9 am to 3 pm, excluding school holidays.
25m.	Fishermans Reach Road.	Marine Parade.	Serrata Lane.	Only between 9 am to 3 pm, excluding school holidays.
25m.	Serrata Lane.	Fishermans Reach Road.	End.	Only between 9 am to 3 pm, excluding school holidays.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

PENRITH 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.

STEPHEN BARNES,
Senior Traffic Engineer,
Penrith City Council
(by delegation from the Minister for Roads)
2 May 2006

SCHEDULE
1. Citation

This Notice may be cited as Penrith City Council 25 Metre B-Double Route Notice No. 3/2006.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Trial Notice remains in force until 30 September 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 Name	Starting Point	Finishing Point
25.	Museum Drive, Penrith.	Castlereagh Road.	Entire length.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Road Transport (Mass, Loading and Access) Regulation 2005

I, BRETT SKINNER, Acting Chief Executive of the Roads and Traffic Authority, pursuant to Clause 29 of the Road Transport (Mass, Loading and Access) Regulation 2005, do, by this notice, exempt from the mass limits set out both in Table 1 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005, the vehicles described in Part 2 of the Schedule subject to any condition or requirement set out in that Schedule.

BRETT SKINNER,
Acting Chief Executive,
Roads and Traffic Authority

SCHEDULE**PART 1 – PRELIMINARY****1.1 Citation**

This Notice may be cited as the Concessional Mass Limits Notice 2006.

1.2 Commencement

This Notice takes effect on 1 July 2006.

1.3 Effect

This Notice remains in force until 30 September 2010, unless it is amended or repealed earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005 (the Regulation).

PART 2 – APPLICATION**2.1 Application**

2.1.1 This Notice applies to a vehicles or combinations, with the exception of vehicles or combinations described in Clause 2.1.2, complying with the requirements of Part 3 of this Notice, that are being operated by an operator accredited under the NHVAS Mass Management Accreditation module.

2.2.2 This Notices does not apply to:

- (a) Pig trailers or a combination containing one or more pig trailers; or
- (b) A truck and dog trailer combination operating under the General Class 3 Truck and Dog Trailer Combination Notice 2005; or
- (c) A Special Purpose Vehicle, an agricultural machine or agricultural implement, a low loader, a low loader dolly and a low loader, a jinker, or a low loader dolly and a jinker; or
- (d) A complying bus, an ultra-low floor bus, or an articulated ultra-low floor bus, or a bus licensed to carry standing passengers; or
- (e) A vehicle or combination operating under Clause 7 (Higher Mass Limits) of Schedule 1 to the Regulation.
- (f) A vehicle or combination operating under any other permit, Notice or other exemption that allows axle or axle group loads above those specified in Table 1 of Schedule 1 to the Regulation.

PART 3 – OPERATION AND TRAVEL REQUIREMENTS**3.1 Total Mass limits – vehicles or combinations**

3.1.1 The total mass of a vehicle or combination to which this Notice applies must not exceed the lowest of the following:

- (a) the sum of the axle and axle group mass limits in Clause 3.2.1, or
- (b) in the case of a bus or rigid truck—the vehicle's GVM, or
- (c) the GCM limit specified by the prime mover manufacturer, or
- (d) the sum of the manufacturer's mass limits for the prime mover (or rigid truck or bus) (GVM) and the trailer or trailers (GTM) it is towing, or
- (e) the applicable total mass limit under Clause 3.1.2 or Clause 3.1.3.

3.1.2 The total mass of a vehicle or combination to which this Notice applies may exceed the total mass limit applicable to that vehicle or combination under the Regulation, or a Notice or permit made under the Regulation, by up to one tonne, where the otherwise applicable total mass limit does not exceed 55 tonnes.

3.1.3 The total mass of a vehicle or combination to which this Notice applies may exceed the total mass limit applicable to that vehicle or combination under the Regulation, or a Notice or permit made under the Regulation, by up to two tonnes, where the otherwise applicable total mass limit exceeds 55 tonnes.

3.2 Axle and axle group mass limits

3.2.1 A vehicle or combination to which this Notice applies must not exceed the axle or axle group mass limits set out in Table 1.

Table 1 – Mass limits for single axles and axle groups

Description of single axle or axle group	Mass Limit (tonnes)
STEER AXLE GROUPS	
Single steer axle	
Single steer axle	6.0
Twinsteer axle groups	
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
NON-STEER AXLE GROUPS	
Single axles and single axle groups	
Single axle or single axle group fitted with single tyres with section width of:	
(a) less than 375 mm	6.0
(b) at least 375 mm but less than 450 mm	6.7
(c) at least 450 mm	7.0
Single axle or single axle group fitted with dual tyres	9.0
Tandem axle groups	
Tandem axle group fitted with single tyres with section width of:	
(a) less than 375 mm	11.5
(b) 375 mm or more but less than 450 mm	13.8
(c) 450 mm or more	14.5
Tandem axle group fitted with single tyres on one axle and dual tyres on the other axle	13.5
Tandem axle group fitted with dual tyres	17.0
Tri-axle groups	
Tri-axle group on a vehicle fitted with single tyres with section width of less than 375 mm on all axles, or single tyres on 1 or 2 axles and dual tyres on the other axle or axles	15.0
Tri-axle group with either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres	21.0

3.3 Travel requirements

A vehicle or combination operating under this Notice may operate on all roads, except where prohibited by a load limit specified for a road, bridge or causeway by a sign or notice specified under section 28 of the Road Transport (General) Act 2005.

3.4 Vehicle labels

A label that indicates that the vehicle or combination is operating under the NHVAS Mass Management Accreditation module must be prominently displayed in the position required by the NHVAS Mass Management Accreditation module.

3.5 Notice to be carried

A copy of this Notice, must be carried in the driving compartment of the vehicle and must be produced to a police officer or an authorised officer when requested.

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Gowang in the Warrumbungle Shire Council area

THE Roads and Traffic Authority of New South Wales, by
its delegate, dedicates the land described in the schedule
below as public road under section 10 of the Roads Act
1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the
Warrumbungle Shire Council area, Parishes of Gowang and
Wingabutta and County of Gowen, shown as Lots 8 to 10
inclusive Deposited Plan 830814.

(RTA Papers: 17/98.1188)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Copper Hill in the Cabonne Shire Council area

THE Roads and Traffic Authority of New South Wales, by
its delegate, dedicates the land described in the schedule
below as public road under section 10 of the Roads Act
1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the Cabonne
Shire Council area, Parishes of Copper Hill and Bell and
Counties of Wellington and Ashburnham, shown as Lots 6, 7
and 8 Deposited Plan 1078598.

(RTA Papers: 7/72.152)

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation pursuant to Section 48(4)(a)

TAKE notice that the company "Manning River Aero Club Ltd" formerly registered under the provisions of the Corporations Act 2001, is now incorporated under the Associations Incorporation Act 1984, as "Manning River Aero Club Incorporated", effective 9 June 2006.

Dated: 9 June 2006.

KERRI GRANT,
Delegate of Commissioner,
Office of Fair Trading

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.

APEX CLUB OF PANORAMA-BATHURST INC
Y0214609

HUME LADY GOLFERS INCORPORATED
Y2951702

MOUNT VIEW TOURISM ASSOCIATION
INCORPORATED INC9879638

NATIONAL GOALS AND DIRECTIONS INC
Y0170602

CHRIST CHURCH ST GEORGE INCORPORATED
INC9879846

ROTARACT CLUB OF MAITLAND INCORPORATED
Y2905220

DIGITAL INTEREST GROUP INCORPORATED
INC8949403

BROKEN HILL R.S.L. BOWLING CLUB
INCORPORATED Y2019200

COMMUNITY PARTNERSHIPS INCORPORATED
INC9878040

BIG RIVER HARNESS CLUB INCORPORATED
Y0224507

WARATAH GEORGETOWN RESIDENT ASSOCIATION
INCORPORATED INC9882785

POLOCROSSE CLUB OF DUBBO INCORPORATED
INC9880768

NEW HOPE CHURCH INCORPORATED Y2018007

'NORTH CONDOBOLIN LANDCARE'
INCORPORATED Y2838302

WOLUMLA MEMORIAL HALL INCORPORATED
Y2432634

WAGGA WAGGA YOUTH CHOIR INCORPORATED
Y2838400

TAMWORTH YOGA ASSOCIATION INC
INC9878855

THE HALLIWICK SWIMMING CLUB FOR
ADULTS WITH DISABILITIES INCORPORATED
Y2539804

Dated: 13 June 2006.

CHRISTINE GOWLAND,
Finance Manager,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

CO-OPERATIVE HOUSING AND STARR BOWKETT SOCIETIES ACT 1998

Notice under Section 601AC of the Corporations Law as applied by Section 177 of the Co-operative Housing and Starr Bowkett Societies Act 1998

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when three months have passed since the publication of this notice.

Saint George Starr-Bowkett Co-operative Society No. 21
Section Limited, The

Dated this 8th day of June 2006.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

GEOGRAPHICAL NAMES ACT 1966

Notice of Determination of Address Locality Names and Boundaries within Parramatta City Council Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day determined the address locality names and boundaries within the Parramatta Local Government Area as shown on map GNB3483-1.

The names and boundaries for the thirty address localities determined in the Parramatta Local Government Area are: Camellea, Carlingford, Chesterhill, Clyde, Constitution Hill, Dundas Valley, Dundas, Eastwood, Epping, Ermington, Granville, Guildford, Harris Park, Melrose Park, Merrylands, North Parramatta, Northmead, Oatlands, Old Toongabbie, Parramatta, Pendle Hill, Rosehill, Rydalmere, Seven Hills, South Granville, Telopea, Toongabbie, Wentworthville, Westmead, Winston Hills.

The position and extent of these features is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

LOCAL GOVERNMENT ACT 1993

Proclamation

(L.S.) M. BASHIR, Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 218B of the Local

Government Act 1993, hereby alter the boundaries of the Area of Bankstown City described by Proclamation in *New South Wales Government Gazette* No. 85 of 23 May 1986, continued as a City and taken to be constituted under the Local Government Act 1993, by Clause 21 of Schedule 7 to that Act and the Area of Auburn as described by Proclamation in *New South Wales Government Gazette* No. 64 of 29 May 1992, continued as an Area and taken to be constituted under the Local Government Act 1993 by Clause 21 of Schedule 7 to that Act, by taking the part of the Area of Bankstown City described in Schedule "A" hereto and adding it to the Area of Auburn so that the boundaries of the Area of Bankstown City and the Area of Auburn shall be as described in Schedules "B" and "C" hereto. (06/0006)

Signed and sealed at Sydney, this 7th day of June 2006.

By Her Excellency's Command,

The Hon. KERRY HICKEY, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A

Area to be Transferred from Area of Bankstown City
to Area of Auburn

Area about 0.03 square kilometres: The land being Lot 10, DP 829656.

SCHEDULE B

Area of Bankstown City (as altered)

Area about 78.52 square kilometres: Commencing at the intersection of Woodville Road with the centre of the line of pipes of Sydney Water Supply; and bounded thence by the centre of that line of pipes southeasterly and northeasterly to the southwestern boundary of the land in Deposited Plan 59746; by part of that boundary northwesterly to the westernmost corner of the land in Lot 10, DP 829656; by the southern boundary of that lot north-easterly, by part of the northern and eastern boundary of Lot 1, DP 58788; easterly and southerly to Liverpool Road; by that road north-easterly to Roberts Road; by that road southerly to a point west of the south-western corner of the 20.93 hectares of land acquired by the *Commonwealth Government Gazette* of 29 November 1951; by a line along the southern boundary of that land easterly to the western boundary of section 7, Deposited Plan 845; by part of that boundary of section 7 southerly 136.63 metres; by a line bearing 271 degrees 16 minutes 42.39 metres to the reconstructed Roberts Road; by that road generally south-easterly to Juno Parade; by that parade easterly to Punchbowl Road; by that road, the reconstructed Punchbowl Road again Punchbowl Road and Canterbury Road generally south-westerly to the middle of Salt Pan Creek Stormwater Channel, by the middle of that channel south-easterly to Salt Pan Creek; by that creek downwards, Georges River and Prospect Creek upwards to the Hume Highway; by that highway generally north-easterly to Woodville Road; and by that road north-easterly to the point of commencement.

SCHEDULE C:

Area of Auburn (as altered)

Area about 32.07 square kilometres: Commencing at the intersection of Duck River and the Sydney Water Supply Pipe Line; and bounded thence by that river downwards to the right bank of Parramatta River; by that bank downwards

to the north-western shore of Homebush Bay; by that shore generally south-westerly and the south-western shore of that bay generally south-easterly to Powells Creek Stormwater Channel; by that channel upwards to the former right bank of Parramatta River; by that bank downwards and the former left bank of Powells Creek upwards to the western prolongation of the southern boundary of Lot 4, DP 227446; by that prolongation and boundary and part of the southern boundary of Lot 6 easterly to Powells Creek Stormwater Channel, aforesaid; by that channel upwards to Homebush Bay Drive; by that drive generally south-westerly and Parramatta Road north-westerly to the eastern branch of the Homebush Abattoir Railway; by that railway generally south-westerly and generally south-easterly and the Main Suburban Railway generally westerly to the north-western prolongation of the south-western boundary of DP 363712; by that prolongation and boundary, the south-western boundary of Lot 101, DP 610932 and part of the south-western boundaries of Lot 113, DP 603129 and Lot D, DP 349100 south-easterly to the north-western prolongation of the south-western boundary of Hudson park Golf Course; by that prolongation and boundary and part of the north-eastern boundary of the Flemington-Campsie Railway generally south-easterly to the road shown on plan catalogued R 2619-1603; by that road south-westerly and southerly to the northern boundary of Portion 5, Parish of Liberty Plains, County of Cumberland; by part of that boundary and part of the western boundary of that portion westerly and southerly, the northern and part of the western boundaries of DP 55239 westerly and southerly, part of the northern boundary of Lot 1, DP 58788 westerly to the eastern most corner of Lot 10, DP 829656; by the southern boundary of that lot south-westerly, and part of the south-western boundary of DP 59746 south-easterly to the Sydney Water Supply Pipe Line, aforesaid, and by that pipe line south-westerly and north-westerly to the point of commencement.

NATIONAL PARKS AND WILDLIFE ACT 1974

Proclamation

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as "Wombaroo Wildlife Refuge".

Signed and sealed at Sydney, this 31st day of May 2006.

MARIE BASHIR,
Governor

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

Description

Land District – Maitland; Council – Cessnock.

County of Northumberland, Parish of Coolamin, 77.23 hectares, being Lot 2, DP 250392.

NPWS 06/02240.

NATIONAL PARKS AND WILDLIFE ACT 1974

Proclamation

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as “Arkaroola Wildlife Refuge”.

Signed and sealed at Sydney, this 31st day of May 2006.

MARIE BASHIR,
Governor

By Her Excellency’s Command,

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

GOD SAVE THE QUEEN!

Description

Land District – Maitland; Council – Cessnock.

County of Northumberland, Parish of Corrabare, 15.78 hectares, being Lot 75, DP 755219.

NPWS 06/02280.

NATIONAL PARKS AND WILDLIFE ACT 1974

Byrnes Scrub Nature Reserve
Plan of Management

Fishermans Bend Nature Reserve
Plan of Management

Ingalba, Big Bush and Pucawan Nature Reserves
Plan of Management

A plan of management for Byrnes Scrub Nature Reserve and a plan of management for Fishermans Bend Nature Reserve were adopted by the Minister for the Environment on 28 October 2005.

A plan of management for Ingalba, Big Bush and Pucawan Nature Reserves was adopted by the Minister on 3 May 2006.

Copies of the Byrnes Scrub plan may be obtained from the NPWS Office at Level 3, 49 Victoria Street, Grafton NSW 2460 (telephone: 6641 1500). Copies of the Fishermans Bend plan may be obtained from the NPWS Office at 152 Horton Street, Port Macquarie NSW 2444 (telephone: 6586 8300). Copies of the Ingalba plan may be obtained from the NPWS Office at 200 Yambil Street, Griffith NSW 2680 (telephone: 6966 8100). The cost of the plans is \$8.50 each. The plans are also on the NPWS web site: www.nationalparks.nsw.gov.au.

SYDNEY WATER ACT 1994**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Kellyville in the Local Government Area of Baulkham Hills Shire

SYDNEY WATER CORPORATION declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the First Schedule is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Sydney Water Act 1994.

Dated at Sydney this 14th day of June 2006.

Signed for Sydney Water Corporation)
by its Attorneys Ross Roland WYNN)
and Jeffrey Francis COLENZO who) R. R. WYNN
hereby state at the time of executing)
this instrument have no notice of the)
revocation of the Power of Attorney)
Registered No. 323, Book 4465, under) J. F. COLENZO
the Authority of which this instrument)
has been executed.)

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Baulkham Hills Shire, Parish of Castle Hill, County of Cumberland and State of New South Wales, being Lot 190 in Deposited Plan 1017025, having an area of 7.492 hectares, said to be owned by Stockland Development Pty Ltd.

Sydney Water Reference: 440480F8.

Determination No 1, 2006

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

Gosford City Council

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No: 05/522

1 Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* provides the Tribunal with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in schedule 1 of the IPART Act.
- (2) Water supply authorities constituted under the *Water Management Act 2000* are listed as government agencies for the purposes of schedule 1 of the IPART Act. Under the *Water Management Act 2000*, Gosford City Council (the **Council**) is listed as a water supply authority. The services of the Council declared as monopoly services under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* are:
 - (a) water supply services;
 - (b) sewerage services;
 - (c) stormwater drainage services;
 - (d) trade waste services;
 - (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments;
 - (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e);
 - (g) other water supply, sewerage and drainage services for which no alternative supply exists.
- (3) In accordance with section 13A of the IPART Act, the Tribunal has established a methodology for fixing the maximum price for the Council's Backlog Services (**Monopoly Services**). Schedule 3 sets out the Tribunal's reasons for choosing to make a determination that involves setting the methodology for fixing a maximum price.
- (4) In establishing a methodology for fixing the maximum price for the Council's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in sections 14A and 15(1) of the IPART Act.
- (5) Under section 18(2) of the IPART Act, the Council may not fix a price below the price determined by the methodology prescribed by this determination without the approval of the Treasurer.

2. Application of this determination

- (1) This determination sets a methodology for fixing the maximum prices that the Council may charge for the Monopoly Services.
- (2) This determination commences on the later of 1 July 2006 and the date that it is published in the NSW Government Gazette (**Commencement Date**).

- (3) This determination applies from the Commencement Date until this determination is replaced.

3. Replacement of Determination No. 4.2 of 1997

This determination replaces the Tribunal's Determination No. 4.2 of 1997 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 4.2 of 1997 prior to its replacement.

4. Determination No 4.1 of 1997

For the avoidance of doubt, the Tribunal's Determination No. 4.1 of 1997 continues to apply within its terms.

5. Concurrent operation of this determination and Determination No. 1 of 2005

Charges may be levied under this determination and where applicable, also under the Tribunal's Determination No. 1 of 2005 (as varied or replaced from time to time).

6. Monitoring

The Tribunal may monitor the performance of the Council for the purposes of:

- (a) establishing and reporting on the level of compliance by the Council with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Council.

7. Schedules

Schedules 1 and 2 (read with schedule 3) set out the methodology for determining the maximum prices that the Council may charge for the Monopoly Services.

8. Definitions and interpretation

Definitions and interpretation provisions used in this determination are set out in schedule 4.

Schedule 1

Non PSP Properties

1. Application

This Schedule prescribes the methodology for determining the maximum prices that the Council may charge for Non PSP Properties.

2. Non PSP Properties

The methodology for determining a charge (**Non PSP Contribution Charge**) payable by a Non PSP Property Owner of a Non PSP Property within a Backlog Service Area is as follows:

2.1 The Non PSP Contribution Charge is payable by a Non PSP Property Owner in accordance with clause 2.5 of this schedule.

[Note: In addition to paying for the Non PSP Contribution Charge, a Non PSP Property Owner will also be required to pay for any water or sewer connection fees and charges and plumbing connection costs in order for its Non PSP Property to be connected to the Water Supply System or Sewerage System (as the case may be).]

2.2 A net present value (NPV) methodology is to be used by the Council to calculate the Non PSP Contribution Charge. The methodology and the parameters of the NPV calculation are to be the same as the NPV methodology and the parameters of the NPV calculation determined by the Tribunal with respect to developer charges in the Tribunal's Determination No. 9 of 2000 (as varied or replaced from time to time). Details of the methodology and the parameters are set out in the guidelines attached to that determination (as varied or replaced from time to time).

2.3 The Non PSP Contribution Charge must be calculated:

- (a) **in the case of a Property falling within paragraph (a) of the definition of 'Non PSP Property'** - prior to the connection of the first Non PSP Property in that Backlog Service Area to the Water Supply System; and
- (b) **in the case of a Property falling within paragraph (b) of the definition of 'Non PSP Property'** - prior to the connection of the first Non PSP Property in that Backlog Service Area to the Sewerage System.

The Council must submit each calculated Non PSP Contribution Charge to the Tribunal.

2.4 The Non PSP Contribution Charge will be indexed annually by Δ CPI for each year (or part of a year) that a Non PSP Property remains unconnected to the Water Supply System or Sewerage System (as the case may be) after the Water Supply System or Sewerage System (as the case may be) becomes available because of either of the following circumstances:

- (a) the Non PSP Contribution Charge remains unpaid (in whole); or
- (b) a Non PSP Property Owner has not entered into an agreement with the Council to pay the Non PSP Contribution Charge in accordance with clause 2.5(a) of this schedule.

- 2.5 The Council must provide the following payment options to a Non PSP Property Owner for payment of the Non PSP Contribution Charge (in addition to any other payment options which the Council may wish to provide):
- (a) a quarterly payment, payable in arrears, over a maximum of 20 years. The first quarterly payment is payable 3 months after the date that the Non PSP Property is connected to the Water Supply System or Sewerage System (as the case may be) and each subsequent quarterly payment is payable on each anniversary of that date. The interest rate to be used to calculate the quarterly payment is the interpolated Commonwealth Government Securities - 10 year Fixed Coupon Bonds (expressed as a decimal) published on the Reserve Bank of Australia's website immediately prior to the date that the relevant Non PSP Property is connected to the Water Supply System or Sewerage System (as the case may be). If that interest rate is no longer published on the Reserve Bank of Australia's website or is no longer available, then the Tribunal or a person nominated by the Tribunal may determine the interest rate or a methodology for determining the interest rate;
 - or
 - (b) a single payment of the entire Non PSP Contribution Charge immediately prior to the connection of the Non PSP Property to the Water Supply System or Sewerage System (as the case may be).
- 2.6 Prior to a Non PSP Property Owner electing to pay the Non PSP Contribution Charge under either clause 2.5(a) or clause 2.5(b) of this schedule, the Council must provide that Non PSP Property Owner with information on:
- (a) the amount of the quarterly payment in clause 2.5(a) of this schedule, how that quarterly payment is calculated and the total interest payable over the 20 years; and
 - (b) the amount of the single payment in clause 2.5(b) of this schedule and how that single payment is calculated.
- 2.7 If a Non PSP Property Owner elects to make a quarterly payment under clause 2.5(a) of this schedule, the Council must:
- (a) maintain adequate and up to date records of each quarterly payment and the outstanding balance that must be paid by the Non PSP Property Owner to fully discharge its liability to pay the Non PSP Contribution Charge; and
 - (b) permit the Non PSP Property Owner to pay the outstanding balance of their Non PSP Contribution Charge at any time. The interest rate to be used to calculate the outstanding balance must be the same as the interest rate used to calculate the quarterly payment in clause 2.5(a) for that Non PSP Property Owner.

[Note: Properties which are part of a Water Financing Scheme or Sewerage Financing Scheme will fall within Determination No 4.1 of 1997 and not within this determination]

Schedule 2

PSP Properties

1. Application

This Schedule prescribes the methodology for determining the maximum prices that the Council may charge for PSP Properties.

2. PSP Properties

The methodology for determining a charge (**PSP Area Contribution Charge**) payable by a PSP Property Owner of a PSP Property within a Backlog Service Area is as follows:

- 2.1 A PSP Property Owner must pay an initial fixed charge up to a maximum of \$5,400, increased in accordance with clause 2.4 of this schedule (**Initial Fixed Charge**). The Initial Fixed Charge is payable in accordance with clause 2.6 of this schedule.
- 2.2 A PSP Property Owner must also pay an additional amount, for each PSP Property of that PSP Property Owner that is within a Backlog Service Area. That additional amount will be the Present Value of 67% of the Remaining Scheme Costs (measured in constant dollars) divided by the Present Value of the number of PSP Properties in the relevant Backlog Service Area, using a discount rate of 0.061 (real pre tax) or such other discount rate as advised by the Tribunal from time to time. That additional amount is payable in accordance with clause 2.6 of this schedule.

[Notes:

1. *The PSP Area Contribution Charge comprises of 2 amounts – the Initial Fixed Charge in clause 2.1 and the additional amount determined under clause 2.2 of this schedule.*
2. *In addition to paying for the PSP Area Contribution Charge, a PSP Property Owner will also be required to pay for any sewer connection fees and charges and plumbing connection costs in order for its PSP Property to be connected to the Sewerage System.]*

- 2.3 The PSP Area Contribution Charge must be calculated prior to the connection of the first PSP Property in that Backlog Service Area to the Sewerage System. The Council must submit the calculated PSP Area Contribution Charge to the Tribunal.
- 2.4 Pending the calculation by the Council of the additional amount in clause 2.2 of this schedule for a PSP Property within a Backlog Service Area, the Initial Fixed Charge will be indexed annually by Δ CPI for each year (or part of a year) until the Council has calculated that additional amount.
- 2.5 The PSP Area Contribution Charge will be indexed annually by Δ CPI for each year (or part of a year) that a PSP Property remains unconnected to the Sewerage System after the Sewerage System becomes available because of either of the following circumstances:
 - (a) the PSP Area Contribution Charge remains unpaid (in whole); or
 - (b) a PSP Property Owner has not entered into an agreement with the Council to pay for the PSP Area Contribution Charge in accordance with clause 2.6(a) of this schedule.

- 2.6 The Council must provide the following payment options to a PSP Property Owner for payment of the PSP Area Contribution Charge (in addition to any other payment options which the Council may wish to provide):
- (a) a quarterly payment, payable in arrears, over a maximum of 20 years. The first quarterly payment is payable 3 months after the date that the PSP Property is connected to the Sewerage System and each subsequent quarterly payment is payable on each anniversary of that date. The interest rate to be used to calculate the quarterly payment is the interpolated Commonwealth Government Securities - 10 year Fixed Coupon Bonds (expressed as a decimal) published on the Reserve Bank of Australia's website immediately prior to the date that the relevant PSP Property is connected to the Sewerage System. If that interest rate is no longer published on the Reserve Bank of Australia's website or is no longer available, then the Tribunal or a person nominated by the Tribunal may determine the interest rate or a methodology for determining the interest rate;

or

 - (b) a single payment of the entire PSP Area Contribution Charge immediately prior to the connection of the PSP Property to the Sewerage System.
- 2.7 Prior to a PSP Property Owner electing to pay the PSP Area Contribution Charge under either clause 2.6(a) or clause 2.6(b) of this schedule, the Council must provide that PSP Property Owner with information on:
- (a) the amount of the quarterly payment in clause 2.6(a) of this schedule, how that quarterly payment is calculated and the total interest payable over the 20 years; and
 - (b) the amount of the single payment in clause 2.6(b) of this schedule and how that single payment is calculated.
- 2.8 If a PSP Property Owner elects to make a quarterly payment under clause 2.6(a) of this schedule, the Council must:
- (a) maintain adequate and up to date records of each quarterly payment and the outstanding balance that must be paid by the PSP Property Owner to fully discharge its liability to pay the PSP Area Contribution Charge; and
 - (b) permit the PSP Property Owner to pay the outstanding balance of their PSP Area Contribution Charge at any time. The interest rate to be used to calculate the outstanding balance must be the same as the interest rate used to calculate the quarterly payment in clause 2.6(a) for that PSP Property Owner.

Schedule 3

Statement of reasons why the Tribunal has chosen to set a methodology for fixing a maximum price

Under s13A of the IPART Act the Tribunal may set maximum prices or may determine a methodology for setting maximum prices. In this determination, the Tribunal has employed a methodology for fixing the maximum prices that the Council may charge for the Monopoly Services.

The Tribunal is of the opinion that it is impractical to make a determination directly fixing the maximum price. Charges for Backlog Service are levied to recover infrastructure costs incurred in providing these services. A separate prescription of the maximum prices for the Monopoly Services would not allow sufficient timing flexibility where the works are expected to be completed between the Tribunal's major price determinations for the Council.

It would be impractical and inefficient for the Tribunal to perform the great number of actual calculations and updates required in calculating the relevant charges for the provision of Backlog Service in individual cases. Unworkable delays would occur if the Council were required to return to the Tribunal each time it decided to provide a Backlog Service to properties which are not serviced by an existing Water Supply System or the Sewerage System (as the case may be). By allowing the actual calculations on individual cases to be completed by Council in accordance with a prescribed methodology, delays will be minimised. The Tribunal will review the calculation of the charges from time to time.

Schedule 4

Definitions and Interpretation

1 DEFINITIONS

1.1 General definitions

Backlog Service means either:

- (a) the service of providing a Non PSP Property with a connection to the Water Supply System or the Sewerage System (as the case may be); or
- (b) the service of providing a PSP Property with a connection to the Sewerage System.

Backlog Service Area means an area determined by the Council within which the Council intends providing a Backlog Service.

Commencement Date means the Commencement Date defined in clause 2(2) of section 1 (Background).

Council means the Council defined in clause 1(2) of section 1 (Background).

GST means the Goods and Services Tax defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

Initial Fixed Charge means the Initial Fixed Charge defined in clause 2.1 of schedule 2.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

Monopoly Services means the Monopoly Services defined in clause 1(3) of section 1 (Background).

Non PSP Contribution Charge means the charge defined in clause 2 of schedule 1.

Non PSP Property means either:

- (a) a Property which is not serviced by an existing Water Supply System and not part of a Water Financing Scheme; or
- (b) a Property which is not a PSP Property, not serviced by an existing Sewerage System and not part of a Sewerage Financing Scheme.

Non PSP Property Owner means the owner of a Non PSP Property.

Present Value is derived from the following formula:

$$PV = X_n (1 + r)^{-n}$$

Where:

PV = present value;

X_n = value in year_n;

r = discount rate specified in clause 2.2 of schedule 2;

n = number of years.

Priority Sewerage Program means the NSW Government Program which provides a subsidy to the Council for each Property eligible to receive that subsidy.

PSP Area Contribution Charge means the charge defined in clause 2 of schedule 2.

PSP Property means a Property which is not serviced by an existing Sewerage System and to which the Priority Sewerage Program applies.

PSP Property Owner means the owner of a PSP Property.

Property means real property.

Remaining Scheme Costs means, in relation to a Backlog Service Area, the total capital costs of providing sewer services to all the PSP Properties within that Backlog Service Area, less:

- (a) any applicable NSW Government subsidies for that Backlog Service Area; and
- (b) the Initial Fixed Charge multiplied by the number of PSP Properties in that Backlog Service Area.

[Note: examples of the NSW Government subsidies are the NSW Government Country Towns Water Supply and Sewerage Program subsidy and the NSW Government Priority Sewerage Program subsidy]

Sewerage Financing Scheme means a scheme operated by the Council for a Sewerage Financing Scheme Area and contributed by owners within that Sewerage Financing Scheme Area to fund the cost of providing sewer services to the Properties of those owners.

Sewerage Financing Scheme Area means an area determined by the Council within which the Council intends providing sewer services.

Sewerage System means the sewerage system of the Council.

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

Water Financing Scheme means a scheme operated by the Council for a Water Financing Scheme Area (either independently or in conjunction with the Sewerage Financing Scheme) and contributed by owners within that Water Financing Scheme Area to fund the cost of providing water services to the Properties of those owners.

Water Financing Scheme Area means an area determined by the Council within which the Council intends providing water services.

Water Supply System means the water supply system of the Council.

1.2 Consumer Price Index

- (a) CPI means the consumer price index all groups index number for Sydney, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by the Tribunal

$$(b) \quad \Delta CPI = \left(\frac{CPI_{Jun, year_n} + CPI_{Sep, year_n} + CPI_{Dec, year_n} + CPI_{Mar, year_{n+1}}}{CPI_{Jun, year_{n-1}} + CPI_{Sep, year_{n-1}} + CPI_{Dec, year_{n-1}} + CPI_{Mar, year_n}} \right) - 1$$

- (c) The subtext (for example $CPI_{Jun, year\ n}$) when used in relation to paragraph (b) above means the CPI for the June quarter and year in which the calculation was made and (for example $CPI_{Jun\ year\ n-1}$) means the CPI for the June quarter in the year immediately preceding June, year n.

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute.

2.2 Explanatory notes, examples and clarification note

- (a) Explanatory notes and examples do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) The Tribunal may publish a clarification notice in the NSW Government Gazette to correct any manifest error in or to clarify any part of this determination as if that clarification note formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

Determination No 2, 2006

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

Gosford City Council

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No 05/517

1. Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* permits the Tribunal to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (2) Water supply authorities constituted under the *Water Management Act 2000* are listed as government agencies for the purposes of schedule 1 of the IPART Act. Under the *Water Management Act 2000*, Gosford City Council (the **Council**) is listed as a water supply authority. The services of the Council declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* (**Order**) are:
 - (a) water supply services;
 - (b) sewerage services;
 - (c) stormwater drainage services;
 - (d) trade waste services;
 - (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments;
 - (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e);
 - (g) other water supply, sewerage and drainage services for which no alternative supply exists.

Accordingly, the Tribunal may determine the prices for the Council's Monopoly Services.

- (3) In investigating and reporting on the pricing of the Council's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (4) In accordance with section 13A of the IPART Act, the Tribunal has fixed the maximum price or set a methodology for fixing the maximum price for the Council's Monopoly Services. Schedule 6 sets out the Tribunal's reasons for choosing to set a methodology when fixing a maximum price for water service charges.
- (5) Under section 18(2) of the IPART Act, the Council may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (1) This determination fixes the maximum prices (or sets a methodology for fixing the maximum prices) that the Council may charge for the Monopoly Services.
- (2) This determination commences on the later of 1 July 2006 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices in this determination apply from the Commencement Date to 30 June 2009. The maximum prices in this determination prevailing at 30 June 2009 continue to apply beyond 30 June 2009 until this determination is replaced.

3. Replacement of Determination No. 1 of 2005

Determination No. 1 of 2005 is replaced by this determination from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under that determination prior to its replacement.

4 Monitoring

The Tribunal may monitor the performance of the Council for the purposes of:

- (a) establishing and reporting on the level of compliance by the Council with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Council.

5. Schedules

Schedules 1-5 (inclusive) and the Tables in those Schedules set out the maximum prices that the Council may charge for the Monopoly Services specified in the Schedules.

6 Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 7.

Schedule 1

Water Supply Services

1. Application

This Schedule sets the maximum prices that the Council may charge for the Monopoly Services under paragraph (a) of the Order (water supply services).

2. Categories for pricing purposes

Prices for water supply services have been determined for 3 categories:

- (a) a Metered Property;
- (b) Vacant Land; and
- (c) an Unmetered Property.

2.1 Charges for water supply services to Metered Properties

The maximum price that may be levied by the Council for the provision of water supply services to a Metered Residential Property or a Metered Non Residential Property (each connected to the Water Supply System) is the sum of the following:

- (a) subject to clause 4 of this schedule, the water service charge in Table 1, corresponding to the Meter size; and
- (b) the water usage charge in Table 2, per kL of water used.

2.2. Charges for water supply services to Vacant Land

The maximum price that may be levied by the Council for the provision of water supply services to Vacant Land (whether there is a Meter on that Vacant Land or not) which is not connected to the Water Supply System but is reasonably available for connection to the Water Supply System is the water service charge in Table 3 (subject to clause 4 of this schedule).

2.3. Charges for water supply services to Unmetered Properties

The maximum price that may be levied by the Council for the provision of water supply services to an Unmetered Property which is connected or reasonably available for connection to the Water Supply System is:

- (a) subject to clause 4 of this schedule, the water service charge in Table 1 (with that Unmetered Property taken to have a Meter size of 20mm); and
- (b) the water usage charge in Table 2, per kL of water used, as if the water used by that Unmetered Property was equal to the average water consumption of all the Properties located on the same street as that Unmetered Property.

3. Levying water supply service charges on Multi Premises

3.1 Water supply charges for Multi Premises

- 3.1.1 Clause 3 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises.
- 3.1.2 Clause 2.1 of this schedule does not apply to Metered Properties if this clause 3 is capable of applying to those Properties.

3.2 Multi Premises (other than a Retirement Village)

For a Multi Premises (other than a Retirement Village):

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council for the provision of water supply services to a Property within that Multi Premises is the sum of the following:

- (c) subject to clause 4 of this schedule, the water service charge in Table 1 (with that Property taken to have a Meter size of 20mm); and
- (d) the water usage charge in Table 2, as if the water used by that Property was determined by the following formula:

$$WU = \frac{A}{B}$$

Where:

WU – water used by that Property

A - total quantity of water used by that Multi Premises

B - number of Properties within that Multi Premises.

3.3 Retirement Village

For a Retirement Village:

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price for each Common Water Meter that may be levied by the Council on that Retirement Village for the provision of water supply services to that Retirement Village is the sum of the following:

- (c) subject to clause 4 of this schedule, the water service charge in Table 1, corresponding to the Meter size; and
- (d) the water usage charge in Table 2, per kL of water used.

4 Water Savings Fund

- 4.1 This clause 4 applies if and only if an order is made by the Minister under s34J of the EUA Act requiring the Council to make an annual contribution for a specified financial year to the Water Savings Fund.

- 4.2 The water service charges in Tables 1 and 3 of this Schedule (and only those charges) will be amended by the Council in accordance with clause 4.3 of this schedule for the financial year corresponding to the financial year specified in the order, so as to enable the Council to recover in that financial year (or in a subsequent financial year if clause 4.4 applies), the annual contribution specified in the order for that financial year.
- 4.3 The water service charges set out in Tables 1 and 3 will be increased for a financial year by an adjusted amount calculated as follows:

$$AA = \frac{WSFC}{NP}$$

Where:

AA – adjusted amount

WSFC – amount specified in an order made by the Minister under section 34J of the EUA Act requiring the Council to make a contribution to the Water Savings Fund for the financial year specified in the order

NP – number of Properties connected to the Water Supply System at the date that the calculation is made.

- 4.4 If an order is made:
- (a) after the Commencement Date, requiring the Council to make a contribution to the Water Savings Fund for the financial year commencing 1 July 2006; or
 - (b) before the Commencement Date, but at a time that does not enable the Council to apply clause 4.2 of this schedule on 1 July 2006; or
 - (c) at any other time during this determination, requiring the Council to make a contribution to the Water Savings Fund for a financial year but the order is made either after the commencement of that financial year or alternatively before that financial year but at a time that does not enable the Council to apply clause 4.2 for that financial year,

then in any of these cases, the Council may also recover in a subsequent financial year to the year specified in the order (but not before), the amount it would otherwise have been entitled to recover under clause 4.2 for the financial year specified in the order.

- 4.5 In calculating the adjusted amount in clause 4.3 of this schedule, the Council must, if notified in writing by the Tribunal (but not otherwise), submit to the Tribunal (by a time and in a manner specified by the Tribunal), information to enable the Tribunal to verify that the charges the Council proposes to levy in a financial year comply with clause 4 of this schedule.
- 4.6 If the Council is given a notice under clause 4.5 of this schedule, the Council must not levy any charges in a financial year until it receives written notice from the Tribunal that the Tribunal is satisfied that the charges the Council proposes to levy comply with clause 4 of this schedule.

Tables 1, 2 and 3

Table 1 Water service charges for a Metered Residential Property or a Metered Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Water supply charge (per year) – Meter size			
20mm	83.24	$83.24 \times (1 + \Delta CPI_1)$	$83.24 \times (1 + \Delta CPI_2)$
25mm	130.06	$130.06 \times (1 + \Delta CPI_1)$	$130.06 \times (1 + \Delta CPI_2)$
32mm	213.09	$213.09 \times (1 + \Delta CPI_1)$	$213.09 \times (1 + \Delta CPI_2)$
40mm	332.96	$332.96 \times (1 + \Delta CPI_1)$	$332.96 \times (1 + \Delta CPI_2)$
50mm	520.25	$520.25 \times (1 + \Delta CPI_1)$	$520.25 \times (1 + \Delta CPI_2)$
65mm	879.22	$879.22 \times (1 + \Delta CPI_1)$	$879.22 \times (1 + \Delta CPI_2)$
80mm	1,331.84	$1,331.84 \times (1 + \Delta CPI_1)$	$1,331.84 \times (1 + \Delta CPI_2)$
100mm	2,081.00	$2,081.00 \times (1 + \Delta CPI_1)$	$2,081.00 \times (1 + \Delta CPI_2)$
150mm	4,682.25	$4,682.25 \times (1 + \Delta CPI_1)$	$4,682.25 \times (1 + \Delta CPI_2)$
200mm	8,324.00	$8,324.00 \times (1 + \Delta CPI_1)$	$8,324.00 \times (1 + \Delta CPI_2)$
For Meter sizes not specified above, the following formula applies	$(\text{Meter size})^2 \times 20\text{mm charge}/400$	$(\text{Meter size})^2 \times 20\text{mm charge}/400$	$(\text{Meter size})^2 \times 20\text{mm charge}/400$

Note: The prices in this table do not take into account any contribution by the Council to the Water Savings Fund. If the Council is required to contribute to the Water Savings Fund, the prices in this table will be adjusted according to clause 4 of this schedule

Table 2 Water usage charge for a Metered Residential Property or a Metered Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Water usage charge, per kilolitre of water used	1.12	$1.33 \times (1 + \Delta CPI_1)$	$1.57 \times (1 + \Delta CPI_2)$

Table 3 Water service charge for a Vacant Land

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Water service charge (per year)	83.24	$83.24 \times ((1 + \Delta CPI_1))$	$83.24 \times (1 + \Delta CPI_2)$

Note: The prices in this table do not take into account any contribution by the Council to the Water Savings Fund. If the Council is required to contribute to the Water Savings Fund, the prices in this table will be adjusted according to clause 4 of this schedule

Schedule 2

Sewerage services

1. Application

This Schedule sets the maximum prices that the Council may charge for the Monopoly Services under paragraph (b) of the Order (sewerage services).

2. Categories for pricing purposes

Prices for sewerage services have been determined for 4 categories:

- (a) Residential Properties;
- (b) Non Residential Properties;
- (c) Vacant Land; and
- (d) Unmetered Properties.

2.1. Charges for sewerage services to Residential Properties connected to the Sewerage System

The maximum price that may be levied by the Council for sewerage services to a Residential Property connected to the Sewerage System is the sewerage service charge in Table 4.

2.2. Charges for sewerage services to Non Residential Properties connected to the Sewerage System

The maximum price that may be levied by the Council for sewerage services to a Non Residential Property connected to the Sewerage System is the higher of:

- (a) the sewerage service charge in Table 5; and
- (b) the sum of:
 - (i) the sewerage service charge in Table 6, corresponding to the Meter size; and
 - (ii) the sewerage usage charge in Table 7, per kilolitre of water used.

2.3 Charges for sewerage services to Vacant Land

The maximum price that may be levied by the Council for sewerage services to Vacant Land which is not connected to the Sewerage System but is reasonably available for connection to the Sewerage System is the sewerage service charge in Table 8.

2.4 Charges for sewerage services to Unmetered Property

The maximum price that may be levied by the Council for sewerage services to an Unmetered Property which is connected or reasonably available for connection to the Sewerage System is the sewerage service charge in Table 4 (if the Unmetered Property is a Residential Property) and the sewerage service charge in Table 5 (if the Unmetered Property is a Non Residential Property).

3. Levying sewerage service charges on Multi Premises

3.1 Sewerage service charges for Multi Premises

- 3.1.1 Clause 3 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises.
- 3.1.2 Clauses 2.1 and 2.2 do not apply to Properties connected to the Sewerage System if this clause 3 is capable of applying to those Properties.

3.2 Multi Premises (other than a Retirement Village)

- (a) For a Multi Premises (other than a Retirement Village):
- (i) which is connected to the Sewerage System; and
 - (ii) which has a Common Water Meter or multiple Common Water Meters; and
 - (iii) where the majority of the Properties in that Multi Premises are Residential Properties,

the maximum price that may be levied by the Council for the provision of sewerage services to a Property within that Multi Premises is the sewerage service charge in Table 4 (with that Property taken to have a Meter size of 20mm).

- (b) For a Multi Premises (other than a Retirement Village):
- (i) which is connected to the Sewerage System;
 - (ii) which has a Common Water Meter or multiple Common Water Meters; and
 - (iii) where the majority of the Properties in that Multi Premises are Non Residential Properties,

the maximum price that may be levied by the Council for the provision of sewerage services to a Property within that Multi Premises is the higher of:

- (iv) the sewerage service charge in Table 5; and
- (v) the sum of:
 - (i) the sewerage service charge in Table 6 (with that Property taken to have a Meter size of 20mm); and
 - (ii) the sewerage usage charge in Table 7, per kilolitre of water used.

3.3 Retirement Village

For a Retirement Village:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price for each Common Water Meter that may be levied by the Council on that Retirement Village for the provision of sewerage services to that Retirement Village is the greater of:

- (c) the sewerage service charge in Table 5; and
- (d) the sum of:
 - (i) the sewerage service charge in Table 6, corresponding to the Meter size; and
 - (ii) the sewerage usage charge in Table 7, per kilolitre of water used.

Tables 4, 5, 6, 7 and 8

Table 4 Sewerage service charge for a Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year)	375.73	$375.73 \times (1 + \Delta CPI_1)$	$375.73 \times (1 + \Delta CPI_2)$

Table 5 Sewerage service charge for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year)	375.73	$375.73 \times (1 + \Delta CPI_1)$	$375.73 \times (1 + \Delta CPI_2)$

Table 6 Sewerage service charge for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year) – Meter size			
20mm	280.90	$280.90 \times (1 + \Delta CPI_1)$	$280.90 \times (1 + \Delta CPI_2)$
25mm	438.91	$438.91 \times (1 + \Delta CPI_1)$	$438.91 \times (1 + \Delta CPI_2)$
32mm	719.10	$719.10 \times (1 + \Delta CPI_1)$	$719.10 \times (1 + \Delta CPI_2)$
40mm	1,123.60	$1,123.60 \times (1 + \Delta CPI_1)$	$1,123.60 \times (1 + \Delta CPI_2)$
50mm	1,755.63	$1,755.63 \times (1 + \Delta CPI_1)$	$1,755.63 \times (1 + \Delta CPI_2)$
65mm	2,967.01	$2,967.01 \times (1 + \Delta CPI_1)$	$2,967.01 \times (1 + \Delta CPI_2)$
80mm	4,494.40	$4,494.40 \times (1 + \Delta CPI_1)$	$4,494.40 \times (1 + \Delta CPI_2)$
100mm	7,022.50	$7,022.50 \times (1 + \Delta CPI_1)$	$7,022.50 \times (1 + \Delta CPI_2)$
150mm	15,800.63	$15,800.63 \times (1 + \Delta CPI_1)$	$15,800.63 \times (1 + \Delta CPI_2)$
200mm	28,090.00	$28,090.00 \times (1 + \Delta CPI_1)$	$28,090.00 \times (1 + \Delta CPI_2)$
For Meter sizes not specified above, the following formula applies	$(\text{Meter size})^2 \times 20\text{mm charge} / 400$	$(\text{Meter size})^2 \times 20\text{mm charge} / 400$	$(\text{Meter size})^2 \times 20\text{mm charge} / 400$

Table 7 Sewerage usage charge for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage usage charge, per kilolitres of water used	$0.80 \times df\%$	$0.80 \times (1+\Delta CPI_1) \times$ $df\%$	$0.80 \times (1+\Delta CPI_2) \times$ $df\%$

*Note - a Discharge Factor is applied to the charge based on the volume of water discharged into the Sewerage System.

Table 8 Sewerage service charge for Vacant Land

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year)	281.80	281.80 $\times (1+\Delta CPI_1)$	281.80 $\times (1+\Delta CPI_2)$

Schedule 3

Stormwater drainage services

1. Application

This Schedule sets the maximum prices that the Council may charge for services under paragraph (c) of the Order (stormwater drainage services).

2. Charges for stormwater drainage services to Residential Properties, Non Residential Properties, Vacant Land or Unmetered Properties

The maximum charge that may be levied by the Council for stormwater drainage services to a Metered Residential Property, a Metered Non Residential Property, a Multi Premises with a Common Water Meter, Vacant Land or an Unmetered Property is the stormwater drainage charge in Table 9.

Table 9 Stormwater drainage charge for Residential Properties, Non Residential Properties, Vacant Land and Unmetered Properties

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Stormwater drainage charge (per year)	55	$56.1 \times (1 + \Delta CPI_1)$	$57.22 \times (1 + \Delta CPI_2)$

Schedule 4

Trade Waste Services

1. Application

This Schedule sets the maximum prices that the Council may charge for the Monopoly Services under paragraph (d) of the Order (Trade Waste Services).

2. Categories for pricing purposes

Prices for trade waste services have been determined for 3 categories:

- (a) Category 1 Trade Waste Discharge;
- (b) Category 2 Trade Waste Discharge; and
- (c) Category 3 Trade Waste Discharge.

2.1 Category 1 Trade Waste Discharge

The maximum price for Category 1 Trade Waste Discharge that may be levied by the Council is represented by the following formula:

$$TW1 = A + I$$

Where:

TW1 - maximum price for Category 1 Trade Waste Discharge
 A - Trade waste agreement fee (\$)
 I - Liquid trade waste re-inspection fee (\$) (if applicable)

each as set out in Table 10.

2.2. Category 2 Trade Waste Discharge

The maximum price for Category 2 Trade Waste Discharge that may be levied by the Council is represented by the following formula:

$$TW2 = A + I + [(C \times TWDF) \times Uctw]$$

Where:

TW2 - maximum price for Category 2 Trade Waste Discharge
 A - Trade waste agreement fee (\$)
 I - Liquid trade waste re-inspection fee (\$) (if applicable)
 Uctw - Trade waste usage charge (\$/kL) or the charge for lack of pre-treatment facility (\$/kL) (as the case may be)
 each as set out in Table 10.

C - Customer annual water consumption (kL)
 TWDF - Trade Waste Discharge Factor (%)

2.3 Category 3 Trade Waste Discharge

The maximum price for Category 3 Trade Waste Discharge that may be levied by the Council is the higher of the price as calculated by applying the formula in clause 2.2 above and the price as represented by the following formula:

$$TW3 = A + I + EMC$$

Where:

TW3 - maximum price for Category 3 Trade Waste Discharge

A - Trade waste agreement fee (\$)

I - Liquid trade waste re - inspection fee (\$) (if applicable)

each as set out in Table 10.

EMC - Total excess mass charge (\$) as set out in Table 11.

Tables 10 & 11

Table 10 Trade waste charges

Charge	Commencement Date to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Trade waste usage charge (\$/kL)	1.33	$1.33 \times (1 + \Delta\text{CPI}_1)$	$1.33 \times (1 + \Delta\text{CPI}_2)$
Trade waste agreement fee (\$/year)	68.3	$68.3 \times (1 + \Delta\text{CPI}_1)$	$68.3 \times (1 + \Delta\text{CPI}_2)$
Liquid trade waste re-inspection fee (\$/year)	116.25	$116.25 \times (1 + \Delta\text{CPI}_1)$	$116.25 \times (1 + \Delta\text{CPI}_2)$
Charge for lack of pre-treatment facility (\$/kL)	11.28	$11.28 \times (1 + \Delta\text{CPI}_1)$	$11.28 \times (1 + \Delta\text{CPI}_2)$

Table 11 Excess mass charges

Pollutant	Commencement Date to 30 June 2007 \$/kg	1 July 2007 to 30 June 2008 \$/kg	1 July 2008 to 30 June 2009 \$/kg
Aluminium (Al)	0.55	$0.55 \times (1 + \Delta\text{CPI}_1)$	$0.55 \times (1 + \Delta\text{CPI}_2)$
Ammonia (as N)	1.64	$1.64 \times (1 + \Delta\text{CPI}_1)$	$1.64 \times (1 + \Delta\text{CPI}_2)$
Arsenic (As)	55.35	$55.35 \times (1 + \Delta\text{CPI}_1)$	$55.35 \times (1 + \Delta\text{CPI}_2)$
Barium (Ba)	27.68	$27.68 \times (1 + \Delta\text{CPI}_1)$	$27.68 \times (1 + \Delta\text{CPI}_2)$
Biological Oxygen Demand (BOD ₅)	1.33	$1.33 \times (1 + \Delta\text{CPI}_1)$	$1.33 \times (1 + \Delta\text{CPI}_2)$
Boron (B)	0.55	$0.55 \times (1 + \Delta\text{CPI}_1)$	$0.55 \times (1 + \Delta\text{CPI}_2)$
Bromine (Br ₂)	11.28	$11.28 \times (1 + \Delta\text{CPI}_1)$	$11.28 \times (1 + \Delta\text{CPI}_2)$
Cadmium (Cd)	256.25	$256.25 \times (1 + \Delta\text{CPI}_1)$	$256.25 \times (1 + \Delta\text{CPI}_2)$
Chlorinated Hydrocarbons	27.68	$27.68 \times (1 + \Delta\text{CPI}_1)$	$27.68 \times (1 + \Delta\text{CPI}_2)$
Chlorinated Phenolics	1,127.50	$1,127.50 \times (1 + \Delta\text{CPI}_1)$	$1,127.50 \times (1 + \Delta\text{CPI}_2)$
Chloride	No charge	No charge	No charge
Chlorine (Cl ₂)	1.13	$1.13 \times (1 + \Delta\text{CPI}_1)$	$1.13 \times (1 + \Delta\text{CPI}_2)$
Chromium (Cr) (Total)#	18.45	$18.45 \times (1 + \Delta\text{CPI}_1)$	$18.45 \times (1 + \Delta\text{CPI}_2)$
Cobalt (Co)	11.28	$11.28 \times (1 + \Delta\text{CPI}_1)$	$11.28 \times (1 + \Delta\text{CPI}_2)$
Copper (Cu)	11.28	$11.28 \times (1 + \Delta\text{CPI}_1)$	$11.28 \times (1 + \Delta\text{CPI}_2)$
Cyanide	55.35	$55.35 \times (1 + \Delta\text{CPI}_1)$	$55.35 \times (1 + \Delta\text{CPI}_2)$
Flouride (F)	2.77	$2.77 \times (1 + \Delta\text{CPI}_1)$	$2.77 \times (1 + \Delta\text{CPI}_2)$
Formaldehyde	1.13	$1.13 \times (1 + \Delta\text{CPI}_1)$	$1.13 \times (1 + \Delta\text{CPI}_2)$
Grease	6.85	$6.85 \times (1 + \Delta\text{CPI}_1)$	$6.85 \times (1 + \Delta\text{CPI}_2)$
Herbicides/Weedicides/Fungicides	553.50	$553.50 \times (1 + \Delta\text{CPI}_1)$	$553.50 \times (1 + \Delta\text{CPI}_2)$
Iron (Fe)	1.13	$1.13 \times (1 + \Delta\text{CPI}_1)$	$1.13 \times (1 + \Delta\text{CPI}_2)$
Lead (Pb)	27.68	$27.68 \times (1 + \Delta\text{CPI}_1)$	$27.68 \times (1 + \Delta\text{CPI}_2)$
Lithium (Li)	5.54	$5.54 \times (1 + \Delta\text{CPI}_1)$	$5.54 \times (1 + \Delta\text{CPI}_2)$
Methylene Blue Active Substances (MBAS)	0.55	$0.55 \times (1 + \Delta\text{CPI}_1)$	$0.55 \times (1 + \Delta\text{CPI}_2)$
Manganese (Mn)	5.54	$5.54 \times (1 + \Delta\text{CPI}_1)$	$5.54 \times (1 + \Delta\text{CPI}_2)$
Mercury (Hg)	1,845.00	$1,845.00 \times (1 + \Delta\text{CPI}_1)$	$1,845.00 \times (1 + \Delta\text{CPI}_2)$

Pollutant	Commencement Date to 30 June 2007 \$/kg	1 July 2007 to 30 June 2008 \$/kg	1 July 2008 to 30 June 2009 \$/kg
Molybdenum (Mo)	0.55	$0.55 \times (1 + \Delta CPI_1)$	$0.55 \times (1 + \Delta CPI_2)$
Nickel (Ni)	18.45	$18.45 \times (1 + \Delta CPI_1)$	$18.45 \times (1 + \Delta CPI_2)$
Nitrogen (N) (Total Kjeldahl Nitrogen)	0.14	$0.14 \times (1 + \Delta CPI_1)$	$0.14 \times (1 + \Delta CPI_2)$
Pentachlorophenol	1,127.50	$1,127.50 \times (1 + \Delta CPI_1)$	$1,127.50 \times (1 + \Delta CPI_2)$
Pesticides – General	553.50	$553.50 \times (1 + \Delta CPI_1)$	$553.50 \times (1 + \Delta CPI_2)$
Pesticides – Organochlorine	553.50	$553.50 \times (1 + \Delta CPI_1)$	$553.50 \times (1 + \Delta CPI_2)$
Pesticides – Organophosphate	553.50	$553.50 \times (1 + \Delta CPI_1)$	$553.50 \times (1 + \Delta CPI_2)$
PCB	553.50	$553.50 \times (1 + \Delta CPI_1)$	$553.50 \times (1 + \Delta CPI_2)$
Petroleum Hydrocarbons (non-flammable)	1.85	$1.85 \times (1 + \Delta CPI_1)$	$1.85 \times (1 + \Delta CPI_2)$
pH>10, or pH<7	0.55	$0.55 \times (1 + \Delta CPI_1)$	$0.55 \times (1 + \Delta CPI_2)$
Phenolic Compounds (excluding chlorinated)	5.54	$5.54 \times (1 + \Delta CPI_1)$	$5.54 \times (1 + \Delta CPI_2)$
Phosphorus (Total)	1.13	$1.13 \times (1 + \Delta CPI_1)$	$1.13 \times (1 + \Delta CPI_2)$
Polynuclear Aromatic Hydrocarbons (PAH)	11.28	$11.28 \times (1 + \Delta CPI_1)$	$11.28 \times (1 + \Delta CPI_2)$
Selenium (Se)	38.95	$38.95 \times (1 + \Delta CPI_1)$	$38.95 \times (1 + \Delta CPI_2)$
Silver (Ag)	11.28	$11.28 \times (1 + \Delta CPI_1)$	$11.28 \times (1 + \Delta CPI_2)$
Sulphate (SO ₄)	0.11	$0.11 \times (1 + \Delta CPI_1)$	$0.11 \times (1 + \Delta CPI_2)$
Sulphide (S)	1.13	$1.13 \times (1 + \Delta CPI_1)$	$1.13 \times (1 + \Delta CPI_2)$
Sulphite (SO ₃)	1.13	$1.13 \times (1 + \Delta CPI_1)$	$1.13 \times (1 + \Delta CPI_2)$
Suspended Solids (SS or NFR)	1.33	$1.33 \times (1 + \Delta CPI_1)$	$1.33 \times (1 + \Delta CPI_2)$
Temperature	No charge	No charge	No charge
Tin (Sn)	5.54	$5.54 \times (1 + \Delta CPI_1)$	$5.54 \times (1 + \Delta CPI_2)$
Total Dissolved Solids	0.04	$0.04 \times (1 + \Delta CPI_1)$	$0.04 \times (1 + \Delta CPI_2)$
Zinc (Zn)	11.28	$11.28 \times (1 + \Delta CPI_1)$	$11.28 \times (1 + \Delta CPI_2)$

Schedule 5

Ancillary and miscellaneous customer services

1. Application

- 1.1 This Schedule sets the maximum prices that the Council may charge for services under paragraph (f) of the Order (ancillary and miscellaneous customer services for which no alternative supply exists).

2. Ancillary and miscellaneous charges

- 2.1 The maximum charge that may be levied by the Council for an ancillary and miscellaneous service in column 2 of Table 12 is:
- (a) **from the Commencement Date to 30 June 2007** - the corresponding charge in column 3 of Table 12;
 - (b) **from 1 July 2007 to 30 June 2008** - the corresponding charge in column 4 of Table 12 multiplied by $(1 + \Delta\text{CPI}_1)$; and
 - (c) **from 1 July 2008 to 30 June 2009** - the corresponding charge in column 5 of Table 12 multiplied by $(1 + \Delta\text{CPI}_2)$.
- 2.2 A reference in Table 12 to "NA" means that the Council does not provide the relevant service.

Table 12 Charges for ancillary and miscellaneous services

Column 1	Column 2	Column 3	Column 4	Column 5
No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
1	Conveyancing Certificate <i>(Statement of Outstanding Charges)</i>			
	a) Over the Counter	\$26.00	\$27.00	\$28.00
	b) Electronic	NA	NA	NA
2	Property Sewerage Diagram-up to and including A4 size-(where available) <i>(Diagram showing the location of the house-service line, building and sewer for a property)</i>			
	a) Certified	\$30.00	\$34.00	\$39.00
	b) Uncertified			
	i. Over the Counter	\$24.00	\$26.00	\$30.00
	ii. Electronic	NA	NA	NA
3	Service Location Diagram <i>(Location of sewer and/or Water Mains in relation to a property's boundaries)</i>			
	a) Over the Counter	\$15.00	\$15.00	\$15.00
	b) Electronic	NA	NA	NA
4	Special Meter Reading Statement	\$54.00	\$55.00	\$55.00
5	Billing Record Search Statement – up to and including 5 years.	\$17.70	\$17.70	\$17.70
6	Building over or Adjacent to Sewer Advice <i>(Statement of Approval Status for existing Building Over or Adjacent to a Sewer)</i>	\$0	\$0	\$0
7	Water Reconnection			
	a) During business hours	\$52.00	\$54.00	\$56.00
	b) Outside business hours	\$110.00	\$120.00	\$130.00
8	Workshop Test of Water Meter <i>(Removal of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter.</i> <i>(A separate charge relating to transportation costs and the full mechanical test which involves dismantling and inspection of meter components will also be payable)</i>			

Column 1	Column 2	Column 3	Column 4	Column 5
No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
	20mm	\$134.00	\$134.00	\$134.00
	25mm	\$134.00	\$134.00	\$134.00
	32mm	\$134.00	\$134.00	\$134.00
	40mm	\$134.00	\$134.00	\$134.00
	50mm	\$134.00	\$134.00	\$134.00
	80mm	\$134.00	\$134.00	\$134.00
	100mm	NA	NA	NA
	150mm	NA	NA	NA
9	Water main disconnection			
	a) Application for Disconnection- (all sizes)	\$39.00	\$40.00	\$41.00
	b) Physical Disconnection	\$164.00	\$164.00	\$164.00
	<i>Price payable when customer requests Council to disconnect existing service</i>			
10	Application for Water Service Connection-(up to and including 25mm)	\$39.00	\$40.00	\$41.00
	<i>(This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection)</i>			
11	Application for Water Service Connection-(32-65mm)	\$39.00	\$40.00	\$41.00
	<i>(This covers administration and system capacity analysis as required. There will be a separate charge payable to the utility if they also perform the physical connection)</i>			
12	Application for Water Service Connection-(80mm or greater)	\$39.00	\$40.00	\$41.00
	<i>(This covers administration and system capacity analysis as required. There will be a separate charge payable to the utility if they also perform the physical connection)</i>			
13	Application to assess a Water main Adjustment	\$273.00	\$276.00	\$281.00
	<i>(Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length)</i>			
	<i>This covers preliminary advice as to the feasibility of the project and will result in either:</i>			
	<i>1. A rejection of the project in which cases the fee covers the associated investigation costs</i>			
	<i>Or</i>			
	<i>2. Conditional approval in which case the fee covers the</i>			

Column 1	Column 2	Column 3	Column 4	Column 5
No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
	<i>administrative costs associated with the investigation and record amendment.</i>			
14	Standpipe Hire			
	Security Bond (25mm)	\$596.00	\$600.00	\$600.00
	Security Bond (63mm)	\$596.00	\$600.00	\$600.00
15	Standpipe Hire			
	< 50mm	As per the 20mm meter size water service charge in Table 1	As per the 20mm meter size water service charge in Table 1	As per the 20mm meter size water service charge in Table 1
	>= 50mm	As per the 50mm meter size water service charge in Table 1	As per the 50mm meter size water service charge in Table 1	As per the 50mm meter size water service charge in Table 1
16	Standpipe Water Usage Fee - (\$ per kL)	As per water usage charge in Table 2	As per water usage charge in Table 2	As per water usage charge in Table 2
17	Backflow Prevention Device Application and Registration Fee <i>(This fee is for initial registration of the backflow device)</i>	\$60.00	\$60.00	\$60.00
18	Backflow Prevention Application Device Annual Administration Fee <i>(This fee is for the maintenance of records including logging of inspection reports)</i>	\$25.00	\$25.00	\$25.00
19	Major and Minor Works Inspections Fee. <i>(This fee is for the inspection, for the purposes of approval of water and sewer mains, constructed by others, that are longer than 25 metres and/or greater than 2 metres in depth)</i>			
	Water Mains (\$ per metre)	\$10.00	\$10.00	\$10.00
	Sewer Mains (\$per Metre)	\$10.00	\$10.00	\$10.00
	Reinspection	\$114.00	\$117.00	\$118.00
20	Statement of Available Pressure and Flow <i>(This fee covers all levels whether modelling is required or not)</i>	\$114.00	\$117.00	\$117.00

Column 1 No.	Column 2 Ancillary and miscellaneous service	Column 3		Column 4		Column 5	
		Commencement Date to 30 June 2007		1 July 2007 to 30 June 2008		1 July 2008 to 30 June 2009	
		Fixed	Hourly	Fixed	Hourly	Fixed	Hourly
21	Cancellation Fee – Water and Sewerage Applications <i>A fee charged to cancel an application for services and process a refund of water and sewer application fees.</i>	\$51.25	NA	\$51.25	NA	\$51.25	NA
22	Sales of Building Over Sewer and Water Guidelines <i>A fee for undertaking a technical review of guidelines to ensure that current standards are applied when a proposal to build over or near council sewer and water mains is lodged.</i>	\$10.10	NA	\$10.10	NA	\$10.10	NA
23	Section 307 Certificate <i>A fee for preparation of a Section 307 Certificate which states whether a development complies with the Water Management Act 2000.</i>						
	Dual Occupancies	\$89.00	NA	\$90.00	NA	\$91.00	NA
	Commercial Buildings, Factories, Torrens Subdivision of Dual Occupancy	\$132.00	NA	\$134.00	NA	\$136.00	NA
	Boundary Realign with Conditions	\$215.00	NA	\$218.00	NA	\$220.00	NA
	Subdivisions, developments involving mains extensions	\$638.00	NA	\$646.00	NA	\$654.00	NA
	Development without Requirement Fee	\$52.00	NA	\$53.00	NA	\$54.00	NA
24	Inspection of Concrete Encasement and Additional Junction Cut-ins <i>A fee charged by Council to inspect a developer's works to determine whether works are in accordance with Council standards.</i>						
	Inspection of concrete encasement	\$143.00	NA	\$147.00	NA	\$151.00	NA
	Additional inspection (due to non compliance)	\$50.00	NA	\$52.00	NA	\$53.00	NA
	Inspection of concrete encasement greater than 10m	\$143 + \$14.3/m for each m > 10 m	NA	\$147 + \$14.7/m for each m > 10 m	NA	\$151 + \$15.1/m for each m > 10 m	NA
25	Sale of Specification for Construction of Water and Sewerage Works by Private Contractors <i>Contractors carrying out private works are required to purchase Council's "Specifications for Construction of Water and</i>	\$79.00	NA	\$80.00	NA	\$80.60	NA

Column 1 No.	Column 2 Ancillary and miscellaneous service	Column 3 Commencement Date to 30 June 2007		Column 4 1 July 2007 to 30 June 2008		Column 5 1 July 2008 to 30 June 2009	
		Fixed	Hourly	Fixed	Hourly	Fixed	Hourly
		<i>Sewerage Works by Private Contractors</i>					
26	Private Developers Plan Resubmission <i>A fee for Council review and approval of a developer's request for changes to a previously approved water or sewer plan.</i>	NA	\$59 first hr \$33 each hr after	NA	\$60 first hr \$36 each hr after	NA	\$61 first hr \$39 each hr after
27	Approval of Developers Sewer Pump Station Rising Main Design <i>A fee for Council review and approval of a private developer's proposal for provision of sewer; pump stations/rising mains. This fee covers assessment of:</i> <i>i) suitability for integration within the existing sewerage system.</i> <i>ii) proposed works conform to both industry and Council standards.</i>	\$223.00	NA	\$227.00	NA	\$229.00	NA
28	Approval of Private Internal Residential Sewer Pump Station Rising Main Design <i>A fee for Council review of a property owner's proposal for provision of minor internal sewer; pump stations/rising mains. This fee covers assessment of:</i> <i>iii) suitability for integration within the existing sewerage system.</i> <i>iv) proposed works conform to both industry and Council standards.</i>	\$86.00	NA	\$87.00	NA	\$89.00	NA
29	Approval of Extension of Sewer/Water Mains to Properties Outside Service Areas <i>A fee for Council review and approval of a property owner's application for extension of sewer/water mains to properties outside service areas.</i>	\$121.00	NA	\$122.00	NA	\$124.00	NA
30	Sale of Sewer Plan Books <i>A fee for purchase of Council hardcopy set of sewer reticulation plans.</i> A3 sheet in cardboard folder	NA	NA	NA	NA	NA	NA

Column 1 No.	Column 2 Ancillary and miscellaneous service	Column 3 Commencement Date to 30 June 2007		Column 4 1 July 2007 to 30 June 2008		Column 5 1 July 2008 to 30 June 2009	
		Fixed	Hourly	Fixed	Hourly	Fixed	Hourly
			A3 sheet in plastic pockets (3 folders)	NA	NA	NA	NA
	Annual charge for monthly updating service	NA	NA	NA	NA	NA	NA
	CD	\$66	NA	\$66	NA	\$66	NA
31	Trade Waste Approvals	\$180.00	NA	\$200.00	NA	\$220.00	NA
	<i>A fee for Council inspection of a commercial or industrial development prior to approval for discharging into Council's sewers being granted.</i>						
32	Sewer Connection fees						
	<i>A fee for Council inspection of developments requiring connection to, or alteration to existing connection to Council's sewer to ensure protection of Council's sewerage system.</i>						
	New sewer connection	\$178.00	NA	\$186.00	NA	\$192.00	NA
	Plus each additional WC	\$68.00	NA	\$70.00	NA	\$74.00	NA
	Alterations	\$125.00	NA	\$129.00	NA	\$133.00	NA
	Units/Villas (1 WC each flat or unit)	\$143.00	NA	\$146.00	NA	\$148.00	NA
	Plus for each additional WC	\$68.00	NA	\$70.00	NA	\$74.00	NA
	Caravan Connection Fee	\$84.00	NA	\$86.00	NA	\$89.00	NA
	Sewer Re-Inspection Fee	\$95.00	NA	\$96.00	NA	\$96.00	NA
33	Location of Water and Sewer Mains						
	<i>Private developers/contractors request the on-site indication of the alignment, and often depth, of water and sewer mains and services.</i>	No maximum charge set	NA	No maximum charge set	NA	No maximum charge set	NA
	<i>This service will be charged on the basis of actual costs incurred by the Council. Applicants should contact Council for an estimate of actual cost. A minimum charge of \$177.00 will apply</i>						
34	Water Service Connection Fee - (20-25mm meter)	\$304.00	NA	\$308.00	NA	\$311.00	NA
	<i>For meters greater than 25mm charges will be levied on the actual cost of the work involved plus an admin fee</i>	\$39.00	NA	\$40.00	NA	\$41.00	NA
35	Septic/Porta-loo/Mobile Cleaning Charge	\$11.28	NA	\$11.28	NA	\$11.28	NA
	<i>A fee for accepting septic, porta-loo and mobile cleaning</i>						

Column 1 No.	Column 2 Ancillary and miscellaneous service	Column 3 Commencement Date to 30 June 2007		Column 4 1 July 2007 to 30 June 2008		Column 5 1 July 2008 to 30 June 2009	
		Fixed	Hourly	Fixed	Hourly	Fixed	Hourly
			<i>effluent at Council sewage disposal sites</i>				
36	Other liquid wastes transported by disposal contractors (per kL) <i>A fee for accepting other liquid wastes at Council sewage disposal sites</i>	\$1.23	NA	\$1.23	NA	\$1.23	NA
37	Recoverable works <i>This service will be charged on the basis of actual costs incurred by the Council plus internal overheads charged in accordance with the rates published annually by the Council. Applicants should contact Council for an estimate of the cost.</i>	No maximum charge set	NA	No maximum charge set	NA	No maximum charge set	NA

Schedule 6

Statement of Reasons under section 13A(3) IPART Act

Under s13A of the IPART Act the Tribunal may set maximum prices, determine a methodology for setting maximum prices or both. In this determination, the Tribunal has set maximum prices for each year of the regulatory period, and has included a methodology for fixing the maximum price for water service charges if Council is required by order of the Minister of Water Utilities to make an annual contribution under s34J of the EUA Act to the Water Savings Fund.

The Tribunal is of the opinion that any contribution by the Council to the Water Savings Fund should be incorporated into the water service charges. However, no order has been made at the date of publication of this determination. By setting a methodology, the Tribunal is able to provide for a contribution to the Water Savings Fund to be included in the water service charges, were an order to be made after publication of this determination.

Schedule 7

Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

Category 1 Trade Waste Discharge means:

- (a) an activity deemed by Council as requiring nil or minimal pre-treatment equipment and whose effluent is well defined and/or is a relatively benign nature;
- (b) such activity is being conducted on a Non Residential Property; and
- (c) the trade waste from such activity is being discharged into the Sewerage System.

Category 2 Trade Waste Discharge means:

- (a) an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised;
- (b) such activity is being conducted on a Non Residential Property; and
- (c) the trade waste from such activity is being discharged into the Sewerage System.

Category 3 Trade Waste Discharge means:

- (a) an activity deemed by Council as an industrial nature and/or which results in large volumes of liquid trade waste;
- (b) such activity is being conducted on a Non Residential Property; and
- (c) the trade waste from such activity is being discharged into the Sewerage System.

Commencement Date is defined in clause 2 of section 2 (**Application of this determination**) of this determination.

Common Water Meter means a Meter which is connected or available for connection to a Multi Premises, where the Meter measures the water usage to that Multi Premises but not to each relevant Property located on or within that Multi Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989*.

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Council means the Council as defined in clause 2 of section 1 (**Background**) of this determination.

df% or Discharge Factor means, in relation to a Property, the percentage of water supplied to that Property which the Council assesses or deems to be discharged into the Sewerage System.

EUA Act means the *Energy and Utilities Administration Act 1987*.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act 1999*.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

kL means kilolitre or one thousand litres.

Local Government Act means the *Local Government Act, 1993 (NSW)*.

Meter means an apparatus for the measurement of water.

Metered Non Residential Property means a Non Residential Property that is serviced by a Meter.

Metered Property means a Metered Residential Property or a Metered Non-Residential Property.

Metered Residential Property means a Residential Property that is serviced by a Meter.

Monopoly Services means the Monopoly Services as defined in clause 2 of section 1 (**Background**) of this determination.

Multi Premises means land where there are two or more Properties (other than Properties which fall within paragraph (f) of the definition of 'Property') located on it, excluding land where there are hotels, motels, guest houses or backpacker hostels, each as defined in the Local Government Act, located on it.

Non Residential Property means a Property that is not a Residential Property or a Vacant Land or an Unmetered Property.

Order means the Order defined in clause 2 of section 1 (**Background**) of this determination and published in Government Gazette No. 18 on 14 February 1997.

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot;
- (d) a Retirement Village Unit;
- (e) a part of a building lawfully occupied or available for occupation (other than a building to which paragraphs (a) to (d) inclusive apply); or
- (f) land.

Rateable Land has the meaning given to that term under the Local Government Act.

Residential Property means a Property where:

- (a) in the case of that Property being Rateable Land, that Property is categorised as:
 - (i) residential under section 516 of the Local Government Act; or
 - (ii) farmland under section 515 of the Local Government Act and such farmland is connected to the Water Supply System and the Sewerage System; or
- (b) in the case of that Property not being Rateable Land, the dominant use of that Property is residential applying the classifications in section 516 of the Local Government Act.

Retirement Village has the meaning given to that term under the *Retirement Villages Act, 1999*.

Retirement Village Unit means a unit located within a Retirement Village.

Sewerage System means the sewerage system owned and operated by the Council.

Strata Title Lot means a lot as defined under the *Strata Schemes (Freehold Development) Act 1973*.

Trade Waste Discharge Factor means the percentage of trade waste which the Council assesses or deems to be discharged into the Sewerage System.

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

Unmetered Property means land (other than Vacant Land) which does not have a Meter located on it.

Vacant Land means land which has no capital improvements on it.

Water Savings Fund has the meaning given to that term in the EUA Act.

Water Supply System means the water supply system owned and operated by the Council.

1.2 Consumer Price Index

- (a) **CPI** means the consumer price index All Groups index number for the weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by the Tribunal

$$(b) \quad \Delta CPI_1 = \left(\frac{CPI_{Jun2006} + CPI_{Sep2006} + CPI_{Dec2006} + CPI_{Mar2007}}{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}} \right) - 1$$

$$\Delta CPI_2 = \left(\frac{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}}{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}} \right) - 1$$

each as calculated by the Tribunal and notified in writing by the Tribunal to the Council.

- (c) The subtext (for example Jun 2005) when used in relation to paragraph (b) above means the CPI for the quarter and year indicated (in the example the June quarter for 2005).

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute.

2.2 Explanatory notes and clarification notice

- (a) Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) The Tribunal may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination as if that clarification notice formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

2.4 Billing cycle of Council

For the avoidance of doubt nothing in this determination affects when the Council may issue a bill to a customer for prices or charges under this determination.

Determination No 3, 2006

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

Wyong Shire Council

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No 05/517

1. Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992*, permits the Tribunal to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (2) Water supply authorities constituted under the *Water Management Act 2000* are listed as government agencies for the purposes of schedule 1 of the IPART Act. Under the *Water Management Act 2000*, Wyong Shire Council (the **Council**) is listed as a water supply authority. The services of the Council declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997 (Order)* are:
 - (a) water supply services;
 - (b) sewerage services;
 - (c) stormwater drainage services;
 - (d) trade waste services;
 - (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments;
 - (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e);
 - (g) other water supply, sewerage and drainage services for which no alternative supply exists.Accordingly, the Tribunal may determine the prices for the Council's Monopoly Services.
- (3) In investigating and reporting on the pricing of the Council's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (4) In accordance with section 13A of the IPART Act, the Tribunal has fixed the maximum price for the Council's Monopoly Services or has established a methodology for fixing the maximum price. Schedule 5 sets out the Tribunal's reasons for choosing to set a methodology when fixing a maximum price for water service charges.
- (5) Under section 18(2) of the IPART Act, the Council may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (1) This determination fixes the maximum prices (or sets a methodology for fixing the maximum prices) that the Council may charge for the Monopoly Services.
- (2) This determination commences on the later of 1 July 2006 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices in this determination apply from the Commencement Date to 30 June 2009. The maximum prices in this determination prevailing at 30 June 2009 continue to apply beyond 30 June 2009 until this determination is replaced.

3. Replacement of Determination No. 2 of 2005

Determination No. 2 of 2005 is replaced by this determination from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under that determination prior to its replacement.

4 Monitoring

The Tribunal may monitor the performance of the Council for the purposes of:

- (a) establishing and reporting on the level of compliance by the Council with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Council.

5. Schedules

Schedules 1-4 (inclusive) and the Tables in those Schedules set out the maximum prices that the Council may charge for the Monopoly Services specified in the Schedules.

6. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 6.

Schedule 1

Water Supply Services

1. Application

This Schedule sets the maximum prices that the Council may charge for the Monopoly Services under paragraph (a) of the Order (water supply services).¹

2. Categories for pricing purposes

Prices for water supply services have been determined for 2 categories:

- (a) a Metered Property; and
- (b) Vacant Land.

2.1 Charges for water supply services to Metered Properties

The maximum price that may be levied by the Council for the provision of water supply services to a Metered Residential Property or a Metered Non Residential Property (each connected to the Water Supply System) is the sum of the following:

- (a) subject to clause 4 of this schedule, the water service charge in Table 1, corresponding to the Meter size; and
- (b) the water usage charge in Table 2, per kL of water used.

2.2. Charges for water supply services to Vacant Land

The maximum price that may be levied by the Council for the provision of water supply services to Vacant Land which is not connected to the Water Supply System but is reasonably available for connection to the Water Supply System is the water service charge in Table 3 (subject to clause 4 of this schedule).

3. Levying water supply charges on Multi Premises

3.1 Water supply charges for Multi Premises

- 3.1.1 Clause 3 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are levied on persons who own, control or occupy those Multi Premises.
- 3.1.2 Clause 2.1 of this schedule does not apply to Metered Properties if this clause 3 is capable of applying to those Properties.

¹ Please refer to section 8.3 of the Report entitled 'Gosford City Council Wyong Shire Council Prices for Water Supply, Wastewater and Stormwater Services From 1 July 2006 to 30 June 2009' for further information on the pricing decisions for the Council.

3.2 Strata Title Lot

For a Strata Title Lot within a Strata Title Building where that Strata Title Building:

- (a) is connected to the Water Supply System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council on that Strata Title Lot for the provision of water supply services to that Strata Title Lot is the sum of the following:

- (c) subject to clause 4 of this schedule, the water service charge in Table 1 (with that Strata Title Lot taken to have a Meter size of 20mm); and
- (d) the water usage charge in Table 2, as if the water used by that Strata Title Lot was determined by the following formula:

$$WU = \frac{A}{B} \times C$$

Where:

WU – water used by that Strata Title Lot

A - total quantity of water used by that Strata Title Building

B - total Unit Entitlement of that Strata Title Building

C- Unit Entitlement of that Strata Title Lot.

3.3 Company Title Dwelling

For a Company Title Building:

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council for the provision of water supply services to:

- (c) a Company Title Dwelling within that Company Title Building is (subject to clause 4 of this schedule) the water service charge in Table 1 (with that Company Title Dwelling taken to have a Meter size of 20mm); and
- (d) that Company Title Building is the water usage charge in Table 2, per kL of water used.

3.4 Community Development Lot

For a Community Development Lot within a Community Parcel where that Community Parcel:

- (a) is connected to the Water Supply System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council on that Community Development Lot for the provision of water supply services to that Community Development Lot is the sum of the following:

- (c) the water service charge determined by the following formula:

$$WSC = \frac{A}{B} \times C$$

Where:

WSC – water service charge

A - subject to clause 4 of this schedule, water service charge in Table 1, corresponding to the Meter size;

B - total Unit Entitlement of that Community Parcel;

C - Unit Entitlement of that Community Development Lot;

and

- (d) the water usage charge in Table 2, as if the water used by that Community Development Lot was determined by the following formula:

$$WU = \frac{A}{B} \times C$$

Where:

WU – water used by that Community Development Lot;

A - total quantity of water used by that Community Parcel;

B - total Unit Entitlement of that Community Parcel;

C - Unit Entitlement of that Community Development Lot.

3.5 Retirement Village (which is not on Exempt Land)²

For a Retirement Village:

- (a) which is not on Exempt Land; and
- (b) which is connected to the Water Supply System; and
- (c) which has a Common Water Meter or multiple Common Water Meters,

the maximum price for each Common Water Meter that may be levied by the Council on that Retirement Village for the provision of water supply services to that Retirement Village is the sum of the following:

- (d) subject to clause 4 of this schedule, the water service charge in Table 1, corresponding to the Meter size; and
- (e) the water usage charge in Table 2, per kL of water used.

² If a Retirement Village is on Exempt Land, this clause will not apply to that Retirement Village and Council will not charge that Retirement Village a water service charge or a water usage charge.

3.6 Multi Premises (which is not a Strata Title Building, a Company Title Building, a Community Parcel or a Retirement Village)

For a Multi Premises:

- (a) which is not a Strata Title Building, a Company Title Building, a Community Parcel or a Retirement Village; and
- (b) which is connected to the Water Supply System; and
- (c) which has a Common Water Meter or multiple Common Water Meters,

the maximum price for each Common Water Meter that may be levied by the Council on that Multi Premises for the provision of water supply services to that Multi Premises is the sum of the following:

- (d) subject to clause 4 of this schedule, the water service charge in Table 1, corresponding to the Meter size; and
- (e) the water usage charge in Table 2, per kL of water used.

4 Water Savings Fund

- 4.1 This clause 4 applies if and only if an order is made by the Minister under s34J of the EUA Act requiring the Council to make an annual contribution for a specified financial year to the Water Savings Fund.
- 4.2 The water service charges in Tables 1 and 3 of this Schedule (and only those charges) will be amended by the Council in accordance with clause 4.3 of this schedule for the financial year corresponding to the financial year specified in the order, so as to enable the Council to recover in that financial year (or in a subsequent financial year if clause 4.4 applies), the annual contribution specified in the order for that financial year.
- 4.3 The water service charges set out in Tables 1 and 3 will be increased for a financial year by an adjusted amount calculated as follows:

$$AA = \frac{WSFC}{NP}$$

Where:

AA – adjusted amount

WSFC – amount specified in an order made by the Minister under section 34J of the EUA Act requiring the Council to make a contribution to the Water Savings Fund for the financial year specified in the order

NP – number of Properties connected to the Water Supply System at the date that the calculation is made.

4.4 If an order is made:

- (a) after the Commencement Date, requiring the Council to make a contribution to the Water Savings Fund for the financial year commencing 1 July 2006; or
- (b) before the Commencement Date, but at a time that does not enable the Council to apply clause 4.2 of this schedule on 1 July 2006; or
- (c) at any other time during this determination, requiring the Council to make a contribution to the Water Savings Fund for a financial year but the order is made either after the commencement of that financial year or alternatively before that financial year but at a time that does not enable the Council to apply clause 4.2 for that financial year,

then in any of these cases, the Council may also recover in a subsequent financial year to the year specified in the order (but not before), the amount it would otherwise have been entitled to recover under clause 4.2 for the financial year specified in the order.

- 4.5 In calculating the adjusted amount in clause 4.3 of this schedule, the Council must, if notified in writing by the Tribunal (but not otherwise), submit to the Tribunal (by a time and in a manner specified by the Tribunal), information to enable the Tribunal to verify that the charges the Council proposes to levy in a financial year comply with clause 4 of this schedule.
- 4.6 If the Council is given a notice under clause 4.5 of this schedule, the Council must not levy any charges in a financial year until it receives written notice from the Tribunal that the Tribunal is satisfied that the charges the Council proposes to levy comply with clause 4 of this schedule.

Tables 1, 2 and 3

Table 1 Water service charges for a Metered Residential Property or a Metered Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Water service charge (per year) - Meter size			
20mm	91.54	$91.54 \times (1+\Delta\text{CPI}_1)$	$91.54 \times (1+\Delta\text{CPI}_2)$
25mm	143.03	$143.03 \times (1+\Delta\text{CPI}_1)$	$143.03 \times (1+\Delta\text{CPI}_2)$
40mm	366.16	$366.16 \times (1+\Delta\text{CPI}_1)$	$366.16 \times (1+\Delta\text{CPI}_2)$
50mm	572.13	$572.13 \times (1+\Delta\text{CPI}_1)$	$572.13 \times (1+\Delta\text{CPI}_2)$
80mm	1,464.64	$1,464.64 \times (1+\Delta\text{CPI}_1)$	$1,464.64 \times (1+\Delta\text{CPI}_2)$
100mm	2,288.50	$2,288.50 \times (1+\Delta\text{CPI}_1)$	$2,288.50 \times (1+\Delta\text{CPI}_2)$
150mm	5,149.13	$5,149.13 \times (1+\Delta\text{CPI}_1)$	$5,149.13 \times (1+\Delta\text{CPI}_2)$
200mm	9,154.00	$9,154.00 \times (1+\Delta\text{CPI}_1)$	$9,154.00 \times (1+\Delta\text{CPI}_2)$
For Meter sizes not specified above the following formula applies	$(\text{Meter size})^2 \times 20\text{mm charge}/400$	$(\text{Meter size})^2 \times 20\text{mm charge}/400$	$(\text{Meter size})^2 \times 20\text{mm charge}/400$

Note: The prices in this table do not take into account any contribution by the Council to the Water Savings Fund. If the Council is required to contribute to the Water Savings Fund, the prices in this table will be adjusted according to clause 4 of this schedule

Table 2 Water usage charges for a Metered Residential Property or a Metered Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Water usage charge, per kilolitre of water used	1.12	$1.33 \times (1+\Delta\text{CPI}_1)$	$1.57 \times (1+\Delta\text{CPI}_2)$

Table 3 Water service charge for a Vacant Land

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Water service charge (per year)	91.54	$91.54 \times (1+\Delta\text{CPI}_1)$	$91.54 \times (1+\Delta\text{CPI}_2)$

Note: The prices in this table do not take into account any contribution by the Council to the Water Savings Fund. If the Council is required to contribute to the Water Savings Fund, the prices in this table will be adjusted according to clause 4 of this schedule

Schedule 2

Sewerage Services

1. Application

This Schedule sets the maximum prices that the Council may charge for the Monopoly Services under paragraph (b) of the Order (sewerage services)³.

2. Categories for pricing purposes

Prices for sewerage services have been determined for 4 categories:

- (a) a Residential Property (other than Vacant Land or Exempt Land);
- (b) a Non Residential Property (other than Vacant Land or Exempt Land);
- (c) Vacant Land; and
- (d) Exempt Land.

2.1 Charges for sewerage services to a Residential Property connected to the Sewerage System

The maximum price that may be levied by the Council for sewerage services to a Residential Property (other than Vacant Land or Exempt Land) connected to the Sewerage System is the sewerage service charge in Table 4.

2.2 Charges for sewerage services to a Residential Property not connected to the Sewerage System

The maximum price that may be levied by the Council for sewerage services to a Residential Property (other than Vacant Land or Exempt Land) not connected to the Sewerage System is the effluent and sludge removal charge in Table 5.

2.3 Charges for sewerage services to a Non Residential Property connected to the Sewerage System

The maximum price that may be levied by the Council for sewerage services to a Non Residential Property (other than Vacant Land or Exempt Land) connected to the Sewerage System is the greater of:

- (a) the sewerage service charge in Table 6; and
- (b) the sum of:
 - (i) the sewerage service charge in Table 7, corresponding to the Meter size; and
 - (ii) the sewerage usage charge in Table 8.

³ Please refer to section 8.3 of the Report entitled 'Gosford City Council Wyong Shire Council Prices for Water Supply, Wastewater and Stormwater Services From 1 July 2006 to 30 June 2009' for further information on the pricing decisions for the Council.

2.4 Charges for sewerage services to a Non Residential Property not connected to the Sewerage System

The maximum price that may be levied by Council for sewerage services to a Non Residential Property (other than Vacant Land or Exempt Land) that is not connected to the Sewerage System is the effluent and sludge removal charge in Table 9.

3. Charges for sewerage services to Vacant Land

The maximum price that may be levied by the Council for sewerage services to Vacant Land which is not connected to the Sewerage System but is reasonably available for connection to the Sewerage System is the sewerage service charge in Table 10.

4. Charges for sewerage services to Exempt Land

The maximum price that may be levied by the Council for sewerage services to Exempt Land is the sewerage service charge in Table 11.

5. Levying charges for sewerage services on Multi Premises

5.1 Sewerage service charges for Multi Premises

5.1.1 Clause 5 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are levied on persons who own, control or occupy those Multi Premises.

5.1.2 Clauses 2.1 and 2.3 do not apply to Properties connected to the Sewerage System if this clause 5 is capable of applying to those Properties.

5.2 Strata Title Lot (which is a Residential Property)

For a Strata Title Lot (which is a Residential Property) within a Strata Title Building where that Strata Title Building:

- (a) is connected to the Sewerage System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council on that Strata Title Lot for the provision of sewerage services to that Strata Title Lot is the sewerage service charge in Table 4.

5.3 Strata Title Lot (which is a Non Residential Property)

For a Strata Title Lot (which is a Non Residential Property) within a Strata Title Building where that Strata Title Building:

- (a) is connected to the Sewerage System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council on that Strata Title Lot for the provision of sewerage services to that Strata Title Lot is the greater of:

$$MP = \frac{A}{B} \times C$$

Where:

MP – maximum price;

A - sewerage service charge in Table 6;

B - total Unit Entitlement of that Strata Title Building; and

C - Unit Entitlement of that Strata Title Lot.

and

$$MP = \left(\frac{D + E}{F} \right) \times G$$

Where:

MP – maximum price;

D - sewerage service charge in Table 7, corresponding to the Meter size;

E - sewerage usage charge in Table 8;

F - total Unit Entitlement of that Strata Title Building; and

G - Unit Entitlement of that Strata Title Lot.

5.4 Company Title Dwelling

For a Company Title Dwelling within a Company Title Building where that Company Title Building:

- (a) is connected to the Sewerage System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council on that Company Title Dwelling for the provision of sewerage services to that Company Title Dwelling is the sewerage service charge in Table 4.

5.4 Community Development Lot

For a Community Development Lot within a Community Parcel where that Community Parcel:

- (a) is connected to the Sewerage System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Council on that Community Development Lot for the provision of sewerage services to that Community Development Lot is:

$$MP = \frac{A}{B} \times C$$

Where:

MP - maximum price;

A - non residential sewerage service charge in Table 7, corresponding to the Meter size;

B - total Unit Entitlement of that Community Parcel; and

C - Unit Entitlement of that Community Development Lot.

5.5 Retirement Village (which is not on Exempt Land)⁴

For a Retirement Village:

- (a) which is not on Exempt Land; and
- (b) which is connected to the Sewerage System; and
- (c) which has a Common Water Meter or multiple Common Water Meters,

the maximum price for each Common Water Meter that may be levied by the Council on that Retirement Village for the provision of sewerage services to that Retirement Village is the greater of:

- (d) the sewerage service charge in Table 6; and
- (e) the sum of:
 - (i) the sewerage service charge in Table 7, corresponding to the Meter size; and
 - (ii) the sewerage usage charge in Table 8.

5.6 Multi Premises (which is not a Strata Title Building, a Company Title Building, a Community Parcel or a Retirement Village)

For a Multi Premises:

- (a) which is not a Strata Title Building, a Company Title Building, a Community Parcel or a Retirement Village; and
- (b) which is connected to the Sewerage System; and
- (c) which has a Common Water Meter or multiple Common Water Meters,

the maximum price for each Common Water Meter that may be levied by the Council on that Multi Premises for the provision of sewerage services to that Multi Premises is the greater of:

- (d) the sewerage service charge in Table 6; and
- (e) the sum of:
 - (i) the sewerage service charge in Table 7, corresponding to the Meter size; and
 - (ii) the sewerage usage charge in Table 8.

⁴ If a Retirement Village is on Exempt Land, clause 4 of this schedule (and not this clause) will apply to that Retirement Village.

Tables 4, 5, 6, 7, 8, 9, 10 and 11

Table 4 Sewerage service charge for a Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year)	380.75	$384.46 \times (1+\Delta\text{CPI}_1)$	$388.22 \times (1+\Delta\text{CPI}_2)$

Table 5 Effluent and sludge removal charges for a Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Fortnightly effluent removal and disposal service (per year)	876.70	$885.47 \times (1+\Delta\text{CPI}_1)$	$894.32 \times (1+\Delta\text{CPI}_2)$
Additional requested effluent removal and disposal service (per visit)	33.93	$34.26 \times (1+\Delta\text{CPI}_1)$	$34.61 \times (1+\Delta\text{CPI}_2)$
Sludge removal and disposal services:	245.94	$248.40 \times (1+\Delta\text{CPI}_1)$	$250.89 \times (1+\Delta\text{CPI}_2)$
Septic tanks with a capacity up to 2750 litres (per service)			
Septic tanks exceeding 2750 litres or AWTS with one tank (per service)	319.08	$322.28 \times (1+\Delta\text{CPI}_1)$	$325.50 \times (1+\Delta\text{CPI}_2)$
AWTS with more than one tank (\$ per service)	475.99	$480.75 \times (1+\Delta\text{CPI}_1)$	$485.55 \times (1+\Delta\text{CPI}_2)$
Chemical Closet Fortnightly service (per year)	1,263.57	$1,276.21 \times (1+\Delta\text{CPI}_1)$	$1,288.97 \times (1+\Delta\text{CPI}_2)$
Each requested weekly special service (per year)	24.62	$24.86 \times (1+\Delta\text{CPI}_1)$	$25.11 \times (1+\Delta\text{CPI}_2)$

Table 6 Sewerage service charge for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year)	380.75	$384.46 \times (1+\Delta\text{CPI}_1)$	$388.22 \times (1+\Delta\text{CPI}_2)$

Table 7 Sewerage service charges for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year) - Meter size			
20mm	137.17 x df%	138.51 x (1+ Δ CPI ₁) x df%	139.86 x (1+ Δ CPI ₂) x df%
25mm	214.33 x df%	216.42 x (1+ Δ CPI ₁) x df%	218.53 x (1+ Δ CPI ₂) x df%
40mm	548.68 x df%	554.04 x (1+ Δ CPI ₁) x df%	559.44 x (1+ Δ CPI ₂) x df%
50mm	857.31 x df%	865.69 x (1+ Δ CPI ₁) x df%	874.13 x (1+ Δ CPI ₂) x df%
80mm	2,194.72 x df%	2,216.16 x (1+ Δ CPI ₁) x df%	2,237.76 x (1+ Δ CPI ₂) x df%
100mm	3,429.25 x df%	3,462.75 x (1+ Δ CPI ₁) x df%	3,496.50 x (1+ Δ CPI ₂) x df%
150mm	7,715.81 x df%	7,791.19 x (1+ Δ CPI ₁) x df%	7,867.13 x (1+ Δ CPI ₂) x df%
200mm	13,717.00 x df%	13,851.00 x (1+ Δ CPI ₁) x df%	13,986.00 x (1+ Δ CPI ₂) x df%
For Meter sizes not specified above the following formula applies	$[(\text{Meter size})^2 \times 20\text{mm charge}/400] \times \text{df}\%$	$[(\text{Meter size})^2 \times 20\text{mm charge}/400] \times \text{df}\%$	$[(\text{Meter size})^2 \times 20\text{mm charge}/400] \times \text{df}\%$

Note: A Discharge Factor is applied to the charge based on the volume of water discharged into the Sewerage System.

Table 8 Sewerage usage charge for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$/kL	1 July 2007 to 30 June 2008 \$/kL	1 July 2008 to 30 June 2009 \$/kL
Sewerage usage charge, per kL of water used	0.68 x df%	0.69 x (1+ Δ CPI ₁) x df%	0.70 x (1+ Δ CPI ₂) x df%

Note: A Discharge Factor is applied to the charge based on the volume of water discharged into the Sewerage System.

Table 9 Effluent and sludge removal charges for a Non Residential Property

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Type of service			
Commercial effluent removal and disposal service (\$/ kL)	11.24	11.36 x (1+ Δ CPI ₁)	11.47 x (1+ Δ CPI ₂)
Sludge removal and disposal services: Septic tanks with a capacity up to 2750 litres (\$ per service)	245.94	248.40 x (1+ Δ CPI ₁)	250.89 x (1+ Δ CPI ₂)
Septic tanks exceeding 2750 litres or AWTS with one tank (\$ per service)	319.08	322.28 x (1+ Δ CPI ₁)	325.50 x (1+ Δ CPI ₂)
AWTS with more than one tank (\$ per service)	475.99	480.75 x (1+ Δ CPI ₁)	485.55 x (1+ Δ CPI ₂)
Sludge disposal only (collection organised by customer) (\$/kL)	26.50	26.77 x (1+ Δ CPI ₁)	27.04 x (1+ Δ CPI ₂)
Chemical Closet Fortnightly service (\$ per year)	1,263.57	1,276.21 x (1+ Δ CPI ₁)	1,288.97 x (1+ Δ CPI ₂)
Each requested weekly special service (\$ per service)	24.62	24.86 x (1+ Δ CPI ₁)	25.11 x (1+ Δ CPI ₂)

Table 10 Sewerage service charge for Vacant Land

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Sewerage service charge (per year)	285.56	288.35 x (1+ Δ CPI ₁)	291.17 x (1+ Δ CPI ₂)

Table 11 Sewerage service charge for Exempt Land

Charge	Commencement Date to 30 June 2007 \$	1 July 2007 to 30 June 2008 \$	1 July 2008 to 30 June 2009 \$
Per water closet	53.73	54.27 x (1+ Δ CPI ₁)	54.81 x (1+ Δ CPI ₂)
Per cistern servicing a urinal	19.03	19.22 x (1+ Δ CPI ₁)	19.41 x (1+ Δ CPI ₂)

Schedule 3

Trade waste services

1. Application

This Schedule sets the maximum prices that the Council may charge for the Monopoly Services under paragraph (d) of the Order (Trade Waste Services).

2. Categories for pricing purposes

Prices for trade waste services have been determined for 3 categories:

- (a) Category 1 Trade Waste Discharge;
- (b) Category 2 Trade Waste Discharge; and
- (c) Category 3 Trade Waste Discharge.

2.1 Category 1 Trade Waste Discharge

The maximum price that may be levied by the Council for a Category 1 Trade Waste Discharge is calculated as follows:

$$TW1 = A1 + C1 + T$$

Where:

TW1 - maximum price for Category 1 Trade Waste Discharge
A1 - Category 1 trade waste discharge application fee (if applicable)
C1 - Category 1 annual trade waste fee (\$)
T - Trade waste re-inspection fee (\$) (if applicable),
each as set out in Table 12.

2.2 Category 2 Trade Waste Discharge

The maximum price that may be levied by the Council for a Category 2 Trade Waste Discharge is calculated as follows:

2.2.1 With pre-treatment

$$TW2 = A2 + C2 + T + UFW$$

Where:

TW2 - maximum price for Category 2 Trade Waste Discharge (with pre-treatment)
A2 - Category 2 trade waste discharge application fee (if applicable)
C2 - Category 2 annual trade waste fee (\$)
T - Trade waste re-inspection fee (\$) (if applicable)
UFW - Trade waste usage fee (with pre-treatment) (\$/kL),
each as set out in Table 12.

2.2.2 Without pre-treatment

$$TW2 = A2 + C2 + T + UFO$$

Where:

TW2 - maximum price for Category 2 Trade Waste Discharge (without pre-treatment)

A2 - Category 2 trade waste discharge application fee (if applicable)

C2 - Category 2 annual trade waste fee (\$)

T - Trade waste re-inspection fee (\$) (if applicable)

UFO - Trade waste usage fee (without pre-treatment) (\$/kL),

each as set out in Table 12.

2.3 Category 3 Trade Waste Discharge

The maximum price that may be levied by the Council for a Category 3 Trade Waste Discharge is calculated as follows:

$$TW3 = A3 + C3 + T + EMC$$

Where:

TW3 - maximum price for Category 3 Trade Waste Discharge

A3 - Category 3 trade waste discharge application fee (if applicable)

C3 - Category 3 annual trade waste fee (\$)

T - Trade waste re-inspection fee (\$) (if applicable),

each as set out in Table 12.

EMC - Total excess mass charge (\$/kg) as set out in Table 13.

Tables 12 and 13

Table 12 Trade waste application/ annual licence/ re-inspection fees

Charge	Commencement Date to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Category 1 trade waste discharge application fee (\$ per application)	40.40	$40.40 \times (1+\Delta\text{CPI}_1)$	$40.40 \times (1+\Delta\text{CPI}_2)$
Category 2 trade waste discharge application fee (\$ per application)	51.42	$51.42 \times (1+\Delta\text{CPI}_1)$	$51.42 \times (1+\Delta\text{CPI}_2)$
Category 3 trade waste discharge application fee (\$ per application)	788.42	$788.42 \times (1+\Delta\text{CPI}_1)$	$788.42 \times (1+\Delta\text{CPI}_2)$
Category 1 annual trade waste fee (\$ per year)	70.64	$70.64 \times (1+\Delta\text{CPI}_1)$	$70.64 \times (1+\Delta\text{CPI}_2)$
Category 2 annual trade waste fee (\$ per year)	282.56	$282.56 \times (1+\Delta\text{CPI}_1)$	$282.56 \times (1+\Delta\text{CPI}_2)$
Category 3 annual trade waste fee (\$ per year)	474.64	$474.64 \times (1+\Delta\text{CPI}_1)$	$474.64 \times (1+\Delta\text{CPI}_2)$
Trade waste re-inspection fee (\$ per inspection)	66.23	$66.23 \times (1+\Delta\text{CPI}_1)$	$66.23 \times (1+\Delta\text{CPI}_2)$
Trade waste usage fee (\$/kL)			
With pre-treatment	0.10	$0.20 \times (1+\Delta\text{CPI}_1)$	$0.30 \times (1+\Delta\text{CPI}_2)$
Without pre-treatment	4.05	$8.10 \times (1+\Delta\text{CPI}_1)$	$12.14 \times (1+\Delta\text{CPI}_2)$

Table 13 Excess mass charge

Charge	Commencement Date to 30 June 2007 \$/kg	1 July 2007 to 30 June 2008 \$/kg	1 July 2008 to 30 June 2009 \$/kg
Biochemical Oxygen Demand	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Suspended Solids	0.76	$0.76 \times (1+\Delta\text{CPI}_1)$	$0.76 \times (1+\Delta\text{CPI}_2)$
Total Oil and Grease	1.07	$1.07 \times (1+\Delta\text{CPI}_1)$	$1.07 \times (1+\Delta\text{CPI}_2)$
Ammonia (as Nitrogen)	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Total Kheldhal Nitrogen	0.15	$0.15 \times (1+\Delta\text{CPI}_1)$	$0.15 \times (1+\Delta\text{CPI}_2)$

Charge	Commencement Date to 30 June 2007 \$/kg	1 July 2007 to 30 June 2008 \$/kg	1 July 2008 to 30 June 2009 \$/kg
Total Phosphorus	1.21	$1.21 \times (1+\Delta\text{CPI}_1)$	$1.21 \times (1+\Delta\text{CPI}_2)$
Total Dissolved Solids	0.04	$0.04 \times (1+\Delta\text{CPI}_1)$	$0.04 \times (1+\Delta\text{CPI}_2)$
Aluminium	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Arsenic	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Barium	29.80	$29.80 \times (1+\Delta\text{CPI}_1)$	$29.80 \times (1+\Delta\text{CPI}_2)$
Boron	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Bromine	11.92	$11.92 \times (1+\Delta\text{CPI}_1)$	$11.92 \times (1+\Delta\text{CPI}_2)$
Cadmium	275.95	$275.95 \times (1+\Delta\text{CPI}_1)$	$275.95 \times (1+\Delta\text{CPI}_2)$
Chloride	No charge	No charge	No charge
Chlorinated Hydrocarbons	29.80	$29.80 \times (1+\Delta\text{CPI}_1)$	$29.80 \times (1+\Delta\text{CPI}_2)$
Chlorinated Phenolics	1,192.12	$1,192.12 \times (1+\Delta\text{CPI}_1)$	$1,192.12 \times (1+\Delta\text{CPI}_2)$
Chlorine	1.21	$1.21 \times (1+\Delta\text{CPI}_1)$	$1.21 \times (1+\Delta\text{CPI}_2)$
Chromium	19.87	$19.87 \times (1+\Delta\text{CPI}_1)$	$19.87 \times (1+\Delta\text{CPI}_2)$
Cobalt	12.14	$12.14 \times (1+\Delta\text{CPI}_1)$	$12.14 \times (1+\Delta\text{CPI}_2)$
Copper	12.14	$12.14 \times (1+\Delta\text{CPI}_1)$	$12.14 \times (1+\Delta\text{CPI}_2)$
Cyanide	59.61	$59.61 \times (1+\Delta\text{CPI}_1)$	$59.61 \times (1+\Delta\text{CPI}_2)$
Fluoride	2.98	$2.98 \times (1+\Delta\text{CPI}_1)$	$2.98 \times (1+\Delta\text{CPI}_2)$
Formaldehyde	1.21	$1.21 \times (1+\Delta\text{CPI}_1)$	$1.21 \times (1+\Delta\text{CPI}_2)$
Herbicides/defoliant	596.06	$596.06 \times (1+\Delta\text{CPI}_1)$	$596.06 \times (1+\Delta\text{CPI}_2)$
Iron	1.21	$1.21 \times (1+\Delta\text{CPI}_1)$	$1.21 \times (1+\Delta\text{CPI}_2)$
Lead	29.80	$29.80 \times (1+\Delta\text{CPI}_1)$	$29.80 \times (1+\Delta\text{CPI}_2)$
Lithium	5.96	$5.96 \times (1+\Delta\text{CPI}_1)$	$5.96 \times (1+\Delta\text{CPI}_2)$
Manganese	5.96	$5.96 \times (1+\Delta\text{CPI}_1)$	$5.96 \times (1+\Delta\text{CPI}_2)$
Mercaptans	59.61	$59.61 \times (1+\Delta\text{CPI}_1)$	$59.61 \times (1+\Delta\text{CPI}_2)$
Mercury	1,986.86	$1,986.86 \times (1+\Delta\text{CPI}_1)$	$1,986.86 \times (1+\Delta\text{CPI}_2)$
Methylene Blue Active Substances (MBAS)	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Molybdenum	0.60	$0.60 \times (1+\Delta\text{CPI}_1)$	$0.60 \times (1+\Delta\text{CPI}_2)$
Nickel	19.87	$19.87 \times (1+\Delta\text{CPI}_1)$	$19.87 \times (1+\Delta\text{CPI}_2)$
Organoarsenic compounds	596.06	$596.06 \times (1+\Delta\text{CPI}_1)$	$596.06 \times (1+\Delta\text{CPI}_2)$
Pesticides general (excludes organochlorines and organophosphates)	596.06	$596.06 \times (1+\Delta\text{CPI}_1)$	$596.06 \times (1+\Delta\text{CPI}_2)$
Petroleum Hydrocarbons (non-flammable)	1.99	$1.99 \times (1+\Delta\text{CPI}_1)$	$1.99 \times (1+\Delta\text{CPI}_2)$
Phenolic compounds (non- chlorinated)	5.96	$5.96 \times (1+\Delta\text{CPI}_1)$	$5.96 \times (1+\Delta\text{CPI}_2)$

Charge	Commencement Date to 30 June 2007 \$/kg	1 July 2007 to 30 June 2008 \$/kg	1 July 2008 to 30 June 2009 \$/kg
pH	0.33	$0.33 \times (1+\Delta\text{CPI}_1)$	$0.33 \times (1+\Delta\text{CPI}_2)$
Polynuclear aromatic hydrocarbons (PAH's)	12.14	$12.14 \times (1+\Delta\text{CPI}_1)$	$12.14 \times (1+\Delta\text{CPI}_2)$
Selenium	41.94	$41.94 \times (1+\Delta\text{CPI}_1)$	$41.94 \times (1+\Delta\text{CPI}_2)$
Silver	1.10	$1.10 \times (1+\Delta\text{CPI}_1)$	$1.10 \times (1+\Delta\text{CPI}_2)$
Sulphate (as SO ₄)	0.12	$0.12 \times (1+\Delta\text{CPI}_1)$	$0.12 \times (1+\Delta\text{CPI}_2)$
Sulphide	1.21	$1.21 \times (1+\Delta\text{CPI}_1)$	$1.21 \times (1+\Delta\text{CPI}_2)$
Sulphite	1.32	$1.32 \times (1+\Delta\text{CPI}_1)$	$1.32 \times (1+\Delta\text{CPI}_2)$
Thiosulphate	0.21	$0.21 \times (1+\Delta\text{CPI}_1)$	$0.21 \times (1+\Delta\text{CPI}_2)$
Tin	5.96	$5.96 \times (1+\Delta\text{CPI}_1)$	$5.96 \times (1+\Delta\text{CPI}_2)$
Uranium	5.96	$5.96 \times (1+\Delta\text{CPI}_1)$	$5.96 \times (1+\Delta\text{CPI}_2)$
Zinc	12.14	$12.14 \times (1+\Delta\text{CPI}_1)$	$12.14 \times (1+\Delta\text{CPI}_2)$

Schedule 4

Ancillary and miscellaneous customer services

1. Application

This Schedule sets the maximum prices that the Council may charge for ancillary and miscellaneous customer services for which no alternative supply exists.

2. Ancillary and miscellaneous charges

2.1 The maximum charge that may be levied by the Council for an ancillary and miscellaneous service in column 2 of Table 14 is:

- (a) from the Commencement Date to 30 June 2007 - the corresponding charge in column 3 of Table 14;
- (b) from 1 July 2007 to 30 June 2008 - the corresponding charge in column 3 of Table 14 multiplied by $(1+\Delta\text{CPI}_1)$;
- (c) from 1 July 2008 to 30 June 2009 - the corresponding charge in column 3 of Table 14 multiplied by $(1+\Delta\text{CPI}_2)$.

2.2 A reference in Table 14 to "NA" means that the Council does not provide the relevant service.

Table 14 Charges for ancillary and miscellaneous services

Column 1	Column 2	Column 3
No	Ancillary and miscellaneous services	Charge
1	Conveyancing Certificate <i>Statement of outstanding Charges</i> a) Over the Counter b) Electronic	\$15.38 NA
2	Property Sewerage Diagram-up to and including A4 size- (where available) <i>(Diagram showing the location of the house-service line, building and sewer for a property)</i> a) Certified b) Uncertified i. Over the Counter ii. Electronic	\$15.38 \$15.38 NA
3	Service Location Diagram <i>(Location of sewer and/or Water Mains in relation to a property's boundaries)</i> a) Over the Counter b) Electronic	\$15.38 NA
4	Special Meter Reading Statement	\$47.15
5	Billing Record Search Statement – up to and including 5 years.	\$15.38
6	Building over or Adjacent to Sewer Advice <i>(Statement of Approval Status for existing Building Over or Adjacent to a Sewer)</i>	NA
7	Water Reconnection a) During business hours b) Outside business hours	\$31.78 \$131.20
8	Workshop Test of Water Meter <i>(Removal and full mechanical test of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter. This involves dismantling and inspection of meter components)</i> 20mm 25mm 32mm 40mm 50mm 60mm 80mm 100mm 150mm	\$157.85 \$157.85 \$157.85 \$157.85 \$157.85 \$157.85 \$157.85 NA NA
9	Application for disconnection – all sizes	\$26.65
10	Application for Water Service Connection-(up to and including 25mm)	\$26.65

Column 1	Column 2	Column 3
No	Ancillary and miscellaneous services	Charge
	<i>(This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection)</i>	
11	Application for Water Service Connection-(32-65mm) <i>(This covers administration and system capacity analysis as required. There will be a separate charge payable to the utility if they also perform the physical connection)</i>	\$26.65
12	Application for Water Service Connection-(80mm or greater) <i>(This covers administration and system capacity analysis as required. There will be a separate charge payable to the utility if they also perform the physical connection)</i>	\$26.65
13	Application to assess a Water main Adjustment <i>(Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length)</i> <i>This covers preliminary advice as to the feasibility of the project and will result in either:</i> <i>1. A rejection of the project in which cases the fee covers the associated investigation costs</i> <i>Or</i> <i>2. Conditional approval in which case the fee covers the administrative costs associated with the investigation and record amendment.</i>	NA
14	Standpipe Hire Security Bond (25mm) Security Bond (63mm)	\$324.93 \$625.25
15	Standpipe Hire Annual Fee Quarterly Fee Monthly Fee (or part thereof)	NA NA As per water service charge based on meter size in Table 1 (pro rata on a monthly basis)
16	Standpipe Water Usage Fee	For all usage, as per water usage charge, per kilolitre of water used in Table 2
17	Backflow Prevention Device Application and Registration Fee <i>(This fee is for initial registration of the backflow device)</i>	\$54.33
18	Backflow Prevention Application Device Annual Administration Fee <i>(This fee is for the maintenance of records including logging of inspection reports)</i>	Nil
19	Major Works Inspections Fee. <i>(This fee is for the inspection, for the purposes of approval of water and sewer mains, constructed by others, that are longer than 25 metres and/or greater than 2 metres in depth)</i> Water Mains (\$ per metre) Gravity Sewer Mains (\$ per metre) Rising Sewer Mains (\$ per metre)	\$4.72 \$6.30 \$4.72

Column 1	Column 2	Column 3
No	Ancillary and miscellaneous services	Charge
20	Statement of Available Pressure and Flow (inclusive of GST) <i>(This fee covers all levels whether modelling is required or not)</i>	\$114.80
21	Underground Services Locations Provision of uncertified plan showing location of underground mains: Council assists in on-site physical locations. Customer to provide all equipment required to expose underground services. Council undertakes on-site physical locations. Council to provide all equipment and labour to expose underground services.	NA \$63.04/hr for 1 st hour or part thereof then \$15.38 per 15 mins or part thereof thereafter \$105.06/hr for 1 st hour or part thereof then \$26.14 per 15 mins or part thereof thereafter
22	Plumbing and Drainage Inspection Residential single dwelling, villas & units Alterations, Caravan & Mobile Homes Commercial and industrial Additional Inspections	\$127.10/unit \$64.06/permit \$127.10 + \$36.90/wc \$47.15/inspection
23	Billings Record Search - Further Back than 5 Years	\$15.38/hr for first 15 mins or part thereof then \$10.25 per 15 mins or part thereof thereafter
24	Relocate Existing Stop Valve or Hydrant <i>Price exclusive of plant hire charges, material costs and traffic control where applicable</i>	\$105.06/hr for 1 st hour or part thereof then \$26.14 per 15 mins or part thereof thereafter
25	Provision of Water Services <i>Application for water service connection fee is also applicable.</i> Meter Only (20mm): Short service - 20mm: Long service - 20mm: Short service - 25mm: Long service - 25mm: Short service - 40mm: Long service - 40mm: Short service - 50mm: Long service - 50mm: Larger services – provision of live main connection only. <i>Price exclusive of plant hire charges, material costs and traffic control where applicable</i>	\$90.20 \$547.35 \$547.35 \$664.20 \$664.20 \$1248.45 \$1659.48 \$1781.45 \$2196.58 \$105.06/hr for 1 st hour or part thereof then \$26.14 per 15 mins or part thereof thereafter
26	Water Sample Analysis <i>For testing of standard water quality parameters (Private supplies)</i>	\$64.06

Column 1	Column 2	Column 3
No	Ancillary and miscellaneous services	Charge
27	Raise / Lower / Adjust Existing Service No more than 2 metres from existing location 20mm service only - no materials: (Larger services >20mm – based on quote by Council. That quote excludes GST)	\$105.58
28	Relocate Existing Services Short - 20mm: Long - 20mm: (Larger services >20mm – based on quote by Council. That quote excludes GST)	\$266.50 \$415.13
29	Alteration from Dual Service to Single Service 20mm service only:	\$318.78
30	Sewerage Drainage Arrestor Approval: Annual Inspection:	\$86.10 \$26.14
31	Sewerage Junction Cut-in (150mm) <i>No excavation, no concrete encasement removal, no sideline, junction within property. Excavation provided by customer</i>	\$235.75
32	Sewerage Junction Cut-in (150mm) with sideline less than 3m <i>No excavation, no concrete encasement removal, junction outside property. Excavation provided by customer</i>	\$246.93
33	Sewerage Junction Cut-in (225mm) <i>No excavation, no concrete encasement removal, no sideline, junction within property. Excavation provided by customer</i>	\$551.63
34	Sewerage Junction Cut-in (225mm) with sideline less than 3m <i>No excavation, no concrete encasement removal, junction outside property. Excavation provided by customer</i>	\$582.38
35	Sewerage Junction Cut-in Greater than 225mm or where excavation or removal of concrete encasement required by Council Price exclusive of plant hire charges, material costs and traffic control where applicable.	\$105.06/hr for 1 st hour or part thereof then \$26.14 per 15 mins or part thereof thereafter
36	Sewer Main Encasement with Concrete Encasement inspection fee when construction is not by Council (By quote when construction by Council. That quote excludes GST)	\$79.67
37	Sewer Advance Scheme - Administration Charge	\$208.08
38	Raise & Lower Sewer Manholes Raise or lower manhole greater than 300mm (Price listed is for manhole adjustment inspection fee. Charges for actual	\$87.64

Column 1	Column 2	Column 3
No	Ancillary and miscellaneous services	Charge
	physical adjustment is by quote)/	
39	Disconnection of existing service Price payable when customer requests Council to disconnect existing service	\$104
40	Septic and chemical toilet waste	\$13.25/kL

Schedule 5

Statement of Reasons under section 13A(3) IPART Act

Under s13A of the IPART Act the Tribunal may set maximum prices, determine a methodology for setting maximum prices or both. In this determination, the Tribunal has set maximum prices for each year of the regulatory period, and has included a methodology for fixing the maximum price for water service charges if Council is required by order of the Minister of Water Utilities to make an annual contribution under s34J of the EUA Act to the Water Savings Fund.

The Tribunal is of the opinion that any contribution by the Council to the Water Savings Fund should be incorporated into the water service charges. However, no order has been made at the date of publication of this determination. By setting a methodology, the Tribunal is able to provide for a contribution to the Water Savings Fund to be included in the water service charges, were an order to be made after publication of this determination.

Schedule 6

Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

AWTS means the Aerated Wastewater Treatment System to treat sewage and liquid waste in a septic tank system.

Category 1 Trade Waste Discharge means an activity deemed by Council as requiring nil or minimal pre-treatment equipment and whose effluent is well defined or is a relatively low risk to the Sewerage System and where:

- (a) such activity is being conducted on a Non Residential Property; and
- (b) the trade waste from such activity is being discharged into the Sewerage System.

Category 2 Trade Waste Discharge means an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised and where:

- (a) such activity is being conducted on a Non Residential Property; and
- (b) the trade waste from such activity is being discharged into Sewerage System.

Category 3 Trade Waste Discharge means an activity deemed by Council as an industrial nature and/or which results in large volumes of liquid trade waste and where:

- (a) such activity is being conducted on a Non Residential Property; and
- (b) the trade waste from such activity is being discharged into Sewerage System.

Commencement Date is defined in clause 2 of section 2 (**Application of this determination**) of this determination

Common Water Meter means a Meter which is connected or available for connection to Multi Premises, where the Meter measures the water usage to that Multi Premises but not to each relevant Property located on or within that Multi Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989*.

Community Parcel has the meaning given to that term under the *Community Land Development Act 1989*.

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Council means the Council as defined in clause 2 of section 1 (**Background**) of this determination.

df% or **Discharge Factor** means, in relation to a Property, the percentage of water supplied to that Property which the Council assesses or deems to be discharged into the Sewerage System.

EUA Act means the *Energy and Utilities Administration Act 1987*.

Exempt Land means land described in Schedule 4 of the *Water Management Act 2000*.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act 1999*.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

kL means kilolitre or one thousand litres.

Local Government Act means the *Local Government Act, 1993 (NSW)*.

Meter means an apparatus for the measurement of water.

Metered Non Residential Property means a Non Residential Property that is serviced by a Meter.

Metered Property means a Metered Residential Property or a Metered Non Residential Property.

Metered Residential Property means a Residential Property that is serviced by a Meter.

Monopoly Services means the Monopoly Services as defined in clause 2 of section 1 (**Background**) of this determination.

Multi Premises means land where there are two or more Properties (other than Properties which fall within paragraph (f) of the definition of 'Property') located on it, excluding land where there are hotels, motels, guest houses or backpacker hostels, each as defined in the Local Government Act, located on it.

Non Residential Property means a Property that is not a Residential Property or Vacant Land.

Order means the Order defined in clause 2 of section 1 (**Background**) of this determination and published in the Government Gazette No.18 on 14 February 1997.

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot;

- (d) a Retirement Village Unit;
- (e) a part of a building lawfully occupied or available for occupation (other than a building to which paragraphs (a) to (d) inclusive apply); or
- (f) land.

Rateable Land has the meaning given to that term under the Local Government Act.

Residential Property means a Property where:

- (a) in the case of that Property being Rateable Land, that Property is categorised as:
 - (i) residential under section 516 of the Local Government Act; or
 - (ii) farmland under section 515 of the Local Government Act; or
- (b) in the case of that Property not being Rateable Land, the dominant use of that Property is residential applying the classifications in section 516 of the Local Government Act.

Retirement Village has the meaning given to that term under the *Retirement Villages Act, 1999*.

Retirement Village Unit means a unit located within a Retirement Village.

Sewerage System means the sewerage system owned and operated by the Council.

Strata Title Building means a building that is subject to a strata scheme under the *Strata Schemes (Freehold Development) Act 1973*.

Strata Title Lot means a lot as defined under the *Strata Schemes (Freehold Development) Act 1973*.

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

Unit Entitlement when applied to a Strata Title Lot, has the meaning given to that term under the *Strata Schemes (Freehold Development) Act 1973* and when used in relation to a Community Development Lot, has the meaning derived under the *Community Land Development Act 1989*.

Vacant Land means land with no capital improvements on it.

Water Savings Fund has the meaning given to that term in the EUA Act.

Water Supply System means the water supply system owned and operated by the Council.

1.2 Consumer Price Index

- (a) CPI means the consumer price index All Groups index number for the weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by the Tribunal

$$(b) \quad \Delta CPI_1 = \left(\frac{CPI_{Jun2006} + CPI_{Sep2006} + CPI_{Dec2006} + CPI_{Mar2007}}{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}} \right) - 1$$

$$\Delta CPI_2 = \left(\frac{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}}{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}} \right) - 1$$

each as calculated by the Tribunal and notified in writing by the Tribunal to the Council.

- (c) The subtext (for example _{Jun 2005}) when used in relation to paragraph (b) above means the CPI for the quarter and year indicated (in the example the June quarter for 2005).

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute.

2.2 Explanatory notes and clarification notice

- (a) Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) The Tribunal may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination as if that clarification notice formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST (unless indicated otherwise).

2.4 Billing cycle of Council

For the avoidance of doubt nothing in this determination affects when the Council may issue a bill to a customer for prices or charges under this determination.



PRACTICE NOTE SC Gen 13

Supreme Court – Search Orders (also known as '*Anton Piller* Orders')

Application

This Practice Note applies to the Court of Appeal and to the Common Law and the Equity Divisions of the Supreme Court.

Commencement

This Practice Note commences 14 June 2006.

Search Orders.

1. This Practice Note supplements Division 3 of Part 25 of the Uniform Civil Procedure Rules 2005 (UCPR) relating to search orders (also known as *Anton Piller* orders, after *Anton Piller KG v Manufacturing Processes Ltd* [1976] Ch 55).
2. This Practice Note addresses (among other things) the Court's usual practice relating to the making of a search order and the usual terms of such an order. While a standard practice has benefits, this Practice Note and the example form of order annexed to it do not,

and cannot, limit the judicial discretion to make such order as is appropriate in the circumstances of the particular case.

3. Words and expressions in this Practice Note that are defined in UCPR rule 25.18 have the meanings given to them in that rule.
4. Ordinarily, a search order is made *ex parte* and compels the respondent to permit persons specified in the order ('search party') to enter premises and to search for, inspect, copy and remove the things described in the order. The order is designed to preserve important evidence pending the hearing and determination of the applicant's claim in a proceeding brought or to be brought by the applicant against the respondent or against another person. The order is an extraordinary remedy in that it is intrusive, potentially disruptive, and made *ex parte* and prior to judgment.
5. An example form of *ex parte* search order is annexed to this Practice Note (the footnotes and references to footnotes in the example form should not form part of the order as made). The example form may be adapted to meet the circumstances of the particular case. It contains provisions which are aimed at achieving the permissible objectives of a search order, while minimising the potential for disruption or damage to the respondent and for abuse of the Court's process.
6. The search party must include an independent solicitor who will supervise the search and a solicitor or solicitors representing the applicant. It may be necessary that it include other persons, such as an independent computer expert, and a person able to identify things being searched for if difficulties of identification may arise. Ordinarily, the search party should not include the applicant or the applicant's directors, officers, employees or partners or any other

person associated with the applicant (other than the applicant's solicitor).

7. The order should be clear about the maximum number of persons permitted to be in the search party. The number of people in the search party should be as small as is reasonably practicable. The example form contemplates that they will be named in the order. This is desirable but if it is not possible the order should at least give a description of the class of person who will be there (e.g. 'one solicitor employed by A, B and Co').
8. The affidavits in support of an application for a search order should include the following information:
 - (a) a description of the things or the categories of things, in relation to which the order is sought;
 - (b) the address or location of any premises in relation to which the order is sought and whether they are private or business premises;
 - (c) why the order is sought, including why there is a real possibility that the things to be searched for will be destroyed or otherwise made unavailable for use in evidence before the Court unless the order is made;
 - (d) the prejudice, loss or damage likely to be suffered by the applicant if the order is not made;
 - (e) the name, address, firm, and commercial litigation experience of an independent solicitor, who consents to being appointed to serve the order, supervise its execution, and do such other things as the Court considers appropriate; and
 - (f) if the premises to be searched are or include residential premises, whether or not the applicant believes that the only occupant of the premises is likely to be:

- (i) a female; or
 - (ii) a child under the age of 18; or
 - (iii) any other person (*'vulnerable person'*) that a reasonable person would consider to be in a position of vulnerability because of that person's age, mental capacity, infirmity or English language ability; or
 - (iv) any combination of (i), (ii) and (iii), and any one or more of such persons.
9. If it is envisaged that specialised computer expertise may be required to search the respondent's computers for documents, or if the respondent's computers are to be imaged (i.e. hard drives are to be copied wholesale, thereby reproducing documents referred to in the order and other documents indiscriminately), special provision will need to be made, and an independent computer specialist will need to be appointed who should be required to give undertakings to the Court.
10. The applicant's solicitor must undertake to the Court to pay the reasonable costs and disbursements of the independent solicitor and of any independent computer expert.
11. The independent solicitor is an important safeguard against abuse of the order. The independent solicitor must not be a member or employee of the applicant's firm of solicitors. The independent solicitor should be a solicitor experienced in commercial litigation, preferably in the execution of search orders. The NSW Law Society has been requested to maintain a list of solicitors who have indicated willingness to be appointed as an independent solicitor for the purpose of executing search orders, but it is not only persons on such a list who may be appointed. The responsibilities of the

independent solicitor are important and ordinarily include the following:

- (a) serve the order, the notice of motion applying for the order (if applicable), the affidavits relied on in support of the application, and the originating process;
- (b) offer to explain, and, if the offer is accepted, explain the terms of the search order to the respondent;
- (c) explain to the respondent that he or she has the right to obtain legal advice;
- (d) supervise the carrying out of the order;
- (e) before removing things from the premises, make a list of them, allow the respondent a reasonable opportunity to check the correctness of the list, sign the list, and provide the parties with a copy of the list;
- (f) take custody of all things removed from the premises until further order of the Court;
- (g) if the independent solicitor considers it necessary to remove a computer from the premises for safekeeping or for the purpose of copying its contents electronically or printing out information in documentary form, remove the computer from the premises for that purpose, and return the computer to the premises within any time prescribed by the order together with a list of any documents that have been copied or printed out;
- (h) submit a written report to the Court within the time prescribed by the order as to the execution of the order; and
- (i) attend the hearing on the return day of the application, and have available to be brought to the Court all things that were removed from the premises. On the return day the independent solicitor may be required to release material in his or her custody which has been removed from the

respondent's premises or to provide information to the Court, and may raise any issue before the Court as to execution of the order.

12. Ordinarily, the applicant is not permitted, without the leave of the Court, to inspect things removed from the premises or copies of them, or to be given any information about them by members of the search party.
13. Ordinarily, a search order should be served between 9:00am and 2:00pm on a business day in order to permit the respondent more readily to obtain legal advice. However, there may be circumstances in which such a restriction is not appropriate.
14. A search order must not be executed at the same time as the execution of a search warrant by the police or by a regulatory authority.
15. If the premises are or include residential premises and the applicant is aware that when service of the order is effected the only occupant of the residential premises is likely to be any one or more of a female, a child under the age of 18, or a vulnerable person, the Court will give consideration to whether:
 - (a) if the occupants are likely to include a female or child, the independent solicitor should be a woman or the search party should otherwise include a woman; and
 - (b) if the occupants are likely to include a vulnerable person, the search party should include a person capable of addressing the relevant vulnerability.

16. Any period during which the respondent is to be restrained from informing any other person (other than for the purposes of obtaining legal advice) of the existence of the search order should be as short as possible and not extend beyond 4:30pm on the return day.
17. At the *inter partes* hearing of the application on the return day, the Court will consider the following issues:-
- (a) what is to happen to any things removed from the premises or to any copies which have been made;
 - (b) how any commercial confidentiality of the respondent is to be maintained;
 - (c) any claim of privilege by the respondent;
 - (d) any application by a party; and
 - (e) any issue raised by the independent solicitor.
18. Appropriate undertakings to the Court will be required of the applicant, the applicant's solicitor and the independent solicitor, as conditions of the making of the search order. The undertakings required of the applicant will normally include the Court's usual undertaking as to damages. The applicant's solicitor's undertaking includes an undertaking not to disclose to the applicant any information that the solicitor has acquired during or as a result of execution of the search order, without the leave of the Court. Release from this undertaking in whole or in part may be sought on the return day.
19. If it is demonstrated that the applicant has or may have insufficient assets within the jurisdiction of the Court to provide substance for the usual undertaking as to damages, the applicant may be required to provide security for the due performance of that undertaking. The security may, for example, take the form of a

bank's irrevocable undertaking to pay or a payment into Court. The example form of search order contains provision for an irrevocable undertaking.

20. An applicant *ex parte* for a search order is under a duty to the Court to make full and frank disclosure of all material facts to the Court. This includes disclosure of possible defences known to the applicant and of any financial information which may cast doubt on the applicant's ability to meet the usual undertaking as to damages from assets within Australia.

21. The order to be served should be endorsed with a notice which meets the requirements of UCPR rule 40.7.

22. Section 87 of the *Civil Procedure Act 2005* may apply where an individual claims privilege against self-incrimination in relation to a search order.

J J Spigelman AC
Chief Justice of New South Wales
14 June 2006

Related Information

Practice Note SC Gen 13 was issued and commenced on 14 June 2005.

Example Form of Search Order

[Title of Proceeding]

PENAL NOTICE

TO: *[name of person against whom the order is made]*

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT;
OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU TO ABSTAIN FROM DOING,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: *[name of person against whom the order is made]*

This is a 'search order' made against you on *[insert date]* by Justice *[insert name of Judge]* at a hearing without notice to you after the Court was given the undertakings set out in Schedule B to this order and after the Court read the affidavits listed in Schedule C to this order.

THE COURT ORDERS:

INTRODUCTION

1.
 - (a) the application for this order is made returnable immediately.
 - (b) the time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by [*insert time and date*].
2. Subject to the next paragraph, this order has effect up to and including [*insert date*] (**the return day**). On the return day at [*insert time*] am/pm there will be a further hearing in respect of this order before the Court.
3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to the Duty Judge (phone No. 9230 8025).
4. This order may be served only between [*insert time*] am/pm and [*insert time*] am/pm [on a business day]¹.
5. In this order:
 - (a) 'applicant' means the person who applied for this order, and if there is more than one applicant, includes all the applicants.
 - (b) 'independent computer expert' means the person (if any) identified as the independent computer expert in the search party referred to in Schedule A to this order.
 - (c) 'independent solicitor' means the person identified as the independent solicitor in the search party referred to in Schedule A to this order.
 - (d) 'listed thing' means any thing referred to in Schedule A to this order.
 - (e) 'premises' means the premises and any of the premises identified in Schedule A to this order, including any vehicles

¹ Normally the order should be served between 9:00am and 2:00pm on a business day to enable the respondent more readily to obtain legal advice.

and vessels that are under the respondent's control on or about the premises or that are otherwise identified in Schedule A.

- (f) 'search party' means the persons identified or described as constituting the search party in Schedule A to this order.
 - (g) 'thing' includes a document.
 - (h) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation.
 - (i) any requirement that something be done in your presence means:
 - (A) in the presence of you or of one of the persons described in (6) below; or
 - (B) if there is more than one of you, in the presence of each of you, or, in relation to each of you, in the presence of one of the persons described in (6) below.
6. This order must be complied with by you by:
- (a) yourself; or
 - (b) any director, officer, partner, employee or agent of yourself; or
 - (c) any other person having responsible control of the premises.
7. This order must be served by, and be executed under the supervision of, the independent solicitor.

ENTRY, SEARCH AND REMOVAL

8. Subject to paragraphs 10 to 20 below, upon service of this order you must permit members of the search party to enter the premises so that they can carry out the search and other activities referred to in this order.
9. Having permitted members of the search party to enter the premises, you must:-
- (a) permit them to leave and re-enter the premises on the same and the following day until the search and other activities referred to in this order are complete;
 - (b) permit them to search for and inspect the listed things and to make or obtain a copy, photograph, film, sample, test or other record of the listed things;

- (c) disclose to them the whereabouts of all the listed things in the respondent's possession, custody or power, whether at the premises or otherwise;
- (d) disclose to them the whereabouts of all computers, computer disks and electronic information storage devices or systems at the premises in which any documents among the listed things are or may be stored, located or recorded and cause and permit those documents to be printed out;
- (e) do all things necessary to enable them to access the listed things, including opening or providing keys to locks and enabling them to access and operate computers and providing them with all necessary passwords;
- (f) permit the independent solicitor to remove from the premises into the independent solicitor's custody:
 - (i) the listed things or things which reasonably appear to the independent solicitor to be the listed things and any things the subject of dispute as to whether they are listed things; and
 - (ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to above; and
- (g) permit the independent computer expert (if there is one) to search any computer and make a copy or digital copy of any computer hard drive and permit the independent computer expert (if any) or the independent solicitor to remove any computer hard drive and computer from the premises as set out in paragraphs 20 and 21 below.

RESTRICTIONS ON ENTRY, SEARCH AND REMOVAL

10. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.
11. You are not required to permit anyone to enter the premises until:

- (a) the independent solicitor serves you with copies of this order and any affidavits referred to in Schedule C (confidential exhibits, if any, need not be served until further order of the Court); and
 - (b) you are given an opportunity to read this order and, if you so request, the independent solicitor explains the terms of this order to you.
12. Before permitting entry to the premises by anyone other than the independent solicitor, you, for a time (not exceeding two hours from the time of service or such longer period as the independent solicitor may permit):-
- (a) may seek legal advice;
 - (b) may ask the Court to vary or discharge this order;
 - (c) (provided you are not a corporation) may gather together any things which you believe may tend to incriminate you or make you liable to a civil penalty and hand them to the independent solicitor in (if you wish) a sealed envelope or container; and
 - (d) may gather together any documents that passed between you and your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the independent solicitor in (if you wish) a sealed envelope or container.
13. Subject to paragraph 22 below, the independent solicitor must not inspect or permit to be inspected by anyone, including the applicant and the applicant's solicitors, any thing handed to the independent solicitor in accordance with subparagraphs 12(c) and (d) above and the independent solicitor must deliver it to the Court at or prior to the hearing on the return day.
14. During any period referred to in para 12 above, you must:
- (a) inform and keep the independent solicitor informed of the steps being taken;
 - (b) permit the independent solicitor to enter the premises but not to start the search;
 - (c) not disturb or remove any listed things; and

- (d) comply with the terms of paragraphs 25 and 26 below.
15. Any thing the subject of a dispute as to whether it is a listed thing must promptly be handed by you to the independent solicitor for safekeeping pending resolution of the dispute or further order of the Court.
 16. Before removing any listed things from the premises (other than things referred to in the immediately preceding paragraph), the independent solicitor must supply a list of them to you, give you a reasonable time to check the correctness of the list, and give you and the applicant's solicitors a copy of the list signed by the independent solicitor.
 17. The premises must not be searched, and things must not be removed from the premises, except in the presence of you or of a person who appears to the independent solicitor to be your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.
 18. If the independent solicitor is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the independent solicitor may permit the search to proceed and the listed things to be removed without full compliance.
 19. The applicant's solicitors and the independent solicitor must not allow the applicant in person to inspect or have copies of any thing removed from the premises nor communicate to the applicant information about its contents or about anything observed at the premises until 4:30pm on the return day or other time fixed by further order of the Court.

COMPUTERS

20. (a) If it is expected that a computer will be searched, the search party must include a computer expert who is independent of the applicant and of the applicant's solicitors ('the independent computer expert').

- (b) Any search of a computer must be carried out only by the independent computer expert.
 - (c) The independent computer expert may make a copy or digital copy of the computer hard drive and remove that copy or digital copy from the premises.
 - (d) The independent computer expert may search the computer or the copy or digital copy of the computer hard drive at the premises and/or away from the premises for listed things and may copy the listed things electronically or in hard copy or both.
 - (e) The independent computer expert must as soon as practicable and, in any event, prior to the hearing on the return day, deliver the copy or digital copy of the computer hard drive and all electronic and hard copies of listed things to the independent solicitor, together with a report of what the independent computer expert has done including a list of such electronic and hard copies.
 - (f) The independent solicitor must, at or prior to the hearing on the return day, deliver to the Court all things received from the independent computer expert and serve a copy of the latter's report on the parties.
 - (g) If no independent computer expert has been appointed, but the independent solicitor considers it necessary to remove a computer from the premises for safekeeping or for the purpose of copying its contents electronically and printing out information in documentary form, the independent solicitor may remove the computer from the premises for that purpose and cause that purpose to be achieved.
21. (a) Unless you are a corporation, you are entitled to object to paragraphs 20(b) to (f) on the ground that they might tend to incriminate you or make you liable to a civil penalty;

- (b) You are also entitled to object to paragraphs 20(b) to (f) on the ground that the computer contains material that is otherwise privileged;
- (c) Upon communicating any objection under paragraphs (a) or (b) to the independent solicitor, paragraphs 20(b) to (f) become inoperative to the extent that you have objected to them. In that event, if the applicant's solicitor communicates to the independent solicitor that the applicant proposes to contest the objection:
 - (i) the independent computer expert shall remove the computer hard drive (or, if that is not practicable, the computer) from the premises and deliver it into the custody of the independent solicitor who shall deliver it to the Court at or prior to the return day;
 - (ii) on the return day or on another day, the applicant may apply to the Court for orders to similar effect as paragraphs 20(b) to (f) and you may be able to object to the making of the order under section 87 of the Civil Procedure Act 2005 on the ground that the evidence required by the order may tend to prove that you have engaged in culpable conduct.

INSPECTION

22. Prior to the return day, you or your solicitor or representative shall be entitled, in the presence of the independent solicitor, to inspect any thing removed from the premises and to:
- (a) make copies of the same; and
 - (b) provide the independent solicitor with a signed list of things which are claimed to be privileged or confidential and which you claim ought not to be inspected by the applicant.

PROVISION OF INFORMATION

23. Subject to paragraph 24 below, you must:

- (a) at or before the further hearing on the return day (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing as to:
 - (i) the location of the listed things;
 - (ii) the name and address of everyone who has supplied you, or offered to supply you, with any listed thing;
 - (iii) the name and address of every person to whom you have supplied, or offered to supply, any listed thing; and
 - (iv) details of the dates and quantities of every such supply and offer.
 - (b) within [] working days after being served with this order, make and serve on the applicant an affidavit setting out the above information.
- 24.1
- (a) This paragraph applies if you are a not a corporation and you wish to object that compliance with paragraph 23 may tend to incriminate you or make you liable to a civil penalty;
 - (b) You must, at or before the further hearing on the return day (or within such further time as the Court may allow), file a notice of motion applying to revoke the order made under paragraph 23 pursuant to section 87 of the Civil Procedure Act 2005. The notice of motion must be supported by an affidavit which identifies the grounds for making the application;
 - (c) If you file a notice of motion, you need comply with paragraph 23 only to the extent, if any, that it is possible to do so without disclosure of the material which may tend to prove that you have engaged in culpable conduct; and
 - (d) If you file a notice of motion, the Court may give directions as to the filing and service of affidavits setting out such matters as you wish to place before the Court in support of your application.
- 24.2
- (a) This paragraph applies if you are a corporation and all of the persons who are able to comply with paragraph 23 on your behalf and with whom you have been able to communicate, wish to object that compliance may tend to incriminate them respectively or make them respectively liable to a civil penalty;

- (b) You must, at or before the further hearing on the return day (or within such further time as the Court may allow), notify the applicant in writing that all of the persons referred to in (a) wish to take such objection and identify the extent of the objection;
- (c) If you give such notice, you need comply with paragraph 23 only to the extent, if any, that it is possible to do so without disclosure of the material in respect of which the objection is taken; and
- (d) If you give such notice, the Court may give directions as to the filing and service of affidavits setting out such matters as you wish to place before the Court in support of your application.

PROHIBITED ACTS

- 25. Except for the sole purpose of obtaining legal advice, you must not, until 4:30pm on the return day, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against you by the applicant.
- 26. Until 4:30pm on the return day you must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed things otherwise than in accordance with the terms of this order or further order of the Court.

COSTS

- 27. The costs of this application are reserved to the Judge hearing the application on the return day.

SCHEDULE A

Premises

The premises located at [*insert address or addresses*] including any vehicle or vehicles under the respondent's control on or about those premises.

Listed Things

- 1.
- 2.
- 3.

Search Party

1. The independent solicitor: [*insert name and address*]
2. The applicant's solicitor or solicitors:
 - (a) [*insert name and address*] [or description e.g. a partner or employed solicitor of A, B and Co].
 - (b) [*insert name and address*] [or description e.g. a partner or employed solicitor of A, B and Co].
 - (c) [*insert name and address*] [or description e.g. a partner or employed solicitor of A, B and Co].
3. Other members of the search party:-
 - (a) [*insert name and address*] in the capacity of [*e.g. an independent computer expert*]
 - (b) [*insert name and address*] in the capacity of [*insert capacity*]

SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT

Undertakings given to the Court by the applicant:-

- (1) The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be

assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.

- (2) The applicant will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- (3) The applicant will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the return day.
- (4) If the applicant has not already done so, as soon as practicable the applicant will file a notice of motion for hearing on the return day and an originating process [in the form of the draft produced to the Court].
- [(5) The applicant will insure the things removed from the premises against loss or damage for an amount that reasonably appears to the applicant to be their full value.²]
- [(6) The applicant will³:
 - (a) on or before [*insert date*] cause a written irrevocable undertaking to pay in the sum of \$[*insert amount*] to be issued from a bank with a place of business within Australia, in respect of any order the Court may make referred to in the undertaking as to damages contained in paragraph (1) above; and
 - (b) immediately upon issue of the irrevocable undertaking to pay, cause a copy of it to be served on the respondent.]

Undertakings given to the Court by the applicant's solicitor

- (1) The applicant's solicitor will pay the reasonable costs and disbursements of the independent solicitor and of any independent computer expert.

² Depending on the nature of the things likely to be removed and their likely value, and the likely particular risks of their being lost or damaged, this undertaking or a more elaborate one may be required.

³ See Practice Note paragraph 19.

- (2) The applicant's solicitor will provide to the independent solicitor for service on the respondent copies of the following documents:
 - (a) this order;
 - (b) the application for this order for hearing on the return day;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits)
 - (ii) exhibits capable of being copied (other than confidential exhibits);
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court; and
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) The applicant's solicitor will answer to the best of his or her ability any question as to whether a particular thing is a listed thing.
- (4) The applicant's solicitor will use his or her best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
- (5) The applicant's solicitor will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- (6) The applicant's solicitor will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the return day.

- (7) The applicant's solicitor will not disclose to the applicant any information that the solicitor acquires during or as a result of execution of the search order, without the leave of the Court.
- (8) The applicant's solicitor will use best endeavours to follow all directions of the independent solicitor.

Undertakings given to the Court by the independent solicitor

- (1) The independent solicitor will use his or her best endeavours to serve the respondent with this order and the other documents referred to in undertaking (2) of the above undertakings by the applicant's solicitor or solicitors.
- (2) Before entering the premises, the independent solicitor will:-
 - (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
 - (b) inform the respondent of his or her right to take legal advice.
- (3) Subject to undertaking (4) below, the independent solicitor will retain custody of all things removed from the premises by the independent solicitor pursuant to this order until delivery to the Court or further order of the Court.
- (4) At or before the hearing on the return day, the independent solicitor will provide a written report on the carrying out of the order to the Court and provide a copy to the applicant's solicitors and to the respondent or the respondent's solicitors. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an independent computer expert.
- (5) The independent solicitor will use best endeavours to ensure that members of the search party act in conformity with the order and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.

- (6) The independent solicitor will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- (7) The independent solicitor will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the return day.

Undertakings given to the Court by the independent computer expert

- (1) The independent computer expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the independent computer expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
- (2) The independent computer expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- (3) The independent computer expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the return day.
- (4) The independent computer expert will use best endeavours to follow all directions of the independent solicitor.

SCHEDULE C

AFFIDAVITS RELIED ON

Name of Deponent

Date affidavit made

(1)

(2)

(3)

NAME AND ADDRESS OF APPLICANT'S SOLICITORS

The Applicant's solicitors are: *[Insert name, address, reference, fax and telephone numbers both in and out office hours].*



PRACTICE NOTE SC Gen 14

Supreme Court – Freezing Orders (also known as ‘also known as ‘*Mareva* orders’ or ‘asset preservation orders’)

Application

This Practice Note applies to the Court of Appeal and to the Common Law and the Equity Divisions of the Supreme Court.

Commencement

This Practice Note commences 14 June 2006

Freezing Orders.

1. This Practice Note supplements Division 2 of Part 25 of the Uniform Civil Procedure Rules 2005 (UCPR) relating to freezing orders (also known as ‘*Mareva* orders’ after *Mareva Compania Naviera SA v International Bulkcarriers SA (The Mareva)* [1975] 2 Lloyd’s Rep 509, or ‘asset preservation orders’).

2. This Practice Note addresses (among other things) the Court's usual practice relating to the making of a freezing order and the usual terms of such an order. While a standard practice has benefits, this Practice Note and the example form of order annexed to it do not, and cannot, limit the judicial discretion to make such order as is appropriate in the circumstances of the particular case.
3. Words and expressions in this Practice Note that are defined in UCPR rule 25.10 have the meanings given to them in that rule.
4. An example form of ex parte freezing order is annexed to this Practice Note. The example form may be adapted to meet the circumstances of the particular case. It may be adapted for an inter partes freezing order as indicated in the footnotes to the example form (the footnotes and references to footnotes should not form part of the order as made). The example form contains provisions aimed at achieving the permissible objectives of the order consistently with the proper protection of the respondent and third parties.
5. The purpose of a freezing order is to prevent frustration or abuse of the process of the Court, not to provide security in respect of a judgment or order.
6. A freezing order should be viewed as an extraordinary interim remedy because it can restrict the right to deal with assets even before judgment, and is commonly granted ex parte.
7. The respondent is often the person said to be liable on a substantive cause of action of the applicant. However, the respondent may also be a third party, in the sense of a person who has possession, custody or control, or even ownership, of assets which he or she may be obliged ultimately to disgorge to help satisfy a judgment against

another person. Subrule 5(5) addresses the minimum requirements that must ordinarily be satisfied on an application for a freezing order against such a third party before the discretion is enlivened. The third party will not necessarily be a party to the substantive proceeding, (see *Cardile v LED Builders Pty Ltd* (1999) 198 CLR 380) but will be a respondent to the application for the freezing or ancillary order. Where a freezing order against a third party seeks only to freeze the assets of another person in the third party's possession, custody or control (but not ownership), the example form will require adaptation. In particular, the references to '*your assets*' and '*in your name*' should be changed to refer to the other person's assets or name (e.g. '*John Smith's assets*', '*in John Smith's name*').

8. A freezing or ancillary order may be limited to assets in Australia or in a defined part of Australia, or may extend to assets anywhere in the world, and may cover all assets without limitation, assets of a particular class, or specific assets (such as the amounts standing to the credit of identified bank accounts).
9. The duration of an ex parte freezing order should be limited to a period terminating on the return day of the motion, which should be as early as practicable (usually not more than a day or two) after the order is made, when the respondent will have the opportunity to be heard. The applicant will then bear the onus of satisfying the Court that the order should be continued or renewed.
10. A freezing order should reserve liberty for the respondent to apply on short notice. An application by the respondent to discharge or vary a freezing order will normally be treated by the Court as urgent.
11. The value of the assets covered by a freezing order should not exceed the likely maximum amount of the applicant's claim, including interest and costs. Sometimes it may not be possible to satisfy this principle (for example, an employer may discover that

an employee has been making fraudulent misappropriations, but does not know how much has been misappropriated at the time of the discovery and at the time of the approach to the Court).

12. The order should, where appropriate, exclude dealings by the respondent with its assets for legitimate purposes, in particular:

- (a) payment of ordinary living expenses;
- (b) payment of reasonable legal expenses;
- (c) dealings and dispositions in the ordinary and proper course of the respondent's business, including paying business expenses bona fide and properly incurred; and
- (d) dealings and dispositions in the discharge of obligations bona fide and properly incurred under a contract entered into before the order was made.

13. Where a freezing order extends to assets outside Australia, the order should provide for the protection of persons outside Australia and third parties. Such provisions are included in the example form of freezing order.

14. The Court may make ancillary orders. The most common example of an ancillary order is an order for disclosure of assets. The annexed example form provides for such an order and for the privilege against self-incrimination.

15. The rules of court confirm that certain restrictions expressed in *The Siskina* [1979] AC 210 do not apply in this jurisdiction. First, the Court may make a freezing order before a cause of action has accrued (a '*prospective*' cause of action). Secondly, the Court may make a free-standing freezing order in aid of foreign proceedings in prescribed circumstances. Thirdly, where there are assets in Australia, service out of Australia is permitted under a new 'long arm' service rule.

16. As a condition of the making of a freezing order, the Court will normally require appropriate undertakings by the applicant to the Court, including the usual undertaking as to damages.
17. If it is demonstrated that the applicant has or may have insufficient assets within the jurisdiction of the Court to provide substance for the usual undertaking as to damages, the applicant may be required to support the undertaking by providing security. There is provision for such security in the example form of freezing order.
18. The order to be served should be endorsed with a notice which meets the requirements of UCPR rule 40.7.
19. An applicant for an ex parte freezing order is under a duty to make full and frank disclosure of all material facts to the Court. This includes disclosure of possible defences known to the applicant and of any information which may cast doubt on the applicant's ability to meet the usual undertaking as to damages from assets within Australia.
20. The affidavits relied on in support of an application for a freezing or ancillary order should, if possible, address the following:
 - (a) information about the judgment that has been obtained, or, if no judgment has been obtained, the following information about the cause of action:
 - (i) the basis of the claim for substantive relief;
 - (ii) the amount of the claim; and
 - (iii) if the application is made without notice to the respondent, the applicant's knowledge of any possible defence;
 - (b) the nature and value of the respondent's assets, so far as they are known to the applicant, within and outside Australia;
 - (c) the matters referred to in UCPR rule 25.14; and

(d) the identity of any person, other than the respondent, who, the applicant believes, may be affected by the order, and how that person may be affected by it.

J J Spigelman AC
Chief Justice of New South Wales
14 June 2006

Related Information

Practice Note SC Gen 14 was issued and commenced on 14 June 2006.

Example form of ex parte Freezing Order

[Title of Proceeding]

PENAL NOTICE

TO: *[name of person against whom the order is made]*

IF YOU:

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU TO ABSTAIN FROM DOING,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: [name of person against whom the order is made]

This is a '*freezing order*' made against you on [*insert date*] by Justice [*insert name of Judge*] at a hearing without notice to you after the Court was given the undertakings set out in Schedule A to this order and after the Court read the affidavits listed in Schedule B to this order¹.

THE COURT ORDERS:

INTRODUCTION

- (a) The application for this order is made returnable immediately.
- (b) The time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by [*insert time and date*]².

Subject to the next paragraph, this order has effect up to and including [*insert date*] (**the return day**). On the return day at [*insert time*] am/pm there will be a further hearing in respect of this order before the Court³.

Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.

In this order:

'applicant', if there is more than one applicant, includes all the applicants;

'you', where there is more than one of you, includes all of you and

¹ The words '*without notice to you*' and '*and after the Court has read the affidavits listed in Schedule B to this order*' are appropriate only in the case of an ex parte order.

² Paragraph 1 is appropriate only in the case of an ex parte order.

³ Paragraph 2 is appropriate only in the case of an ex parte order.

includes you if you are a corporation;

'third party' means a person other than you and the applicant;

'unencumbered value' means value free of mortgages, charges, liens or other encumbrances; and

if you are ordered to do or not to do something you must do it or not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

5. (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.

(b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

[For order limited to assets in Australia]

6. (a) You must not remove from Australia or in any way dispose of, deal with or diminish the value of any of your assets in Australia ('Australian assets') up to the unencumbered value of AUD\$ (**the Relevant Amount**).

(b) If the unencumbered value of your Australian assets exceeds the Relevant Amount, you may remove any of those assets from Australia or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.

[If the Court makes a worldwide order, the following additional

paragraph (c) also applies.]

(c) If the unencumbered value of your Australian assets is less than the Relevant Amount, and you have assets outside Australia ('ex-Australian assets'):

(i) You must not dispose of, deal with or diminish the value of any of your Australian assets and ex-Australian assets up to the unencumbered value of your Australian and ex-Australian assets of the Relevant Amount; and

(ii) You may dispose of, deal with or diminish the value of any of your ex-Australian assets, so long as the unencumbered value of your Australian assets and ex-Australian assets still exceeds the Relevant Amount.

[For either form of order]

7. For the purposes of this order,

(1) your assets include:

(a) all your assets, whether or not they are in your name and whether they are solely or co-owned;

(b) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and

(c) the following assets in particular:

the property known as [*title/address*] or, if it has been sold, the net proceeds of the sale;

the assets of your business [known as [*name*]] [carried on at [*address*]] or, if any or all of the assets have been sold, the net proceeds of the sale ; and any money in account [*numbered account number*] [*in the name of*] at [*name of bank and name and address of branch*].

(2) the value of your assets is the value of the interest you have individually in your assets.

PROVISION OF INFORMATION⁴

8. Subject to paragraph 9, you must:

(a) at or before the further hearing on the return day (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing of all your assets in [Australia] [world wide], giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;

(b) within [] working days after being served with this order, swear and serve on the applicant an affidavit setting out the above information.

9.1(a) This paragraph applies if you are a not a corporation and you wish to object that compliance with paragraph 8 may tend to incriminate you or make you liable to a civil penalty;

(b) You must, at or before the further hearing on the return day (or within such further time as the Court may allow), file a notice of motion applying to revoke the order made under paragraph 8 pursuant to section 87 of the Civil Procedure Act 2005. The notice of motion must be supported by an affidavit which identifies the grounds for making the application;

(c) If you file a notice of motion, you need comply with paragraph 8 only to the extent, if any, that it is possible to do so without disclosure of the material which may tend to prove that you have engaged in culpable conduct; and

(d) If you file a notice of motion, the Court may give directions as to the filing and service of affidavits setting out such matters as you wish to place before the Court in support of your application.

⁴ See Practice Note paragraph 14.

9.2(a) This paragraph applies if you are a corporation and all of the persons who are able to comply with paragraph 8 on your behalf and with whom you have been able to communicate, wish to object that compliance may tend to incriminate them respectively or make them respectively liable to a civil penalty;

(b) You must, at or before the further hearing on the return day (or within such further time as the Court may allow), notify the applicant in writing that all of the persons referred to in (a) wish to take such objection and identify the extent of the objection;

(c) If you give such notice, you need comply with paragraph 8 only to the extent, if any, that it is possible to do so without disclosure of the material in respect of which the objection is taken; and

(d) If you give such notice, the Court may give directions as to the filing and service of affidavits setting out such matters as you wish to place before the Court in support of your application.

EXCEPTIONS TO THIS ORDER

10. This order does not prohibit you from:

(a) paying [up to \$..... a week/day on] [your ordinary] living expenses;

(b) paying [\$.....on] [your reasonable] legal expenses;

(c) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and

(d) in relation to matters not falling within (a), (b) or (c), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.

11. You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.

12. (a) This order will cease to have effect if you:

- (i) pay the sum of \$..... into Court; or
- (ii) pay that sum into a joint bank account in the name of your solicitor and the solicitor for the applicant as agreed in writing between them; or
- (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.

(b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.

(c) If this order ceases to have effect pursuant (a), you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

13. The costs of this application are reserved to the judge hearing the application on the return day.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

14. **Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified

of this order.

15. Bank withdrawals by the respondent

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

[For world wide order]

16. Persons outside Australia

(a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.

(b) The terms of this order will affect the following persons outside Australia:

(i) you and your directors, officers, employees and agents (except banks and financial institutions);

(ii) any person (including a bank or financial institution) who:

(A) is subject to the jurisdiction of this Court; and

(B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and

(c) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience breach of the terms of this order; and

(iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

[For world wide order]

17. Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.

SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.

- (2) As soon as practicable, the applicant will file and serve upon the respondent copies of:
 - (a) this order;
 - (b) the summons or notice of motion to be relied on at the hearing on the return day;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.

(d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;

(e) the originating process, or, if none was filed, any draft originating process produced to the Court.

(3) As soon as practicable, the applicant will cause anyone notified of this order to be given a copy of it.

(4) The applicant will pay the reasonable costs of anyone other than the respondent which have been incurred as a result of this order, including the costs of finding out whether that person holds any of the respondent's assets.

(5) If this order ceases to have effect⁵ the applicant will promptly take all reasonable steps to inform in writing anyone who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

(6) The applicant will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.

(7) The applicant will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.

[(8) The applicant will:

⁵ For example, if the respondent pays money into Court or provides security, as provided for in paragraph 12 of this Order.

(a) on or before [date] cause an irrevocable undertaking to pay in the sum of \$ _____ to be issued by a bank with a place of business within Australia, in respect of any order the court may make pursuant to undertaking (1) above; and

(b) immediately upon issue of the irrevocable undertaking, cause a copy of it to be served on the respondent.]⁶

SCHEDULE B⁷

AFFIDAVITS RELIED ON

Name of Deponent

Date affidavit made

(1)

(2)

(3)

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

⁶ See Practice Note paragraph 17.

⁷ Schedule B is appropriate only in the case of an ex parte order.

The applicant's legal representatives are:

[Name, address, reference, fax and telephone numbers both in and out of office hours and email]

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

Erratum – Renaming a Public Road

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has changed the road name as follows:

Location	New Name
Gailor Drive, off King Street, Coffs Harbour.	Gailer Drive.

S. SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450.

[2142]

GOSFORD CITY COUNCIL

Roads Act 1993

Naming of Public Road – Stebbing Lane

NOTICE is hereby given that Council has named a public road at Woy Woy:

Stebbing Lane.

Authorised by Council Resolution on 14th March 2006. P. WILSON, General Manager, Gosford City Council, PO Box 21, Gosford NSW 2250.

[2143]

GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder. KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster, NSW 2428.

Description	Name
The Old Pacific Highway between Tenterfield Parade, North Arm Cove to The Rock Service Station.	Goorenggai Road, North Arm Cove.

[2144]

GUNNEDAH SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

GUNNEDAH SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in Schedule 1 below, with the exception of the interests in Schedule 2 below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of an aged care facility. Dated at Gunnedah, this 7th day of April 2006. M. KERSHAW, General Manager, Gunnedah Shire Council, PO Box 63, Gunnedah NSW 2380.

SCHEDULE 1

Lots 673 and 674 in DP 44198.

SCHEDULE 2

All that piece or parcel of land being part of Lot 673 and 674 in Deposited Plan 44198, being strips of land 30.5 metres wide relating to the notation on Deposited Plan 44198 for Easement of Transmission Line as established by notice in the Government Gazette, dated 30th August 1963, Folios 2571, 2572 and 2573, shall be retained for that purpose following acquisition of the land by Gunnedah Shire Council. [2145]

GUNNEDAH SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

GUNNEDAH SHIRE COUNCIL declares with the approval of His Excellency the Lieutenant-Governor, that the land described in Schedule below, excluding any mines or deposits of minerals in that land is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993 (public road). Dated at Gunnedah, this 30th day of May 2006. M. KERSHAW, General Manager, Gunnedah Shire Council, PO Box 63, Gunnedah NSW 2380.

SCHEDULE

Lot 2, DP 1034511.

[2146]

SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Shoalhaven City Council, at its meeting on 23rd August 2005, Minute No. 05.1109, resolved that the land described in the Schedule below is hereby dedicated as Council Public Road pursuant to section 10 of the Roads Act 1993. R. D. PIGG, General Manager, Shoalhaven City Council, Bridge Road (PO Box 42), Nowra NSW 2540. File 32018.

SCHEDULE

Lot 1, DP 1088382, Parish of Termeil, County of St Vincent.

[2147]

SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Council of the City of Shoalhaven at its meeting of 20th September 2005, Minute 05.1273, resolved to acquire land for public road. The land as described in the Schedule below has now been acquired and is hereby dedicated as Council Public Road pursuant to section 10 of the Roads Act 1993. R. D. PIGG, General Manager, Shoalhaven City Council, Bridge Road, Nowra NSW 2541. File 32124.

SCHEDULE

All that piece or parcel of land situated in the Shoalhaven City Council area, Parish of Coolangatta, County of Camden, being Lot 1 in DP 1091531. [2148]

SUTHERLAND SHIRE COUNCIL

Local Government Act 1993, Section 50

Vesting of Reserve

SUTHERLAND SHIRE COUNCIL hereby notifies that the land described as public garden and recreation space as set out in Schedule 1 is vested in Council as public reserve. Dated at Sutherland, this 16th day of June 2006. J. W. RAYNER, General Manager, Sutherland Shire Council, Eton Street, Sutherland NSW 2232.

SCHEDULE 1

Lot 38, DP 215989, situated in the Parish of Heathcote, County of Cumberland, Local Government Area of Sutherland Shire. [2149]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Tweed Shire Council declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for public road purposes and compensation purposes in accordance with the Roads Act 1993. Dated at Murwillumbah, this 7th day of June 2006. M. RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE

Lots 1 to 10, DP 1083260. [2150]

TWEED SHIRE COUNCIL

Roads Act 1993

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the road reserve created after the realignment of Cudgera Creek Road, near the newly constructed bridge at Cudgera Creek as:

Hardy Drive.

Authorised by resolution of the Council on 13th June 2006. M. RAYNER, General Manager, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484. [2151]

WALCHA COUNCIL

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that, pursuant to section 162 of the Roads Act 1993, Walcha Council has named the roads described hereunder:

Abbottsley Rd	Niangala Road
Aberaldie Road	Niangala Stock Route Road
Aerodrome Road	Nine Mile Church Road
Bark Hut Road	Nuggety Gully Road
Bergen Road	Oaklands Road
Bishops Road	Ohio North Road
Blomfield Road	Ohio Road
Blue Mountain Road	Oklahoma Road
Brooklyn Road	Old Brookmount Road
Brooks Road	Oorawilly Rd
Brookside Road	Pinedale Road
Brookvale Rd	Pine Hills Road
Bukeiro Road	Queenscairn Road
Campfire Road	Range View Road
Careys Road	Reedy Creek Road
Cells River Road	Riverglade Road
Chandlers Road	Rosedale Road
Chinnocks Road	Rowleys Creek Road
Cleveland Road	Rubys Nob Road
Clonmel Road	Sams Flat Road
Darjeeling Road	Scrubby Gully Road
Daruka Road	Sillwood Close
Earles Road	Springvale Road
East Lynne Road	St Leonards Road
Emu Creek Road	Strathleigh Road
Enfield North Road	Sunnyside Road
Enfield Park Road	Surveyors Creek Road
Englefield Road	Table Top Road
Eulo Road	Tia Diggings Road
Eulabah Road	Tia Falls Road
Flags Niangala Road	Tia Post Office Road
Florida Road	Topdale Road
Geraldine Road	Tops Road
Glen Morrison Road	Upper Yarrowitch Road
Glenroy Road	Uruga Rd
Hartford Road	Walcrow Mummel Road
Hazeldean Road	Weenganimbee Road
Hurricane Gully Road	Wild Cattle Creek Road
Kangaroo Hills Road	Willow Tree Road
Kilburnie Road	Winterbourne Road
Lakes Road	Wirrabilla Road
Lymington Road	Wirraway Road
McNabs Road	Wollun Road
Merlin Downs Road	Yarrobindi Road
Mirani Road	Yarrowitch Church Road
Mitchell Hill Road	Yarrowitch School Road
Moona Plains Road	Kangaroo Flat Road
Moonganna Road	Ruby Hills Road
Mooraback Road	Ingelba Flat Road
Morton Road	

The above road names have been advertised and no objections to the proposed names have been received during the prescribed 28 day period. JACK O'HARA, General Manager, Walcha Council, PO Box 2, Walcha NSW 2354. [2152]

WALCHA COUNCIL

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that, pursuant to section 162 of the Roads Act 1993, Walcha Council has renamed the roads described hereunder:

- The road that commences at Thunderbolts Way, and runs in a south-westerly direction to Topdale Road to be named Quarry Road.
- The section of road currently known as Plumtree Street, located of Emu Creek Road, to be renamed Sugarloaf Road.
- The road currently known as Baringa Road, running easterly of Thunderbolts Way, to be renamed Wauchs Road.
- The road currently known as East Lynne Road, running southerly of Moona Plains Road and remaining on the northern side of Apsley River, to be renamed Lockyer Lane.

The above road names have been advertised and no objections to the proposed names have been received during the prescribed 28 day period. JACK O'HARA, General Manager, Walcha Council, PO Box 2, Walcha NSW 2354.

[2153]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JESSIE FLORENCE MAISH, late of Newtown, in the State of New South Wales, who died on 26th April 2006, must send particulars of his claim to the executor, Kevin William Maish, c.o. Newnhams Solicitors, 122 Castlereagh Street, Sydney NSW 2000, 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 he has notice. Probate was granted in New South Wales on 2nd June 2006. NEWNHAMS SOLICITORS, 7th Floor, Highmount House, 122 Castlereagh Street, Sydney NSW 2000 (DX 665, Sydney), tel.: (02) 9264 7788. Reference: BLM:ME:5715.

[2154]

COMPANY NOTICES

NOTICE of members' voluntary liquidation.—VAMRON PTY LIMITED, ACN 002 804 837.—Notice is hereby given pursuant to the Corporations Law that at an extraordinary general meeting of the abovenamed company, held on the 9th June 2006, the following special resolution was duly passed: "That the company be wound up voluntarily". On the same day pursuant to section 495(1), Simon Paul was appointed as Liquidator. Dated this the 9th day of June 2006. SIMON PAUL, Liquidator, c.o. Messrs Roberts & Morrow, Chartered Accountants, 137 Beardy Street (PO Box 112), Armidale NSW 2350, tel.: (02) 6774 8400. [2155]

NOTICE of voluntary winding up.—GALLAGHER & YOUNG PTY LTD, ACN 075 876 078.—On 9th June 2006, a members' resolution was passed that the company be wound up voluntarily and that James Heesh be appointed Liquidator. JAMES HEESH, Liquidator, c.o. Hales Redden, Chartered Accountants, 24 Bay Street (PO Box 54), Rockdale NSW 2216, tel.: (02) 9567 0545. [2156]

NOTICE of voluntary liquidation.—ACN 000 106 463 PTY LIMITED, ACN 000 106 463 (in liquidation).—Notice is hereby given pursuant to section 491(2) of the Corporations Act 2001, that at a general meeting of the abovenamed company, duly convened and held at 146 Red Cedar Lane, Meroo Meadow on 9th June 2006, the following Special Resolution as passed: "That the company be wound up as a Members' Voluntary Liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire". Dated this 16th day of June 2006. A. W. BARNES, Liquidator, c.o. Booth Partners, 52 Osborne Street (PO Box 1055), Nowra NSW 2541, tel.: (02) 4421 4344. [2157]

Authorised to be printed

ROBERT J. GALLAGHER, Government Printer.

ISSN 0155-6320