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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

Fisheries Management Act 1994

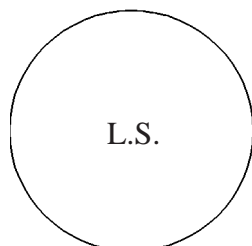
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and on the recommendation of the Minister for Primary Industries, and in pursuance of section 7B of the *Fisheries Management Act 1994*, do, by this my Proclamation, amend that Act as set out in Schedule 1.

Signed and sealed at Sydney, this 16th day of August 2006.

By Her Excellency's Command,

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



GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to omit the charter boat fishery and the recreational fishery as types of designated fishing activities for the purposes of the *Fisheries Management Act 1994*. The Act requires fishery management strategies to be prepared in respect of designated fishing activities.

Proclamation

Schedule 1 Amendment of Fisheries Management Act 1994

Schedule 1 Amendment of Fisheries Management Act 1994

Schedule 1A Designated fishing activities

Omit the descriptions of the charter boat fishery and the recreational fishery (clauses 2 and 3) from the Schedule.



New South Wales

Proclamation

under the

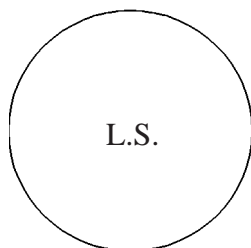
Fisheries Management Amendment Act 2006 No 18

MARIE 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 2 of the *Fisheries Management Amendment Act 2006*, do, by this my Proclamation, appoint 25 August 2006 as the day on which that Act (except for Schedule 1 [6], [7], [9], [12], [13], [17], [18], [20], [22]–[27] and [37]) commences.

Signed and sealed at Sydney, this 16th day of August 2006.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the *Fisheries Management Amendment Act 2006*, except for the following:

- (a) certain provisions relating to endorsements on commercial fishing licences,
- (b) certain provisions relating to management charges and annual contributions,
- (c) provisions relating to record keeping requirements.



New South Wales

Proclamation

under the

Motor Accidents Compensation Amendment Act 2006 No 17

MARIE 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 2 of the *Motor Accidents Compensation Amendment Act 2006*, do, by this my Proclamation:

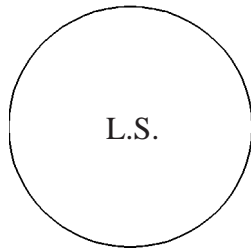
- (a) appoint 18 August 2006 as the day on which the following provisions of that Act commence:
 - (i) Schedule 1 [26]–[30] and [32],
 - (ii) Schedule 1 [31] (except to the extent to which that item inserts sections 214A–214C into the *Motor Accidents Compensation Act 1999*), and
- (b) appoint 1 October 2006 as the day on which the following provisions of that Act commence:
 - (i) section 4,
 - (ii) Schedule 1 [1]–[6], [8]–[11], [13]–[21], [23]–[25] and [33],
 - (iii) Schedule 1 [7] (except to the extent to which that item inserts Division 1 of Part 1.2 into Chapter 1 of the *Motor Accidents Compensation Act 1999*),
 - (iv) Schedule 1 [31] (to the extent to which that item inserts sections 214A–214C into the *Motor Accidents Compensation Act 1999*),
 - (v) Schedule 2.

Proclamation

Explanatory note

Signed and sealed at Sydney, this 16th day of August 2006.

By Her Excellency's Command,



JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence all of the uncommenced amendments effected by the *Motor Accidents Compensation Amendment Act 2006*, other than Schedule 1 [7] in relation to proposed Division 1 of Part 1.2 of the *Motor Accidents Compensation Act 1999* (recovery for blameless accidents) and Schedule 1 [12] in relation to proposed section 23A of the *Motor Accidents Compensation Act 1999* (limiting an insurer's liability for single incidents). The amendments are to commence on 1 October 2006, with the exception of those concerning certain estimates and determinations (which need to commence in anticipation of the commencement of the other amendments) that are to commence on 18 August 2006.



New South Wales

Proclamation

under the

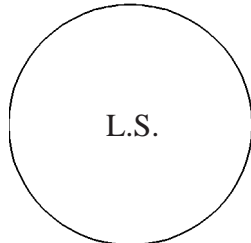
Property Legislation Amendment Act 2005 No 68

MARIE 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 2 of the *Property Legislation Amendment Act 2005*, do, by this my Proclamation, appoint 1 September 2006 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 9th day of August 2006.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Property Legislation Amendment Act 2005*. The provisions concerned amend the *Real Property Act 1900* and relate to the recording, variation and release of easements, profits à prendre and restrictions on the use of land.

Regulations



New South Wales

Agricultural Livestock (Disease Control Funding) Regulation 2006

under the

Agricultural Livestock (Disease Control Funding) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Livestock (Disease Control Funding) Act 1998*.

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

Explanatory note

The object of this Regulation is to remake, with the necessary updates of references to the repealed *Rural Lands Protection Act 1989* but no other substantial changes, the *Agricultural Livestock (Disease Control Funding) Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the records to be kept by a collection agent in relation to transaction based contributions received from livestock producers under section 12C of the *Agricultural Livestock (Disease Control Funding) Act 1998 (the Act)*, and
- (b) enables the Director-General of the Department of Primary Industries to collect and recover industry levies imposed under the Act in the same way as rural lands protection boards may collect and recover rates under the *Rural Lands Protection Act 1998 (the RLP Act)*. It does this by allowing the Director-General to exercise certain functions of those boards under the rating and recovery provisions of the RLP Act, and
- (c) modifies the application of the relevant provisions of the RLP Act to industry levies, and
- (d) requires the keeping of records in relation to industry levies recoverable as referred to in paragraph (b).

This Regulation is made under the *Agricultural Livestock (Disease Control Funding) Act 1998*, including sections 12C (Collection of transaction based contributions), 24 (Application of Rural Lands Protection Act 1998) and 33 (the general regulation-making power).

This Regulation comprises matters of a machinery nature.

Agricultural Livestock (Disease Control Funding) Regulation 2006

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Agricultural Livestock (Disease Control Funding) Regulation 2006

Clause 1

Agricultural Livestock (Disease Control Funding) Regulation 2006

under the

Agricultural Livestock (Disease Control Funding) Act 1998

1 Name of Regulation

This Regulation is the *Agricultural Livestock (Disease Control Funding) Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Agricultural Livestock (Disease Control Funding) Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Agricultural Livestock (Disease Control Funding) Act 1998*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Record of collection of transaction based contributions

(1) For the purposes of section 12C (2) (c) of the Act, the records to be kept by a collection agent for a transaction based contribution scheme in relation to a transaction based contribution from a livestock producer are records of the following:

- (a) the name of the livestock producer,
- (b) the livestock transaction concerned,
- (c) the amount of the contribution concerned and the date on which it was collected.

(2) A copy of the receipt issued to the livestock producer under section 12C (3) of the Act in respect of the livestock transaction concerned is a sufficient record for the purposes of this clause.

Clause 5 Agricultural Livestock (Disease Control Funding) Regulation 2006

5 Exercise of certain functions by Director-General

- (1) The Director-General may, for the purpose of the collection of industry levies under Part 5 of the Act, exercise the functions of a rural lands protection board under Divisions 2, 3, 6 and 8 (other than section 80 (1) (a)) of Part 7 and Divisions 1 and 3 of Part 13 of the *Rural Lands Protection Act 1998* and Schedule 5 to that Act.
- (2) For that purpose:
 - (a) a reference in those provisions to a rural lands protection board is to be read as a reference to the Director-General, and
 - (b) a reference in Part 7 to an occupier is taken to be a reference to an occupier as defined in section 58 of the *Rural Lands Protection Act 1998*.
- (3) Section 63 (3) of the *Rural Lands Protection Act 1998* does not apply to or in respect of any function exercised by the Director-General under this clause, and the following provisions apply instead:
 - (a) The Director-General is to serve a notice (***an industry levy notice***) on the occupier of ratable land who is liable to pay an industry levy.
 - (b) The industry levy is due and payable to, and recoverable by, the Director-General on the date that is 30 days after the date of service of the industry levy notice, or on such later date as may be specified in the industry levy notice.
 - (c) If there is more than one occupier of ratable land, service of the industry levy notice on at least one of the occupiers is taken to be service on all the occupiers of the land.
- (4) Section 79 (1) of the *Rural Lands Protection Act 1998* does not apply to or in respect of any function exercised by the Director-General under this clause.
- (5) This clause:
 - (a) does not apply in respect of an industry levy that a rural lands protection board is directed to collect under section 23 of the *Agricultural Livestock (Disease Control Funding) Act 1998*, and
 - (b) does not affect the functions of a rural lands protection board under section 22 of the *Agricultural Livestock (Disease Control Funding) Act 1998*.

6 Industry levy records

- (1) The Director-General must keep a record (an ***industry levy record***) of every industry levy that is recoverable by the Director-General under clause 5.

-
- (2) An industry levy record is to be kept:
 - (a) in a book containing fixed or loose leaves, or
 - (b) as a series of cards, or
 - (c) as computerised records.
 - (3) An industry levy record is to include the following particulars:
 - (a) particulars of each parcel of ratable land on which the industry levy is imposed and of the occupier or owner of the land,
 - (b) particulars of the amounts of industry levies imposed in respect of the parcel and of the dates on which the notices demanding payment of the industry levies were served,
 - (c) particulars of amounts of industry levies paid (including dates of payment), and of amounts of industry levies outstanding, in respect of the parcel.
 - (4) The Director-General may make such amendments to an industry levy record as may be appropriate (including rectifying any omissions).
 - (5) An amendment of an industry levy record made in respect of the occupier of ratable land is taken to be a determination by the Director-General of the amount levied on and payable by that occupier in respect of the ratable land.
 - (6) Subclause (5) does not apply to an amendment made necessary as a result of a review by the Administrative Decisions Tribunal.
 - (7) In any legal proceedings for the recovery of an industry levy:
 - (a) an entry in the industry levy record is evidence of the matters contained in the record, and
 - (b) a copy of an entry in the industry levy record is evidence of the entry and of the matters contained in the record.

7 Modification of Rural Lands Protection Act 1998

- (1) Section 80 (1) (b), (c) and (d) of the *Rural Lands Protection Act 1998* do not apply for the purposes of the collection of an industry levy, and the following provisions apply instead:
 - (a) The Director-General may waive payment of, or refund, an industry levy or part of an industry levy.
 - (b) An amount of any industry levy so waived or refunded is to be written off by the Director-General.
 - (c) The Director-General may write off the whole of an amount owing for an overdue industry levy if the whole of the amount owing does not exceed \$10.

Clause 8 Agricultural Livestock (Disease Control Funding) Regulation 2006

- (d) The Director-General may write off any other amount owing for an industry levy if the Director-General is satisfied that the amount is not recoverable.
 - (e) A rural lands protection board that is required to collect an industry levy under section 23 of the *Agricultural Livestock (Disease Control Funding) Act 1998* is to give effect to any decision of the Director-General under this clause.
- (2) This clause applies whether the functions of collecting an industry levy are exercised by a rural lands protection board in accordance with a direction of the Director-General under section 23 of the *Agricultural Livestock (Disease Control Funding) Act 1998* or by the Director-General in accordance with clause 5.

8 Saving

Any act, matter or thing that, immediately before the repeal of the *Agricultural Livestock (Disease Control Funding) Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.



New South Wales

Agricultural Tenancies Regulation 2006

under the

Agricultural Tenancies Act 1990

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

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

Explanatory note

The object of this Regulation is to remake, with one addition but no other substantial changes, the *Agricultural Tenancies Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the disputes that cannot be the subject of an application for arbitration under the *Agricultural Tenancies Act 1990* (**the Act**) (clause 4), and
- (b) requires copies of arbitration awards under the Act, duly signed, to be served on each party to an arbitration (clause 5), and
- (c) provides for the remuneration of arbitrators, members of arbitration committees and technical assessors (clause 6), and
- (d) excludes a provision of the *Commercial Arbitration Act 1984* (as applied to arbitration proceedings by section 26K of the Act) that would otherwise empower an arbitrator to tax or settle costs (clause 7), and
- (e) contains formal and ancillary provisions (clauses 1–3 and 8).

This Regulation is made under the *Agricultural Tenancies Act 1990*, including sections 21 (Applications for arbitration), 26K (Application of Commercial Arbitration Act 1984) and 29 (the general regulation-making power).

This Regulation comprises matters of a machinery nature.

Agricultural Tenancies Regulation 2006

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Agricultural Tenancies Regulation 2006

Clause 1

Agricultural Tenancies Regulation 2006

under the

Agricultural Tenancies Act 1990

1 Name of Regulation

This Regulation is the *Agricultural Tenancies Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Agricultural Tenancies Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Agricultural Tenancies Act 1990*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Disputes that cannot be the subject of an application for arbitration

Any dispute involving a claim for an amount of money that exceeds the jurisdictional limit of a Local Court sitting in its General Division is a prescribed dispute for the purposes of section 21 (2) (b) of the Act.

5 Awards

(1) As soon as practicable after an award is made under the Act, a copy of the award must be served on:

(a) each of the parties to the arbitration, and

(b) in the case of an arbitration conducted by a committee, each of the members of the committee.

(2) Each copy of the award must be signed by the single arbitrator, or by the chairperson of the committee, as the case requires.

(3) An award need not include a statement of the reasons for making the award.

Clause 6 Agricultural Tenancies Regulation 2006

6 Remuneration of arbitrators and members of arbitration committees

The rate of remuneration of:

- (a) an arbitrator, or
- (b) a member of an arbitration committee, or
- (c) a technical assessor,

is to be as fixed from time to time by the Minister.

7 Application of Commercial Arbitration Act 1984

Section 34 (1) (b) of the *Commercial Arbitration Act 1984* does not apply to or in respect of an arbitration under the Act.

8 Saving

Any act, matter or thing that had effect under the *Agricultural Tenancies Regulation 2001* immediately before the repeal of that Regulation is taken to have effect under this Regulation.



New South Wales

Births, Deaths and Marriages Registration Regulation 2006

under the

Births, Deaths and Marriages Registration Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Births, Deaths and Marriages Registration Act 1995*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to replace, with only minor amendments, the *Births, Deaths and Marriages Registration Regulation 2001*. That Regulation will be repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*. The amendments include an increase in the amounts of certain fees payable for services provided by the Registrar of Births, Deaths and Marriages (*the Registrar*).

This Regulation prescribes the following:

- (a) the particulars required to be notified to the Registrar concerning the birth of a child,
- (b) the particulars required to be given to the Registrar for the purpose of having the birth of a child registered,
- (c) the particulars required to be entered in the Register (*the Register*) kept under the *Births, Deaths and Marriages Registration Act 1995 (the Act)* in connection with the registration of adoptions,
- (d) the particulars required to be entered in the Register in connection with the registration of change of name,
- (e) the particulars required to be notified to the Registrar by funeral directors or other persons arranging for the disposal, or removal from the State, of human remains or (in certain circumstances) having custody of human remains,
- (f) the documents that are required to accompany an application for the alteration of the Register to record a change of sex,

Births, Deaths and Marriages Registration Regulation 2006

Explanatory note

- (g) the persons (in addition to those specified in the Act) who may apply for a birth certificate showing the original sex of a person the record of whose sex has been altered under the Act,
- (h) the laws of certain other Australian jurisdictions for the purposes of the definition of *interstate recognition certificate* in the Act,
- (i) the fees to be paid for services provided by the Registrar under the Act.

This Regulation also contains certain formal and machinery matters.

This Regulation is made under the *Births, Deaths and Marriages Registration Act 1995*, including section 62 (the general regulation-making power) and the other sections mentioned in the Regulation.

Births, Deaths and Marriages Registration Regulation 2006

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Clause 1	Births, Deaths and Marriages Registration Regulation 2006
Part 1	Preliminary

Births, Deaths and Marriages Registration Regulation 2006

under the

Births, Deaths and Marriages Registration Act 1995

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Births, Deaths and Marriages Registration Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Births, Deaths and Marriages Registration Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

- (1) In this Regulation:
the Act means the *Births, Deaths and Marriages Registration Act 1995*.
- (2) Notes included in this Regulation do not form part of this Regulation.

Births, Deaths and Marriages Registration Regulation 2006

Clause 4

Information required to be given to Registrar or noted in Register

Part 2

Part 2 Information required to be given to Registrar or noted in Register

4 Notification of birth

For the purposes of section 12 (Notification of births) of the Act, the following particulars are required:

- (a) the sex and date and place of birth of the child,
- (b) whether the child was born alive or stillborn,
- (c) the weight of the child at birth and, if the child was stillborn, the period of gestation of the child,
- (d) whether or not the birth was a multiple birth,
- (e) the full name, maiden family name, date of birth and (at the time of delivery) usual place of residence of the mother of the child,
- (f) the full name and occupation of the person giving the notice.

5 Registration of birth

- (1) For the purposes of sections 14 (How to have the birth of a child registered) and 17 (Registration) of the Act, the following particulars are required:

- (a) the sex and date and place of birth of the child,
- (b) the full name and address of the doctor or midwife responsible for the professional care of the mother at the birth,
- (c) the weight of the child at birth,
- (d) whether or not the birth was a multiple birth,
- (e) the full name, maiden family name, occupation and (at the time of delivery) usual place of residence of the mother of the child,
- (f) the date of birth (or age) and place of birth of the mother of the child,
- (g) the full name, occupation and (at the time of delivery) usual place of residence of the father of the child,
- (h) the date of birth (or age) and place of birth of the father of the child,
- (i) the date and place of marriage of the parents of the child (if applicable),
- (j) if the mother of the child has any other children, the given name, sex and date of birth of those children (including any deceased children),

Clause 6	Births, Deaths and Marriages Registration Regulation 2006
Part 2	Information required to be given to Registrar or noted in Register

- (k) whether or not the mother or father of the child is of Aboriginal or Torres Strait Islander origin or both Aboriginal and Torres Strait Islander origin,
- (l) if either parent of the child was born outside Australia, the period of residence in Australia of that parent.

Note. The notice given for the purposes of section 14 of the Act (called a birth registration statement) must also state the name of the child (see section 21 of the Act).

- (2) For avoidance of doubt, the Registrar is authorised to include in the Register the registrable information about the identity of the child's parents that is required to be provided under subclause (1).

6 Registration of adoptions

For the purposes of section 24 (How adoptions are registered) of the Act, the following particulars are required:

- (a) the full name, sex and date and place of birth of the child to whom the record of adoption or discharge relates,
- (b) the full name, maiden family name, occupation and usual place of residence of the adoptive mother of the child,
- (c) the date of birth (or age) and place of birth of the adoptive mother of the child,
- (d) the full name, occupation and usual place of residence of the adoptive father of the child,
- (e) the date of birth (or age) and place of birth of the adoptive father of the child,
- (f) the date and place of marriage of the adoptive parents of the child (if applicable),
- (g) if the adoptive parents have any other children (whether adopted children or not), the given names and date of birth of each of those children (including any deceased children).

7 Registration of deceased person's former intention to adopt

For the purposes of section 24A (Registration of deceased person's former intention to adopt) of the Act, the following information is required:

- (a) the full name and last residential address of the deceased person,
- (b) the date and place of death of the deceased person.

Births, Deaths and Marriages Registration Regulation 2006	Clause 8
Information required to be given to Registrar or noted in Register	Part 2

8 Registration of change of name

For the purposes of section 31 (Entries to be made in the Register) of the Act, the following particulars are required:

- (a) the sex and date and place of birth of the person whose change of name is being registered,
- (b) the name of the person immediately before the change of name,
- (c) the name first given to the person after birth and any other name shown on the person's birth registration,
- (d) any other former names of the person,
- (e) the new full name of the person,
- (f) the full names of the parents of the person (as at the date of the person's birth or registration of the person's birth).

9 Application to alter Register to record change of sex

For the purposes of section 32C (b) of the Act, the following documents are prescribed as documents that must accompany an application under section 32B of the Act:

- (a) a signed statement by each of the 2 doctors (or 2 medical practitioners) referred to in section 32C (a) of the Act declaring that the doctor or practitioner concerned sighted proof of the identity of the person the subject of the application when making the statutory declaration referred to in that paragraph,
- (b) documentary proof, to the Registrar's satisfaction, of the identity of the person the subject of the application.

10 Persons who may apply for old birth certificate

- (1) For the purposes of section 32F (Issuing of old birth certificate) of the Act, the following persons are prescribed as persons who may apply to the Registrar for a birth certificate that shows the sex of a transgender person before the record of the transgender person's sex was altered under Part 5A of the Act:
 - (a) the executor or administrator of the transgender person's estate,
 - (b) a parent of the transgender person,
 - (c) a spouse (or former spouse) of the transgender person,
 - (d) an officer or person acting on behalf of any of the following law enforcement agencies:
 - (i) NSW Police, or the police force of another State or Territory,
 - (ii) the Australian Federal Police,
 - (iii) the New South Wales Crime Commission,

Clause 11	Births, Deaths and Marriages Registration Regulation 2006
Part 2	Information required to be given to Registrar or noted in Register

- (iv) the Australian Crime Commission,
- (v) the Office of the Director of Public Prosecutions of this State, of another State or a Territory, or of the Commonwealth,
- (vi) the Independent Commission Against Corruption.

(2) In this clause, *transgender person* means a person:

- (a) who has undergone sexual reassignment surgery (within the meaning of section 32A of the Act), and
- (b) the record of whose sex has been altered under Part 5A of the Act.

11 Prescribed interstate laws

For the purposes of section 32I (Effect of alteration of register and interstate recognition certificates) of the Act, the following laws are prescribed:

Births, Deaths and Marriages Registration Act of the Northern Territory

Births, Deaths and Marriages Registration Act 1996 of Victoria

Births, Deaths and Marriages Registration Act 1997 of the Australian Capital Territory

Births, Deaths and Marriages Registration Act 1999 of Tasmania

Births, Deaths and Marriages Registration Act 2003 of Queensland

Gender Reassignment Act 2000 of Western Australia

Sexual Reassignment Act 1988 of South Australia

12 Information concerning human remains

For the purposes of section 41 (1) (d) of the Act, the following information is required from a funeral director or other person who arranges for the disposal of human remains:

- (a) the date and place of death of the deceased,
- (b) the sex, date of birth (or age at death) and place of birth of the deceased,
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (d) the date of disposal of the remains of the deceased,
- (e) the full name and business address of the funeral director or other person who arranged for the disposal of the remains,
- (f) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,

Births, Deaths and Marriages Registration Regulation 2006

Clause 13

Information required to be given to Registrar or noted in Register

Part 2

- (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin or both Aboriginal and Torres Strait Islander origin,
- (h) the marital status of the deceased immediately before death,
- (i) if the deceased had married:
 - (i) only once—the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name (including maiden family name) of his or her spouse, or
 - (ii) more than once—the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name (including maiden family name) of each spouse,
- (j) the given names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (k) the full name, maiden family name and occupation of the mother of the deceased,
- (l) the full name and occupation of the father of the deceased.

13 Information concerning human remains removed from the State

For the purposes of section 41 (2) (b) of the Act, the following information is required from a funeral director or other person who arranges for the removal of human remains (other than cremated remains) from the State:

- (a) the full name and last residential address of the deceased,
- (b) the date and place of death of the deceased,
- (c) whether or not the death was reported to a coroner,
- (d) the sex, date of birth (or age at death) and place of birth of the deceased,
- (e) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (f) the date of disposal of the remains of the deceased,
- (g) the full name and business address of the funeral director or other person who arranged for removal of the remains,
- (h) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,
- (i) whether or not the deceased was of Aboriginal or Torres Strait Islander origin or both Aboriginal and Torres Strait Islander origin,

Clause 14 Births, Deaths and Marriages Registration Regulation 2006

Part 2 Information required to be given to Registrar or noted in Register

- (j) the marital status of the deceased immediately before death,
- (k) if the deceased had married:
 - (i) only once—the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name (including maiden family name) of his or her spouse, or
 - (ii) more than once—the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name (including maiden family name) of each spouse,
- (l) the given names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (m) the full name, maiden family name and occupation of the mother of the deceased,
- (n) the full name and occupation of the father of the deceased.

14 Information concerning human remains not disposed of within 30 days after death

For the purposes of section 41 (3) (c) of the Act, the following information is required from a funeral director or other person who has custody of human remains that have not been disposed of within 30 days after the date of death:

- (a) the date and place of death of the deceased,
- (b) the sex, date of birth (or age at death) and place of birth of the deceased,
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (d) the full name and business address of the funeral director or other person who has custody of the remains of the deceased,
- (e) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,
- (f) whether or not the deceased was of Aboriginal or Torres Strait Islander origin or both Aboriginal and Torres Strait Islander origin,
- (g) the marital status of the deceased immediately before death,

Births, Deaths and Marriages Registration Regulation 2006	Clause 15
Information required to be given to Registrar or noted in Register	Part 2

- (h) if the deceased had married:
 - (i) only once—the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name (including maiden family name) of his or her spouse, or
 - (ii) more than once—the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name (including maiden family name) of each spouse,
- (i) the given names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (j) the full name, maiden family name and occupation of the mother of the deceased,
- (k) the full name and occupation of the father of the deceased.

15 Registration of death

For the purposes of section 42 (Registration) of the Act, the required particulars are the particulars contained in the information required by clause 12.

Clause 16 Births, Deaths and Marriages Registration Regulation 2006

Part 3 Miscellaneous

Part 3 Miscellaneous

16 Fees

For the purposes of section 54 (Fees) of the Act, the fee for a service provided by the Registrar is the amount set out opposite the service concerned in Schedule 1.

17 Savings provision

Any act, matter or thing that had effect under the *Births, Deaths and Marriages Registration Regulation 2001* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Births, Deaths and Marriages Registration Regulation 2006

Fees

Schedule 1

Schedule 1 Fees

(Clause 16)

Item	Service provided	Fee \$
1	Furnishing a certificate certifying particulars contained in an entry in the Register or a certificate certifying that no entry was located in the Register about a relevant registrable event, including the fee for search under any one name in respect of a period not exceeding 10 years	33.00
2	Furnishing a certificate as to a recording in the Register where the applicant has provided the relevant number of the recording from an index published by the Registry of Births Deaths & Marriages	25.00
3	Search against any one name in the Register (including an index to the Register) in respect of a period not exceeding 10 years pursuant to an application under section 50 (Issue of certificate relating to children of deceased person) of the Act, including the fee for a certificate of result of any such search	32.00
4	Continuation of any search under any one name in respect of each period of 10 years, or part of such a period	32.00
5	Giving priority to a search or to the issue of a certificate of result of search in addition to any other fee	17.00
6	Registering a change of name or inserting an additional name or other particulars in a recording of a name	89.00
7	Altering the record of a person's sex in the registration of the person's birth	56.00
8	Recording in the Register, subsequent to registration of the birth of a child, the name of (or other particulars relating to) a person as a parent of the child	56.00
9	Furnishing a certified copy of any record or document kept by the Registry of Births Deaths & Marriages, for which no fee is otherwise provided	31.00 per sheet
10	Providing any other service	Such fee as is fixed by negotiation between the Registrar and the person who asks for the relevant service



New South Wales

Coal and Oil Shale Mine Workers (Superannuation) Amendment (Retirement) Regulation 2006

under the

Coal and Oil Shale Mine Workers (Superannuation) Act 1941

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Finance

Explanatory note

The *Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006* provides for the repeal of the prohibition, under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*, of employment of a mine worker beyond the age of 60.

The object of this Regulation is to amend the *Coal and Oil Shale Mine Workers (Superannuation) Regulation 2005* to omit provisions unnecessary after the repeal of that employment prohibition.

This Regulation is made under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*, including section 32 (the general regulation-making power).

Clause 1 Coal and Oil Shale Mine Workers (Superannuation) Amendment
(Retirement) Regulation 2006

Coal and Oil Shale Mine Workers (Superannuation) Amendment (Retirement) Regulation 2006

under the

Coal and Oil Shale Mine Workers (Superannuation) Act 1941

1 Name of Regulation

This Regulation is the *Coal and Oil Shale Mine Workers (Superannuation) Amendment (Retirement) Regulation 2006*.

2 Amendment of Coal and Oil Shale Mine Workers (Superannuation) Regulation 2005

The *Coal and Oil Shale Mine Workers (Superannuation) Regulation 2005* is amended by omitting clauses 4 and 5.



New South Wales

Commercial Vessels Amendment (Fees) Regulation 2006

under the

Commercial Vessels Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commercial Vessels Act 1979*.

JOSEPH TRIPODI, M.P.,
Minister for Ports and Waterways

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees prescribed by the *Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986* that are payable in respect of:
 - (i) examinations for certificates of competency, and
 - (ii) the issue, recognition and revalidation of certificates of competency, and
 - (iii) miscellaneous other matters, and
- (b) to increase certain fees prescribed by the *Commercial Vessels (Load Lines) Regulation 1986* for:
 - (i) an initial survey and the issue of a load line certificate, and
 - (ii) an initial survey and the issue of a load line exemption certificate, and
 - (iii) a periodical survey, and
 - (iv) a periodical inspection, and
- (c) to increase certain fees, charges and expenses prescribed by the *Commercial Vessels (Permits) Regulation 1986* for:
 - (i) applications for permits under the *Commercial Vessels Act 1979*, and
 - (ii) investigations of those applications, and
 - (iii) miscellaneous other matters.

The fee increases are generally in line with movements in the Consumer Price Index.

Commercial Vessels Amendment (Fees) Regulation 2006

Explanatory note

This Regulation is made under the *Commercial Vessels Act 1979*, including sections 17, 30, 30G (3), 38 and 52 (the general regulation-making power) and such other provisions as are referred to in this Regulation.

Commercial Vessels Amendment (Fees) Regulation 2006

Clause 1

Commercial Vessels Amendment (Fees) Regulation 2006

under the

Commercial Vessels Act 1979

1 Name of Regulation

This Regulation is the *Commercial Vessels Amendment (Fees) Regulation 2006*.

2 Commencement

This Regulation commences on 1 October 2006.

3 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

The *Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986* is amended as set out in Schedule 1.

4 Amendment of Commercial Vessels (Load Lines) Regulation 1986

The *Commercial Vessels (Load Lines) Regulation 1986* is amended as set out in Schedule 2.

5 Amendment of Commercial Vessels (Permits) Regulation 1986

The *Commercial Vessels (Permits) Regulation 1986* is amended as set out in Schedule 3.

Commercial Vessels Amendment (Fees) Regulation 2006

Schedule 1 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

**Schedule 1 Amendment of Commercial Vessels
(Certificates of Competency and Safety
Manning) Regulation 1986**

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

**Schedule 3 Fees payable in connection with
certificates of competency**

(Clause 13)

Part 1 Fees in respect of examinations

Column 1	Column 2	Column 3
Class of certificate or endorsement	Examination for which fee is payable	Fee \$
Master Class 1, Master Class 1 (limited to sail as Chief Mate), Master Class 2, Master Class 2 (limited to sail as Chief Mate), Second Mate Class 1, Second Mate Class 2	All exams for the relevant class of certificate	401
Master Class 3 or Master Class 3 (limited to sail as Chief Mate)	All exams for the relevant class of certificate	401
Master Class 4 or Mate Class 4	All exams for the relevant class of certificate	367
Master Class 5	All exams for the relevant class of certificate	277
Coxswain	All exams for the relevant class of certificate	139
Marine Engineer Class 1, Marine Engineer Class 2 or Marine Engineer Watchkeeper	All exams for the relevant class of certificate	401
Marine Engineer Class 3	All exams for the relevant class of certificate	277
Marine Engine Driver Grade 1	All exams for the relevant class of certificate	277

Commercial Vessels Amendment (Fees) Regulation 2006

Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986 Schedule 1

Column 1	Column 2	Column 3
Class of certificate or endorsement	Examination for which fee is payable	Fee \$
Marine Engine Driver Grade 2	All exams for the relevant class of certificate	181
Marine Engine Driver Grade 3	All exams for the relevant class of certificate	95
All classes mentioned above	Where a single written or single oral supplementary exam is carried out for the relevant class of certificate	38
Certificate endorsed for either trading or fishing operations	Trading or fishing operations	95
Certificate endorsed for air-cushioned vessel operations	Air-cushioned vessel operations	95
Certificate endorsed for special operations	Special operations	95
Certificate endorsed for refrigeration operations	Engineering knowledge—written	95
	Engineering knowledge—oral	95

Part 2 Fees in respect of issue, recognition and revalidation of certificates of competency

Column 1	Column 2
Matter for which fee is payable	Fee \$
Issue of certificate under section 30H of the Act if the candidate satisfies examination requirements (or those requirements except for short courses) outside NSW	44
Recognition of certificates of other States etc under section 30L of the Act:	
(a) by endorsement of certificate	15
(b) by notice certifying validity	32
Revalidation of certificate under section 30I of the Act	95
Issue of duplicate certificate under section 30H (4) of the Act for certificate lost or destroyed	95

Commercial Vessels Amendment (Fees) Regulation 2006

Schedule 1 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

Part 3 Miscellaneous fees

Column 1	Column 2
Matter for which fee is payable	Fee \$
Eyesight test conducted by the Minister to satisfy medical requirements for issue of certificate of competency	48
Re-assessment of written examination paper for issue of certificate of competency	23
Oral examination required on seamanship or coastal local knowledge in connection with certificate of competency	95
Application for review of the Minister's decision under clause 6 of this Regulation	32
Record of service book	26
Where, at the request of the applicant for examination, a person acting on behalf of the Minister attends at a place where the officer would not, except in response to the request, have been engaged on official duties—travelling and accommodation expenses incurred by the officer because of that attendance	Such reasonable fee as may be deemed by the Minister to cover some or all of those expenses and was notified to the applicant at the time of the request
Issue of certificate of competency where the applicant has passed examinations conducted by another marine authority	74
Search fee—per item	38

Commercial Vessels Amendment (Fees) Regulation 2006

Amendment of Commercial Vessels (Load Lines) Regulation 1986

Schedule 2

Schedule 2 Amendment of Commercial Vessels (Load Lines) Regulation 1986

(Clause 4)

Schedule 2 Fees

Omit items 1–4 from the Schedule. Insert instead:

1	Initial survey and issue of load line certificate	296
2	Initial survey and issue of load line exemption certificate	296
3	Periodical survey	296
4	Periodical inspection	98

Commercial Vessels Amendment (Fees) Regulation 2006

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

(Clause 5)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees, expenses and charges

(Clause 14)

Part 1 General

- | | | |
|---|---|--|
| 1 | Replacement of a permit plate that has become lost, illegible, damaged or destroyed (section 15 (5) of the Act) | \$71 |
| 2 | Investigation as to whether conditions should be imposed on a deemed temporary permit (but only where conditions are imposed under section 19 (3) (b) of the Act): | \$253 |
| | In addition, for any inspection of a vessel for that purpose | \$128 per hour or part of an hour |
| 3 | Work carried out in connection with: | |
| | (a) an application for a permit and investigation of the application (including survey, examination, approval of plans, witnessing position of draught marks, witnessing of inclining tests, approval of stability data, witnessing of vessel trials and examination of information in connection with approval of plans), or | |
| | (b) an application for approval of prototype vessel plans: | |
| | For a vessel less than or equal to 7.5 metres in length | \$130 per metre (or part of a metre) of length of the vessel |
| | For a vessel more than 7.5 metres in length | \$272 per metre (or part of a metre) of length of the vessel |

Commercial Vessels Amendment (Fees) Regulation 2006

Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 3

4	Work carried out in connection with an application for a permit in respect of a vessel of a design or production run for which a prototype approval has previously been issued:	
	For a vessel less than or equal to 7.5 metres in length	\$67 per metre (or part of a metre) of length of the vessel
	For a vessel more than 7.5 metres in length	\$128 per metre (or part of a metre) of length of the vessel
5	Work associated with the repeated re-examination of vessel survey plans	\$128 per hour or part of an hour
6	Investigation as to whether the suspension of a permit was justified (section 22 (5) of the Act):	\$128
	In addition, for any inspection of a vessel for that purpose	\$128 per hour or part of an hour
7	Work carried out in respect of the survey of a vessel in accordance with its survey schedule (section 30 of the Act):	
	For a vessel less than or equal to 7.5 metres in length	\$44 per metre (or part of a metre) of length of the vessel
	For a vessel that is more than 7.5 metres in length but less than or equal to 15 metres in length	\$66 per metre (or part of a metre) of length of the vessel
	For a vessel that is more than 15 metres in length	\$79 per metre (or part of a metre) of length of the vessel
8	Issue of a replacement survey record book (clause 10 (7))	\$170
9	Issue of a towage permit (clause 12):	\$65
	In addition, for any inspection of a vessel for that purpose	\$128 per hour or part of an hour
10	Inspection, where a defect or deficiency has been revealed by a survey under section 28 of the Act, for the purpose of ascertaining whether the defect or deficiency has been rectified	\$128 per hour or part of an hour
11	Inspection subsequent to repairs following accident damage (section 29 (3) of the Act)	\$128 per hour or part of an hour

Commercial Vessels Amendment (Fees) Regulation 2006

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

12	Preliminary inspection of an existing vessel for oral advice on survey requirements	\$213 (which is to be deducted from any subsequent application fee in relation to the vessel)
13	Conversion of a deemed temporary permit to a New South Wales permit (section 20 of the Act)	\$128 per metre
14	Reinstatement of suspended permits	\$128
15	Resurvey of vessel with cancelled survey permit:	
	For a vessel less than or equal to 7.5 metres in length	\$67 per metre (or part of a metre) of length of the vessel
	For a vessel more than 7.5 metres in length	\$128 per metre (or part of a metre) of length of the vessel

Part 2 Supplementary charges payable in addition to the fees, expenses and charges under Part 1

16	Survey or service carried out by a surveyor outside normal working hours	\$63 per hour or part of an hour (including travelling time), subject to a minimum fee of \$248 where the hours are not merely an extension of normal working hours
17	Attendance by a surveyor (at the request of an applicant for a vessel permit, or of a person submitting a vessel for inspection or the issue of a towage permit) otherwise than at a place or time at which the surveyor is normally engaged in official duties	Such reasonable travel and accommodation expenses as are incurred by the surveyor for the purposes of the attendance



New South Wales

Health Services Amendment Regulation 2006

under the

Health Services Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Services Act 1997*.

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

Explanatory note

The object of this Regulation is to amend the *Health Services Regulation 2003* (***the Principal Regulation***) to provide for the withdrawal of appeals against certain decisions of public health organisations in relation to visiting practitioners. Such an appeal may be withdrawn at any time by the appellant giving written notice of the withdrawal to the Minister for Health.

This Regulation also amends certain references in the Principal Regulation to boards of public health organisations to recognise that a number of public health organisations have a chief executive rather than a board.

This Regulation is made under the *Health Services Act 1997*, including sections 112 (1) and 140 (the general regulation-making power).

Clause 1 Health Services Amendment Regulation 2006

Health Services Amendment Regulation 2006

under the

Health Services Act 1997

1 Name of Regulation

This Regulation is the *Health Services Amendment Regulation 2006*.

2 Amendment of Health Services Regulation 2003

The *Health Services Regulation 2003* is amended as set out in Schedule 1.

Health Services Amendment Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

- [1] **Clause 3 Definitions**
Omit “the board of” from paragraph (a) of the definition of *medical and dental appointments advisory committee*.
- [2] **Clause 3, definition of “medical and dental appointments advisory committee”**
Omit “the board” from paragraph (b).
Insert instead “the public health organisation”.
- [3] **Clause 5 Advertising of available appointments as visiting practitioners**
Omit “A board of a public” from clause 5 (1). Insert instead “A public”.
- [4] **Clause 5 (1)**
Omit “The board”. Insert instead “The public health organisation”.
- [5] **Clause 5 (2)**
Omit “the board of”.
- [6] **Clause 5 (3)**
Omit “the board”. Insert instead “the public health organisation”.
- [7] **Clause 7 Term of appointment**
Omit “the board of” from clause 7 (1).
- [8] **Clause 7 (3)**
Omit “the board” wherever occurring.
Insert instead “the public health organisation”.
- [9] **Clause 8 Resignation**
Omit “the board of” from clause 8 (1).
- [10] **Clause 8 (2)**
Omit “a board of”.
- [11] **Clause 8 (2)**
Omit “the board”. Insert instead “the public health organisation”.

Health Services Amendment Regulation 2006

Schedule 1 Amendments

[12] Clause 38B

Insert after clause 38A:

38B Appeals concerning appointment decisions

- (1) An appeal under section 106 of the Act may be withdrawn at any time before the determination of the appeal by the appellant giving written notice of the withdrawal to the Minister in the form and manner approved by the Minister from time to time.
- (2) The Committee is not required to determine an appeal that has been withdrawn.



New South Wales

Local Government (General) Amendment (Tendering) Regulation 2006

under the

Local Government Act 1993

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

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

Explanatory note

Section 55 of the *Local Government Act 1993* requires a council to invite tenders before entering into certain contracts. However, section 55 (3) of that Act enables contracts to be excluded from the tendering requirements. These include contracts for the purchase of goods, materials or services specified by a prescribed person.

The object of this Regulation is to prescribe Local Government Procurement Partnership (a partnership involving the Local Government Association of New South Wales and the Shires Association of New South Wales) as such a person. The prescription includes any duly appointed agent of Local Government Procurement Partnership.

This Regulation also amends the *Local Government (General) Regulation 2005* to correct an incorrect cross-reference.

This Regulation is made under the *Local Government Act 1993*, including sections 55 and 748 (the general regulation-making power).

Clause 1 Local Government (General) Amendment (Tendering) Regulation 2006

Local Government (General) Amendment (Tendering) Regulation 2006

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Tendering) Regulation 2006*.

2 Amendment of Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* is amended as set out in Schedule 1.

Local Government (General) Amendment (Tendering) Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 75A Approval required for domestic greywater diversion

Omit “(1) (c)” from clause 75A (3). Insert instead “(2) (c)”.

[2] Clause 163 Application of Part

Insert after clause 163 (1):

- (1A) For the purposes of the first bullet point paragraph of section 55 (3) of the Act, Local Government Procurement Partnership (ABN 34 578 553 267) is prescribed.
- (1B) To avoid doubt, a reference to Local Government Procurement Partnership includes for the purposes of subclause (1A) a reference to any duly appointed agent of Local Government Procurement Partnership.



New South Wales

Maritime Services Amendment (Fees) Regulation 2006

under the

Maritime Services Act 1935

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Maritime Services Act 1935*.

JOSEPH TRIPODI, M.P.,
Minister for Ports and Waterways

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Water Traffic Regulations—N.S.W.* to alter certain fees relating to aquatic licences, the registration of vessels and the licensing of drivers of vessels, and
- (b) to amend the *Management of Waters and Waterside Lands Regulations—N.S.W.* to increase certain fees relating to occupation licences.

The fee increases are generally in line with the movements in the Consumer Price Index.

This Regulation is made under the *Maritime Services Act 1935*, including section 38 (the general regulation-making power) and, in particular, section 38 (3) (b) and (c).

Clause 1 Maritime Services Amendment (Fees) Regulation 2006

Maritime Services Amendment (Fees) Regulation 2006

under the

Maritime Services Act 1935

1 Name of Regulation

This Regulation is the *Maritime Services Amendment (Fees) Regulation 2006*.

2 Commencement

This Regulation commences on 1 October 2006.

3 Amendment of Water Traffic Regulations—N.S.W.

The *Water Traffic Regulations—N.S.W.* are amended as set out in Schedule 1.

4 Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

The *Management of Waters and Waterside Lands Regulations—N.S.W.* are amended as set out in Schedule 2.

Maritime Services Amendment (Fees) Regulation 2006

Amendment of Water Traffic Regulations—N.S.W.

Schedule 1

Schedule 1 Amendment of Water Traffic Regulations—N.S.W.

(Clause 3)

Each provision specified in Column 1 of the following Table is amended by omitting the matter specified in Column 2 of that Table opposite that provision and by inserting instead the matter specified in Column 3 of that Table opposite that provision.

Table

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 8 (3) (g) (i)	\$71	\$73
Regulation 8 (3) (g) (ii)	\$107	\$110
Regulation 8 (3) (g) (iii)	\$283	\$291
Regulation 8 (3) (g) (iv)	\$567	\$583
Regulation 11 (3A) (a)	\$242	\$248
Regulation 11 (3A) (b)	\$61	\$63
Regulation 11 (3A) (c) (i)	\$42	\$43
Regulation 11 (3A) (c) (ii)	\$42	\$43
Regulation 11 (3A) (c) (ii)	\$7.80	\$8
Regulation 11 (3A) (c) (ii)	\$469.40	\$483
Regulation 11 (8)	\$16	\$17
Regulation 15H (2) (e) (i)	\$39	\$40
Regulation 15H (2) (e) (ii)	\$25	\$26
Regulation 15L (a)	\$128	\$131
Regulation 15L (b)	\$62	\$64
Regulation 15L (c)	\$38	\$39
Regulation 15L (d)	\$17	\$18
Regulation 15M (2) (a)	\$253	\$260
Regulation 15M (2) (b)	\$91	\$94
Regulation 15M (3) (a)	\$30	\$31
Regulation 15N (1)	\$13	\$14
Regulation 15NA (1) (a) (i)	\$90	\$93

Maritime Services Amendment (Fees) Regulation 2006

Schedule 1 Amendment of Water Traffic Regulations—N.S.W.

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 15NA (1) (a) (ii)	\$45	\$46
Regulation 15NA (1) (b) (i)	\$162	\$166
Regulation 15NA (1) (b) (ii)	\$81	\$83

Maritime Services Amendment (Fees) Regulation 2006

Amendment of Management of Waters and Waterside Lands Regulations— Schedule 2
N.S.W.

Schedule 2 Amendment of Management of Waters and Waterside Lands Regulations— N.S.W.

(Clause 4)

Each provision specified in Column 1 of the following Table is amended by omitting the matter specified in Column 2 of that Table opposite that provision and by inserting instead the matter specified in Column 3 of that Table opposite that provision.

Table

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 35A (1) (a)	\$243	\$249
Regulation 35A (1) (b)	\$405	\$417
Regulation 35A (2) (a)	\$163	\$168
Regulation 35A (2) (b)	\$323	\$332
Regulation 36A (1) (a)	\$241	\$248
Regulation 36A (1) (b)	\$241	\$248
Regulation 36A (1) (b)	\$82	\$84
Regulation 36A (1) (c)	\$569	\$584
Regulation 36A (1) (c)	\$162	\$166
Regulation 36A (2) (a)	\$302	\$310
Regulation 36A (2) (b)	\$302	\$310
Regulation 36A (2) (b)	\$101	\$104
Regulation 36A (2) (c)	\$706	\$726
Regulation 36A (2) (c)	\$201	\$207
Regulation 36A (3) (a)	\$162	\$166
Regulation 36A (3) (b)	\$162	\$166
Regulation 36A (3) (b)	\$35	\$36
Regulation 36A (3) (c)	\$337	\$346
Regulation 36A (3) (c)	\$64	\$66
Regulation 37 (3B) (b)	\$92	\$94
Regulation 37 (6)	\$92	\$94

Maritime Services Amendment (Fees) Regulation 2006

Schedule 2 Amendment of Management of Waters and Waterside Lands Regulations—
N.S.W.

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 39 (3)	\$92	\$94
Regulation 46	\$92	\$94
Regulation 49 (4)	\$92	\$94



New South Wales

Meat Industry (Meat Industry Levy) Regulation 2006

under the

Meat Industry Act 1978

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Meat Industry Act 1978*.

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

Explanatory note

The object of this Regulation is to remake, without substantial changes, the *Meat Industry (Meat Industry Levy) Regulation 1999* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation provides for the following matters:

- (a) the method of calculation, and applicable rates for, meat industry levies,
- (b) the giving of notices of the amounts of meat industry levies,
- (c) the giving of notices of change of occupancy and ownership of land,
- (d) applications for certificates as to the amounts of meat industry levies due and unpaid,
- (e) certificates as to the amounts of meat industry levies due and unpaid,
- (f) objections to the validity of meat industry levies,
- (g) the interest payable on overdue meat industry levies,
- (h) the keeping of levy books for recording particulars relating to meat industry levies,
- (i) other formal matters.

This Regulation is made under the *Meat Industry Act 1978*, including sections 59A, 59E, 59F, 59G, 59H, 59L, 59M and 77 (the general regulation-making power).

Meat Industry (Meat Industry Levy) Regulation 2006

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Meat Industry (Meat Industry Levy) Regulation 2006

Clause 1

Meat Industry (Meat Industry Levy) Regulation 2006

under the

Meat Industry Act 1978

1 Name of Regulation

This Regulation is the *Meat Industry (Meat Industry Levy) Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Meat Industry (Meat Industry Levy) Regulation 1999* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

levy means a meat industry levy under Part 5A of the Act.

levy collection agency agreement means an agreement or arrangement entered into by a rural lands protection board (or the State Council of Rural Lands Protection Boards on behalf of the board) under the *Rural Lands Protection Act 1998* under which the board acts as the Food Authority's agent for the purposes of:

- (a) issuing notices specifying the amount of levies, and
- (b) undertaking responsibility for collecting and recovering levies that occupiers or owners of rateable land within the district of the board owe to the Food Authority.

relevant rural lands protection board for a parcel of land means the rural lands protection board constituted under the *Rural Lands Protection Act 1998* for the rural lands protection district in which the land is situated.

the Act means the *Meat Industry Act 1978*.

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.
- (3) Notes included in this regulation do not form part of this Regulation.

Clause 4 Meat Industry (Meat Industry Levy) Regulation 2006

4 Calculation of levy

- (1) The object of this clause is to fix the rates and amounts on the basis of which a levy is to be calculated for land the subject of a levy.
- (2) For the purposes of section 59A (2) (a) of the Act, the prescribed rate for each stock unit of the notional carrying capacity of the land, as assessed by or under the *Rural Lands Protection Act 1998*, is 0.6 cents.
- (3) For the purposes of section 59A (2) (b) of the Act, the prescribed amount (that is, the maximum levy that is payable in relation to the land) is \$130.

5 Notice of amount of levy

For the purposes of section 59A (3) of the Act, the prescribed date in each year by which written notice of the amount of a levy must be given to the occupier of the land to which the notice relates is 31 October.

6 Changes in occupancy or ownership of land

- (1) For the purposes of section 59E (1) of the Act, the prescribed notice is a written notice in Form 1.
- (2) A person is exempt from section 59E (1) of the Act (which relates to notice of a person ceasing to be or becoming the occupier or owner of land):
 - (a) if the person has lodged similar notice with the relevant rural lands protection board in accordance with section 81 of the *Rural Lands Protection Act 1998*, or
 - (b) if the person has, within one month of ceasing to be or becoming the occupier or owner of land in respect of which a meat industry levy is payable, lodged similar notice with the Registrar-General in accordance with section 39 of the *Real Property Act 1900* or section 184E of the *Conveyancing Act 1919*.

7 Applications for certificates of levies due and payable

- (1) For the purposes of section 59F (4) of the Act, the prescribed form for an application for a certificate of levies due and payable is Form 2.
- (2) While a levy collection agency agreement is in force, a person is exempt from section 59F (4) of the Act in relation to the form of an application for a certificate of levies due and payable if the person's application forms part of an application for a certificate under section 236 of the *Rural Lands Protection Act 1998*.

-
- (3) For the purposes of section 59F (4) of the Act, the prescribed fee to accompany an application for a certificate of levies due and payable is:
 - (a) \$15, unless the application is made as referred to in paragraph (b), or
 - (b) \$5, if the application forms part of an application for a certificate under section 236 of the *Rural Lands Protection Act 1998*.
 - (4) The fee referred to in subclause (3) (b) is in addition to any fee payable under the *Rural Lands Protection Act 1998* in relation to an application under section 236 (Certificate as to rates, charges and other matters) of that Act.

8 Certificates of levies due and payable

- (1) For the purposes of section 59F (5) of the Act, the prescribed form is Form 3.
- (2) While a levy collection agency agreement is in force, the Food Authority is exempt from section 59F (5) of the Act (which relates to the form of a certificate of levies due and payable) if the certificate forms part of a certificate under section 236 of the *Rural Lands Protection Act 1998*.
- (3) The validity of a certificate referred to in subclause (2) is not affected by the termination or expiry of the levy collection agency agreement.

9 Objection to validity of levy

For the purposes of section 59G (2) of the Act:

- (a) the prescribed court before which an objection to the validity of a levy may be made is the District Court, and
- (b) the prescribed manner in which such an objection is to be made is by making an application to the District Court, in accordance with rules of court, for the determination of the objection.

10 Overdue levies

- (1) The object of this clause is to fix the rate of interest payable on overdue levies.
- (2) For the purposes of section 59H (2) of the Act, the prescribed rate per cent per year is:
 - (a) if the amount payable on unpaid rates under section 202 of the *Rural Lands Protection Act 1998* is expressible as a rate per cent per year, the rate per cent per year so payable, or

Clause 11 Meat Industry (Meat Industry Levy) Regulation 2006

- (b) in any other case, the rate per cent per year for the time being prescribed under section 101 of the *Civil Procedure Act 2005* for payment of interest on a judgment debt.

11 Levy books

- (1) For the purposes of section 59L (1) of the Act, a levy book that is kept in any one of the following forms is a prescribed levy book:
 - (a) a book containing fixed or loose leaves,
 - (b) a series of cards,
 - (c) a series of computerised records.
- (2) The following particulars are to be kept in the levy book:
 - (a) particulars of each parcel of land the subject of a levy and of the occupier or owner of the land,
 - (b) particulars of the amounts of levies imposed in respect of each such parcel and of the dates on which the relevant notices of the amounts of levies were served,
 - (c) particulars of the amounts of levies paid (including dates of payment), and of the amount of levies remaining outstanding, in respect of each such parcel.
- (3) While a levy collection agency agreement is in force, a levy book may be kept by the relevant rural lands protection board as part of a rate record kept under the *Rural Lands Protection Act 1998*.
- (4) An agent of the Food Authority that keeps a levy book as part of a rate record under subclause (3) is exempt from section 59L (1) of the Act (which relates to the levy book in which meat industry levies must be entered and the manner and form in which the levy book must be kept).

12 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Meat Industry (Meat Industry Levy) Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.

Meat Industry (Meat Industry Levy) Regulation 2006

Forms

Schedule 1

Schedule 1 Forms

Form 1

(Clause 6)

Notice of sale or transfer of land

In accordance with the *Meat Industry Act 1978*, notice is given of the sale or transfer of the land described below:

Description of land

- Local government area
- House or unit no
- Lot or portion no
- Deposited plan, strata plan or estate no
- Lease no and type of holding [*if Crown land*]
- Width of frontage
- Area [*hectares*]
- Folio no
- County
- Nearest cross streets
- Nature of property [*eg vacant land, house, temporary residence*]
- Ward
- Street name
- Section
- Length [*from frontage*]
- Volume or book
- District, town or village
- Parish

New subdivisions

If the lot is part of a new subdivision, please provide the following details about the land that was subdivided, before it was subdivided:

- Name of subdivider
- Street name
- Lot or portion no
- Deposited plan no
- Council's subdivision no or rural lands protection board assessment no or Valuer General's no [*please indicate which of these is being referred to*]
- Section
- Area or dimensions

Page 7

Meat Industry (Meat Industry Levy) Regulation 2006

Forms

Schedule 1

Form 2

(Clause 7)

Application for certificate under section 59F

To: The Director-General
 NSW Food Authority

This is an application for a certificate under section 59F of the *Meat Industry Act 1978* as to the amount (if any) of the meat industry levies due and payable to the Authority by the occupier or owner of the land described below:

Description of land

- Local government area
- House or unit no
- Lot or portion no
- Deposited plan, strata plan or estate no
- Lease no and type of holding [*if Crown land*]
- Width of frontage
- Area [*hectares*]
- Folio no
- County
- Rural lands protection district
- Rate assessment no for the property [*if known*]
- Nearest cross streets
- Nature of property [*eg vacant land, house, temporary residence*]
- Rate assessment no for the property [*if known*]
- Area of property to be transferred [*hectares*]
- Ward
- Street name
- Section
- Length [*from frontage*]
- Volume or book
- District, town or village
- Parish

Meat Industry (Meat Industry Levy) Regulation 2006

Forms

Schedule 1

Form 3

(Clause 8)

Certificate under section 59F

I certify that the meat industry levies set out below are due and payable to the NSW Food Authority in respect of the land described below:

Details of land

- Rate assessment no for property
- Name of property
- Address of property

- Portion no
- Parish
- County
- Area of property [*hectares*]

- Rural lands protection district
- No of dry sheep equivalents

Details of occupier of land

- Name
- Postal address

Levy

Year	Amount of levy	Interest	Total	Amount paid to date	Amount now due

- Signed
- Date

The Director-General
NSW Food Authority



New South Wales

Motor Accidents Compensation Amendment Regulation 2006

under the

Motor Accidents Compensation Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Accidents Compensation Act 1999*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Regulation is to make provision of a savings or transitional nature consequent on the enactment of the *Motor Accidents Compensation Amendment Act 2006*. In particular, the Regulation:

- (a) requires the Motor Accidents Authority:
 - (i) to make supplementary estimates of expenditure from the Motor Accidents Authority Fund in relation to the additional expenditures to be made from that Fund, and
 - (ii) to make supplementary determinations of the contributions that will need to be made to the Fund in order to support those additional expenditures, and
- (b) provides for the continuation, in relation to existing contribution determinations, of the regime for payment of the contributions fixed by those determinations.

This Regulation is made under the *Motor Accidents Compensation Act 1999*, including section 228 (the general power to make regulations) and clause 2 of Schedule 5 (the power to make regulations of a savings or transitional nature).

Clause 1 Motor Accidents Compensation Amendment Regulation 2006

Motor Accidents Compensation Amendment Regulation 2006

under the

Motor Accidents Compensation Act 1999

1 Name of Regulation

This Regulation is the *Motor Accidents Compensation Amendment Regulation 2006*.

2 Commencement

This Regulation commences on 18 August 2006.

3 Amendment of Motor Accidents Compensation Regulation 2005

The *Motor Accidents Compensation Regulation 2005* is amended as set out in Schedule 1.

Motor Accidents Compensation Amendment Regulation 2006

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Part 3A

Insert after Part 3:

Part 3A Provisions consequent on enactment of Motor Accidents Compensation Amendment Act 2006

16A Definition

In this Part:

the 2006 amending Act means the *Motor Accidents Compensation Amendment Act 2006*.

16B Supplementary estimates and determinations

The Authority is required, as soon as practicable after the commencement of this Part, to exercise its functions under sections 213 and 214 of the Act, as amended by the 2006 amending Act, in relation to its estimated expenditure from the Fund during the 2006/2007 financial year in connection with:

- (a) any bulk billing arrangements under section 54 of the Act, and
- (b) any amounts payable to the RTA with respect to the RTA's functions under the Act.

Note. The Authority's functions under those sections, as previously in force, have already been exercised in relation to all other expenditures from the Fund.

16C Payment of unpaid contributions under former section 214

Section 214 of the Act, as in force immediately before the commencement of this Part, continues to apply to any unpaid contributions under that section as if the 2006 amending Act had not been enacted.

Note. Clause 23 of Schedule 5 to the Act provides that amounts received into the Fund in relation to such contributions are taken to have been received as if they had been collected by an insurer from persons to whom third-party policies have been issued.



New South Wales

Sydney Harbour Foreshore Authority Regulation 2006

under the

Sydney Harbour Foreshore Authority Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Harbour Foreshore Authority Act 1998*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to remake, without substantial change, the *Sydney Harbour Foreshore Authority Regulation 1999* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the following matters:

- (a) the regulation of conduct in public areas in the Sydney foreshore area managed by the Sydney Harbour Foreshore Authority by imposing common regulatory measures (Part 2),
- (b) the further regulation of conduct in Darling Harbour by the imposition of certain additional regulatory measures (Part 3),
- (c) other minor, consequential and ancillary matters (Parts 1 and 4).

This Regulation is made under the *Sydney Harbour Foreshore Authority Act 1998*, including section 46 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Sydney Harbour Foreshore Authority Regulation 2006

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Sydney Harbour Foreshore Authority Regulation 2006

Clause 1

Preliminary

Part 1

Sydney Harbour Foreshore Authority Regulation 2006

under the

Sydney Harbour Foreshore Authority Act 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Sydney Harbour Foreshore Authority Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Sydney Harbour Foreshore Authority Regulation 1999* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

liquor means liquor within the meaning of the *Liquor Act 1982*.

personal watercraft means a power-driven vessel that:

- (a) has a fully enclosed hull, and
- (b) does not retain water taken on if it capsizes, and
- (c) is designed to be operated by a person standing, sitting astride or kneeling on the vessel but not seated within the vessel.

public area means any part of the foreshore area (being the area described in Schedule 1 to the Act) that is vested in or managed by the Authority and that the public uses or is entitled to use, whether on payment of a fee or charge or otherwise.

ranger means a person appointed under section 32 of the Act as a ranger for the purposes of the Act.

the Act means the *Sydney Harbour Foreshore Authority Act 1998*.

- (2) A reference in this Regulation to land managed by the Authority is a reference to managed land within the meaning of section 8 of the Act.
- (3) The notes in the text of this Regulation do not form part of this Regulation.

Clause 4 Sydney Harbour Foreshore Authority Regulation 2006

Part 2 Regulation of activities in public areas

Part 2 Regulation of activities in public areas

4 Commercial and other activities

- (1) A person must not do any of the following in a public area, except as authorised by the Authority:
- (a) sell or hire, or offer for sale or hire, any goods,
 - (b) use any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video), for a commercial purpose,
 - (c) provide, or offer to provide, any services for fee, gain or reward,
 - (d) distribute any advertising matter or display any advertisement (other than on a vehicle driven by the person or on any clothing or personal effect worn or carried by the person),
 - (e) conduct any wedding,
 - (f) collect or attempt to collect money,
 - (g) busk,
 - (h) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area,
 - (i) operate or use any radio, television, music-player, musical instrument or other sound-generating device in a manner that unduly interferes with the amenity of the area,
 - (j) camp or use facilities for sleeping overnight,
 - (k) erect any tent or other temporary structure,
 - (l) paint, erect or affix any decoration, sign or other equipment,
 - (m) climb any tree, sculpture, decoration, flagpole or other fixture,
 - (n) light any fire, barbecue or stove (not being cooking facilities provided by the Authority),
 - (o) set off any firework,
 - (p) carry or discharge or have in the person's possession any firearm, unless the person is a police officer of the State or the Commonwealth or unless the person is the holder of a licence under the *Security Industry Act 1997* and is carrying out functions authorised by the licence,
 - (q) land or launch any hot air balloon,
 - (r) ride or use any skate board, roller skates, in-line skates or similar equipment,
 - (s) damage, destroy or remove any tree, plant or other vegetation,
 - (t) damage, destroy or remove any building, structure or equipment,

Sydney Harbour Foreshore Authority Regulation 2006

Clause 5

Regulation of activities in public areas

Part 2

(u) dig up or disturb the surface of any road or other land.

Maximum penalty: 20 penalty units.

- (2) The Authority may determine the charges (if any) to be imposed for any activities authorised by the Authority under this clause.

5 Public assemblies

- (1) In this clause:

public assembly means:

- (a) an organised assembly of persons for the purposes of holding a meeting, procession or performance, or
- (b) a sporting event.

- (2) A person must not, except as authorised by the Authority, conduct or participate in any public assembly in a public area.

Maximum penalty: 20 penalty units.

- (3) The Authority may determine:

- (a) the days and times during which, and the conditions on which, persons may conduct or participate in a public assembly in a public area, and
- (b) the charges (if any) to be imposed for the conduct of a public assembly in a public area, and
- (c) the charges (if any) to be imposed for entry into the part of the public area within which a public assembly is to be conducted.

6 Use of land by buses

- (1) The Authority may set aside any land within a public area for use by buses.

- (2) The Authority may determine:

- (a) the days and times during which, and the conditions on which, any such land may be used by buses, and
- (b) the charges (if any) to be imposed for the use by buses of any such land.

- (3) A person must not, except as authorised by the Authority, contravene any conditions of use of any such land that are displayed in, or at the places of entry into, that land.

Maximum penalty: 20 penalty units.

Clause 7 Sydney Harbour Foreshore Authority Regulation 2006

Part 2 Regulation of activities in public areas

7 Closing of public areas

- (1) The Authority may, by means of signs, barriers or buoys, close temporarily the whole or any part of a public area (other than a public road) to the public.
- (2) A person must not enter any part of a public area that has been closed to the public under this or any other provision of this Regulation, except as authorised by the Authority or by a ranger or police officer.
Maximum penalty: 20 penalty units.

8 New Year's Eve and other activities

- (1) This clause applies to special event activities, that is:
 - (a) New Year's Eve activities occurring on 31 December or the following 1 or 2 January, or
 - (b) Australia Day activities occurring on 26 January or the following 27 January,being activities promoted, organised or conducted within a public area by the Authority in the exercise of its functions under section 12 (1) (c) of the Act.
- (2) The Authority may, for the purpose of special event activities, do any one or more of the following:
 - (a) limit the number of persons who may enter public areas or any particular public area,
 - (b) close any particular public area to the public,
 - (c) charge admission to public areas or any particular public area,
 - (d) prohibit persons from entering public areas or any particular public area if they are in possession of liquor or any other specified thing.
- (3) Nothing in this clause limits any other function of the Authority under this Regulation.

9 Prohibition on liquor

- (1) The Authority may prohibit the drinking of liquor in any part of a public area (either at any time or at any particular time). The Authority is to give public notice of any such prohibition.
- (2) A person must not drink liquor in a public area in contravention of any such prohibition.
Maximum penalty: 1 penalty unit.

Sydney Harbour Foreshore Authority Regulation 2006

Clause 10

Regulation of activities in public areas

Part 2

-
- (3) A person is not guilty of an offence under this clause unless it is established that on the day of the contravention a ranger or police officer warned the person that the drinking of liquor was prohibited in the area and that the person commenced to drink, continued to drink or resumed drinking liquor in contravention of the prohibition.
 - (4) The Authority may prohibit persons from entering any part of a public area during the conduct of a particular activity that is promoted, organised or conducted by the Authority if they are in possession of liquor.

10 Securing of vessels to wharves of the Authority

- (1) A person must not, except as authorised by the Authority, secure a vessel to a wharf of the Authority.
Maximum penalty: 20 penalty units.
- (2) The Authority may determine:
 - (a) the days and times during which, and the conditions on which, a wharf of the Authority may be used to secure vessels, and
 - (b) the charges (if any) to be imposed for the use of a wharf of the Authority to secure vessels.
- (3) This clause does not apply to a vessel that is secured to a wharf of the Authority at the direction or with the permission of any person or body entitled to give such a direction or permission.
- (4) In this clause:

vessel includes a charter boat, water taxi or ferry.

wharf of the Authority means a wharf (including a pier, jetty, landing stage or dock) that is vested in or managed by the Authority and that is within a public area.

11 Acting contrary to notices

- (1) The Authority has, in relation to a public area, the same function as a local council under section 632 of the *Local Government Act 1993*.
Note. Section 632 of the *Local Government Act 1993* authorises the erection of notices with respect to the payment of entry or use fees, the use of vehicles, the taking of animals or other actions in or uses of public places. Section 633C of that Act, however, prevents any such notice affecting roads or traffic functions under other Acts.
- (2) A person who, in a public area, fails to comply with the terms of a notice erected by the Authority in the exercise of that function is guilty of an offence.
Maximum penalty: 5 penalty units.

Clause 11 Sydney Harbour Foreshore Authority Regulation 2006

Part 2 Regulation of activities in public areas

- (3) This clause does not prevent the erection of a notice in a public area by a local council under the *Local Government Act 1993*. A notice erected by the Authority may be combined with a notice erected by a local council.
- (4) If a failure to comply with the terms of a notice also constitutes an offence against another provision of this Regulation or against the *Local Government Act 1993*, a person who fails to comply with the terms of the notice is not liable to be convicted of both offences.

Sydney Harbour Foreshore Authority Regulation 2006

Clause 12

Special provisions relating to Darling Harbour

Part 3

Part 3 Special provisions relating to Darling Harbour

12 Application

- (1) This Part applies to the areas and facilities referred to in this Part so long as they remain part of or within a public area.
- (2) This Part does not limit the application of the other provisions of this Regulation to those areas and facilities.

13 Definitions of Darling Harbour area and Pyrmont Bridge

In this Part:

Darling Harbour area means the following areas:

- (a) the Chinese Garden,
- (b) Tumbalong Park,
- (c) Cockle Bay Promenade,
- (d) Pyrmont Bridge,
- (e) Cockle Bay,
- (f) any other public area in the Development Area (within the meaning of the *Darling Harbour Authority Act 1984* immediately before its repeal).

Pyrmont Bridge includes:

- (a) the piles marking the channels approaching the Bridge, and
- (b) the abutments of the Bridge, and
- (c) the extension of the Bridge to Market Street and King Street, and
- (d) the Bicentennial Flagpole and its base.

14 Dogs or other animals in Darling Harbour area

- (1) A person must not, except as authorised by the Authority, bring any dog or other animal into the Darling Harbour area.
Maximum penalty: 20 penalty units.
- (2) This clause does not prohibit a person with a disability from taking an assistance animal into the Darling Harbour area.
- (3) Any unattended dog or other animal may be removed from the Darling Harbour area by a ranger or police officer.
- (4) In this clause:
assistance animal means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

Clause 15 Sydney Harbour Foreshore Authority Regulation 2006

Part 3 Special provisions relating to Darling Harbour

disability has the same meaning as it has in the *Disability Discrimination Act 1992* of the Commonwealth.

15 Fishing in Darling Harbour area

A person must not, except as authorised by the Authority, take or attempt to take, or harm, any fish in the Darling Harbour area (other than in Cockle Bay).

Maximum penalty: 20 penalty units.

16 Tumbalong Park

A person must not use the stage in Tumbalong Park or its facilities, except as authorised by the Authority.

Maximum penalty: 20 penalty units.

17 The Chinese Garden

(1) The Authority may determine:

- (a) the days and times during which, and the conditions on which, persons may enter the Chinese Garden, and
- (b) the maximum number of persons who may visit the Chinese Garden at any one time, and
- (c) the charges (if any) to be imposed for entry into, or for the conduct of any function or other activity in, the Chinese Garden.

(2) A person must not, except as authorised by the Authority, contravene any conditions of entry into the Chinese Garden that are displayed in, or at the places of entry into, the Chinese Garden.

Maximum penalty: 20 penalty units.

18 Activities within Cockle Bay

A person must not do any of the following, except as authorised by the Authority:

- (a) swim or paddle in the waters of Cockle Bay,
- (b) sail a sailboard, windsurfer or other like craft in the waters of Cockle Bay,
- (c) deposit or throw any article or substance into the waters of Cockle Bay,
- (d) ride a personal watercraft in the waters of Cockle Bay,
- (e) row or paddle any row boat, canoe, kayak or similar craft in the waters of Cockle Bay,

Sydney Harbour Foreshore Authority Regulation 2006

Clause 19

Special provisions relating to Darling Harbour

Part 3

-
- (f) participate in any activity in the waters of Cockle Bay involving the use of a vessel to tow a person (such as water skiing or paragliding).

Maximum penalty: 20 penalty units.

19 Activities on Pymont Bridge

A person must not do any of the following, except as authorised by the Authority:

- (a) go on to any portion of Pymont Bridge other than its footway,
- (b) fish from any portion of Pymont Bridge,
- (c) go on to the swing span of Pymont Bridge while it is in motion or in any open position,
- (d) stand or climb on the safety gates at the entrance to the swing span of Pymont Bridge,
- (e) obstruct the movement of the gates at the entrance to the swing span of Pymont Bridge.

Maximum penalty: 20 penalty units.

20 Movement of vessels beneath Pymont Bridge

- (1) The Authority may cause to be displayed, on or in the vicinity of Pymont Bridge, a notice containing directions with respect to the movement or berthing of vessels beneath the Bridge.
- (2) Such a notice does not have effect unless:
 - (a) it is prominently displayed on or in the vicinity of that part of Pymont Bridge to which it is intended to apply, and
 - (b) the directions contained in it are clearly legible to those persons to whom it is intended to apply.
- (3) A person must not contravene any direction given by the Authority under this clause.

Maximum penalty: 20 penalty units.

- (4) A person must not, except as authorised by the Authority, moor any vessel to any portion of, or beneath, Pymont Bridge.

Maximum penalty: 20 penalty units.

21 Berthing of vessels within Cockle Bay

- (1) A person must not, except as authorised by the Authority, berth a vessel (including any charter boat, water taxi or ferry) within the waters of Cockle Bay.

Maximum penalty: 20 penalty units.

Clause 21 Sydney Harbour Foreshore Authority Regulation 2006

Part 3 Special provisions relating to Darling Harbour

- (2) The Authority may determine:
 - (a) the days and times during which, and the conditions on which, vessels may be berthed in the waters of Cockle Bay, and
 - (b) the charges (if any) to be imposed for the berthing of vessels in the waters of Cockle Bay.
- (3) Without limiting the generality of subclause (2) (a), a condition referred to in that paragraph may relate to any one or more of the following:
 - (a) the use of a berthed vessel for tourist purposes,
 - (b) the bunkering of a berthed vessel,
 - (c) the disposal of garbage and sewage from a berthed vessel.
- (4) A condition relating to the use of a berthed vessel for tourist purposes may regulate the fee that a tourist may be charged in relation to that use.

Sydney Harbour Foreshore Authority Regulation 2006

Clause 22

Miscellaneous

Part 4

Part 4 Miscellaneous

22 Requirement to state name and address

- (1) A ranger or police officer who suspects on reasonable grounds that a person in a public area has committed an offence against this Regulation may require the person to state his or her full name and residential address.
- (2) A person must not:
 - (a) fail without reasonable excuse to comply with a requirement under this clause, or
 - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading.Maximum penalty: 20 penalty units.
- (3) A person is not guilty of an offence under this clause unless it is established that the ranger or police officer warned the person that the failure to comply with the requirement is an offence.

23 Removal of certain persons from public areas

- (1) A person who:
 - (a) causes annoyance or inconvenience to other persons in a public area, or
 - (b) contravenes any provision of this Regulation in a public area, or
 - (c) trespasses on any part of a public area closed to the public, must leave the area forthwith when requested to do so by a ranger or police officer.Maximum penalty: 20 penalty units.
- (2) A person who fails to comply with such a request may be removed from a public area by a ranger or police officer.
- (3) Reasonable force may be used to effect the person's removal.
- (4) A person is not guilty of an offence under this clause unless it is established that the ranger or police officer warned the person that the failure to comply with the request is an offence.

24 Removal of obstructions from public areas

- (1) The Authority, or a ranger or police officer, may order the removal of anything which obstructs or encroaches on a public area.
- (2) The order may be given to either or both of the following:
 - (a) the person who caused the obstruction or encroachment,

Clause 25	Sydney Harbour Foreshore Authority Regulation 2006
Part 4	Miscellaneous

- (b) a person using the thing causing the obstruction or encroachment.
- (3) A person to whom such an order is given must comply with the order.
Maximum penalty: 20 penalty units.
- (4) The Authority, or a ranger or police officer, may remove the obstruction or encroachment whether or not an order for its removal has been given under this clause.
- (5) The Authority may recover from either of the persons referred to in subclause (2) the Authority's reasonable costs and expenses incurred in removing an obstruction or encroachment.
- (6) This clause does not apply to a motor vehicle.
- (7) This clause does not apply to an obstruction or encroachment if its presence in the public area is authorised:
 - (a) by the Authority, or
 - (b) by the person or body in whom the public area is vested, or
 - (c) by or under the Act or any other Act,and its presence has not ceased to be so authorised.

25 Activities not affected by Regulation

An act or omission does not constitute a contravention of this Regulation:

- (a) if it is done or omitted by the Authority or if it is authorised, expressly or impliedly, by the terms of any lease, licence or other authority granted by the Authority, or
- (b) in the case of land vested in a person other than the Authority—if it is done or omitted by that person or if it is authorised, expressly or impliedly, by the terms of any lease, licence or other authority granted by that person, or
- (c) in the case of a public road—if it is done or omitted by the relevant roads authority under the *Roads Act 1993* or if it is authorised, expressly or impliedly, by the terms of any lease, licence or other authority granted by the roads authority, or
- (d) in the case of any waters—if it is authorised by or under the marine legislation (within the meaning of the *Ports Corporatisation and Waterways Management Act 1995*).

Sydney Harbour Foreshore Authority Regulation 2006

Clause 26

Miscellaneous

Part 4

26 Declaration of core land: section 6 (e) of the Act

The following land is declared to be core land:

Land at Ballast Point, Birchgrove that is bordered by Wharf Road, Ronald Street, Mort Bay and Snails Bay comprising Lots 1–4, DP 115939 (excluding the leasehold interest of Energy Australia under registered lease N700214 over part of Lot 1, DP 115939), Lot 7, DP 132691, Lot 11, DP 792332 and Lot 413, DP 752049.

Land at The Rocks, Circular Quay that is bordered by George Street, Argyle Street and First Fleet Park, comprising Lots 20–22, DP 787906.

27 Penalty notice offences and penalties

For the purposes of section 43A of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of that Schedule.

28 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Sydney Harbour Foreshore Authority Regulation 1999* had effect under that Regulation continues to have effect under this Regulation.

Sydney Harbour Foreshore Authority Regulation 2006

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clause 27)

Column 1	Column 2
Offence	Penalty
Clause 4 (1) (a)–(o), (q), (r), (t) and (u)	\$220
Clause 4 (1) (p) and (s)	\$440
Clause 5 (2)	\$220
Clause 6 (3)	\$220
Clause 7 (2)	\$220
Clause 9 (2)	\$70
Clause 10 (1)	\$220
Clause 11 (2)	\$110
Clause 14 (1)	\$220
Clause 15	\$110
Clause 16	\$220
Clause 17 (2)	\$220
Clause 18 (a)	\$110
Clause 18 (b) and (d)–(f)	\$220
Clause 18 (c)	\$440
Clause 19 (a), (b) and (e)	\$110
Clause 19 (c) and (d)	\$220
Clause 20 (3) and (4)	\$220
Clause 21 (1)	\$220
Clause 22 (2) (a) and (b)	\$220
Clause 23 (1) (a)–(c)	\$220
Clause 24 (3)	\$220

Order



New South Wales

Subordinate Legislation (Postponement of Repeal) Order 2006

under the

Subordinate Legislation Act 1989

MARIE 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 11 of the *Subordinate Legislation Act 1989*, make the following Order.

Dated, this 16th day of August 2006.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,
Premier

Clause 1 Subordinate Legislation (Postponement of Repeal) Order 2006

Subordinate Legislation (Postponement of Repeal) Order 2006

under the

Subordinate Legislation Act 1989

1 Name of Order

This Order is the *Subordinate Legislation (Postponement of Repeal) Order 2006*.

2 Commencement

This Order commences on 31 August 2006.

3 Postponement of repeal of certain statutory rules

The repeal, by section 10 of the *Subordinate Legislation Act 1989*, of the statutory rules listed in Schedule 1 is postponed from 1 September 2006 to 1 September 2007.

Subordinate Legislation (Postponement of Repeal) Order 2006

Statutory rules

Schedule 1

Schedule 1 Statutory rules

(Clause 3)

Associations Incorporation Regulation 1999

Bail Regulation 1999

Building and Construction Industry Security of Payment Regulation 2001

Casino Control Regulation 2001

Children and Young Persons (Care and Protection) Regulation 2000

Coal Mines (General) Regulation 1999

Coal Mines (Investigation) Regulation 1999

Coal Mines (Open Cut) Regulation 1999

Coal Mines (Underground) Regulation 1999

Commission for Children and Young People Regulation 2000

Community Land Development Regulation 2000

Community Land Management Regulation 2000

Companion Animals Regulation 1999

Consumer Claims Regulation 1999

Contaminated Land Management Regulation 1998

Conveyancers Licensing Regulation 2001

Crimes (Administration of Sentences) Regulation 2001

Crimes (Forensic Procedures) Regulation 2000

Dust Diseases Tribunal Regulation 2001

Education Regulation 2001

Electricity Supply (General) Regulation 2001

Employment Protection Regulation 2001

Environmental Planning and Assessment Regulation 2000

Environmentally Hazardous Chemicals Regulation 1999

Googong Dam Catchment Area Regulation 2000

Grain Marketing Regulation 2001

Industrial Relations (General) Regulation 2001

Judicial Officers Regulation 2000

Law Enforcement (Controlled Operations) Regulation 1998

Marine Parks Regulation 1999

Mental Health Regulation 2000

Subordinate Legislation (Postponement of Repeal) Order 2006

Schedule 1 Statutory rules

Mines Inspection General Rule 2000
Mines Inspection Regulation 1999
Motor Vehicle Repairs Regulation 1999
Occupational Health and Safety Regulation 2001
Parking Space Levy Regulation 1997
Parliamentary Electorates and Elections Regulation 2001
Passenger Transport (Bus Services) Regulation 2000
Passenger Transport (Ferry Services) Regulation 2000
Passenger Transport (General) Regulation 2000
Passenger Transport (Private Hire Vehicle Services) Regulation 2001
Passenger Transport (Taxi-cab Services) Regulation 2001
Pesticides Regulation 1995
Pharmacy (Elections) Regulation 1998
Pharmacy (General) Regulation 1998
Police Regulation 2000
Protection of the Environment Operations (General) Regulation 1998
Protection of the Environment Operations (Noise Control) Regulation 2000
Public Health (Microbial Control) Regulation 2000
Public Health (Skin Penetration) Regulation 2000
Public Health (Swimming Pools and Spa Pools) Regulation 2000
Public Health (Tobacco) Regulation 1999
Retirement Villages Regulation 2000
Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999
Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998
Road Transport (Driver Licensing) Regulation 1999
Road Transport (Heavy Vehicles Registration Charges) Regulation 2001
Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999
Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
Road Transport (Vehicle Registration) Regulation 1998
Roads (General) Regulation 2000
Security Industry Regulation 1998
Smoke-free Environment Regulation 2000
Swimming Pools Regulation 1998
Sydney Olympic Park Regulation 2001

Subordinate Legislation (Postponement of Repeal) Order 2006

Statutory rules

Schedule 1

Sydney Water Catchment Management (Environment Protection) Regulation 2001

Sydney Water Catchment Management (General) Regulation 2000

Teaching Service Regulation 2001

Tow Truck Industry Regulation 1999

*Water Management (Benerembah Irrigation District Environment Protection Trust)
Regulation 2001*

Weapons Prohibition Regulation 1999

Other Legislation



New South Wales

Notice adjusting description of lands

under the

National Park Estate (Southern Region Reservations) Act 2000

I, the Director-General of the Department of Environment and Conservation, with the approval of the Minister administering the *National Parks and Wildlife Act 1974* and the Minister administering the *Forestry Act 1916*, and pursuant to section 10 of the *National Park Estate (Southern Region Reservations) Act 2000 (the Act)*, adjust the description of the land in Schedule 1 to the Act by amending that Schedule as set out in Schedule 1 to this Notice.

In accordance with section 10 (5) of the Act, I certify that the adjustment effected by this notice will not result in any significant reduction in the size or value of national park estate land or State forest land.

In accordance with section 10 (9) of the Act, I declare that:

- (a) the land identified as lots 1–8 on the diagram catalogued Misc R 01011 in the Department of Environment and Conservation is part of the public road known as Little Forest Road and, accordingly, is vested in the roads authority for the public road under the *Roads Act 1993*, and
- (b) the land identified as lots 9–13 on the diagram catalogued Misc R 01011 in the Department of Environment and Conservation ceases to be part of the public road known as Little Forest Road and, accordingly, is divested from the relevant roads authority for that road and becomes part of Morton National Park subject to the relevant provisions of the Act applicable to Schedule 1 to the Act.

Director-General of the Department of Environment and Conservation
Dated this 3rd day of August 2006.

Notice adjusting description of lands

Schedule 1 Amendments

Schedule 1 Amendments

[1] Schedule 1 State forest reserved as national park or state recreation area or dedicated as nature reserve

Insert after the first paragraph of clause 26 (2):

That area does not include the land identified as lots 1–8 on the diagram catalogued Misc R 01011 in the Department of Environment and Conservation.

[2] Schedule 1, clause 26 (10)

Insert after clause 26 (9):

(10) Former area of public road

The area of about 2.4 hectares, being the land identified as lots 9–13 on the diagram catalogued Misc R 01011 in the Department of Environment and Conservation.



New South Wales

Notice adjusting description of land transferred to national park estate

under the

National Park Estate (Southern Region Reservations) Act 2000

I, the Director-General of the Department of Environment and Conservation, with the approval of the Minister administering the *National Parks and Wildlife Act 1974* and the Minister administering the *Forestry Act 1916*, and in pursuance of section 10 of the *National Park Estate (Southern Region Reservations) Act 2000*, adjust the description of lands in Schedule 2 to the *National Park Estate (Southern Region Reservations) Act 2000* by amending that Schedule as set out in Schedule 1 to this Notice.

I certify that the adjustments effected by this Notice will not result in any significant reduction in the size or value of national park estate land or State forest land.

I declare:

- (a) that the land identified as Lot 2 on the diagram catalogued Misc R 01009 in the Department of Environment and Conservation is part of Bamarang Road in the local government area of Shoalhaven and, accordingly, is vested in the roads authority for that public road under the *Roads Act 1993*, and
- (b) that the land identified as Lot 1 on the diagram catalogued Misc R 01009 in the Department of Environment and Conservation ceases to be part of Bamarang Road in the local government area of Shoalhaven and, accordingly, is divested from the roads authority for that public road and becomes part of the land subject to the relevant provisions of the *National Park Estate (Southern Region Reservations) Act 2000* applicable to Schedule 2 to that Act.

Director-General of the Department of Environment and Conservation

Dated this 3rd day of August 2006.

Notice adjusting description of land transferred to national park estate

Schedule 1 Amendments

Schedule 1 Amendments

[1] Schedule 2 Crown lands reserved as national park or state recreation area or dedicated as nature reserve

Insert “and the land identified as Lot 1 on the diagram catalogued Misc R 01009 in the Department of Environment and Conservation” after “Service” in the second paragraph of clause 2.

[2] Schedule 2, clause 2

Insert “However, that area does not include the land identified as Lot 2 on the diagram catalogued Misc R 01009 in the Department of Environment and Conservation, subject to any variations or exceptions noted on that diagram.” at the end of the second paragraph.

OFFICIAL NOTICES

Appointments

COAL ACQUISITION (COMPENSATION) ARRANGEMENTS 1985

Appointment of Member of the New South Wales Coal Compensation Review Tribunal

Her Excellency Professor MARIE BASHIR, AC, CVO,
Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 26 of the Coal Acquisition (Compensation) Arrangements 1985, appoint Mr John MAITLAND as a member to the New South Wales Coal Compensation Review Tribunal for a term expiring on 30 June 2007.

Signed and sealed at Sydney, this 22nd day of July 2006.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

COAL MINE HEALTH AND SAFETY ACT 2002

Appointment of Chairperson

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources appoint John MAITLAND as Chairperson to the Coal Competence Board effective upon commencement of the provisions of section 132(1)(a) of the Coal Mine Health and Safety Act 2002, for a term expiring 30 June 2009.

Dated this 4th day of July 2006.

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

CROWN LANDS ACT 1989

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 thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

Column 1

Edward George ATCHISON (re-appointment).
Kenneth Michael HILL (re-appointment).
Jennifer ROBERTS (re-appointment).

Ronald Mason HARVEY (re-appointment).

Francis Alfred BATES (re-appointment).

James Henry BELL (re-appointment).

Leigh MAUGHAN (re-appointment).

Dianne PASCOE (re-appointment).

Laraine Kay CLIFFORD (re-appointment).

Gwennette Eulalie JACKSON (re-appointment).

The person for the time being holding the office of Regional Co-ordinator, Hunter Region, Premier's Department (ex-officio member).

The person for the time being holding the office of Director, Properties, Department of the Arts, Sport and Recreation (ex-officio member).

The person for the time being holding the office of Director, Community Development Newcastle City Council (ex-officio member).

Column 2

Newcastle International Sports Centre Trust.

Column 3

Reserve No.: 84753.

Public Purpose: Public recreation.

Notified: 14 February 1964.

File No.: 03/PG/156.

Term of Office

For a term commencing the date of this notice and expiring 25 August 2007.

EXOTIC DISEASES OF ANIMALS ACT 1991

Appointments under Section 66

I, B. D. BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 66 of the Exotic Diseases of Animals Act 1991 (the Act), hereby:

1. revoke the appointments of Ian Stephen DENNEY, Graeme Walter EGGLESTON and Ian James ROTH as Deputy Chief Veterinary Officers, dated 27 October 2005 and published in *New South Wales Government Gazette* No. 137 on 4 November 2005, at page 9335 and any appointment revived as a result of this revocation;
2. appoint Graeme Walter EGGLESTON, Ian James ROTH and Stephen Elliot DUNN as Deputy Chief Veterinary Officers for the purposes of the Act.

For the purposes of subsection 66(2) of the Act, the persons appointed as Deputy Chief Veterinary Officers pursuant to paragraph 3 of this instrument of appointment may exercise the powers and perform the functions of the Chief Veterinary Officer on all terms and in all circumstances.

Dated this 3rd day of August 2006.

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

**NSW WINE INDUSTRY RESEARCH AND
DEVELOPMENT ADVISORY COUNCIL**

Appointment of Member

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, hereby appoint the following person as a member of the NSW Wine Industry Research and Development Advisory Council for a term commencing from the date hereof for a period of three years.

Neil PERRY.

Dated this 6th day of July 2006.

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

STOCK DISEASES ACT 1923

Appointment of Inspector

I, B. D. BUFFIER, Director-General of NSW Department of Primary Industries, pursuant to section 6(1) of the Stock Diseases Act 1923 ('the Act'), appoint Thomas Rex HAMILTON as an Inspector under the Act.

Dated this 10th day of August 2006.

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

STOCK DISEASES ACT 1923

Appointment of Inspectors

I, B. D. BUFFIER, Director-General of NSW Department of Primary Industries, pursuant to section 6(1) of the Stock Diseases Act 1923 ('the Act'), appoint the persons named in the Schedule as Inspectors under the Act.

SCHEDULE

Lois Esther HARRISON, and
Michael Andrew HARRISON.

Dated this 1st day of August 2006.

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

Department of Lands

ARMIDALE OFFICE
108 Faulkner Street, Armidale NSW 2350
Phone: (02) 6772 5488 Fax (02) 6771 5348

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 thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

—————
 SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Michael M. CARROLL (new member).	Nowendoc Public Hall Trust.	Reserve No.: 72805. Public Purpose: Public hall. Notified: 6 August 1948. Reserve No.: 51148. Public Purpose: Public hall. Notified: 24 November 1915. File No.: AE80 R 10.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2007.

GOULBURN OFFICE

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

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

RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Yass.
Local Government Area:
Yass Valley.
Parishes: Wee Jasper, West
Goodradigbee, Clive,
Cromwell and Bramina.
County: Buccleuch.
Parishes: East Goodradigbee,
Micalong, Mullion,
Brindibella, Urayarra,
Umburra and Venterman.
County: Cowley.
Parish: Childowla.
County Harden.
Locality: Wee Jasper being
the Crown Land depicted
on the plan of R1012095
held by the Department
of Lands.
Area: About 1703 hectares.
File No.: GB06 R 17.

COLUMN 2

Reserve No. R1012095 for
the public purpose of access
and public requirements,
rural services, tourism
purposes and environment
and heritage conservation.

Note: Existing reservations under the Crown Lands Act are not revoked.

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

COLUMN 1

Brian
HETHERINGTON
(new member),
Stuart Terence
STURGEON
(new member),
Paul BOURNE
(new member),
Peter BATHO
(new member).

COLUMN 2

Bunyan
Recreation
Reserve Trust.

COLUMN 3

Reserve No.: 85365.
Public Purpose: Public
recreation.
Notified: 18 June 1965.
File No.: GB82 R 35.

Term of Office

For a term commencing the date of this notice and expiring
24 August 2011.

SCHEDULE 2

COLUMN 1

Peta SKAINES
(new member).

COLUMN 2

Towrang
Community Hall
Reserve Trust.

COLUMN 3

Reserve No.: 130073.
Public Purpose: Community
purposes.
Notified: 16 February 1996.
File No.: GB93 R 50.

Term of Office

For a term commencing the date of this notice and expiring
30 January 2008.

SCHEDULE 3

COLUMN 1

Ron WOODHAM
(new member),
Ian McLEAN
(new member),
Gerard SCHIPP
(new member).

COLUMN 2

Cooma
Correctional
Centre
(R1002967)
Reserve Trust.

COLUMN 3

Reserve No. 1002967 for the
public purpose of government
purposes, notified in the *New
South Wales Government
Gazette* of 8 December 2000
and added to this day.
File No.: LANDS06/406.

DISSOLUTION OF RESERVE TRUST

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

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

SCHEDULE 1

COLUMN 1

Cooma Vulcan St Recreation
Reserve Trust.

COLUMN 2

Reserve No. 1002968 for the
purpose of public recreation
and environmental protection,
notified in the *New South
Wales Government Gazette*
of 8 December 2000.
File No.: LANDS06/406.

SCHEDULE 2

COLUMN 1

Cooma Vulcan St Research
and Education Centre
Reserve Trust.

COLUMN 2

Reserve No. 1002967 for the
purpose of government
purposes, notified in the *New
South Wales Government
Gazette* of 8 December 2000.
File No.: LANDS06/406.

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE
COLUMN 1

Land District: Cooma.
Shire/Municipality/City:
Cooma Monaro Shire
Council.
Parish: Cooma.
County: Beresford.
Locality of Cooma.
Lot 371, DP 750535.
Area: 66.21 hectares.
File No.: LANDS06/406.

COLUMN 2

Crown Land reserved for the public purpose of government purposes, by notification in the *New South Wales Government Gazette* of 8 December 2000 as Reserve No. 1002967.

Note: Reserve 1002968, notified 8 December 2000, for the purpose of public recreation and environmental protection and the affected part of Reserve 1011448, notified 31 March 2006, for future public requirements are hereby revoked.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE
COLUMN 1

Cooma Correctional Centre (R1002967) Reserve Trust.

COLUMN 2

Reserve No. 1002967 for the public purpose of government purposes, notified in the *New South Wales Government Gazette* of 8 December 2000 and added to this day.
File No.: LANDS06/406.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF ROAD

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

 Description

Land District – Lismore; L.G.A. – Lismore City Council.

Road Closed: Lot 1, DP 1092596 at Eltham, Parish Bexhill, County Rous.

File No.: GF04 H 87.

SCHEDULE

On closing, the land within Lot 1, DP 1092596 remains vested in the State of New South Wales as Crown Land.

RESERVATION OF CROWN LAND

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

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

 SCHEDULE 1

COLUMN 1

Land District: Lismore.
 Local Government Area:
 Ballina.
 Parishes: Newrybar, Pimlico,
 Ballina and South Ballina.
 Counties: Rous and
 Richmond.
 Locality: Ballina and
 surrounding areas being the
 Crown Land depicted on the
 plan of R1012188 held by
 the Grafton Office
 Department of Lands.
 Area: About 19,556 hectares.
 File No.: GF06 R 55.

COLUMN 2

Reserve No. 1012188 for
 the public purpose of access
 and public requirements,
 rural services, tourism
 purposes and environmental
 and heritage conservation.

Note: Existing reservations under the Crown Lands Act are not revoked.

SCHEDULE 2**COLUMN 1**

Land Districts: Lismore and
 Grafton.
 Local Government Area:
 Clarence Valley.
 Parishes: Evans, Richmond,
 Lawrence, Woombah,
 Nanegai, Harwood, Yamba,
 Taloumbi, Gulmarrad,
 Candole, Canoulam,
 Tyndale, Scope, Maryvale
 and Wooli Wooli.
 Counties: Richmond and
 Clarence.
 Locality: Iluka to Wooli and
 surrounding areas being
 the Crown Land depicted
 on the plan of R1011748
 held by the Grafton Office
 Department of Lands.
 Area: About 54,364 hectares.
 File No.: GF06 R 47.

COLUMN 2

Reserve No. 1011748 for
 the public purpose of access
 and public requirements,
 rural services, tourism
 purposes and environmental
 and heritage conservation.

Note: Existing reservations under the Crown Lands Act are not revoked.

SCHEDULE 3**COLUMN 1**

Land Districts : Bellingen
 and Kempsey.
 Local Government Area:
 Nambucca.
 Parishes: Valley Valley,
 Nambucca, Congarinni
 and Warrell.
 County: Raleigh.
 Locality: Valla to Scotts Head
 and surrounding areas being
 the Crown Land depicted on
 the plan of R1012189 held
 by the Grafton and Taree
 Offices Department of Lands.
 Area: About 15,151 hectares.
 File No.: GF06 R 56.

COLUMN 2

Reserve No. 1012189 for
 the public purpose of access
 and public requirements,
 rural services, tourism
 purposes and environmental
 and heritage conservation.

Note: Existing reservations under the Crown Lands Act are not revoked.

HEAD OFFICE**1 Prince Albert Road, Sydney NSW 2000 (PO Box 15 Sydney 2001)****Phone: (02) 9236 7764 Fax (02) 8236 7081****DECLARATION OF A PUBLIC PURPOSE
PURSUANT TO SECTION 3 OF THE CROWN
LANDS ACT 1989**

PURSUANT to section 3 of the Crown Lands Act 1989, "Access and public requirements, rural services, tourism purposes and environment and heritage conservation" is declared to be a public purpose for the purposes of section 87 of the said Act.

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

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****ERRATUM**

IN the notifications appearing in the *New South Wales Government Gazette* of the 11 August 2006, Folio 6191, under the heading 'RESERVATION OF CROWN LAND' the reserve and plan numbers indicated were incorrect. The correct reserve and plan numbers for each Schedule are, Schedule 1, "1012130", Schedule 2, "1012129", Schedule 3, "1012128".

File Nos: MD06 R 20, MD06 R 19 and MD06 R 18.

AUTHORISATION OF ADDITIONAL PURPOSE

IT is hereby notified pursuant to section 121A of the Crown Lands Act 1989, that the purpose specified in Column 1 of the Schedules hereunder, is applied to the whole of the reserve specified opposite thereto in Column 2.

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

SCHEDULE 1**COLUMN 1**

Rural Services
(Water Supply and Access).

COLUMN 2

Reserve No.: 88683.
Public Purpose: Public
recreation.
Notified: 4 August 1972.
File No.: MD04 R 16.

SCHEDULE 2**COLUMN 1**

Rural Services
(Water Supply and Access).

COLUMN 2

Reserve No.: 55798.
Public Purpose: Public
recreation.
Notified: 10 November 1922.
File No.: MD86 R 29.

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

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedules hereunder, is reserved as specified opposite thereto in Column 2 of the Schedules.

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

SCHEDULE 1

COLUMN 1

Land District: Nowra.
 L.G.A.: Shoalhaven.
 Parishes: Conjola,
 Little Forest and Ulladulla.
 County: St Vincent.
 Locality: Ulladulla District.
 Description: Lot 441,
 DP 755923; # Lot 7015,
 DP 1055179; Lots 55
 and 60, DP 955942;
 Lot 367, DP 821493;
 Lot 376, DP 726691;
 # Lots 7036 and 7037,
 DP 1047327 and the beds
 of Yackungarra and Little
 Forest Creeks.

Notes:

- The above lot numbers marked # are for departmental use only;
- This reservation does not revoke other existing public purpose reservations made under Crown Lands legislation where they apply; and
- This reservation does not revoke Reserve 56146 from sale or lease generally where it applies.

Approved under Ministerial delegation 30D.1.2
 Director General

SCHEDULE 2

COLUMN 1

Land District: Nowra.
 L.G.A.: Shoalhaven.
 Parishes: Ulladulla,
 Woodburn, Termeil
 and Kioloa.
 County: St Vincent.
 Locality: Ulladulla District.
 Description:
 Lot 128, DP 755972;
 Lots 164 and 165, DP 729188;
 Lot 144, DP 821488;
 Lot 144, DP 821009;
 Lots 108 to 111, 114 to 118
 and 120 to 129, DP 755961;
 # Lots 7019 and 7020,
 DP 755972;

COLUMN 2

Reserve No.: 1011528.
 Public Purpose: Access and
 public requirements,
 tourism purposes and
 environmental and
 heritage conservation.
 Notified: 9 June 2006.
 File No.: 06/0419-02.

Lot 7015, DP 1066116;
 # Lot 7016, DP 96741;
 # Lots 7001 to 7005, DP 1054709;
 # Lot 7010, DP 1020712;
 # Lot 7012, DP 1023834;
 # Lot 7015, DP 1095797;
 # Lot 7016, DP 1095795;
 Lot 7017, DP 1095798;
 # Lot 7006, DP 1020715;
 # Lot 7013, DP 1023834;
 # Lots 7004 and 7005, DP 1020466;
 # Lots 7007 to 7009, DP 1020455;
 # Lot 7001, DP 1020454;
 # Lot 7002, DP 1020453;
 Lots 24 to 26, 34, 49, 105, 110,
 113, 114, 115, 117, 121, 124,
 125, 127, 98, 99, 7011, 7013
 to 7015, DP 755941;
 # Lot 7006, DP 1020489;
 Lot 1, section 2 and Lot 1,
 section 5, DP 758575;
 Lot 128 and 130, DP 40869;
 Lot 138, DP 723153;
 Lot 142, DP 823197;
 Lot 134, DP 458238;
 Lots 139 and 140, DP 821424;
 Crown Land seaward of mean high
 water mark to low water mark
 from the south eastern corner of
 Lot 7012, DP 1023834 to the
 entrance of Durras Lake;
 All the land covered by Reserve
 No. 56146 from sale or lease
 generally, notified 11 May 1923
 at Burrill Lake, Stony Creek,
 Tabourie Creek, Lemon Tree
 Creek, Meroo Lake and
 Willinga Lake;
 All foreshore land below mean high
 water mark of the coast of New
 South Wales extending to the
 territorial limit of three nautical
 miles from the low water mark of
 the coast, from the southern
 boundary of Jervis Bay Marine
 Park to the northern boundary
 of Batemans Marine Park.

Notes:

The above lot numbers marked # are for departmental use only;

This reservation does not revoke other existing public purpose reservations made under Crown Lands legislation where they apply; and

This reservation does not revoke the affected part of Reserve 56146 from sale or lease generally.

Approved under Ministerial delegation 30D.1.2
 Director General

RESERVATION OF CROWN LAND

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

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

SCHEDULE**COLUMN 1**

Land District: Moruya.
Local Government Area:
Eurobodalla.
Parishes: Bateman,
Benandarah, Buckenbowra,
Goba, East Nelligen,
Mullendaree, Mogendoura,
Tomaga & Broulee and
West Nelligen.
County: St. Vincent.
Locality: Batemans Bay,
being the Crown Land
depicted on the plan
R.1011848 held by the
Department of Lands.
Area: About 2350 hectares.
File No.: NA06 R 15.

COLUMN 2

Reserve No. 1011848 for
the public purpose of access
and public requirements,
rural services, tourism
purposes and environment
and heritage conservation.

Note: Existing reservations under the Crown Lands Act are not revoked.

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

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

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

SCHEDULE**COLUMN 1**

Leanne TAYLOR, Bulli Pass Scenic
Regional Manager, Reserve Trust.
South Crown Lands,
NSW Department
of Lands.

COLUMN 2

Bulli Pass Scenic
Reserve Trust.

COLUMN 3

Reserve No.: 67711.
Public Purpose: Public
recreation.
Notified: 1 July 1938.
Locality: Bulli Pass.
File No.: NA82 R 137.

For a term of up to six months from the date of this notification.

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 30 June 2006, Folio 4924, under the heading of "ADDITION TO RESERVED CROWN LAND" in:

Column 1:

delete Lot 701, DP 1031356 and insert Lot 701, DP 1031360; insert section 16 between Lots 17 and 18 and DP 759018; delete Lot 7099 and insert Lot 7019; delete Lot 360, DP7 23099 and insert Lot 2, DP 1081917; and

Column 2:

delete 1011258 and insert 1011528.

File No.: 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

ERRATUM

IN the notifications appearing in the *New South Wales Government Gazette* of the 11 August 2006, Folio 6193, under the heading "Appointment of Corporation to Manage a Reserve Trust" in Column 1 of the Schedules delete the words "Lands Ministerial Holding Corporation" and insert the words "Lands Administration Ministerial Corporation" in lieu thereof.

File No.: MN99 R 30.

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

Department of Natural Resources

WATER MANAGEMENT ACT 2000

Order under Section 60 (2)

Suspension of the Water Sharing Plan Rules
of Distribution

Wybong Creek Water Source

PURSUANT to section 60 (2) of the Water Management Act 2000, I, STEVE DUNN, Acting Director General for the Department of Natural Resources, on being satisfied that there exists a severe water shortage in the Wybong Creek Water Source as defined in the Water Sharing Plan for the Wybong Creek Water Source 2003, do, by this Order, suspend the rules of distribution in section 60 (1) of that Act in relation to the water source.

This Order takes effect on the date of publication in the *New South Wales Government Gazette* and continues until it is repealed by a further Order.

Dated at Sydney, this 7th day of August 2006.

STEVE DUNN,
Acting Director General,
Department of Natural Resources
(by delegation)

WATER ACT 1912

APPLICATIONS under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

Applications for licences within a proclaimed local area as generally described hereunder have been received as follows:

Macintyre-Dumaresq River Valley

E. A. HICKSON for 1 x 510mm mixed flow pump on the Macintyre River on Lot 38, DP 755987, Parish of Canary, County of Stapylton, for irrigation (replacement licence due to permanent transfer of 500 megalitres of existing entitlement) (LO Papers: 90SL100904) (GA2:472324).

SEERY and OTHERS for a pump on the Macintyre River on Lot 9, DP 750503, Parish of Tycawina, County of Benarba (application seeks to transfer by way of permanent transfer, 972 megalitres of existing Macintyre River entitlement) (LO Papers: 90SA11750) (GA2:472325).

RMI PTY LIMITED for 10 existing pumps on the Macintyre River on Lot 21, DP 755990, Parish of Carroby, County of Stapylton and Lot 10, DP 756021, Parish of Trinkey, County of Stapylton (application seeks to transfer by way of permanent transfer, 972 megalitres of existing Macintyre River entitlement) (LO Papers: 90SL100906) (GA2:472326).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth, within 28 days as specified in the Act.

GEOFF CAMERON,
Manager,
Resource Access

Department of Natural Resources,
PO Box 550, Tamworth NSW 2340.

Department of Planning



New South Wales

Baulkham Hills Local Environmental Plan 2005 (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*. (SRW0000237/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Baulkham Hills Local Environmental Plan 2005 (Amendment No 6)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan may be called *Baulkham Hills Local Environmental Plan 2005 (Amendment No 6)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly Special Uses 5 (a) (Educational Establishment) and partly the Light Industry 4 (b) Zone to the Residential 2 (a1) Zone under *Baulkham Hills Local Environmental Plan 2005* so as to facilitate residential development in accordance with a document titled *Shire of Baulkham Hills Residential Development Strategy* (February 1997).

3 Land to which plan applies

This plan applies to land at Northmead, being part Lot 4, DP 247452 and known as Nos 19–21 Windsor Road, part Lot 2, DP 813854 and known as No 28 Campbell Street and Lot 3, DP 247452, Windsor Road, as shown edged heavy black and lettered “2 (a1)” on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 6)” deposited in the office of the Council of Baulkham Hills.

4 Amendment of Baulkham Hills Local Environmental Plan 2005

Baulkham Hills Local Environmental Plan 2005 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Baulkham Hills Local Environmental Plan 2005
(Amendment No 6)



New South Wales

Baulkham Hills Local Environmental Plan 2005 (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*. (P02/00411/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Baulkham Hills Local Environmental Plan 2005 (Amendment No 7)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 2005 (Amendment No 7)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly Zone 6 (a) (Existing and Proposed Public Recreation) and partly Zone 6 (b) (Private Recreation) to Zone 2 (a2) (Residential 2 (a2)) so as to enable the land to be redeveloped for residential purposes.

3 Land to which plan applies

This plan applies to lot 4, DP 237361, The Parkway, Kellyville, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 7)" deposited in the office of the Council of the Shire of Baulkham Hills.

4 Amendment of Baulkham Hills Local Environmental Plan 2005

Baulkham Hills Local Environmental Plan 2005 is amended by inserting the following words in appropriate order in the definition of *the map* in clause 5 (1):

Baulkham Hills Local Environmental Plan 2005
(Amendment No 7)



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 192)

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*. (P91/01818/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 192)

Blacktown Local Environmental Plan 1988 (Amendment No 192)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 192)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to rezone land to which this plan applies from Zone No 5 (a) (Special Uses—General Zone) to Zone No 6 (a) (Public Recreation Zone) under *Blacktown Local Environmental Plan 1988*,
- (b) to encourage the proper management, development and conservation of natural and man-made items within the grounds of the former Grantham Poultry Research Station site,
- (c) to provide the opportunity for adaptive re-use of the historic buildings on that site,
- (d) to enable evidence of the historical experiences that have shaped that site to be showcased.

3 Land to which plan applies

This plan applies to Lots 360–362, DP 48686, and Lot 4, DP 739331, Seven Hills Road South, Seven Hills, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 192)” deposited in the office of the Council of the City of Blacktown.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended as set out in Schedule 1.

Blacktown Local Environmental Plan 1988 (Amendment No 192)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Blacktown Local Environmental Plan 1988 (Amendment
No 192)

[2] Schedule 2 Heritage items

Omit the following items from the matter relating to Seven Hills:

House—*Melrose*—Lot 361, DP 48686, Seven Hills Road South

House—Part of Lot 362, DP 48686, Seven Hills Road South

Insert instead:

Former *Grantham Poultry Research Station*—Lots 360–362, DP
48686 and Lot 4, DP 739331, Seven Hills Road South,
comprising *Melrose House* and *Drumtochty* and their surrounds



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 201)

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*. (P04/00145/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 201)

Blacktown Local Environmental Plan 1988 (Amendment No 201)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 201)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 5 (a) (Special Uses)—Drainage (Water Board) to Zone No 6 (b) (Private Recreation Zone) under *Blacktown Local Environmental Plan 1988*.

3 Land to which plan applies

This plan applies to part of Lot 1, DP 270346, Old Windsor Road, Stanhope Gardens, as shown coloured green, edged heavy black and lettered “6 (b)” on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 201)” deposited in the office of the Council of the City of Blacktown.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Blacktown Local Environmental Plan 1988 (Amendment No 201)



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 214)

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*. (P02/00115/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 214)

Blacktown Local Environmental Plan 1988 (Amendment No 214)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 214)*.

2 Aim of plan

The aim of this plan is to revise the provisions of *Blacktown Local Environmental Plan 1988* that relate to exempt and complying development and advertising.

3 Land to which plan applies

This plan applies to all land to which *Blacktown Local Environmental Plan 1988* applies.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended as set out in Schedule 1.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in alphabetical order in clause 6 (1):

flood liable land means land which would be inundated as a result of a flood having an annual exceedence probability of 1% as determined in any study adopted by the council.

local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

virgin excavated natural material or *VENM* means natural material (such as clay, gravel, sand, soil and rock) that:

- (a) is not mixed with any other type of waste, and
- (b) has been excavated from areas of land that are not contaminated.

[2] Clause 9 Zone objectives and development control table

Omit "Agriculture (other than intensive lot feeding of livestock)" wherever occurring in item 2 of the matter relating to Zone No 1 (a) and Zone No 1 (b) in the Table to the clause.

Insert instead "Nil".

[3] Clause 9, Table

Omit "Advertisements (other than advertisements identified as exempt development in Schedule 6); amusement centres;" from item 4 of the matter relating to Zone No 1 (a).

Insert instead "Amusement centres;".

[4] Clause 9, Table

Omit "Advertisements (other than advertisements identified as exempt development in Schedule 6); drains;" from item 3 of the matter relating to Zone No 5 (b).

Insert instead "Drains;".

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

[5] Clauses 9A and 9B

Omit the clauses. Insert instead:

9A Exempt development

Development specified in Schedule 6 is *exempt development* provided it satisfies all of the applicable criteria, if any, in that Schedule and the development:

- (a) complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (b) does not result in a total roofed coverage of the land that exceeds 0.66:1, and
- (c) does not involve the removal, lopping, topping or ringbarking of a tree, and
- (d) does not encroach upon any easement or right-of-way, and
- (e) is carried out at least 1 metre from any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation applying to the land, and
- (f) meets the requirements of the Sydney Water Corporation, including obtaining a certificate of compliance if required, and
- (g) is not on land that contains threatened species, threatened populations or endangered ecological communities or land that is subject to a recovery plan or threat abatement plan under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, and
- (h) does not contravene any condition of a development consent applying to the land, and
- (i) is not on land that is or contains an item of the environmental heritage listed in Schedule 2, and
- (j) is not on land that is:
 - (i) dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (ii) dedicated or reserved under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (iii) an Aboriginal place, or contains an Aboriginal relic, under the *National Parks and Wildlife Act 1974*, or

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

-
- (iv) subject to an order under the *Heritage Act 1977*, or
 - (v) identified in an environmental planning instrument as a wetland, or within 20 metres of a wetland, or
 - (vi) an aquatic reserve declared under the *Fisheries Management Act 1994*, or
 - (vii) flood liable land, or
 - (viii) identified as subject to local overland flooding under *Blacktown Development Control Plan 1992*, or
 - (ix) steeper than 33% slope (to the horizontal) within any building footprint, or
 - (x) within an area identified as being of high archaeological significance under *Blacktown Development Control Plan 1992*, or
 - (xi) identified as a known archaeological site under *Blacktown Development Control Plan 1992*, or
 - (xii) contaminated, within the meaning of the *Contaminated Land Management Act 1997*, or
 - (xiii) subject to subsidence or slip, or
 - (xiv) within 40 metres of a perennial watercourse identified by a 1:50,000 topographic map held by Land and Property Information NSW, or
 - (xv) identified as a riverine scenic area under *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*, or
 - (xvi) identified as bushfire prone on the council's bushfire prone land map.

Note. Section 76 (3) of the *Environmental Planning and Assessment Act 1979* states that exempt development cannot be carried out on land that is:

- (a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) within a wilderness area (within the meaning of the *Wilderness Act 1987*).

Exempt development identified in Schedule 6 to this plan may be carried out without development consent and without any environmental assessment under the *Environmental Planning and Assessment Act 1979*. The plan does not affect any other requirement for approval or authorisation required under another Act. If any of the applicable criteria for exempt development as listed above and in Schedule 6 cannot be met then that development may only be carried out with the consent of the council.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

9B Complying development

- (1) Development specified in Schedule 7 is **complying development** if it is local development of a kind that can be carried out with consent on the land on which it is proposed and provided that it satisfies all of the applicable criteria, if any, in that Schedule and the development:
- (a) complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (b) does not result in a total roofed coverage of the land that exceeds 0.66:1, and
 - (c) does not encroach upon any easement or right-of-way, and
 - (d) is not on land that contains threatened species, threatened populations or endangered ecological communities or land that is subject to a recovery plan or threat abatement plan under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, and
 - (e) meets the requirements of the Sydney Water Corporation, including obtaining a certificate of compliance if required, and
 - (f) has had a BASIX certificate issued in relation to it, if required, and
 - (g) does not contravene any condition of a development consent applying to the land, and
- Note.** Section 76A (6) of the *Environmental Planning and Assessment Act 1979* Act states the following development can not be complying development:
- (a) designated development,
 - (b) any development, if consent for it requires the concurrence of a person (other than the consent authority or the Director-General of National Parks and Wildlife as referred to in section 79B (3) of the *Environmental Planning and Assessment Act 1979*).
- (h) is not on land that is or contains an item of the environmental heritage listed in Schedule 2, and
 - (i) is not on land that is:
 - (i) dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (ii) dedicated or reserved under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

-
- (iii) an Aboriginal place, or contains an Aboriginal relic, under the *National Parks and Wildlife Act 1974*, or
 - (iv) subject to an order under the *Heritage Act 1977*, or
 - (v) identified in an environmental planning instrument as a wetland, or within 20 metres of a wetland, or
 - (vi) an aquatic reserve declared under the *Fisheries Management Act 1994*, or
 - (vii) flood liable land, or
 - (viii) identified as subject to local overland flooding under *Blacktown Development Control Plan 1992*, or
 - (ix) steeper than 33% slope (to the horizontal) within any building footprint, or
 - (x) within an area identified as being of high archaeological significance under *Blacktown Development Control Plan 1992*, or
 - (xi) identified as a known archaeological site under *Blacktown Development Control Plan 1992*, or
 - (xii) contaminated, within the meaning of the *Contaminated Land Management Act 1997*, or
 - (xiii) subject to subsidence or slip, or
 - (xiv) within 40 metres of a perennial watercourse identified by a 1:50,000 topographic map held by Land and Property Information NSW, or
 - (xv) identified as a riverine scenic area under *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*, or
 - (xvi) within an area marked as clause 12 (3) or clause 12 (4) on the map, or
 - (xvii) identified as bushfire prone on the council's bushfire prone land map.

Note. Section 76A (6) of the *Environmental Planning and Assessment Act 1979* states development cannot be complying development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1997*), or
- (c) that comprises, or on which there is, an item of the environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or

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- (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.
- (2) A complying development certificate issued for any such development (other than development for the purpose of a bed and breakfast establishment) must include those conditions specified in Schedule 8 that are applicable to that particular type of development the subject of the certificate.

Note. Complying development identified in Schedule 7 to this plan does not affect any other requirement for approval or authorisation required under another Act. If any of the applicable criteria for the relevant complying development as listed above and in Schedules 7 and 8 cannot be met then that development may only be carried out with the consent of the council.

[6] Clause 37

Omit the clause. Insert instead:

37 Advertisements

- (1) The objectives of this clause are:
- (a) to provide for the placement of outdoor advertisements on land in a manner and style that is directly related to and is compatible with the purpose for which the land is zoned, and
 - (b) to provide for signage that is complementary in scale, form and location with its surroundings, and
 - (c) to ensure that outdoor advertising does not detract from the safety, efficiency, appearance or amenity of the streetscape.
- (2) Before granting consent to development relating to an advertisement:
- (a) the council must consider both the objectives of this clause and the relevant zone objectives, and
 - (b) the council must be satisfied that the applicant can demonstrate the following:
 - (i) the advertisement relates to a use of the land on which it is to be situated,
 - (ii) the advertisement will not detract from the amenity of the local environment because of its appearance, size, design, illumination or location, or as a result of the number and location of advertisements within the vicinity,

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- (iii) the size and likely impact of the advertisement is compatible with the size and design of the premises on which the advertisement is to be constructed and with the size and design of the surrounding buildings,
 - (iv) the advertisement will not detract from any items of scenic, historic, architectural, scientific or cultural interest,
 - (v) appropriate setbacks, clearances and structural features are incorporated into the proposal to ensure safe pedestrian and vehicular traffic circulation,
 - (vi) the advertisement is not a flashing or moving sign.
- (3) This clause does not apply to development for the purpose of advertisements that is exempt development.

[7] Schedule 1

Omit “Advertisements (other than advertisements identified as exempt development in Schedule 6)”.

[8] Schedules 6–8

Omit the Schedules. Insert instead:

Schedule 6 Exempt development

(Clause 9A)

Item	Type of development	Criteria
1	Access ramp	<ul style="list-style-type: none"> (a) Applies only to a Class 1 or private Class 10 building. (b) Maximum overall height 1m. (c) Maximum grade 1 (vertical): 8 (horizontal). (d) Located within the property boundaries.

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Item	Type of development	Criteria
2	Advertisement	<p><u>General provisions that are applicable to each advertisement including a street sign, directional sign or traffic management sign:</u></p> <p>(a) Does not cover, obstruct or interfere with facilities essential to the function or occupation of any building (eg ventilation ducts/openings and architectural features).</p> <p>(b) Does not incorporate flashing or moving components.</p> <p>(c) Each element incorporated in the advertisement is structurally adequate.</p>
	2.1 Awning or under awning sign (illuminated and non-illuminated)	<p>(a) Within a Business or Industrial zone.</p> <p>(b) One per premises.</p> <p>(c) Securely attached to the awning.</p> <p>(d) Maximum area 2m².</p> <p>(e) Under awning sign minimum height 2.6m above any footway.</p> <p>(f) Minimum horizontal distance 600mm from the road kerb/shoulder.</p> <p>(g) Minimum horizontal distance 3m from any other awning sign or under awning sign.</p>
	2.2 Business identification sign	<p>(a) Within a Residential, Rural or Special Uses zone.</p> <p>(b) Limited to a flush or painted wall sign and pole or pylon sign.</p> <p>(c) One per premises.</p> <p>(d) Maximum area 1m².</p> <p>(e) Located within the property boundaries.</p> <p>(f) Not directly illuminated by either an external or internal light source.</p> <p>(g) Maximum overall height 2m above any adjacent ground level.</p>

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Item	Type of development	Criteria
	2.3 Development advisory sign and real estate sign	<ul style="list-style-type: none"> (a) Limited to a flush or painted wall sign and pole or pylon sign. (b) One per road frontage. (c) Maximum area 2.5m² in a Residential, Rural, Special Uses or Open Space zone and maximum area 4m² in a Business or an Industrial zone. (d) Does not obstruct pedestrian or road traffic vision or otherwise interfere with public safety. (e) Not erected or placed in, on, or above any public place. (f) Maximum overall height 2m in a Residential, Rural, Special Uses or Open Space zone and maximum overall height 3m in a Business or Industrial zone. (g) Not directly illuminated by either an external or internal light source where within a Residential, Rural, Special Uses or Open Space zone. (h) A development advisory sign relates to a property with an approved Development Application. (i) A development advisory sign must be removed within 10 days from completion of the development.
	2.4 Fascia sign	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone. (b) Not to project above or below the fascia or return end of the awning to which it is attached.

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Item	Type of development	Criteria
2.5	Fin or projecting wall sign (illuminated and non-illuminated)	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone. (b) One per premises. (c) Securely attached to wall. (d) Maximum area 2.5m². (e) Minimum height 2.6m above any footway. (f) Minimum horizontal distance 600mm from the road kerb/shoulder. (g) Not to extend above the top of the wall to which it is attached.
2.6	Flush or painted wall sign	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone. (b) One per premises. (c) Securely attached to wall. (d) Minimum height 2.6m above any footway. (e) Maximum area 2.5m².
2.7	School sign	<ul style="list-style-type: none"> (a) Within a school zone or on land used for a primary or secondary education purpose approved by the council. (b) Maximum area 1m² per sign. (c) Minimum distance 3.5m from any other sign. (d) Maximum overall height 1.5m above adjacent ground level. (e) Maximum of 6 signs per road frontage. (f) Not directly illuminated by any external or internal light source.
2.8	Temporary sign (such as a banner, notice board or the like)	<ul style="list-style-type: none"> (a) Not erected or placed in, on or above any public place. (b) Maximum 1 per property. (c) Maximum area 4m².
2.9	Top hamper sign	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone only. (b) Securely attached to the wall transom. (c) Maximum area 2.5m². (d) Maximum height 500mm above the top of the door opening.

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Item	Type of development	Criteria
	2.10 Window sign	(a) Within a Business or Industrial zone. (b) Maximum aggregate area of signs on a window is 20% of the window area.
3	Air conditioning unit	(a) Applies only to a Class 1 or Class 10 building within a Residential or Rural zone. (b) Any openings in external walls to be adequately waterproofed. (c) Structural integrity of building not adversely affected. (d) Compliance with noise control requirements of the <i>Protection of the Environment Operations Act 1997</i> .
4	Amenities building, constructed by or for the council (including change room, toilet, kiosk, and other like facilities)	(a) Maximum area 100m ² . (b) Maximum overall height 3m above adjacent ground level. (c) Compliance with any relevant Australian Standard. (d) Located on land zoned 6 (a) Public Recreation or 5 (a) Special Uses—General Zone where drainage is the use indicated. (e) Located minimum 20m from any residential land. (f) Any roofwater drains to a street or interallotment drainage system or other existing approved stormwater drainage system. (g) Does not include a grandstand.

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Item	Type of development	Criteria
5	Animal enclosure	<ul style="list-style-type: none"> (a) Maximum area 5m² (aggregate). (b) Maximum overall height 2.5m above adjacent ground level. (c) Located minimum 6m from any adjacent dwelling, shop, factory, school or place of public worship. (d) Located a minimum of 20m from any property boundary adjoining a public place or behind any existing authorised building setback (whichever is the lesser) and a minimum 6m from any other property boundary. (e) Applies to an enclosure for the housing of domestic pets. (f) Complies with the council's <i>Local Orders Policy for the Keeping of Animals on Private Property</i>. (g) Located behind the building line in the Rural zone.
6	Awning, including a deck or patio roof, shade canopy or storm blind	<ul style="list-style-type: none"> (a) Maximum aggregate area 10m² for rigid structures and 20m² for flexible (sail-type) structures. (b) Maximum overall height 2.5m above adjacent ground level. (c) Located minimum 500mm from any property boundary. (d) Located behind the existing building line or, alternatively, minimum 20m from any property boundary or public place. (e) Any roofwater is drained to the existing stormwater drainage system.
7	Barbecue structure	<ul style="list-style-type: none"> (a) Maximum area 5m² (aggregate). (b) Maximum overall height 2.5m above adjacent ground level. (c) Located minimum 500mm from any side or rear property boundary. (d) Located behind the existing building line, or where there is none, minimum 20m from the front property boundary.

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Item	Type of development	Criteria
8	Cabana, greenhouse or gazebo	<ul style="list-style-type: none"> (a) Maximum area 10m² (aggregate). (b) Maximum height 2.5m above adjacent ground level. (c) Located behind existing building line, or where there is none, located a minimum 20m from the property boundary adjoining a public place. (d) Any roofwater drains to a street or interallotment drainage system or other existing approved stormwater drainage system.
9	Clothing recycling bin	<ul style="list-style-type: none"> (a) Installed within a building. (b) Has written consent from the owner of the building. (c) Does not interfere with required exits, paths of travel to exits and installed fire fighting equipment services. (d) Maintenance schedule in place to ensure bin and adjacent areas kept clean and tidy.
10	Cubbyhouse	<ul style="list-style-type: none"> (a) Associated with the existing residential use of land. (b) Maximum area 5m² (aggregate). (c) Maximum height 2.5m above adjacent ground level. (d) Located minimum 500mm from any side or rear property boundary. (e) Located behind the existing building line, or where there is none, minimum 20m from any property boundary.
11	Day care centre	Within a Residential or Rural zone.

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Item	Type of development	Criteria
12	Deck (unroofed) or landing	<ul style="list-style-type: none"> (a) Not located within a swimming pool area. (b) Attached to existing dwelling. (c) Maximum area 10m² (aggregate). (d) Floor level maximum 500mm above adjacent ground level. (e) Minimum 500mm from any side or rear property boundary. (f) Located behind existing building line, or where there is none, minimum 20m from any property boundary.
13	Demolish a Class 10 building or other development that is “exempt development”	<ul style="list-style-type: none"> (a) Maximum floor area 50m². (b) Undertaken in accordance with AS 2601—2001, <i>Demolition of structures</i>, and where applicable, the WorkCover Authority of NSW publications <i>Your guide to working with asbestos</i> (March 2003) and <i>Fibro and asbestos—a renovator and homeowner’s guide</i> (September 2004), or any succeeding Standard or publication. (c) All demolition works undertaken have regard to the council’s <i>Site Waste Management and Minimisation Development Control Plan</i>.

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Item	Type of development	Criteria
14	Development ancillary to the private residential use of land (including play equipment, clothes line, landscaping, water feature, letter box, pavement, parking and stormwater drainage on private land connecting to a public stormwater or council approved drainage system or the like).	<p>(a) Not ancillary to work involving any vehicular crossing or disturbance of the footway.</p> <p>(b) Installed to manufacturer's specifications or relevant Australian Standard, where applicable.</p> <p>(c) Any landscaping water feature (such as a fishpond) being maximum 300mm deep and maximum area 5m² (aggregate).</p> <p>(d) Not located on or over public land.</p> <p>(e) Any impervious pavement does not concentrate or alter the natural flow of surface water unless such water is graded and drained to a drainage system that complies with AS/NZS 3500.3:2003, <i>Plumbing and drainage</i>, Part 3: <i>Stormwater drainage</i> and connects to a public stormwater or council approved drainage system.</p>
15	Fence, dividing or boundary (other than a fence required by the <i>Swimming Pools Act 1992</i>)	<p><u>General provisions that are applicable to all fencing:</u></p> <p>(a) Not to interfere with the natural flow of surface water.</p> <p>(b) Not erected on or over a public place.</p> <p>(c) Maximum overall height 900mm above any adjacent ground level, if constructed of masonry or brickwork.</p> <p>(d) Not electrified or constructed of barbed wire or similarly dangerous materials.</p>
	15.1 Front or side fence forward of the building line	<p>(a) Maximum overall height (including any retaining wall on which it may be erected) 900mm above any adjacent ground level if constructed of timber panels/palings or pre-coloured sheet metal.</p> <p>(b) Maximum overall height (including any retaining wall on which it may be erected) 1.2m above any adjacent ground level if constructed of open and decorative materials (eg picket, ranch style, wrought iron).</p>

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Item	Type of development	Criteria
	15.2 Rear fence and side fence between the building line and rear boundary	Maximum overall height 1.8m above adjacent ground level if constructed of timber, pre-coloured sheet metal, chain mesh, or similar lightweight materials.
	15.3 Security fence enclosing only a council or public authority depot/compound	No specific criteria.
16	Flagpole	<ul style="list-style-type: none"> (a) Maximum overall height 6m above adjacent ground level. (b) Installed to manufacturer's specifications. (c) Maximum flag area 2m². (d) Maximum 1 flagpole for each property. (e) Located within the property boundaries. (f) Not used for general advertising purposes.
17	Garage sale	<ul style="list-style-type: none"> (a) Associated with the existing residential use of land. (b) Maximum 2 sales in any one calendar year. (c) Conducted during daylight hours. (d) No goods, items, signs or the like are to be placed upon any public place. (e) Maximum 2 days per sale.
18	Garden shed/lawn locker	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Freestanding. (c) Maximum floor area 10m². (d) Maximum overall height 2.5m above adjacent ground level. (e) Located behind the existing building line or, alternatively, minimum 20m from the front property boundary. (f) Maximum 2 sheds for each property. (g) Located minimum 500mm from any side or rear property boundary. (h) Installed to manufacturer's specifications, where applicable.

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Item	Type of development	Criteria
19	Ground cut and/or filling	<ul style="list-style-type: none"> (i) Any roofwater drains to a street or interallotment drainage system or other existing council approved stormwater drainage system. (a) Within a Residential zone. (b) Maximum aggregate area of cut and/or fill 100m² or 10% of the site, whichever is the greater. (c) Minimum distance of any cut from any property boundary to be the maximum depth of the excavation/cut below adjacent ground level. (d) Minimum distance of any fill from any property boundary to be a maximum height of the fill above adjacent natural ground level. (e) Maximum height/depth 500mm above/below adjacent ground level. (f) Virgin Excavated Natural Material is the only acceptable form of fill material. (g) Not located on or over any utility service access pit/structure, easement or right of way. (h) Designed and located so as not to interfere with the natural flow of surface water. (i) Where not supported by a structurally adequate retaining wall, battered/sloped at a maximum gradient of 30° to the horizontal. (j) Does not compromise the structural integrity of any adjacent structure. (k) Soil erosion control measures complying with the council's <i>Soil Erosion and Sediment Control Policy</i> are provided.

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Item	Type of development	Criteria
20	Minor alteration to a dwelling, residential flat building or outbuilding	<ul style="list-style-type: none"> <li data-bbox="799 573 1283 763">(l) The dimensions of any terracing/stepping of ground incorporating a number or series of excavations/fillings are to be maximum 500mm vertical and minimum 1.5m horizontal for any one terrace/step. <li data-bbox="799 775 1283 826">(m) Not associated with any other development requiring consent. <li data-bbox="799 837 1283 889">(n) Does not undermine or fill around any existing structure on the land. <li data-bbox="799 900 1283 952">(o) Does not undermine or fill around any existing tree on the land. <li data-bbox="799 965 1283 1048">(a) Applies to a Class 1, 2 or 10 building as defined in the <i>Building Code of Australia</i>. <li data-bbox="799 1059 1283 1420">(b) Change internal features or materials of a non-structural nature only, such as: <ul style="list-style-type: none"> <li data-bbox="874 1149 1283 1279">(i) replacement of any door, wall lining, ceiling lining, flooring or deteriorated frame member with minimum equivalent materials. <li data-bbox="874 1290 1283 1420">(ii) renovation of any bathroom or kitchen and inclusion of built-in furniture or fittings such as a vanity, cupboard or wardrobe. <li data-bbox="799 1431 1283 1592">(c) Change external features or materials of a non-structural nature only, being the replacement of any wall cladding or roof covering with materials suitable for the purpose and of not more than equivalent weight. <li data-bbox="799 1603 1283 1711">(d) Not reduce window arrangements for light and ventilation needs, doorways for egress purposes or involve closure of open areas. <li data-bbox="799 1722 1283 1823">(e) Work does not change the configuration of rooms, whether by removal of walls, partitions or other means.

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Item	Type of development	Criteria
21	Minor alteration to a shop or commercial premises	<ul style="list-style-type: none"> (a) Applies to a Class 3 and 5–9 (inclusive) building as defined in the <i>Building Code of Australia</i>. (b) Non-structural work only, such as shelving, benches, fittings, equipment and partitions. (c) Work must not compromise fire safety or affect access to any fire exit. (d) Work must not change the configuration of rooms, whether by removal of walls or other means of structural support. (e) Does not apply to a food shop, except where only pre-packaged food is sold.
22	Minor land remediation works	<ul style="list-style-type: none"> (a) Applies only to Category 2 works as defined in <i>State Environmental Planning Policy No 55—Remediation of Land</i>. (b) Work must be supervised by person(s) with appropriate qualifications and experience.
23	Minor telecommunications facility	No specific criteria.
24	Pergola	<ul style="list-style-type: none"> (a) Unroofed structure only. (b) Maximum 2 pergolas per property. (c) Maximum aggregate area 20m². (d) Maximum overall height 2.5m above any adjacent ground level. (e) Located behind the existing building line, or where there is none, minimum 20m from any property boundary. (f) Located minimum 500mm from any side or rear property boundary.
25	Permanent group home	<ul style="list-style-type: none"> (a) In an existing approved dwelling house. (b) Occupied by people with a disability or socially disadvantaged people and resident supervisory/assistant staff. (c) Maximum 5 bedrooms. (d) Maximum of 2 people per bedroom.

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Item	Type of development	Criteria
26	Privacy screen	<ul style="list-style-type: none"> (a) May be a trellis, fence or panel, but not a dividing or boundary fence. (b) Located behind the existing building line, or where there is none, minimum 20m from any property boundary. (c) Located minimum 500mm from any side or rear property boundary. (d) Maximum overall height 2.5m above any adjacent ground level. (e) Maximum length 10m (aggregate). (f) Structurally adequate construction. (g) Not of masonry construction.
27	Rainwater tank	<p><u>General provisions</u></p> <ul style="list-style-type: none"> (a) The tank cannot be installed/constructed on land the surface of which generally has a slope greater than 18° from the horizontal. (b) Does not apply to land that is a lot within the meaning of the <i>Strata Schemes (Freehold Development) Act 1973</i> or the <i>Strata Schemes (Leasehold Development) Act 1986</i>. (c) The rainwater tank must comply with the following requirements/criteria: <ul style="list-style-type: none"> (i) The capacity or the combined capacity of tanks on a lot must not exceed 10,000 litres. (ii) Must be designed to capture and store roofwater from gutters or downpipes on a building. (iii) Must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe. (iv) Must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank.

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Item	Type of development	Criteria
		(v) Must be structurally sound.
		(vi) Must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.
		(vii) Must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank.
		(viii) The tank, and any stand for the tank, must be installed and maintained in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed.
		(ix) The installation must not involve the excavation of more than 1 metre from the existing ground level, or the filling of more than 1 metre above the existing ground level.
		(x) Must not be installed over or immediately adjacent to a water main or sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main.
		(xi) Must not be installed over any structure or fittings used by a public authority to maintain a water or sewer main.
		(xii) No part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall.
		(xiii) Must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments of the building).

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Item	Type of development	Criteria
		(xiv) Must not exceed 2.4m in height above the ground level, including any stand for the tank.
		(xv) Must be located at least 450mm from any property boundary.
		(xvi) A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.
		(xvii) Any overflow from the tank must be directed into an existing stormwater system.
		(xviii) Must be enclosed, and any inlet to the tank must be screeded or filtered, to prevent the entry of foreign matter or creatures.
		(xix) Must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water.
		(xx) Any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken: <ul style="list-style-type: none"> (A) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and (B) in accordance with any requirements by the public authority for plumbing work, and (C) by a licensed plumber in accordance with the <i>New South Wales Code of Practice—Plumbing and Drainage</i> produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales.

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Item	Type of development	Criteria
		<ul style="list-style-type: none"> (xxi) Any motorised or electric pump used to draw water from the tank or to transfer water between tanks: <ul style="list-style-type: none"> (A) must not create an offensive noise, and (B) in the case of a permanent electric pump, must be installed by a licensed electrician, and (C) a rainwater tank with a capacity exceeding 10,000 litres may be exempt development if another environmental planning instrument applying to the land concerned provides for such a rainwater tank to be exempt development.
	27.1 Within the Rural zone	<ul style="list-style-type: none"> (a) Located minimum 3m from any side or rear property boundary. (b) Any water overflow to be drained away from the footing of any adjacent building and adjoining property.
28	Retaining wall	<ul style="list-style-type: none"> (a) Maximum height 500mm above lowest adjacent ground level. (b) Structurally adequate construction. (c) Masonry walls to comply with any relevant Australian Standard. (d) Designed and constructed so as not to interfere with the natural flow of surface water. (e) Minimum distance from any property boundary to be the maximum height of the wall above any adjacent ground level. (f) Does not compromise the structural integrity of any adjacent building or structure.

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Item	Type of development	Criteria
29	Satellite dish	(g) The dimensions of any terracing or stepping of ground incorporating a number or series of retaining walls are to be a maximum 500mm vertical and minimum 1.5m horizontal for any 1 terrace or step.
		(h) Soil erosion control measures complying with the council's <i>Soil Erosion and Sediment Control Policy</i> .
		<u>General provisions that are applicable to all satellite dishes</u>
		(a) Installed to manufacturer's specifications/engineering design.
		(b) Compliance with any government communications authority requirements.
		(c) Where attached to building: <ul style="list-style-type: none"> (i) maximum diameter 900mm. (ii) maximum height above roofline 1.2m at any point. (iii) located minimum 1.5m from any property boundary.
		(d) Where freestanding: <ul style="list-style-type: none"> (i) maximum 1.8m diameter. (ii) maximum overall height 3m above adjacent ground level. (iii) located behind the existing building line, or where there is none, minimum 20m from any public place. (iv) no part closer than 2m from any property boundary.
	29.1 Satellite dish—within Residential zones	(a) Maximum 1 attached dish per property. (b) Maximum 1 freestanding dish per property.
	29.2 Satellite dish—within zones other than a Residential zone	(a) Maximum 4 attached dishes per property. (b) Maximum 2 freestanding dishes per property.

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Item	Type of development	Criteria
30	Skylight roof window	<ul style="list-style-type: none"> (a) Maximum area 2m². (b) Located minimum 900mm from property boundaries or walls separating attached dwellings. (c) Structural integrity of the existing building not compromised. (d) Installed to manufacturer's instructions and adequately waterproofed.
31	Solar panel, including photo-voltaic panel	<ul style="list-style-type: none"> (a) Installed to manufacturer's specifications. (b) Installation does not compromise the structural integrity of the building or involve structural alterations. (c) Located within 500mm of the property boundaries. (d) Fitted on the roof of an existing building on the property. (e) Maximum height above roofline 1.2m at any point. (f) The aggregate surface area of panel(s) being 25% of the surface area of the respective roof elevation or 5m² whichever is the greater. (g) Any opening in the roof is suitably waterproofed.
32	Street furniture, bus shelter (including any advertisement thereon), street sign (other than an illuminated street sign), or directional or public information sign or the like	<ul style="list-style-type: none"> (a) Undertaken by or on behalf of the council or a government transport authority. (b) Located on land under the council's control. (c) Designed, fabricated and installed in accordance with any relevant Australian Standard or manufacturer's specification.

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Item	Type of development	Criteria
33	Use and occupation of premises	<p><u>General provisions that are applicable to each use and occupation:</u></p> <p>(a) Within a Business or Industrial zone.</p> <p>(b) Does not apply to development operating under <i>existing use rights</i> within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>(c) Occupation must be for a type of use that is permissible in the applicable zone.</p>
	33.1 Commercial premises	<p>(a) Within Zones Nos 3 (a), 3 (b) and 3 (c).</p> <p>(b) Does not relate to the occupation of premises as a food shop except where only pre-packaged food is sold.</p> <p>(c) Does not relate to the occupation of premises as a liquor outlet.</p> <p>(d) Does not involve the sale of any restricted publications or sexual paraphernalia.</p> <p>(e) Occupation must be for a type of use that is permissible in the applicable zone.</p> <p>(f) Does not relate to bulky goods retailing in Zone No 3 (b).</p> <p>(g) In the case of development in Zone No 3 (c) the occupation must be for a purpose that is ancillary to the primary approved development on the land.</p> <p>(h) Does not involve any structural change to the building or premises.</p> <p>(i) Does not compromise fire safety or compliance with the <i>Building Code of Australia</i>.</p> <p>(j) Occupation must be in a building that has in the past received Development Consent for use as commercial premises (ie exemption does not apply to a new building).</p>

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

Item	Type of development	Criteria
	33.2 Industry	<ul style="list-style-type: none"> (a) Within Zones Nos 4 (a), 4 (b), 4 (c) and 4 (d). (b) Limited to an industrial purpose only and not including hazardous development, offensive development, potentially hazardous development, potentially offensive development or designated development. (c) Does not involve any structural change to the building or premises. (d) Does not compromise fire safety or compliance with the <i>Building Code of Australia</i>. (e) Does not relate to bulky goods retailing in Zone No 4 (c).
34	Water heater	<ul style="list-style-type: none"> (a) Installed to manufacturer's specifications. (b) Work does not compromise the structural integrity of the building or involve structural alterations. (c) Any opening in the associated building envelope is suitably waterproofed. (d) Located within the property boundaries.

Schedule 7 Complying development

(Clause 9B)

Item	Type of development	Criteria
1	Awning or carport (freestanding or attached to another building)	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Ancillary to existing dwelling. (c) Minimum land area 450m². (d) Maximum overall height 2.7m above adjacent ground level. (e) Maximum floor area 40m².

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

Item	Type of development	Criteria
		(f) Minimum building line to the front boundary of 6m in a Residential zone or 18m in a Rural zone.
		(g) Minimum building line to any secondary road boundary of 3m in a Residential zone or 6m in a Rural zone.
		(h) Each part of the structure being a minimum 900mm from any side or rear property boundary.
		(i) Roofwater drains to street or interallotment drainage system or other existing effective drainage system.
		(j) Maximum roof span 3.5m where relying on another roof structure for support.
		(k) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure located within the road reserve.
		(l) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb/road shoulder return on a corner allotment.
		(m) Any vehicular driveway (whether constructed or not) has minimum width of 2.5m and the gradient complies with clause 3.5 of AS 2890.1—1993, <i>Parking facilities</i> , Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any carport.
		(n) Does not apply to an area previously approved as, or required for, private open space.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

Item	Type of development	Criteria
2	Bed and breakfast establishment	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) In an existing approved dwelling house occupied by the permanent residents. (c) Maximum 3 guest bedrooms. (d) Maximum 6 guests. (e) No guest accommodation to include kitchen facilities. (f) Not to involve extension, alteration or enlargement of existing dwelling house. (g) Smoke detection/alarm system which complies with the <i>Building Code of Australia</i> is installed. (h) Maximum of 1 business identification sign. (i) A suitable fire extinguisher and fire blanket are provided in the kitchen. (j) Provision of 1 off-street parking space per guest bedroom, for each additional guest bedroom exceeding 1. (k) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure. (l) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb return on a corner allotment.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

Item	Type of development	Criteria
3	Dwelling-house addition (single storey), including a habitable screened enclosure	<ul style="list-style-type: none"> (a) Within Zone No 2 (a) Residential. (b) Sewered. (c) Floor level maximum 1.2m above adjacent ground level at any point. (d) Minimum land area 450m². (e) Minimum building line of 6m to the front boundary. (f) Minimum building line of 3m to any secondary road boundary. (g) Maximum ceiling height of 2.7m and maximum 30° roof pitch (in the case of a level ceiling) or 4m (in the case of a raked/cathedral ceiling). (h) External walls and/or supporting structure setback a minimum 900mm from any side or rear property boundary. (i) Any part of any roof guttering, eave or other roof projection be setback a minimum 675mm from any side and rear property boundary. (j) Roofwater drains to street or interallotment drainage system or other existing effective drainage system. (k) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (l) Where a garage or carport is not existing or incorporated in the proposed development, provision for 1 car parking space of 3m x 6m behind the building line setback/s which is accessible by a motor vehicle. (m) External materials to complement the existing dwelling house.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

Item	Type of development	Criteria
4	Dwelling-house (single storey), including attached carports and garages	<p>(n) Any vehicular crossing of the footway is located a minimum 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure within the road reserve.</p> <p>(o) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb/road shoulder return on a corner allotment.</p> <p>(p) The minimum width of any vehicular driveway (whether constructed or not) is 2.5m and the gradient complies with clause 3.5 of AS 2890.1—1993, <i>Parking facilities</i>, Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any garage, carport or car parking space.</p> <p>(a) Within Zone No 2 (a) Residential.</p> <p>(b) Sewered.</p> <p>(c) Floor level maximum 1.2m above adjacent natural ground level at any point.</p> <p>(d) Minimum lot area 450m².</p> <p>(e) Minimum building line of 6m to the front boundary.</p> <p>(f) Minimum building line of 3m to any secondary road boundary.</p> <p>(g) Maximum ceiling height of 2.7m and maximum 30° roof pitch (in the case of a level ceiling) or 4m (in the case of a raked/cathedral ceiling).</p> <p>(h) External walls setback a minimum 900mm from side and rear boundaries.</p> <p>(i) Any part of any roof guttering, eave or other roof projection be setback a minimum 675mm from any side and rear property boundary.</p>

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

Item	Type of development	Criteria
		(j) Roofwater drains to street or interallotment drainage system or other existing effective drainage system.
		(k) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained.
		(l) Where a garage or carport is not incorporated in the proposed development, provision for 1 car parking space of 3m x 6m behind the building line setback/s which is accessible by a motor vehicle.
		(m) Any vehicular crossing of the footway located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure.
		(n) Any vehicular crossing of the footway not be located within 6m of the tangent of the kerb return on a corner allotment.
		(o) The minimum width of any vehicular driveway (whether constructed or not) is 2.5m and the gradient complies with clause 3.5 of AS 2890.1—1993, <i>Parking facilities</i> , Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any garage, carport or car parking space.
5	Fire alarm conversion	(a) Consists of internal alterations to a building.
		(b) May include the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

Item	Type of development	Criteria
6	Garage or shed (freestanding or attached to another building)	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Does not apply to an area previously approved as, or required for, private open space. (c) Minimum land area 450m². (d) Maximum overall height 3m above adjacent ground level. (e) Maximum floor area 40m² in a Residential zone or maximum 100m² in a Rural zone. (f) Minimum building line to the front boundary of 6m in a Residential zone or 18m in a Rural zone. (g) Minimum building line to any secondary road boundary of 3m in a Residential zone or 6m in a Rural zone. (h) In a Residential zone, each part of the structure being a minimum 900mm from any side or rear property boundary. (i) In a Rural zone, each part of the structure being a minimum 3m from any side or rear property boundary. (j) Roofwater drains to street or interallotment drainage system or other existing effective drainage system. (k) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (l) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure located within the road reserve. (m) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb/road shoulder return on a corner allotment.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

Item	Type of development	Criteria
		(n) Any vehicular driveway (whether constructed or not) has a minimum width of 2.5m and the gradient complies with clause 3.5 of AS 2890.1—1993, <i>Parking facilities</i> , Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any garage.
7	Internal alteration to a shop or commercial premises	<p>(a) Within a Business zone.</p> <p>(b) Complies with the construction requirements of the council's <i>Code for Food Premises</i>, where relevant.</p> <p>(c) No increase in floor area.</p> <p>(d) Does not apply to food shops, except those where only pre-packaged food is sold.</p>
8	Screened weather-protected enclosure (non-habitable)	<p>(a) Within a Residential or Rural zone.</p> <p>(b) Minimum land area 450m².</p> <p>(c) Maximum floor area 20m².</p> <p>(d) Minimum building line to the front boundary of 6m in Residential zones or 18m in Rural zones.</p> <p>(e) Minimum building line to any secondary road boundary of 3m in Residential zones or 6m in Rural zones.</p> <p>(f) Roofwater drains to street or interallotment drainage system or other existing effective drainage system.</p> <p>(g) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained.</p> <p>(h) Any opening between the dwelling house and enclosure is fitted with a solid door or window.</p> <p>(i) Maximum length of 4m of one wall may be of solid construction.</p> <p>(j) Minimum 50% of the surface area of each remaining wall is unenclosed or consists of translucent or transparent material.</p>

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Amendments

Schedule 1

Item	Type of development	Criteria
9	Swimming pool	<ul style="list-style-type: none"> (k) Maximum overall height 2.7m above adjacent ground level. (l) Each part of the structure setback a minimum 900mm from any side or rear property boundary. (a) Ancillary to existing approved dwelling and for private and non-commercial use only. (b) Minimum land area 450m². (c) Located behind the existing dwelling setback from any road. (d) Water line setback minimum 1.5m from side and rear boundaries and any structure on the land. (e) Floor level of any coping is maximum 500mm above adjacent ground level. (f) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (g) All adjacent paved areas to be graded and drained away from any adjoining property. (h) Pumps, filtration and other equipment to be located so as to comply with the noise requirements of the <i>Protection of the Environment Operations Act 1997</i>. (i) Complies with the <i>Swimming Pools Act 1992</i>, the <i>Swimming Pools Regulation 1998</i> and any applicable Australian Standard. (j) An exemption under section 22 of the <i>Swimming Pools Act 1992</i> has been granted in respect of any window, door or similar opening in any wall of any residential building wall relied upon as part of a child-resistant barrier. (k) Any existing or proposed child resistant barrier fencing complies with the <i>Swimming Pools Act 1992</i>, the regulations under that Act and any applicable Australian Standard.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

Item	Type of development	Criteria
10	Swimming pool decking	<p>(a) Located behind the existing dwelling setback from any road.</p> <p>(b) Located a minimum 900mm from the child-resistant barrier (including dividing/boundary fences) which complies with the <i>Swimming Pools Act 1992</i>.</p> <p>(c) Not roofed.</p> <p>(d) Maximum area 10m² (aggregate).</p> <p>(e) Floor level maximum 500mm above adjacent ground level.</p>

Schedule 8 Complying development conditions

(Clause 9B (2))

General conditions (applicable to all development)**Prior to development work commencing**

- 1 Two days before any site works, building or construction begins, the applicant must:
 - (a) forward a *Notice of Commencement of Work and Appointment of Principal Certifying Authority* to the council, and
 - (b) notify the adjoining owners and occupiers that the site works, building or construction will commence.
- 2 Before any site works, building or construction begins, the applicant must ensure the following criteria are met:
 - (a) Toilet facilities are to be provided, at or in the vicinity of the land on which work involved in the development is being carried out, at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided must be:
 - (i) a standard flushing toilet, and
 - (ii) connected:
 - (A) to a public sewer, or
 - (B) if connection to a public sewer is not practicable, to an accredited sewage

Blacktown Local Environmental Plan 1988 (Amendment No 214)

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Schedule 1

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- management facility provided by the council,
or
- (C) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (b) A sign is to be erected in a prominent position on any land on which the development is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) indicating the name of the Principal Contractor for any building work and a telephone number at which that person may be contacted outside working hours, and
 - (iii) indicating the name and telephone number of the Principal Certifying Authority.

This provision does not apply in relation to building work that is carried out inside an existing building that does not affect the external walls of the building.

- (c) If the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, rendered inconvenient or involve the enclosure of a public place, a protective security fence or barrier must be erected between the land and the public place. Such a fence or barrier is to be designed and erected in accordance with the council's current local approvals policy under the *Local Government Act 1993*.
- (d) If necessary, an overhead protective structure must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such protective security fence or barrier or overhead protective structure must be removed within 7 days of the issue of any occupation certificate in relation to the development.
- (e) Any site cut and/or fill work associated with the development must be in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent it from being dangerous to life or property.
- (f) If any site cut and/or fill associated with the development extends below the level of the base of the footings of a building or any other structure (that is, within the footings'

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zone of influence) on adjoining land (including a public place):

- (i) that building or structure must be:
 - (A) preserved and protected from damage, and
 - (B) underpinned and supported in accordance with structural design details accompanying the Complying Development Certificate, and
 - (ii) the owner or owners of that adjoining land must, at least 7 days before any such excavation or supporting works, be given notice of such intention and particulars of the excavation or supporting works.
 - (g) Soil erosion and sediment control measures must be provided in accordance with the council's *Soil Erosion and Sediment Control Policy*.
- 3** Any fee, bond or deposit required by the council's current *Fees and Services Schedule* to provide for the inspection, maintenance or repair of any public asset or infrastructure must be paid to the council prior to the commencement of works. Evidence of such payment must be submitted to the council.

During development work

- 4** During any site works, building or construction the applicant must ensure that the following criteria are met:
- (a) Toilet facilities required by clause 2 (a) are provided and maintained.
 - (b) The sign required by clause 2 (b) is maintained.
 - (c) Any protective security fence or barrier required by clause 2 (c) is maintained.
 - (d) Any protective security fence or barrier required by clause 2 (c) and which may be hazardous to persons in the public place is effectively illuminated between sunset and sunrise.
 - (e) Any site cut and/or fill associated with the ongoing development works is executed safely and in accordance with appropriate professional standards, and protected to prevent it from being dangerous to life or property.
 - (f) If any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure (that is,

Blacktown Local Environmental Plan 1988 (Amendment No 214)

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within the footings' zone of influence) on adjoining land (including a public place), that building or structure is properly preserved, protected, underpinned and supported (as necessary).

- (g) Soil erosion and sediment control measures (including the connection of any roofwater downpipes to stormwater drainage lines upon fixing of any roof covering) required by clause 2 (g) are maintained.
 - (h) Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on the council's footway, roadway or any public place.
- 5 The hours of work for any noise generating development work are to be limited to between 7am and 6pm, Mondays to Saturdays inclusive, with no such work to be conducted at any time on Sundays or public holidays.
- 6 Any tree beyond 3 metres of any building or proposed building on the site, not otherwise separately approved by the council to be removed, lopped or topped, must be suitably protected.
- 7 The sorting, storage and re-use of waste materials is to be in accordance with any waste management plan approved by the council.

Additional conditions for awnings, screened weather-protected enclosures, dwelling-houses, dwelling-house additions, carports, garages and sheds

During development work

- 8 The applicant must notify the Principal Certifying Authority in advance (in the case of the council being the PCA, at least 48 hours in writing or 24 hours by phone) to enable the mandatory critical stage inspections of building work to occur, as required by the *Environmental Planning and Assessment Regulation 2000*.
If the council is the Principal Certifying Authority, the following applicable stages of the building development are to be inspected in order that the nominated work may immediately progress:

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

Stage	Nominated work
(a) Soil erosion and sedimentation controls, site works and site set out	commence development work
(b) Footing system	place concrete or covering
(c) Floor slab	place concrete
(d) Stormwater drainage	covering or backfilling
(e) Frame (including any termite barriers)	affixing internal linings
(f) Wet area flashing	affixing wall or floor tiles

- 9 A survey plan, prepared by a Registered Surveyor, is to be submitted to the Principal Certifying Authority, to indicate compliance with setback requirements, on completion of floor slab formwork before concrete is poured, detailing the location of the structure in relation to the property boundaries.

Prior to occupation

- 10 A final inspection is to be conducted by the Principal Certifying Authority to ascertain that all conditions of the Complying Development Certificate have been satisfied.
- 11 Any retaining walls or other effective methods to retain cut and/or filled ground (including those site works which may be exempt development identified in this Plan), together with any associated groundwater drainage system, are to be constructed or provided in accordance with the details attached to the Complying Development Certificate.

Additional conditions for internal alteration to a shop or commercial premises**During development work**

- 12 The applicant must notify the Principal Certifying Authority in advance (in the case of the council being the PCA, at least 48 hours in writing or 24 hours by phone) to enable the mandatory critical stage inspections of building work to occur, as required by the *Environmental Planning and Assessment Regulation 2000*.

Blacktown Local Environmental Plan 1988 (Amendment No 214)

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Schedule 1

If the council is the Principal Certifying Authority, the following applicable stages of the building development are to be inspected in order that the nominated work may immediately progress:

Stage	Nominated work
(a) Frame (including any required termite barriers)	affixing internal linings
(b) Wet area flashing	affixing wall and floor tiles

Prior to occupation or use

- 13 A final inspection is to be conducted by the Principal Certifying Authority to ascertain that all conditions of the Complying Development Certificate have been satisfied, and the work completed in accordance with the approved documents attached to the Certificate.

Conditions for swimming pools

During development work

- 14 The applicant must notify the Principal Certifying Authority in advance (in the case of the council being the PCA, at least 48 hours in writing or 24 hours by phone) to enable the mandatory critical stage inspections of building work to occur, as required by the *Environmental Planning and Assessment Regulation 2000*.

If the council is the Principal Certifying Authority, the following applicable stages of the building development are to be inspected in order that the nominated work may immediately progress:

Stage	Nominated work
(a) Soil erosion and sedimentation controls, site works and site set out	commencement of development work
(b) Foundation excavation	install any moulded or pre-fabricated pool
(c) Steel reinforcing and coping	place any concrete
(d) Child resistant barrier	fill, or allow pool to be filled with water to a depth exceeding 300mm
(e) Completed pool	ongoing use

Blacktown Local Environmental Plan 1988 (Amendment No 214)

Schedule 1 Amendments

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- 15** Any retaining walls or other effective methods to retain cut and/or filled ground (including those site works which may be exempt development under this Plan), together with any associated groundwater drainage system, are to be constructed or provided in accordance with the details attached to the Complying Development Certificate.

Prior to use

- 16** A final inspection is to be conducted by the Principal Certifying Authority to ascertain that all conditions of the Complying Development Certificate have been satisfied, and the work completed in accordance with the approved documents attached to the Complying Development Certificate.



New South Wales

Byron Local Environmental Plan 1988 (Amendment No 119)

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*. (G04/00064/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 119)

Byron Local Environmental Plan 1988 (Amendment No 119)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 119)*.

2 Aims of plan

This plan aims to allow, with the consent of Byron Shire Council, the carrying out of development on land to which this plan applies for the purpose of a recreation area.

3 Land to which plan applies

This plan applies to Lot 377, DP 47409, Old Pacific Highway, Ewingsdale, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 119)" deposited in the office of Byron Shire Council.

4 Amendment of Byron Local Environmental Plan 1988

Byron Local Environmental Plan 1988 is amended as set out in Schedule 1.

Byron Local Environmental Plan 1988 (Amendment No 119)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 8 Land referred to in clause 29

Insert in appropriate order in the Schedule:

- 52 Lot 377, DP 47409, Old Pacific Highway, Ewingsdale, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 119)", for the purpose of a recreation area.



New South Wales

Canterbury Local Environmental Plan No 205

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*. (S00/00906/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Canterbury Local Environmental Plan No 205

Canterbury Local Environmental Plan No 205

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Canterbury Local Environmental Plan No 205*.

2 Aims of plan

This plan aims:

- (a) to rezone land affected by the former Cooks River County Road Reservation to appropriate uses within the context of surrounding zonings, and
- (b) to maximise open space provision along the Cooks River foreshores, and
- (c) to control the future development of 51B Waterside Crescent, Earlwood to ensure that inappropriate development does not take place, and
- (d) to ensure that satisfactory vehicular access is provided for any future development of 23A Gornall Avenue, Earlwood.

3 Land to which plan applies

This plan applies to the land shown edged heavy black on the map marked "Canterbury Local Environmental Plan No 205" deposited in the office of the Council of the City of Canterbury.

4 Amendment of Canterbury Planning Scheme Ordinance

The *Canterbury Planning Scheme Ordinance* is amended as set out in Schedule 1.

5 Amendment of Canterbury Local Environmental Plan No 148—Campsie Precinct

Canterbury Local Environmental Plan No 148—Campsie Precinct is amended as set out in Schedule 2.

Canterbury Local Environmental Plan No 205

Amendment of Canterbury Planning Scheme Ordinance

Schedule 1

Schedule 1 Amendment of Canterbury Planning Scheme Ordinance

(Clause 4)

[1] Clause 4 Interpretation

Insert in appropriate order in the definition of *Scheme map* in clause 4 (1):
Canterbury Local Environmental Plan No 205

[2] Clauses 62O and 62P

Insert in appropriate order:

62O Land at 51B Waterside Crescent, Earlwood

- (1) This clause applies to land located at 51B Waterside Crescent, Earlwood, being Lot 1, DP 518171.
- (2) Notwithstanding any other provision of this Ordinance, development for the purposes of a dwelling-house or dwelling is prohibited on the land. The land may be used however as part of the curtilage of an allotment or allotments containing an existing lawful dwelling-house or dwelling.

62P Land at 23A Gornall Avenue, Earlwood

- (1) This clause applies to land located at 23A Gornall Avenue, Earlwood, being Lot 1, DP 502314.
- (2) The Council must not consent to development for the purposes of a dwelling-house or dwelling on the land unless the Council is satisfied that development provides for adequate vehicular access to the land.

Canterbury Local Environmental Plan No 205
Schedule 2 Amendment of Canterbury Local Environmental Plan No 148—Campsie
Precinct

**Schedule 2 Amendment of Canterbury Local
Environmental Plan No 148—Campsie
Precinct**

(Clause 5)

Clause 5 Terms used in the plan

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

Canterbury Local Environmental Plan No 205



New South Wales

Gosford Local Environmental Plan No 459

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*. (CC0000051/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 459

Gosford Local Environmental Plan No 459

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 459*.

2 Aims of plan

This plan aims to enable, with the consent of Gosford City Council, the development of the land to which this plan applies for the purpose of 2 retail/wholesale art galleries.

3 Land to which plan applies

This plan applies to Lot A, DP 387695, The Entrance Road, and a proposed lot which has frontage to The Entrance Road created by the resubdivision of Lots 1 and 2, DP 1031853, The Entrance Road, Erina Heights, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 459" deposited in the office of Gosford City Council.

4 Amendment of Interim Development Order No 122—Gosford

Interim Development Order No 122—Gosford is amended by inserting at the end of the Table to clause 93 in Columns 1 and 2, respectively, the following words:

Lot A, DP 387695, The Entrance Road, and a proposed lot which has frontage to The Entrance Road, created by the resubdivision of Lots 1 and 2, DP 1031853, The Entrance Road, Erina Heights, as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 459" deposited in the office of the Council.	One retail/wholesale art gallery on each of the 2 lots.
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New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 25)

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*. (G02/00040/S69; 032.2006.00000002.001)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 25)

Hastings Local Environmental Plan 2001 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 25)*.

2 Commencement

This plan commences on 28 April 2006.

3 Aims of plan

This plan aims:

- (a) to update references in *Hastings Local Environmental Plan 1987* and *Hastings Local Environmental Plan 2001* to *Hastings Development Control Plan No 36—Exempt and Complying Development* (in consequence of amendments made by Port Macquarie-Hastings Council to that development control plan by *Port Macquarie-Hastings Development Control Plan (Associated Amendments) 2006*), and
- (b) to provide that a home business may also be carried out by one non-resident employee at a dwelling for which such use is allowed.

4 Land to which plan applies

- (1) In respect of the aim referred to in clause 3 (a), this plan applies to all land within the local government area of Port Macquarie-Hastings.
- (2) In respect of the aim referred to in clause 3 (b), this plan applies to land within the local government area of Port Macquarie-Hastings under *Hastings Local Environmental Plan 2001*.

5 Amendment of Hastings Local Environmental Plan 1987

Hastings Local Environmental Plan 1987 is amended as set out in Schedule 1.

Hastings Local Environmental Plan 2001 (Amendment No 25)

Clause 6

6 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended as set out in Schedule 2.

Hastings Local Environmental Plan 2001 (Amendment No 25)

Amendment of Hastings Local Environmental Plan 1987

Schedule 1

Schedule 1 Amendment of Hastings Local Environmental Plan 1987

(Clause 5)

Clause 8 Interpretation

Omit the definition of *Hastings DCP No 36* from clause 8 (1). Insert instead:

Hastings DCP No 36 means *Hastings Development Control Plan No 36—Exempt and Complying Development*, as adopted by the Council on 26 May 2003, and as amended by the following development control plans with their respective Council adoption dates:

Port Macquarie-Hastings Development Control Plan (Associated Amendments) 2006—27 March 2006

Hastings Local Environmental Plan 2001 (Amendment No 25)

Schedule 2 Amendment of Hastings Local Environmental Plan 2001

Schedule 2 Amendment of Hastings Local Environmental Plan 2001

(Clause 6)

[1] Dictionary

Omit the definition of *Hastings DCP No 36*. Insert instead:

Hastings DCP No 36 means *Hastings Development Control Plan No 36—Exempt and Complying Development*, as adopted by the Council on 26 May 2003, and as amended by the following development control plans with their respective Council adoption dates:

Port Macquarie-Hastings Development Control Plan (Associated Amendments) 2006—27 March 2006

[2] Dictionary, definition of “home business”

Insert “and not more than one non-resident employee” after “residents of the dwelling”.



New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 45)

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*. (GRA6322778/PC; 32.2004.7)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 45)

Hastings Local Environmental Plan 2001 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 45)*.

2 Aims of plan

This plan aims to allow, with the consent of Port Macquarie-Hastings Council, the erection of a single dwelling on the land to which this plan applies.

3 Land to which plan applies

This plan applies to land situated in the local government area of Port Macquarie-Hastings, being Lot 33, DP 1039508, Rosewood Road, Parish of Koree, Wauchope.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended by inserting at the end of Schedule 1 the following words:

Rosewood Road, Parish of Koree
DP 1039508—Lot 33



New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 56)

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*. (GRA6323424/S69; 32.2005.5)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 56)

Hastings Local Environmental Plan 2001 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 56)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 1 (a1) Rural to partly Zone 1 (r1) Rural Residential and partly Zone 7 (h) Environment Protection—Habitat under *Hastings Local Environmental Plan 2001*.

3 Land to which plan applies

This plan applies to Lot 1, DP 829031, 544 Beechwood Road, Beechwood, as shown edged heavy black and coloured light brown and lettered “1 (r1)” or coloured orange and lettered “7 (h)” on the map marked “Hastings Local Environmental Plan 2001 (Amendment No 56)” deposited in the office of the Port Macquarie-Hastings Council.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Hastings Local Environmental Plan 2001 (Amendment No 56)



New South Wales

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

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*. (P98/00396/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*.

2 Aims of plan

The aims of this plan are to amend *Hawkesbury Local Environmental Plan 1989*:

- (a) to incorporate new objectives into the rural, residential and environmental protection zones, and
- (b) to amend those zone names to reflect the new objectives, and
- (c) to amend provisions of the *Hawkesbury Local Environmental Plan 1989* relating to residential development, and
- (d) to insert provisions into that plan in relation to rural tourist facilities, tourist facilities, educational establishments, poultry farms and piggeries, and
- (e) to update provisions relating to exempt and complying development, and
- (f) to rezone certain land from Zone No 5 (a) Special Uses “A”—Community Purposes to Housing zone, and
- (g) to repeal *Hawkesbury Local Environmental Plan 1984*.

3 Land to which plan applies

- (1) This plan applies to all land to which *Hawkesbury Local Environmental Plan 1989* applies, except as provided by subclause (2).
- (2) In respect of the matter set out in clause 2 (f), this plan applies to Lot 11, Section 4, DP 759096, 6 Ham Street, South Windsor.

4 Amendment of Hawkesbury Local Environmental Plan 1989

Hawkesbury Local Environmental Plan 1989 is amended as set out in Schedule 1.

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Clause 5

5 Repeal of Hawkesbury Local Environmental Plan 1984

Hawkesbury Local Environmental Plan 1984 is repealed.

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 3

Omit clauses 3 and 4. Insert instead:

3 Land to which plan applies

This plan applies to the whole of the land in the City of Hawkesbury as shown on the map, with boundaries as indicated on the map.

[2] Clause 5 Definitions

Omit the definitions of *agriculture*, *dual occupancy detached*, *identified land use*, *residential flat building Class B* and *residential flat building Class C* from clause 5 (1).

Insert in alphabetical order:

agriculture means the use of land for any of the following purposes:

- (a) horticulture,
- (b) husbandry (including the keeping or feeding of livestock, poultry, fish or bees),
- (c) growing of fruit, vegetables and the like,

but does not include animal establishments or intensive agriculture (within the meaning of clause 44) or any use of the land for a purpose listed in paragraphs (a)–(c) if the produce is for the personal consumption or enjoyment of the occupier of the land.

Hawkesbury Development Control Plan means *Hawkesbury Development Control Plan Part B* as adopted by the Council and as in force on the date of commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*.

identified land use means a land use for which a consent or approval has been granted by the Council on or after 22 December 1989 and that was in operation on the date of commencement of *Hawkesbury Local Environmental Plan (Amendment No 108)*.

multi unit housing means all forms of residential development (including villas, townhouses, dual occupancies and the like) other than:

- (a) residential flat buildings, or

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Schedule 1

(b) single detached dwellings on a single parcel of land.

residential flat building means a building containing more than 2 dwellings in a form commonly described as “walk up flats”, a characteristic of which is often common stair access.

rural shed means a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause.

rural tourist facilities means a building or place in a rural area that is used to provide low scale holiday accommodation, recreation or education for the travelling or holidaying public, and may consist of holiday cabins, horse riding facilities, refreshment rooms or the like.

[3] **Clause 5 (1), definition of “structures ancillary to uses other than dwellings”**

Omit “Schedule 6”. Insert instead “the Table to clause 9B”.

[4] **Clause 5 (1), definition of “the map”**

Insert in appropriate order:

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

[5] **Clause 6 Adoption of 1980 Model Provisions**

Insert “, *residential flat building*” after “*recreation establishment*”.

[6] **Clause 8**

Omit the clause. Insert instead:

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is in a particular zone if the land is shown coloured on the map and the zone index on the map shows that colour to correspond with that zone.

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Schedule 1 Amendments

[7] Clause 9

Omit the clause. Insert instead:

9 Carrying out of development

- (1) Unless otherwise provided by this plan, the Land Use Matrix set out at the end of this clause specifies the following for each zone:
 - (a) development that does not require consent, where “N” is shown for that development,
 - (b) development that requires consent but may be exempt or complying development, where “X” is shown for that development,
 - (c) development that requires consent where “C” is shown for that development,
 - (d) development that is prohibited where there is no symbol shown for that development.

Note. Development in zones 5 (b) and 8 (a) is dealt with in clauses 9D and 9E.

- (2) Development that is not listed in the Land Use Matrix is prohibited.
- (3) Development will only be exempt development if it complies with the requirements of clause 9B.
- (4) Development will only be complying development if it complies with the requirements of clause 9C.
- (5) Any development listed in the Tables to clauses 9B and 9C that does not comply with the applicable requirements set out in those Tables in relation to the development is development that requires development consent.

Land Use Matrix

Note	
N	Development that does not require consent
X	Development that is either exempt or complying development (see clause 9B or 9C)
C	Development that requires consent
	Where no symbol appears, development is prohibited

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Symbol	Zone
MA	Mixed Agriculture
RL	Rural Living
RV	Rural Village
CL	Consolidated Land Holdings
H	Housing
MU	Multi Unit Housing
3A	3 (a) Business General
3B	3 (b) Business Special
4A	4 (a) Industry General
4B	4 (b) Industry Light
5A	5 (a) Special Uses "A"
6A	6 (a) Open Space (Existing Recreation)
6B	6 (b) Open Space (Proposed Recreation)
6C	6 (c) Open Space (Private Recreation)
7A	7 (a) Environmental Protection (Wetlands)
7D	7 (d) Environmental Protection (Scenic)
EPA	Environmental Protection—Agriculture Protection (Scenic)
EPM	Environmental Protection—Mixed Agriculture (Scenic)
7E	7 (e) Environmental Protection (Consolidated Land Holdings)
9B	9 (b) Proposed Road

Zones																					
Development for the purpose of the following:	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
Access ramps	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Advertisements	X	X	X	X	X	X	X	X	X	X					C	C	C	X			
Advertising structures							C	C	C	C											

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Schedule 1 Amendments

Development for the purpose of the following:	Zones																			
	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Agriculture	N	N		C	C	C	C	C	C	C	C		C	C		N	N	N	C	C
Airline terminals	C	C		C			C	C	C	C						C		C		
Animal establishments	C	C		C	C	C	C	C	C	C						C	C	C		
Bed and breakfast accommodation	X	X	X	X	X	X	X	X								X	X	X	X	
Boarding-houses	C	C	C	C	C	C	C	C	C	C						C		C		
Bulky goods sales rooms or showrooms							C	C	C	C										
Bus depots	C	C	C	C			C	C	C	C						C		C		
Bus stations	C	C	C	C	C	C	C	C	C	C						C		C		
Car repair stations							C	C	C	C										
Carnivals	N	N	N		C	C	N	N	N	N	N	N	N	N		N	N	N		N
Carports	X	X	X	X	X	X	X	X	X	X	C	C	C	C		C	C	C	C	
Child care centres	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	
Clearing native vegetation	C	C	C	C	N	N	N	N	N	N	C	C	C	C		C	C	C		X
Clubs	C	C	C	C	C	C	C	C	C	C				C		C		C	C	
Commercial premises							C	C												
Community facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	
Dams	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Demolition	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X
Dual occupancies attached	C	C	C	C												C	C	C	C	
Dwelling-houses	C	C	C	C	X	X	C	C								C	C	C	C	
Educational establishments	C	C	C	C	C	C	C	C			C					C	C	C	C	
Exhibition homes					C	C	C	C												
Extractive industries	C								C	C										

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Development for the purpose of the following:	Zones																				
	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
Farm gate sales outlets	C	C	C	C											C	C	C	C	C		
Fences	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	X
Flag poles	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
Forestry	C			C	C	C	C	C	C	C		C	C			C	C	C			
Garages	X	X	C	X	X	X	X	X	X	X	C	C	C	C		C	C	C	C		
General stores	C	C	C	C	C	C	C	C	C	C						C	C	C			
Generating works	C	C	C	C			C	C	C	C						C	C	C			
Helipads	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C		
Heliports	C	C		C			C	C	C	C						C		C			
Home industries	C	C	C	C	C	C	C	C	C	C	C					C	C	C	C		
Home occupations	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X		
Hospitals	C	C	C	C	C	C	C	C	C	C	C					C		C	C		
Hotels	C	C	C	C			C	C	C	C						C		C			
Identified land uses	C	C	C	C	C	C	C	C	C	C	C				C	C	C	C	C		
Industries									C												
Institutions	C	C	C	C					C	C						C		C	C		
Intensive agriculture	C	C		C												C	C	C			
Junk yards	C								C												
Landfilling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Light industries								C	C	C											
Liquid fuel depots									C	C											
Mineral sand mines	C								C	C											
Mines	C								C	C											
Motels	C	C	C	C		C	C	C		C						C		C	C		
Motor show rooms							C	C	C	C											
Multi unit housing						C	C	C													

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Schedule 1 Amendments

Development for the purpose of the following:	Zones																			
	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Offensive or hazardous industries									C											
Places of assembly	C	C	C	C			C	C	C	C						C	C	C	C	
Places of public worship	C	C	C	C	C	C	C	C	C	C	C					C	C	C	C	
Produce stores	C	C	C				C	C	C	C						C	C	C		
Professional and commercial chambers	C	C	C	C	C	C	C	C	C	C						C		C	C	
Public buildings	C	C	C	C	C	C	C	C	C	C	C		C	C		C		C	C	
Public utility undertakings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		N
Real estate sales signs	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X	
Recreation areas	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Recreation facilities	C	C	C	C	C	C	C	C	C	C		C	C	C		C		C	C	
Recreation vehicle areas	C	C	C				C	C	C	C		C	C	C		C		C		C
Recreational establishments	C	C	C	C	C	C	C	C	C	C		C	C	C		C		C	C	
Refreshment rooms	C	C	C	C			C	C	C	C		C	C	C		C	C	C		
Renovations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Retail plant nurseries	C	C	C				C	C	C	C						C	C	C		
Retaining walls	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Road transport terminals	C			C					C	C										
Roadside stalls	C	C	C	C												C	C	C		
Rural industries	C								C	C						C	C	C		
Rural sheds	X	X	C	X	C						X	X	X	X		C	X	X	C	

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Development for the purpose of the following:	Zones																				
	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
Rural tourist facilities	C	C		C												C	C		C		
Rural workers' dwellings	C			C												C	C	C			
Satellite dishes	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	
Sawmills	C								C							C	C	C			
Service stations							C	C	C	C											
Shop fit outs							X	X													
Shops							C	C													
Stock and sale yards	C								C	C						C	C	C			
Structures ancillary to dwellings	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X		
Tourist facilities	C	C	C	C	C	C	C	C	C	C						C		C	C		
Transport terminals									C	C						C					
Truck depots	C							C	C	C								C			
Units for aged persons					C	C	C	C	C	C											
Utility installations	N	N		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Warehouses							C	C	C	C											
Waste storage containers	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	

[8] Clause 9A Zone objectives

Omit the matter relating to Zones Nos 1 (a), 1 (b), 1 (c), 1 (c1), 1 (d), 2 (a), 2 (a1) and 2 (c) from the Table to the clause.

Insert instead:

Mixed Agriculture zone

The objectives of this zone are as follows:

- (a) to encourage existing sustainable agricultural activities,

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- (b) to ensure that development does not create or contribute to rural land use conflicts,
 - (c) to encourage agricultural activities that do not rely on highly fertile land,
 - (d) to prevent fragmentation of agricultural land,
 - (e) to ensure that agricultural activities occur in a manner:
 - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
 - (ii) that satisfies best practice guidelines and best management practices,
 - (f) to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,
 - (g) to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,
 - (h) to prevent the establishment of traffic generating development along main and arterial roads,
 - (i) to control outdoor advertising so that it does not disfigure the rural landscape,
 - (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

Rural Living zone

The objectives of this zone are as follows:

- (a) to provide primarily for a rural residential lifestyle,
- (b) to enable identified agricultural land uses to continue in operation,
- (c) to minimise conflict with rural living land uses,
- (d) to ensure that agricultural activity is sustainable,
- (e) to provide for rural residential development on former agricultural land if the land has been remediated,
- (f) to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,

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- (g) to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,
 - (h) to ensure that development occurs in a manner:
 - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
 - (ii) that satisfies best practice guidelines and best management practices,
 - (i) to prevent the establishment of traffic generating development along main and arterial roads,
 - (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

Rural Village zone

The objectives of this zone are as follows:

- (a) to maintain the rural character of the village and to ensure buildings and works are designed to be in sympathy with the character of the village,
- (b) to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,
- (c) to enable development for purposes other than residential only if they are compatible with the character of the village,
- (d) to ensure that development does not detract from the existing rural character,
- (e) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,
- (f) to control outdoor advertising so that it does not disfigure the rural landscape,
- (g) to ensure that development occurs in a manner that satisfies best practice guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems.

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Consolidated Land Holdings zone

The objectives of this zone are as follows:

- (a) to prohibit further subdivision of certain rural land otherwise than to effect a minor boundary adjustment,
- (b) to permit only those uses that are compatible with the amenity of rural areas and ancillary to development in the locality,
- (c) to ensure that development in rural areas does not generate an unreasonable demand for public services,
- (d) to maintain the rural character and scenic landscape qualities of land in river corridors and on escarpments.

Housing zone

The objectives of this zone are as follows:

- (a) to provide for low density housing and associated facilities in locations of high amenity and accessibility,
- (b) to protect the character of traditional residential development and streetscapes,
- (c) to ensure that new development retains and enhances the existing character,
- (d) to ensure that development is sympathetic to the natural amenity and ecological processes of the area,
- (e) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,
- (f) to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,
- (g) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

Multi Unit Housing zone

The objectives of this zone are as follows:

- (a) to consolidate population and housing densities,
- (b) to provide a wide range of housing choices in close proximity to commercial centres and railway stations,
- (c) to ensure that building form is in character with the surrounding built environment,

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- (d) to ensure that development is sympathetic to the natural amenity and ecological processes of the area,
 - (e) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,
 - (f) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.

[9] Clause 9A, Table

Omit the matter relating to Zone No 7 (d1). Insert instead:

Environmental Protection—Agriculture Protection (Scenic) zone

The objectives of this zone are as follows:

- (a) to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,
- (b) to ensure that agricultural activities occur in a manner:
 - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
 - (ii) that satisfies best practice guidelines and best management practices,
- (c) to ensure that development does not create or contribute to rural land use conflicts,
- (d) to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,
- (e) to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,
- (f) to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,
- (g) to prevent the establishment of traffic generating development along main and arterial roads,
- (h) to control outdoor advertising so that it does not disfigure the rural landscape,
- (i) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,

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- (j) to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,
 - (k) to encourage existing sustainable agricultural activities.

Environmental Protection—Mixed Agriculture (Scenic) zone

The objectives of this zone are as follows:

- (a) to encourage existing sustainable agricultural activities,
- (b) to ensure that development does not create or contribute to rural land use conflicts,
- (c) to encourage agricultural activities that do not rely on highly fertile land,
- (d) to prevent fragmentation of agricultural land,
- (e) to ensure that agricultural activities occur in a manner:
 - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
 - (ii) that satisfies best practice guidelines and best management practices,
- (f) to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,
- (g) to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,
- (h) to prevent the establishment of traffic generating development along main and arterial roads,
- (i) to control outdoor advertising so that it does not disfigure the rural landscape,
- (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

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[10] Clauses 9B–9E

Omit clause 9B. Insert instead:

9B Exempt development

- (1) Development listed in the Table to this clause is exempt development, except as provided by subclauses (2) and (3).
- (2) Development is exempt development only if:
 - (a) it complies with any applicable Acts or other laws, and
 - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (c) it meets the requirements listed for it in the Table to this clause, and
 - (d) it complies with any relevant standards set for the development by this plan or by the Hawkesbury Development Control Plan, and
 - (e) it does not contravene any condition of development consent applying to the land, and
 - (f) it does not obstruct drainage of the site on which it is carried out, and
 - (g) it is carried out at least one metre from any easement or the zone of influence of any public sewer main and complies with the building over sewer requirements of Sydney Water Corporation or the Council, applying to the land, and
 - (h) it is not designated development.
- (3) Development is not exempt development if it is carried out on land that:
 - (a) is subject to an order under the *Heritage Act 1977*, or
 - (b) is an Aboriginal place or known Aboriginal object under the *National Parks and Wildlife Act 1974*, or
 - (c) is identified in an environmental planning instrument as a wetland or is within 20 metres of land so identified as a wetland, or
 - (d) is or is part of an aquatic reserve under the *Fisheries Management Act 1994*, or

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- (e) is a site of a heritage item or is in a conservation area, or
- (f) is prohibited development under this plan or any other environmental planning instrument.

Note. Section 76 (3) of the *Environmental Planning and Assessment Act 1979* says development can not be exempt development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
- (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*).

Table

The erection and use or carrying out of the following:	Requirements
Access ramps for the disabled	<ul style="list-style-type: none"> • Maximum height 1m above ground level • Maximum grade 1:14 and otherwise in compliance with AS 1428.1—1998, <i>Design for access and mobility—General requirements for access—New building work</i>
Advertisements	<p>General</p> <ul style="list-style-type: none"> • Not to be placed above awnings or on the roof of buildings • Maximum area 4m² • Not illuminated • Maximum of one advertisement per property <p>Sandwich boards A frame (private property)</p> <ul style="list-style-type: none"> • Located in commercial zones • Maximum area 2.4m² on each of the 2 faces • Sandwich board located on private property • Maximum of one such sandwich board per business <p>Sandwich boards A frame (council property and public places)</p> <ul style="list-style-type: none"> • Maximum area 1.2m² on each of the 2 faces • Each sandwich board is to be registered with the Council and have a Council issued registration plate attached

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The erection and use or carrying out of the following:	Requirements
	<ul style="list-style-type: none"> • Each sandwich board is to be covered by public liability insurance to the value of \$5 million that protects both the owner of the board and the Council. The owner is to provide evidence of the insurance to the Council annually or at such other times as may be requested by the Council • Sandwich board is not to be placed so as to obstruct pedestrians or the view of drivers of motor vehicles • Sandwich board is to be located no more than 5m from the business to which it relates • Maximum of one sandwich board per business
Aerials/antennae/microwave antennae	<ul style="list-style-type: none"> • Maximum height above roof of 6m • Domestic use only
Air conditioning units for dwellings (attached to external wall or ground mounted)	<ul style="list-style-type: none"> • Noise from the source represented by LA_{eq} measured over a 15 minute period does not exceed the background noise level, represented by $LA_{eq} 90$ measured in the absence of the source by more than 5dB
Awnings, shade canopies, storm blinds, open pergolas, cabanas, gazebos, barbecues and greenhouses that are ancillary to a dwelling	<ul style="list-style-type: none"> • Maximum area 40m² • Maximum height 2.4m above ground level • Non reflective materials • Located within property boundaries • Located to the side of or behind the dwelling • No removal of native vegetation • Awnings not to be used for garaging or storage of vehicles • Located no less than 900mm from adjoining allotment boundaries
Bed and breakfast accommodation	<ul style="list-style-type: none"> • 4 bedrooms or less located within existing dwelling • Compliance with BCA for Class 1b building
Bird aviaries and domestic pet enclosures (excluding poultry)	<ul style="list-style-type: none"> • Maximum area 9m² (total aggregate) • Maximum height 1.8m above ground level • Domestic use only • Rear yard only

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The erection and use or carrying out of the following:	Requirements
Carnivals	<ul style="list-style-type: none"> • No more than 4 events per calendar year • No amplified noise • Daylight hours only
Carports	<ul style="list-style-type: none"> • Maximum height 2.4m above ground level • Maximum roof pitch 15 degrees • Maximum area 40m² • Not in an environmental protection zone • To be located behind the building alignment
Change of use from: (a) an industrial use to another industrial use, or (b) a light industrial use to another light industrial use	<ul style="list-style-type: none"> • Existing approved industrial building • Located in an industrial zone • Does not involve offensive or hazardous industry • It does not involve any internal or external alterations • Storage of goods and materials is to be confined within the building or within approved areas • Development is to be maintained in a clean and tidy manner • The use of the site is to be conducted in such a manner so as not to interfere with the amenity of the neighbourhood with respect to noise, vibration, odour, dust, waste water, waste product or otherwise • All vehicles being serviced, repaired, stored or displayed for sale are to be contained within the subject property and not on adjacent footpaths or roadways • Vehicles and vehicle parts are only to be washed in a Council approved wash bay area • All chemicals, petrochemicals, liquids, waste materials and contaminated parts are to be stored within the building in appropriately bunded areas

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The erection and use or carrying out of the following:	Requirements
	<ul style="list-style-type: none"> • Used oil and other lubricants, hydraulic fluid and coolants are to be collected and stored for the purposes of recycling or disposing at a waste facility • Oil, lubricant, coolant and hydraulic fluid spills or stains are to be removed by an appropriate absorbent material and disposed of at a waste facility. An adequate supply of the absorbent material is to be kept on hand at all times • The relevant sewer authority (the Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system and a Trade Waste agreement must be entered into with the relevant authority before trade waste is discharged from the premises
Change of use from: (a) a shop to another shop, or (b) a commercial use to another commercial use (other than a brothel)	General <ul style="list-style-type: none"> • Existing approved retail/commercial building • Located in a commercial zone • It does not involve any internal or external alterations • Storage of goods and materials is to be confined within the building or within approved areas • The relevant sewer authority (the Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system and a Trade Waste agreement must be entered into with the relevant authority before trade waste is discharged from the premises • Any lighting on the site is to be directed in such a manner so that no nuisance is caused in relation to adjoining properties and drivers of motor vehicles

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The erection and use or carrying out of the following:	Requirements
	<p>Food premises</p> <ul style="list-style-type: none"> • Premises in which food is to be served, prepared or stored are to be constructed, maintained and operated in accordance with the Council's <i>Code for the Construction and Fit-out of Food Premises</i> as in force on the date of commencement of <i>Hawkesbury Local Environmental Plan 1989 (Amendment No 108)</i> and with Food Standards Australia New Zealand <i>Standard 3.2.3 (Food Premises and Equipment)</i>. <p>Hairdressers, hair cutters, beauty salons and skin penetration businesses</p> <ul style="list-style-type: none"> • Premises must be registered with the Council • Premises are to be constructed, maintained and operated in accordance with any relevant guidelines issued by the Department of Health and are to have impervious floor coverings with coving where necessary
Clothes hoist or clothes lines	<ul style="list-style-type: none"> • Located behind principal dwelling • Installed to manufacturer's specifications
Cubby houses and playground equipment ancillary to a dwelling	<ul style="list-style-type: none"> • Maximum height 2.1m above ground level • Maximum area 9m² • Setback minimum 900mm
Decks attached to detached single dwellings (does not include decking associated with swimming pools)	<ul style="list-style-type: none"> • Maximum area 40m² • Finished surface level not greater than 1m above ground level • Maintain existing side boundary setbacks
Demolition of any structure: (a) the erection of which would be exempt development under this plan, or a temporary building the erection of which would be complying development under this plan, and (b) covering an area of not more than 40m ²	<ul style="list-style-type: none"> • Carried out in accordance with AS 2601—1991, <i>Demolition of structures</i>

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The erection and use or carrying out of the following:	Requirements
Dog kennels or dog runs	<ul style="list-style-type: none"> • Maximum height 2m above ground level • Maximum area 2m² • No more than 2 kennels • Enclosure not exceeding 1.2m high (or 2m if enclosed) above ground level and dimensions 3m × 2m • Domestic use only • Located behind principal building
Erection and use of real estate sales signs	<ul style="list-style-type: none"> • Flush wall sign or pole or pylon sign • Only one sign per street/road frontage • Signs are to be removed no later than 7 days after settlement <p>Signs in commercial and industrial zones</p> <ul style="list-style-type: none"> • Maximum sign area 4m² • Maximum height 3m above ground level <p>Signs in zones other than commercial and industrial zones</p> <ul style="list-style-type: none"> • Maximum sign area 2.5m² • Maximum height 2m above ground level • Not illuminated • Not placed on or above any public place
Fences (other than fences required by the <i>Swimming Pools Act 1992</i>)	<p>Boundary fences (behind building line)</p> <ul style="list-style-type: none"> • Maximum height 2.4m above ground level (other than masonry or brick) <p>Boundary fences (not behind building line)</p> <ul style="list-style-type: none"> • Maximum height 1.2m above ground level (other than masonry or brick) • New materials only <p>Timber or lattice screen fences (other than boundary fences)</p> <ul style="list-style-type: none"> • Maximum height 2.4m above ground level • Minimum 500mm off side boundary • Located behind building line

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The erection and use or carrying out of the following:	Requirements
Filling of land	<ul style="list-style-type: none"> • Maximum depth 300mm • Maximum area 100m² • Does not interfere with the natural flow of water from or onto surrounding properties • Involves only clean fill (natural excavated material) and not any contaminated material • No removal of native vegetation • Maximum of one application of fill per property
Flagpoles in commercial or industrial zones	<ul style="list-style-type: none"> • Maximum height 9m above ground level • Installed to manufacturer's specifications or engineering design
Flagpoles in residential zones	<ul style="list-style-type: none"> • Maximum height 6m above ground level • Installed to manufacturer's specifications or engineering design
Fountains, fish ponds, sun dials, bird baths, wishing wells and the like	<ul style="list-style-type: none"> • Water storage area no greater than 300mm deep • Not exceeding 1.5m high above ground level
Garages	<ul style="list-style-type: none"> • Maximum height 2.4m above ground level measured to the gutter of the garage • Maximum roof pitch 15 degrees • Maximum area 40m² • Not in an environmental protection zone • To be located behind the building alignment
Garden sheds	<ul style="list-style-type: none"> • Maximum area of a shed or sheds in total 16m² • Maximum height 2.1m above ground level • Non-reflective materials • Rear yard only • Installed to manufacturer's specifications or engineering design
Gas bottles for domestic purposes	<ul style="list-style-type: none"> • Maximum of 2 bottles
Gate structures and supporting wing walls	<ul style="list-style-type: none"> • Maximum 1.8m high above ground level • Maximum length 10m overall • Wholly within property boundary
Home occupation	<ul style="list-style-type: none"> • No customers will visit the site

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The erection and use or carrying out of the following:	Requirements
Letter boxes	<ul style="list-style-type: none"> • Height and size to comply with Australia Post standards • Wholly within property boundary in residential areas
Lighting (external) not including lighting for tennis courts, sports grounds or greenhouses	
Renovations—all buildings excluding shop fit outs	<ul style="list-style-type: none"> • Non-structural work only, such as: <ul style="list-style-type: none"> • painting • replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials • renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes • re-cladding of walls or roofs if existing materials are replaced with similar new materials • Alterations or renovations to previously completed building only • Does not include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means • Does not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas
Retaining walls	<ul style="list-style-type: none"> • Located no closer than 1m to any boundary • Maximum height 900mm above natural ground level • Complies with relevant Australian Standards in relation to structural integrity and construction materials • Constructed so that it does not prevent the natural flow of stormwater drainage or run-off • Does not interfere with the natural flow of water from or onto surrounding properties
Satellite dishes—ground mounted	<ul style="list-style-type: none"> • Maximum height 2.4m above ground level • Not visible from the street frontage

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The erection and use or carrying out of the following:	Requirements
Satellite dishes—roof mounted	<ul style="list-style-type: none"> • Maximum diameter 1m • Maximum height not to exceed highest point of roof • Not visible from the street frontage • Colour to match existing roof colour
Skylight roof windows	<ul style="list-style-type: none"> • Comply with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i> • Located not less than 900mm from property boundaries or walls separating attached dwellings • Structural integrity of the existing building not to be affected • Installed to manufacturer's instructions and waterproofed
Street signs comprising name plates, directional signs and advance traffic warning signals	<ul style="list-style-type: none"> • Construction by or for Council • Designed, fabricated and installed in accordance with relevant Australian Standards
Waste storage container in public place	<ul style="list-style-type: none"> • Maximum length of container 3m • Single container only • Container is to be located and designed in accordance with any requirements or guidelines of the Roads and Traffic Authority • Container is to be removed within 14 days of being placed in the public place • Each container is to be covered by public liability insurance to the value of \$10 million that protects the Council • Container is to be a light colour with the name and address of the owner of the container clearly marked
Water heaters	<ul style="list-style-type: none"> • Installed to manufacturer's specifications or requirements • Installed by licensed person • Work does not reduce structural integrity of the building or involve structural alterations • Openings created are water proofed

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The erection and use or carrying out of the following:	Requirements
Water tanks in non-residential zones	<ul style="list-style-type: none"> • Not less than 10,000 and not more than 120,000 litres • No closer than 6m to adjoining boundary and buildings • Maximum height 2.4m above ground level • Fitted with 38mm Stortz fitting and non-return foot valve • Domestic draw-off to leave 10,000 litres for use by fire services in an emergency

9C Complying development

- (1) Development listed in the Table to this clause is complying development, except as provided by subclauses (2) and (3).
- (2) Development is complying development only if:
 - (a) it complies with any applicable Acts or other laws, and
 - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (c) it meets the requirements listed for it in the Table to this clause, and
 - (d) it complies with any relevant standards set for the development by this plan or by the Hawkesbury Development Control Plan, and
 - (e) it does not contravene any condition of development consent applying to the land, and
 - (f) it does not obstruct drainage of the site on which it is carried out, and
 - (g) it is carried out at least one metre from any easement or the zone of influence of any public sewer main and complies with the building over sewer requirements of Sydney Water Corporation or the Council, applying to the land.
- (3) Development is not complying development if it is carried out on land that:
 - (a) is an Aboriginal place or known Aboriginal object under the *National Parks and Wildlife Act 1974*, or
 - (b) is identified in an environmental planning instrument as a wetland or is within 20 metres of land so identified as a wetland, or

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- (c) is or is part of an aquatic reserve under the *Fisheries Management Act 1994*, or
 - (d) is a site of a heritage item or is in a conservation area, or
 - (e) is lower than 1.2 metres below the 1-in-100 year flood frequency, or
 - (f) is a remediation site within the meaning of the *Contaminated Land Management Act 1997* or land subject to an agreement with the Environment Protection Authority under section 26 of that Act for voluntary remediation, or
 - (g) is, at the date of commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*, identified:
 - (i) on a register maintained by the Council as land that is subject to landslip, or
 - (ii) on the Acid Sulfate Soils Planning Map as land containing potential acid sulphate soils of Class 1, 2 or 3, or
 - (h) is identified as a scenic area of the riverine corridor or as a conservation area sub-catchment under *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*, or
 - (i) is prohibited development under this plan or any other environmental planning instrument.

Note. Section 76A (6) of the *Environmental Planning and Assessment Act 1979* says development can not be complying development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
 - (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*), or
 - (c) that comprises, or on which there is, an item of the environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
 - (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.
- (4) Subclause (3) (e) does not apply to development for the purposes of a swimming pool.
 - (5) A complying development certificate must include the conditions specified in the Hawkesbury Development Control Plan that are applicable to the particular type of development.

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Table

The erection and use or carrying out of the following:	Requirements
Boundary adjustments	<ul style="list-style-type: none"> • Affects no more than 2 lots • Not identified as bushfire prone land • The variation to either of the lot sizes must not exceed 20%
Covered decks	<ul style="list-style-type: none"> • Floor level no more than 1.2m above ground level • Attached to existing dwelling • Not in an environmental protection zone • Not identified as bushfire prone land
Industrial additions	<ul style="list-style-type: none"> • As for industrial buildings • Total area of all such additions does not exceed 1,000m²
Industrial buildings	<ul style="list-style-type: none"> • Area does not exceed 1,000m² • Maximum height 9m above ground level • Waste management plan approved in accordance with the Hawkesbury Development Control Plan
Retaining walls	<ul style="list-style-type: none"> • Maximum height between 900mm and 1,800mm above or below natural ground level • Maximum height 1.8m above ground level • No closer than 1m to adjoining boundary • Designed by a practising structural engineer and constructed in accordance with the engineer's design and specifications
Roofed pergolas	<ul style="list-style-type: none"> • Floor level no more than 1.2m above ground level • Attached to existing dwelling • Not in an environmental protection zone • Not identified as bushfire prone land
Rural sheds	<ul style="list-style-type: none"> • Not in a residential zone • Area does not exceed 170m² • No removal of native vegetation • Not used for commercial or industrial uses • No closer than 10m to adjoining boundary

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The erection and use or carrying out of the following:	Requirements
Screen enclosures	<ul style="list-style-type: none"> • Area does not exceed 60m² • Not in an environmental protection zone • Not identified as bushfire prone land
Shop fit outs—internal partition walls only	<ul style="list-style-type: none"> • Existing floor area must not increase
Single storey dwellings and alterations and additions to single storey dwellings	<ul style="list-style-type: none"> • Residential zones only • Not on land for which the Australian Noise Exposure Forecast exceeds 25 • Sewered • Floor level no more than 1.2m above ground level • On lots with an area greater than 450m² • Comply with AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i> • Waste management plan approved in accordance with the Hawkesbury Development Control Plan • Not identified as bushfire prone land
Swimming pools	<ul style="list-style-type: none"> • Ancillary to a dwelling that is used only for private purposes • Located behind the building line • The lot is to be sewered or have an area greater than 4,000m² • No more than 500mm above ground level if in residential zone

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9D Use of land zoned 5 (b) (Special Uses (Railways))

- (1) This clause applies to land in Zone No 5 (b).
- (2) Development for the purposes of any use that is authorised under the *Transport Administration Act 1988* in relation to railways does not require the consent of the Council.
- (3) Development for a purpose other than that in subclause (2) is prohibited.

9E Use of land zoned 8 (a) (Nature Reserve)

- (1) This clause applies to land in Zone No 8 (a).
- (2) Development for the purposes of any use that is authorised under the *National Parks and Wildlife Act 1974* does not require the consent of the Council.
- (3) Development for a purpose other than that in subclause (2) is prohibited.

[11] Clause 11 Rural subdivision—general provisions

Omit “within Zone No 1 (b) or 1 (c1)” from the definition of *lot averaging subdivision* in clause 11 (1).

Insert instead “in the Mixed Agriculture or Rural Living zone”.

[12] Clause 11 (1), definition of “lot averaging subdivision”

Omit “Zone No 1 (b)” from paragraph (a) of the definition.

Insert instead “the Mixed Agriculture zone”.

[13] Clause 11 (1), definition of “lot averaging subdivision”

Omit “Zone No 1 (c1)” from paragraph (b) of the definition.

Insert instead “the Rural Living zone”.

[14] Clause 11 (2)

Omit “Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (a), 7 (d) or 7 (d1)”.

Insert instead “Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

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[15] Clause 11 (2)

Omit the Table to the subclause. Insert instead:

Column 1	Column 2	Column 3
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
Mixed Agriculture (land shown hatched on the map)	40 hectares	Not applicable
Mixed Agriculture (other than land shown hatched on the map)	10 hectares	2.5 hectares
Rural Living (land shown hatched on the map)	2 hectares	Not applicable
Rural Living (other than land shown hatched on the map)	4 hectares	1 hectare
Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)	10 hectares	Not applicable
Environmental Protection—Agriculture Protection (Scenic) (other than land shown hatched on the map)	40 hectares	Not applicable
Environmental Protection (Wetlands) 7 (a)	40 hectares	Not applicable
Environmental Protection (Scenic) 7 (d)	40 hectares	Not applicable
Environmental Protection—Mixed Agriculture (Scenic)	40 hectares	Not applicable

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[16] Clause 11 (4)

Omit “within Zone No 1 (b) or 1 (c1)”.

Insert instead “in the Mixed Agriculture or Rural Living zone”.

[17] Clause 11 (5)

Omit “within Zone No 1 (b)”. Insert instead “in the Mixed Agriculture zone”.

[18] Clause 11 (6)

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)”.

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

[19] Clause 11 (7)

Omit “within Zone No 1 (d)”.

Insert instead “in the Rural Village or Consolidated Land Holdings zone”.

[20] Clause 12

Omit the clause. Insert instead:

12 Residential subdivision—general provisions

(1) In this clause:

internal allotment means an allotment to which the only means of access to that part of the allotment that is most suitable for locating a dwelling is by way of:

- (a) an access corridor that forms part of the allotment (a *hatchet shaped allotment*), or
- (b) an easement or right of way over another allotment.

(2) The Council may consent to the subdivision of land in the Housing or Multi Unit Housing zone only if the area of each allotment that is to contain a dwelling is not less than:

- (a) if the allotment is not an internal allotment, that shown for the zone in Column 2 of the following Table, or
- (b) if the allotment is an internal allotment, that shown for the zone in Column 3 of that Table.

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Column 1	Column 2	Column 3
Zone	Allotment (other than an internal allotment) size	Internal allotment size
Housing (land shown hatched on the map)	600 square metres	700 square metres
Housing (other than land shown hatched on the map)	450 square metres	450 square metres
Multi Unit Housing	450 square metres	450 square metres

- (3) Despite subclause (2), the Council must not consent to the subdivision of land in the Housing zone if:
- the land is not serviced by reticulated sewerage, and
 - the area of any proposed allotment that is to contain a dwelling is less than 4,000 square metres.
- (4) For the purposes of subclause (2) and (3), in determining the area of an internal allotment that is a hatchet shaped allotment, the area of the access corridor is not to be counted as part of the area of that allotment.
- (5) The Council must not consent to the subdivision of land at Glossodia if that land is in the Housing zone except by a subdivision in accordance with clause 13.
- (6) Despite the other provisions of this clause, the Council may consent to the subdivision of multi unit housing, the development of which has been approved by the Council, into separate allotments or units.

[21] Clause 15 Erection of dwelling-houses

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 2 (a), 2 (a1), 2 (c), 7 (d) or 7 (d1)” from clause 15 (1).

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Housing, Multi Unit Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

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[22] Clause 15 (5)

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 1 (d), 7 (d), (7d1) or (7e)”.

Insert instead “in Zone No 7 (d) or 7 (e) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

[23] Clause 15 (7)

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)”.

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

[24] Clause 16

Omit clauses 15A and 16. Insert instead:

16 Erection of residential flat buildings

- (1) Despite clause 9, the Council may consent to development for the purposes of a residential flat building on land:
 - (a) in Zone No 3 (a) or 3 (b) if that land is serviced by reticulated water and sewerage, or
 - (b) land in the Multi Unit Housing zone that is shown hatched on the map.
- (2) Despite clause 12, the Council may consent to the subdivision of a residential flat building, the development of which has been approved by the Council, into separate allotments or units.

[25] Clause 17 Rural workers' dwellings

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)” from clause 17 (1).

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

[26] Clauses 19, 21 and 33C

Omit the clauses.

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Schedule 1 Amendments

[27] Clause 22 Development fronting a main or arterial road

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)” from clause 22 (2).

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

[28] Clause 23 Advertising structures

Omit clause 23 (1). Insert instead:

- (1) This clause applies to land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Housing, Multi Unit Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.

[29] Clause 24 Development in certain environmental and other zones

Omit clause 24 (1). Insert instead:

- (1) This clause applies to land in Zone No 7 (d) or in the Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.

[30] Clause 26 Conservation areas

Insert after clause 26 (4):

- (5) Development consent is not required by this clause for development described in the Table to clause 9B if:
 - (a) in the opinion of the Council:
 - (i) the proposed development is of a minor nature or consists of maintenance of the building, relic or place within a conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the conservation area, and
 - (b) the proponent has notified the Council in writing of the proposed development and the Council 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.

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Amendments

Schedule 1

[31] Clause 27 Heritage items

Insert after clause 27 (2):

- (3) Development consent is not required by this clause for development described in the Table to clause 9B if:
 - (a) in the opinion of the Council:
 - (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 Council in writing of the proposed development and the Council 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.

[32] Clause 36

Omit the clause. Insert instead:

36 Clearing of land in certain environmental and other zones

A person must not, on land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone, fell trees, fill or otherwise alter the surface level of the land without the consent of the Council.

[33] Clauses 43 and 43A

Insert after clause 42A:

43 Rural tourist facilities and educational establishments

- (1) This clause applies to development for the purposes of:
 - (a) educational establishments on land in the Environmental Protection—Agriculture Protection (Scenic) zone, and
 - (b) rural tourist facilities.
- (2) The Council may consent to development to which this clause applies only if the Council is satisfied that:
 - (a) the proposed development will have no significant adverse effect on the present and potential agricultural use of the land and of the lands in the vicinity, and

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Schedule 1 Amendments

-
- (b) the proposed development will be compatible with the rural environment and of minimal environmental impact, and
 - (c) adequate separation distances will be incorporated to minimise the potential for land use conflict between the proposed development and existing or potentially conflicting land uses, such as intensive agriculture on adjoining land, and
 - (d) the proposal incorporates adequate landscaping and screen planting for visual amenity as viewed from a public road or dwelling-house on other land in the locality, and
 - (e) all proposed buildings and other uses are clustered so as to reduce impact on the rural amenity, and
 - (f) there will be no significant adverse visual impact of the proposed development on the scenic quality of the area.

43A Poultry farms and piggeries in Rural Living zone

Despite any other provision of this plan, development for the purposes of poultry farms or piggeries is prohibited in the Rural Living zone.

[34] Clause 44 Intensive agriculture

Omit clause 44 (1). Insert instead:

- (1) This clause applies to land in Zone No 7 (d) or in the Rural Living, Consolidated Land Holdings, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.

[35] Clause 44 (4) (d)

Omit the paragraph. Insert instead:

- (d) the need to protect the amenity of the area from noise, dust, visual impact, spray drift, odour or any other potentially offensive sources, and

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

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Schedule 1

[36] Clauses 53A and 53B

Insert after clause 53:

53A Special provision relating to multi unit housing

- (1) This clause applies to land that:
 - (a) is in the Housing zone, and
 - (b) was, immediately before the commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*, in Zone No 2 (a).
- (2) Despite any other provision of this Plan, the Council may consent to development for the purposes of multi unit housing on land to which this clause applies.
- (3) This clause takes effect on and from the day that is 3 years after the date of commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*.

53B Savings in relation to development applications made before the commencement of Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

If a development application is made before the commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)* and is not finally determined before that commencement, the application is to be determined as if that plan had been exhibited but not made.

[37] Schedules 6 and 7

Omit the Schedules.



New South Wales

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

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*. (SRW0000211/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 145)*.

2 Aims of plan

The aims of this plan are:

- (a) to include a new Rural Housing zone in *Hawkesbury Local Environmental Plan 1989*, and
- (b) to provide for subdivision of land, and
- (c) to make provision in relation to minimum allotment sizes, and
- (d) to alter the zoning of certain land at Pitt Town to allow for the subdivision of lots for housing and rural housing.

3 Land to which plan applies

This plan applies:

- (a) in respect of the aims set out in clause 2 (a)–(c), to all land to which *Hawkesbury Local Environmental Plan 1989* applies, and
- (b) in respect of the aims set out in clause 2 (d), to all land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)” deposited in the office of Hawkesbury City Council.

4 Amendment of Hawkesbury Local Environmental Plan 1989

Hawkesbury Local Environmental Plan 1989 is amended as set out in Schedule 1.

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

density control means the maximum number of allotments per hectare that can be subdivided for dwelling-houses, as shown on the map.

minimum lot size means the minimum allotment size for a dwelling-house, as shown on the map.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

[3] Clause 9 Carrying out of development

Insert after the matter relating to RV Rural Village in the Note to the Land Use Matrix:

RH Rural Housing

[4] Clause 9, Land Use Matrix

Insert a new column headed “RH” to the right of the column headed “RV”.

[5] Clause 9, Land Use Matrix

Insert “N” under the heading “RH” to correspond with the following type of development:

Public utility undertakings.

[6] Clause 9, Land Use Matrix

Insert “X” under the heading “RH” to correspond with the following types of development:

Access ramps, Advertisements, Bed and breakfast accommodation, Carports, Demolition, Fences, Flag poles, Home occupations, Real estate sales signs, Renovations, Retaining walls, Satellite dishes, Structures ancillary to dwellings, Waste storage containers.

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Schedule 1 Amendments

[7] Clause 9, Land Use Matrix

Insert "C" under the heading "RH" to correspond with the following types of development:

Agriculture, Child care centres, Clearing native vegetation, Clubs, Community facilities, Dams, Dwelling-houses, Educational establishments, Exhibition homes, Garages, Home industries, Hospitals, Identified land uses, Landfilling, Places of assembly, Places of public worship, Professional and commercial chambers, Public buildings, Recreation areas, Recreation facilities, Recreational establishments, Rural sheds, Tourist facilities.

[8] Clause 9A Zone objectives

Insert after the matter relating to Rural Village zone:

Rural Housing zone

The objectives of this zone are as follows:

- (a) to provide primarily for low density residential housing and associated facilities,
- (b) to minimise conflict with rural land uses,
- (c) to preserve and maintain the rural character of the locality and ensure building and works are designed to be in sympathy with the character of the locality,
- (d) to ensure that development occurs in a manner that satisfy best management guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems,
- (e) to prevent the establishment of traffic generating development along main and arterial roads,
- (f) to ensure that development does not create unreasonable demands for the provision or extension of public amenities or services,
- (g) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Amendments

Schedule 1

[9] Clause 10 Subdivision—general

Insert after clause 10 (4):

- (5) All subdivision is prohibited on the land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)” unless the area of each lot created for a dwelling house is equal to or greater than the minimum lot sizes for the land shown on the map and the number of lots created does not exceed the density control for the land.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (5).

[10] Clause 11 Rural subdivision—general provisions

Omit the definition of *lot averaging subdivision* in clause 11 (1).

Insert instead:

lot averaging subdivision means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) dividing the area of the original allotment in hectares:
 - (i) by 10, if the land is in the Mixed Agriculture zone, or
 - (ii) by 4, if the land is in the Rural Living zone, or
- (b) multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.

[11] Clause 11 (2)

Insert “Rural Housing,” after “Rural Living,”.

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Schedule 1 Amendments

[12] Clause 11 (2), Table

Insert in Columns 1, 2 and 3 after the matter relating to Rural Living (other than land shown hatched on the map):

Rural Housing	Minimum lot size as shown on the map (otherwise not applicable)	1,500 square metres if the density control shown on the map is 5.0 per hectare 2,400 square metres if the density control shown on the map is 3.0 per hectare 3,750 square metres if the density control shown on the map is 2.0 per hectare
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[13] Clause 11 (4) and (4A)

Omit clause 11 (4). Insert instead:

- (4) A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:
- (a) the number of allotments proposed for dwelling-houses does not exceed the number of allotments that could have been created for dwelling-houses by a subdivision of the land immediately prior to the commencement day, and
 - (b) at least 20% of the land is occupied by an endangered ecological community or is a regionally significant wetland, and
 - (c) the Council is satisfied that there will be a better environmental outcome from a lot averaging subdivision than would result without such a subdivision and that the long term survival of the endangered ecological community or regionally significant wetland will be enhanced, and
 - (d) any endangered ecological community will be contained within and managed on neighbourhood property under the provisions of the *Community Land Development Act 1989*, and
 - (e) any regionally significant wetland will be contained within and managed on neighbourhood property under the provisions of the *Community Land Development Act 1989* or on an allotment designed for large scale agriculture, and

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Amendments

Schedule 1

- (f) the allotments proposed for a dwelling-house do not contain an endangered ecological community or, unless they are allotments designed for large scale agriculture, a regionally significant wetland.
- (4A) A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.

[14] Clause 11 (6)

Insert “Rural Housing,” after “Rural Living,”.

[15] Clause 12 Residential subdivision—general provisions

Omit the Table to clause 12 (2). Insert instead:

Column 1	Column 2	Column 3
Zone	Minimum allotment size for an allotment other than an internal allotment	Minimum internal allotment size
Housing (other than land shown hatched on the map)	450 square metres or as shown on the map, whichever is the greater	450 square metres or as shown on the map, whichever is the greater
Housing (land shown hatched on the map)	600 square metres	700 square metres
Multi Unit Housing	450 square metres	450 square metres

[16] Clause 13 Subdivision by adjustment or relocation of boundaries

Insert at the end of clause 13 (1) (e):

, and

- (f) the land is not land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)”.

[17] Clause 15 Erection of dwelling-houses

Insert “Rural Housing,” after “Rural Village,” wherever occurring in clause 15 (1) and (5).

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Schedule 1 Amendments

[18] Clause 23 Advertising structures

Insert "Rural Housing," after "Rural Village," wherever occurring in clause 23 (1).

[19] Clauses 54 and 55

Insert after clause 53:

54 Pitt Town—heritage

- (1) This clause applies to development on all land shown on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 145)".
- (2) This clause does not apply if:
 - (a) the proposed development does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) the proposed development is integrated development.
- (3) Before granting consent to development on land to which this clause applies 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 Council 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
 - (b) notify the Director-General of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (4) Before granting consent to development on land to which this clause applies 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 Council must:
 - (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place of site and any relic known or reasonably likely to be located at the place or site, and

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Amendments

Schedule 1

- (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 its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

(5) In this clause:

archaeological site means the site of one or more relics.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

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 may 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, including natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site that, in the opinion of the Council, has the potential to be an archaeological site, even if it is not so specified.

potential place of Aboriginal heritage significance means a place that, in the opinion of the Council, 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 Hawkesbury City 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 Hawkesbury City.

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Schedule 1 Amendments

55 Pitt Town—subdivision and regional transport infrastructure

- (1) This clause applies to development on all land shown pink and edged heavy black or green and edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)”.
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.
- (3) Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than:
 - (a) 2 hectares, in the case of land that was in the Rural Living zone immediately before the commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 145)*, or
 - (b) 10 hectares, in the case of land that was in the Environmental Protection Agriculture Protection (Scenic) zone immediately before the commencement of that plan, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 2 or 10 hectares does not include a reference to any such lot:
 - (a) identified in the certificate as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.
- (7) This clause has effect despite any other provision of this plan.

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Amendments

Schedule 1

[20] Schedule 1 Heritage items

Omit the following matter under the headings **Pitt Town** and **Bathurst Street**:

Slab barn, lot 260, DP 651010. (288)

Insert instead:

Slab barn and house No 142, lot 2602, DP 1003585. (288) (1006)

[21] Schedule 1

Insert at the end of the matter under the headings **Pitt Town** and **Bathurst Street**:

Slab barn No 140, lot 1, DP 779079. (1007)



New South Wales

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00250/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)*.

2 Aims of plan

This plan aims to amend *Hornsby Shire Local Environmental Plan 1994*:

- (a) to amend the floorspace ratio provisions relevant to the Hornsby Town Centre, and
- (b) to promote commercial development in the Hornsby Town Centre, and
- (c) to rezone certain land in and surrounding the Hornsby Town Centre to partly Residential D (High Density), partly Business F (Town Centre) and partly Industrial B (Light) zones.

3 Land to which plan applies

This plan applies:

- (a) in relation to the amendment made by Schedule 1 [2], to land bounded by the Main Northern Railway, Pretoria Parade, the Pacific Highway and Government Road, Hornsby, as shown edged heavy black on the map marked "Hornsby Shire Local Environmental Plan 1994 (Amendment No 36)" deposited in the office of Hornsby Shire Council, and
- (b) in relation to the amendment made by Schedule 1 [3]:
 - (i) to land bounded by Thomas, Romsey and Leonard Streets, Waitara, and Nos 208–226 Pacific Highway, Hornsby (Lot 100, DP 847663), as shown edged heavy black or distinctively coloured and edged on Sheets 1 and 2, respectively, of the map marked "Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)" deposited in the office of Hornsby Shire Council, and

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Clause 4

-
- (ii) to Lot 2, DP 584634, Lots 3 and 4, DP 591823, Lot 2, DP 598268, Lot 1, DP 623263, Lot 2, DP 570371, Lot 1, DP 552773, Lot 1, DP 550272 and Lot 2, DP 579617, known as 63, 65–67, 69, 71–73, 75, 77, 79–81 and 81A Hunter Street, Hornsby, and
 - (c) in relation to the amendments made by Schedule 1 [1] and [4], to all land to which *Hornsby Shire Local Environmental Plan 1994* applies, and
 - (d) in relation to the amendment made by Schedule 1 [5], to land shown distinctively coloured and edged on Sheet 2 of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)” deposited in the office of Hornsby Shire Council, and
 - (e) in relation to the amendment made by Schedule 1 [6], to land shown edged heavy black on the diagrams identified as “Diagram 10” and “Diagram 11” appearing in Schedule 1 [6], and
 - (f) in relation to the amendment made by Schedule 1 [7], to land shown edged heavy black on the diagram identified as “Diagram 15” appearing in Schedule B to *Hornsby Shire Local Environmental Plan 1994*.

4 Amendment of Hornsby Shire Local Environmental Plan 1994

Hornsby Shire Local Environmental Plan 1994 is amended as set out in Schedule 1.

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Savings

Insert after clause 6 (5):

- (6) A development application lodged, but not finally determined, before the commencement of *Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)* is to be determined as if that plan had been exhibited but had not been made.

[2] Clause 22 Exceptions

Omit “Business premises; office premises; restaurants; shops located on the ground floor” under the heading “**Permitted Land Use or Other Development**” from the Table to clause 22 (1) in the matter relating to the land bounded by the Main Northern Railway, Pretoria Parade, Pacific Highway and Government Road, Hornsby.

Insert instead “Use of ground floor premises for business premises; office premises; restaurants; shops”.

[3] Clause 22 (1), Table

Insert at the end of the Table in Columns 1, 2 and 3, respectively:

Nos 208–226 Pacific Highway, Hornsby	Lot 100, DP 847663, as shown distinctively coloured and edged on Sheet 2 of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)”	Use of ground floor premises for business premises; office premises; restaurants; shops.
The land bounded by Thomas, Romsey and Leonard Streets, Waitara	Land shown edged heavy black on Sheet 1 of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)”	Use of ground floor premises for business premises; office premises; restaurants; shops.

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Amendments

Schedule 1

63, 65-67, 69, 71-73, 75, 77, 79-81 and 81A Hunter Street, Hornsby	Lot 2, DP 584634 Lots 3 and 4, DP 591823 Lot 2, DP 598268 Lot 1, DP 623263 Lot 2, DP 570371 Lot 1, DP 552773 Lot 1, DP 550272 Lot 2, DP 579617	Development authorised by a development consent in force immediately before the commencement of <i>Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)</i> , being a development consent that is still in force.
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[4] Clause 23 Dictionary

Insert after paragraph (c) in the definition of *gross floor area* in clause 23 (1):

- (c1) car parking provided for the community by a public authority, and

[5] Clause 23 (1), definition of “the map”

Insert in appropriate order:

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)—Sheet 2

[6] Schedule B

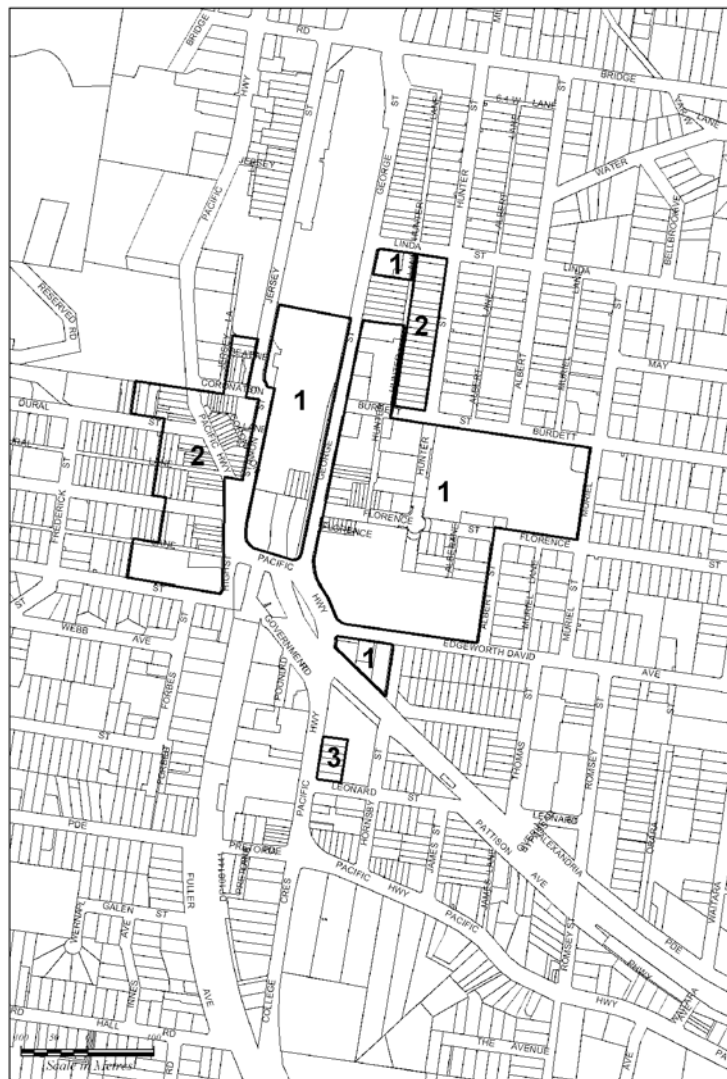
Omit Diagrams 10-12, the text supporting diagram 10 and the matter relating to Land described in diagram 11 and Land described in diagram 12.

Insert instead:

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Schedule 1 Amendments

Diagram 10



HORNSBY TOWN CENTRE

- 1 In respect of the land marked "1" and shown edged heavy black on Diagram 10, the Council may consent to development that results in a floorspace ratio that exceeds 2:1, but does not exceed 5:1, if the gross floor area that results in a floorspace ratio in excess of 2:1 is used, or is

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Amendments

Schedule 1

proposed to be used, exclusively for the purpose of employment generating development.

- 2 In respect of the land marked “2” and shown edged heavy black on Diagram 10, the Council may consent to development that results in a floorspace ratio that exceeds 2:1, but does not exceed 3:1, if the gross floor area that results in a floorspace ratio in excess of 2:1 is used, or is proposed to be used, exclusively for the purpose of employment generating development.
- 3 In respect of the land marked “3” and shown edged heavy black on Diagram 10, the Council may consent to development that results in a floorspace ratio that exceeds 1:1, but does not exceed 5:1, if the gross floor area that results in a floorspace ratio in excess of 1:1 is used, or is proposed to be used, exclusively for the purpose of employment generating development.

Diagram 11



Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Schedule 1 Amendments

The Council may consent to development that results in a floorspace ratio greater than 1.6:1 in respect of the land shown edged heavy black on Diagram 11 if the gross floor area that results in a floorspace ratio in excess of 1.6:1 is used, or is proposed to be used, exclusively for the purpose of multi-unit housing and if the total floorspace ratio for the development does not exceed 4:1.

[7] Schedule B, under the heading “Land described in diagram 15”

Omit “approve a floorspace ratio” wherever occurring.

Insert instead “consent to development that results in a floorspace ratio”.



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 59)

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*. (SRE0000044/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 59)

Hurstville Local Environmental Plan 1994 (Amendment No 59)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 59)*.

2 Aims of plan

This plan aims to allow development for certain purposes to be carried out, only with development consent, on the various parcels of land to which this plan applies. The various purposes are each an existing use of the land concerned.

3 Land to which plan applies

This plan applies to land in the City of Hurstville fronting:

- (a) 94 Cronulla Street, 95, 98, 108, and 112 Forest Road, 16, 31 and 33 Treacy Street and 27 Wright Street, Hurstville, and
- (b) 1044 Forest Road, Lugarno, and
- (c) 25 Macquarie Place, Mortdale, and
- (d) 21 Boundary Road and 95 Mulga Road, Oatley, and
- (e) 633, 742 and 836 Forest Road, Peakhurst, and
- (f) 598–602 Forest Road, 641 King Georges Road and 1 Victoria Avenue, Penshurst, and
- (g) 229 and 345 Belmore Road and 30 Bonds Road, Riverwood.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended as set out in Schedule 1.

Hurstville Local Environmental Plan 1994 (Amendment No 59)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 3 Development of land for certain additional purposes

Insert before the matter relating to 764 Forest Road, Peakhurst, in Columns 1 and 2, respectively:

Lot Y, DP 362415, being land known as 94 Cronulla Street, Hurstville	Dwelling house
Lot 2, DP 596535, being land known as 95 Forest Road, Hurstville	Manufacture of aerosol cans
Lot 8, Section 1, DP 5337, being land known as 98 Forest Road, Hurstville	Panel beating workshop
Lot 1, DP 78322, being land known as 108 Forest Road, Hurstville	Automotive use
Lot 1, DP 75572, being land known as 112 Forest Road, Hurstville	Fitting and turning workshop
Lot 1, Section 1, DP 3232, being land known as 16 Treacy Street, Hurstville	Panel beating workshop
Lot A, DP 398056, being land known as 31 Treacy Street, Hurstville	Panel beating workshop
Lot 6, DP 11931, being land known as 33 Treacy Street, Hurstville	Panel beating workshop
Lot 42, DP 5337, being land known as 27 Wright Street, Hurstville	Dwelling house
Lot A, DP 401276, being land known as 1044 Forest Road, Lugarno	Petrol station with mechanical workshop and convenience store
Lots 21–23 and 26–29, Section D, DP 2921, being land known as 25 Macquarie Place, Mortdale	Club
Lots 1 and 2, DP 388264, being land known as 21 Boundary Road, Oatley	Petrol station with mechanical workshop and convenience store
Lot 14, Section 11, DP 6368, being land known as 95 Mulga Road, Oatley	Automotive use
Lots 1 and 2, SP 48902, being land known as 633 Forest Road, Peakhurst	Petrol station with mechanical workshop and convenience store

Page 3

Hurstville Local Environmental Plan 1994 (Amendment No 59)

Schedule 1 Amendments

Lot Pt 5, Lot Pt 6, Lot Pt 7, Lot Pt 8, Lot Pt 9 and Lot Pt 10, DP 12823, being land known as 742 Forest Road, Peakhurst	Petrol station with mechanical workshop and convenience store
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[2] Schedule 3

Insert after the matter relating to 764 Forest Road, Peakhurst, in Columns 1 and 2, respectively:

Lot 1, DP 209909, being land known as 836 Forest Road, Peakhurst	Petrol station with mechanical workshop and convenience store
Lots 18–21, Section A, DP 3418 and Lot B, DP 435765, being land known as 598–602 Forest Road, Penshurst	Automotive use
Lot A, DP 368871, being land known as 641 King Georges Road, Penshurst	Petrol station with mechanical workshop and convenience store
Lot 30, Section 2, DP 1339, being land known as 1 Victoria Avenue, Penshurst	Automotive use
Lot 11, DP 23341, being land known as 229 Belmore Road, Riverwood	Automotive use
Lots 4 and 5, DP 16666, being land known as 345 Belmore Road, Riverwood	Automotive use
Lot 1, DP 717342, being land known as 30 Bonds Road, Riverwood	Petrol station with mechanical workshop and convenience store



New South Wales

Lismore Local Environmental Plan 2000 (Amendment No 25)

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*. (GRA6323075/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 25)

Lismore Local Environmental Plan 2000 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 25)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 5 (the Special Uses Zone—Education) to Zone No 2 (a) (the Residential Zone) under *Lismore Local Environmental Plan 2000*.

3 Land to which plan applies

This plan applies to part Lot 178, DP 811350, Apo Street, Goonellabah, as shown edged heavy black and lettered “2 (a)” on the map marked “Lismore Local Environmental Plan 2000 (Amendment No 25)” deposited in the office of Lismore City Council.

4 Amendment of Lismore Local Environmental Plan 2000

Lismore Local Environmental Plan 2000 is amended by inserting in appropriate order in the definition of *the map* in Schedule 7 the following words:

Lismore Local Environmental Plan 2000 (Amendment No 25)



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 88)

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*. (NEW0000366/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 88)

Maitland Local Environmental Plan 1993 (Amendment No 88)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 88)*.

2 Aims of plan

This plan aims to permit, with the consent of Maitland City Council, the carrying out of development on the land to which this plan applies for the purpose of a refreshment room.

3 Land to which plan applies

This plan applies to land situated in the City of Maitland, being Lot 4010, DP 1023182, 35 Paterson Road, Bolwarra, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 88)" deposited in the office of the Council of the City of Maitland.

4 Amendment of Maitland Local Environmental Plan 1993

Maitland Local Environmental Plan 1993 is amended by inserting at the end of Schedule 3 the following words:

Lot 4010, DP 1023182, 35 Paterson Road, Bolwarra, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 88)": Refreshment room. RZ05001.



New South Wales

Manly Local Environmental Plan 1988 (Amendment No 71)

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*. (SRE0000181/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Manly Local Environmental Plan 1988 (Amendment No 71)

Manly Local Environmental Plan 1988 (Amendment No 71)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Manly Local Environmental Plan 1988 (Amendment No 71)*.

2 Aims of plan

This plan aims to add a building on the land to which this plan applies as an item of the environmental heritage in Schedule 4 to *Manly Local Environmental Plan 1988*.

3 Land to which plan applies

This plan applies to land in SP 11799, known as 31 Victoria Parade, Manly, as shown coloured orange and edged heavy black on the map marked "Manly Local Environmental Plan 1988 (Amendment No 71)" deposited in the office of Manly Council.

4 Amendment of Manly Local Environmental Plan 1988

Manly Local Environmental Plan 1988 is amended as set out in Schedule 1.

Manly Local Environmental Plan 1988 (Amendment No 71)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Interpretation

Insert in appropriate order in the definition of *item of the environmental heritage* in clause 7 (1):

Manly Local Environmental Plan 1988 (Amendment No 71)

[2] Schedule 4 Items of the environmental heritage

Insert in numerical order of street number in the entries for Victoria Parade, Manly, under the headings “*Architectural and Archaeological Items*”, “(A) **Alphabetical Entry by Street**”, “**Item**” and “**Address**”:

Residential flat building

31 Victoria Parade, Manly (SP 11799)



New South Wales

Nambucca Local Environmental Plan 1995 (Amendment No 48)

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*. (G03/00139/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Nambucca Local Environmental Plan 1995 (Amendment No 48)

Nambucca Local Environmental Plan 1995 (Amendment No 48)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Nambucca Local Environmental Plan 1995 (Amendment No 48)*.

2 Aims of plan

This plan aims to permit, with the consent of Nambucca Shire Council, community title subdivision of the land to which this plan applies (the land having previously been approved for use for multiple occupancy) under the *Community Land Development Act 1989*.

3 Land to which plan applies

This plan applies to Lot 86, DP 755560, Mitchells Road, Valla, as shown edged heavy black on the map marked “Nambucca Local Environmental Plan 1995 (Amendment No 48)” deposited in the office of the Nambucca Shire Council.

4 Amendment of Nambucca Local Environmental Plan 1995

Nambucca Local Environmental Plan 1995 is amended by inserting in alphabetical order of locality name in Schedule 5 the following words:

Valla

Lot 86, DP 755560, Mitchells Road, Valla—community title subdivision into 6 lots under the *Community Land Development Act 1989*, comprising:

- (a) association property having an area of not less than 50 hectares, and
- (b) the erection of one dwelling-house on each of the remaining 5 lots.



New South Wales

Randwick Local Environmental Plan 1998 (Amendment No 37)

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*. (SRE0000099/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 37)

Randwick Local Environmental Plan 1998 (Amendment No 37)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 37)*.

2 Aims of plan

This plan aims to amend *Randwick Local Environmental Plan 1998*:

- (a) to introduce new planning and design provisions for Matraville Town Centre, and
- (b) to encourage high quality design in all new development and within the public domain of Matraville Town Centre, and
- (c) to encourage a continued mix of land uses within Matraville Town Centre which complement and support the commercial centre, and
- (d) to rezone certain land to the Local Business zone under *Randwick Local Environmental Plan 1998* for the purposes of retail, commercial, residential and community development.

3 Land to which plan applies

This plan applies to the land comprising the Matraville Town Centre, as showed edged heavy black on Sheet 1 of the map marked "Randwick Local Environmental Plan 1998 (Amendment No 37)" deposited in the office of Randwick City Council.

4 Amendment of Randwick Local Environmental Plan 1998

Randwick Local Environmental Plan 1998 is amended as set out in Schedule 1.

Randwick Local Environmental Plan 1998 (Amendment No 37)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 42DA

Insert after clause 42D:

42DA Matraville Town Centre

- (1) This clause applies to land comprising the Matraville Town Centre, as shown edged heavy black on Sheet 1 of the map marked "Randwick Local Environmental Plan 1998 (Amendment No 37)" deposited in the office of Randwick City Council.
- (2) The Council must not grant consent to the carrying out of development on land within the Matraville Town Centre unless it is satisfied that the proposed development is consistent with the zone objectives for the land and the following objectives for the Centre:
 - (a) to achieve high quality design in all new development and improvements undertaken in the public domain,
 - (b) to encourage a vibrant and active town centre that provides a range of core neighbourhood facilities and services that benefit the locality and community,
 - (c) to provide opportunities for residential development in the town centre that complement the primary business function of the town centre,
 - (d) to encourage a variety of housing that complements development within the town centre and does not impact adversely upon the amenity of surrounding residential areas,
 - (e) to ensure that social and cultural needs are considered with any development proposals in the town centre,
 - (f) to encourage and facilitate the provision of appropriate vehicular access and off-street parking to support businesses in the town centre,
 - (g) to ensure that public transport and associated facility needs are considered and promoted with any development proposals and public domain improvements in the town centre,
 - (h) to require and encourage environmentally sustainable approaches to future land use and development,

Randwick Local Environmental Plan 1998 (Amendment No 37)

Schedule 1 Amendments

-
- (i) to improve the overall environmental quality of the Matraville Town Centre.
- (3) Clauses 31, 32 and 33 do not apply to the land within the Matraville Town Centre.
- (4) The following requirements of the *Matraville Town Centre Development Control Plan*, as approved by Council on 11 April 2006, apply to the development of land within the Matraville Town Centre as if they were incorporated into this plan:
- (a) maximum number of storeys,
- (b) maximum height of development.
- (5) Subject to subclause (7), the maximum number of storeys must correspond with the building height as set out in the Table to subclause (6).
- (6) For the purposes of this clause, the maximum height of development is as follows:

Table**No of storeys Maximum building height (m)**

1	3.5
2	7.0
3	9.9
4	12.8
5	15.7

- (7) If a supermarket or pedestrian connection is provided within the specifically identified Opportunity Locations in the *Matraville Town Centre Development Control Plan*, as approved by Council on 11 April 2006:
- (a) the maximum number of storeys may be 6 storeys, and
- (b) the maximum building height may be 20.1 metres.
- (8) For the purposes of this clause, building height is to be calculated as the height measured vertically from ground level to the underside of the ceiling of the topmost floor.
- (9) For the purposes of this clause, *storeys* means habitable floors, excluding underground car parking.

Randwick Local Environmental Plan 1998 (Amendment No 37)

Amendments

Schedule 1

[2] Clause 49 Definitions

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

Randwick Local Environmental Plan 1998 (Amendment No 37)

[3] Schedule 3 Heritage items

Omit the matter relating to 436–444 Bunnerong Road (cnr Beauchamp Road), Matraville.

[4] Schedule 5 Classification and reclassification of public land as operational

Insert in alphabetical order of locality:

Matraville

Baird Avenue

Land within Baird Avenue car park, 37–39R Baird Avenue, being Lot 11, DP 236131, as shown edged heavy black on Sheet 3 of the map marked “Randwick Local Environmental Plan 1998 (Amendment No 37)”



New South Wales

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00557/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek*.

2 Aims of plan

- (1) This plan aims generally to incorporate into *Rockdale Local Environmental Plan 2000* planning provisions for the Wolli Creek Redevelopment Area (shown on the existing map supporting *Rockdale Local Environmental Plan 2000* as the “North Arncliffe Development Area”) by:
 - (a) including the existing planning provisions that apply those parts of the redevelopment area to which *Rockdale Local Environmental Plan No 162* and *Rockdale Local Environmental Plan No 172* apply, and
 - (b) including the existing planning provisions that apply to that part of the redevelopment area bounded by the Illawarra Railway Line, Wolli Creek, the Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) and Thompson Street and to which *Rockdale Local Environmental Plan No 116* applies, and
 - (c) for the remainder of the redevelopment area—implementing the recommendations of the Wolli Creek master planning process undertaken by Rockdale City Council.
- (2) This plan specifically aims to:
 - (a) ensure the Wolli Creek Redevelopment Area develops in an orderly and efficient manner, and
 - (b) provide for increased residential and commercial densities around major transport nodes with high quality urban design, and
 - (c) achieve a minimum of 50/50 modal split of private vehicle to public transport usage for work related trips, and
 - (d) provide for better permeability and access for vehicles and pedestrians both to and within the Wolli Creek area, and

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Clause 3

-
- (e) retain and protect existing employment generating activities by reducing the propensity for conflicting uses to locate within viable employment precincts, and
 - (f) encourage opportunities for an increased range in employment generating activities, and
 - (g) provide appropriate densities for development that are compatible with the capacity of the future road network, and
 - (h) identify key precincts for various land use activities that together provide a mix of uses across the Wolli Creek Redevelopment Area, and
 - (i) provide for additional open space in locations that take advantage of vistas and heritage items in the area, and
 - (j) require the design of development to be of a high quality from an environmental and social viewpoint, and
 - (k) require future development in the Wolli Creek area to be carried out in accordance with the detailed standards in this plan and with regard to any associated development control plans.

3 Land to which plan applies

This plan applies:

- (a) generally to all land within the City of Rockdale to which *Rockdale Local Environmental Plan 2000* applies, and
- (b) specifically to land in Wolli Creek generally bounded by the Cooks River, Wolli Creek, the Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS), Thompson Street, the Illawarra Railway Line, the Princes Highway, Innesdale Road and Marsh Street, as shown coloured on the map marked “Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek” held at the office of Rockdale City Council,

except land shown uncoloured and marked “DEFERRED MATTER” on that map.

4 Amendment of Rockdale Local Environmental Plan 2000

Rockdale Local Environmental Plan 2000 is amended as set out in Schedule 1.

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Land to which plan applies

Omit clause 4 (b).

[2] Clause 8 Definitions

Insert in alphabetical order in clause 8 (1):

airline terminal means a building or place used for the assembly of passengers or goods prior to the transport of those passengers or goods either to or from an airport or an aerodrome.

[3] Clause 8 (1), definition of “the map”

Insert in appropriate order:

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

[4] Clause 8 (1), definition of “tourist facility”

Insert “, for the purposes of clause 22,” before “means”.

[5] Clause 10 Adoption of model provisions

Insert “*airline terminal*,” after “*agriculture*,” in clause 10 (a).

[6] Clause 11 Zones indicated on the map

Insert at the end of the matter relating to Residential zones:

2 (d)—*High Density Residential zone*:—coloured pink with red edging and marked “2 (d)”

[7] Clause 11

Omit the matter relating to Zone 4 (d).

[8] Clause 11

Insert after the matter relating to Reservation zones:

Mixed Use zones:

10 (a1)—*Mixed Use (Railway Precinct) zone*:—coloured aquamarine with red edging and marked “10 (a1)”

10 (a)—*Mixed Use zone*:—coloured aquamarine with red edging and marked “10 (a)”

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Amendments

Schedule 1

[9] Clause 19 Telecommunications facilities

Omit “or 3 (b)” from clause 19 (4). Insert instead “, 3 (b), 10 (a1) or 10 (a)”.

[10] Clause 28 Residential zone particulars

Insert after the matter relating to Zone 2 (c):

Zone 2 (d) High Density Residential zone

1 Objectives of the Zone

- (a) to take advantage of existing public transport infrastructure at the Wolli Creek railway station by encouraging land within the zone to be developed to its optimum potential in an orderly and efficient manner, but only where high quality design is achieved for the public and future occupants of Wolli Creek, and
- (b) to promote development of the land for predominantly residential purposes, due to its proximity to existing public transport and existing residential areas and the constraints of the local road system, and
- (c) to allow limited development of the land for non-residential purposes where it will not significantly impact on the traffic capacity of the road network and will not have an adverse impact on residential development, and
- (d) to allow retail development of the land only if it is small in scale and is intended to serve the immediate neighbourhood, and
- (e) to require all new buildings to achieve a high standard of urban design for the general public and occupants’ viewpoints, and
- (f) to require residential development within the zone to include areas of useable open space within their sites where the design and size of the space, and solar access to, will be of benefit to the occupants, and
- (g) to preserve, where possible, reasonable views and outlooks from, and solar access to, existing and prospective residential development in the vicinity, and
- (h) to provide for adequate vehicular and pedestrian circulation and access and to ensure streetscapes will be of a high visual standard, and
- (i) to ensure that future development in the zone will meet environmental requirements relating to flood prone land, stormwater management, waste management, noise and vibration, air and water quality and energy efficiency, and

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Schedule 1 Amendments

- (j) to provide for the environmental protection of the Wolli Creek wetlands and Cooks River by requiring development to meet appropriate water quality standards for stormwater, and
- (k) to ensure that development within the zone will have due regard to, and enhance the heritage significance and setting of, any heritage items within or adjacent to the zone through appropriate building design and landscaping.

2 Without Development Consent

Exempt development.

3 Only With Development Consent

Development for the purpose of:

Backpackers' accommodation; boarding houses; child care centres; commercial premises; community facilities; drainage or flood mitigation works; dwellings; educational establishments; home industries; home occupations; hospitals; housing for older people or people with a disability; light industries; mixed use premises; open space; places of public worship; professional consulting rooms; public buildings; public transport facilities; recreation areas; residential flat buildings; restaurants; roads; shops (where they are only intended to serve the immediate neighbourhood); utility installations other than gas holders or generating works.

4 Prohibited

Any development that is not allowed without or only with consent.

[11] Clause 35A

Insert after clause 35:

35A Development in Zone No 2 (d)

- (1) In this clause:

development site means an area of land edged heavy black in Diagram 1 in Part 1 of Schedule 2.

height, in relation to a building, means the distance above the Australian Height Datum (AHD) to the topmost point of the building.

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Amendments

Schedule 1

(2) **Erection of buildings**

Consent must not be granted to the erection of a building on land in Zone 2 (d) unless:

- (a) the combined gross floor area of all buildings to be erected on the development site within which it will be located will not exceed a floor space ratio 2:1, and
- (b) the height of the building will not exceed the height that is specified in Diagram 1 in Part 1 of Schedule 2.

(3) **Development on part of development site**

Consent must not be granted to the erection of a building on part a development site unless the applicant has demonstrated, to the satisfaction of the consent authority, that the whole of the development site can be developed generally in accordance with the provisions of a development control plan applying to the whole of the site. In doing so, the applicant is required to provide documentation that clearly demonstrates or deals with the following:

- (a) the proposed location, height, gross floor area and use of all buildings to be erected on the development site,
- (b) the number and location of car parking spaces and loading facilities proposed to be provided on the development site, the manner in which such car parking and loading facilities will be allocated and the proposed means of vehicular access to and from those facilities,
- (c) the proposed location of outdoor recreation space and landscaped areas that are to be provided on the development site.

[12] **Clause 42 Industrial zone particulars**

Omit the matter relating to Zone 4 (d) (the Industrial (Services and Technology) zone).

[13] **Clause 44 Floor space ratio**

Omit clause 44 (2).

[14] **Clause 45 Development in Zone 4 (d)**

Omit the clause.

[15] **Clause 47 Development in the Industrial zone fronting State or regional roads**

Omit “or 4 (d),”.

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli
Creek

Schedule 1 Amendments

[16] **Part 7A**

Insert after Part 7:

Part 7A Mixed use areas

Division 1 Mixed Use zones

Note. There is no clause 55A of this plan.

55B Mixed Use zone particulars

The following particulars apply for the mixed use zones:

Zone 10 (a1) Mixed Use (Railway Precinct) zone

1 Objectives of the Zone

- (a) to encourage a mixture of land uses (such as office, commercial, retail, residential, tourist, and transport), to create a sustainable, vibrant and high-quality precinct that responds to the land's proximity to major transport infrastructure and the Sydney CBD, and
- (b) to maximise the amount of permanent employment on the land and the use of public transport by requiring the provision of a minimum component of non-residential floor space on the land, and
- (c) to optimise development of the area, while minimising adverse environmental impact on the river, open space areas and any pedestrian plaza, and
- (d) to allow residential development as an integral part of the overall mixed development theme, and
- (e) to encourage the provision of spaces or structures that can adjust to needs arising from changing uses over time, ie flexible space, and
- (f) to provide for a place to accommodate the day-to-day shopping and service needs of the local communities, but not in the form of a regional shopping centre, major supermarket or bulky goods facility, and
- (g) to provide for a range of recreational needs by establishing public access to useable open space and pedestrian plaza areas as a requirement of the development of the land, and

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Amendments

Schedule 1

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- (h) to ensure access to and use of the Wolli Creek railway station and other public transport through building and public domain design and the control of parking within the area, and
 - (i) to provide appropriate vehicular and pedestrian access and circulation to adequately service future development, by requiring the provision of new roads and upgrading of the existing road network where necessary within the zone, and
 - (j) to provide for the development of a pedestrian plaza adjacent to the new railway station as the community focus for the area and to encourage uses within the plaza, and land uses around it (such as shops), which generate pedestrian activity, and
 - (k) to provide public pedestrian access along the Cooks River foreshore and ensure that access is enhanced through connection with existing pedestrian and open space networks, and
 - (l) to encourage the design of development to include access for people with a disability and subsequently broaden employment, recreational and residential opportunities for people with a disability within the community, and
 - (m) to recognise that land within the zone is flood prone and potentially contaminated and ensure that future development will be adequately protected from these risks, and
 - (n) to ensure that the future development of land within the zone will meet other environmental requirements relating to stormwater management, waste disposal, noise and vibration, air and water quality and energy efficiency, and
 - (o) to ensure sufficient solar access to all pedestrian plazas to encourage them to be pleasant and inviting public places with active street frontages, and
 - (p) to ensure that adverse wind conditions in streets, public spaces and private open space are minimised through appropriate built form to provide pedestrian comfort in these spaces, and
 - (q) to allow “air space” development over the railway station but only where it is compatible with the efficient use of, and provides convenient pedestrian access to, the station and will not adversely impact on the pedestrian plazas, and

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Schedule 1 Amendments

- (r) to allow for the staged development of the land, subject to safeguards that will ensure the land is ultimately developed in accordance with other specified objectives, and the land use controls and development requirements, and
- (s) to require the conservation and appropriate use of heritage items within the area as an integral part of the development of the area and, in particular, to ensure the restoration of Tempe House and the adjacent Chapel is carried out at an early stage in the development of land within the zone, and
- (t) to allow Tempe House and its site to be used for purposes which are compatible with the house's heritage significance, and
- (u) to require the provision of reasonable public access to Tempe House and its site, consistent with the purposes for which the house will be used, and
- (v) to preserve views to and from the Tempe House site, especially between Tempe House and the Cooks River, and
- (w) to ensure that the development on the Tempe House site itself, and of land in the vicinity of the site, will respect the heritage significance of the site, and
- (x) to allow the erection of new buildings within the Tempe House site, but only if such buildings will be compatible with the heritage significance of the site and consistent with a conservation management plan for the site.

2 Without Development Consent

Exempt development.

3 Only With Development Consent

Development for the purpose of:

backpackers' accommodation; boarding houses; bus stations; car parking areas; child care centres; cinemas; clubs; commercial premises; community facilities; drainage and flood mitigation works; dwelling houses; dwellings; educational establishments; flexible space (as defined in clause 55C); home industries; home occupations; hospitals; hotels; housing for older people or people with a disability; light industries; mixed use premises; motels; open space; places of assembly; places of public worship; professional consulting rooms; public buildings; public transport facilities; recreation areas; recreation facilities

Rockdale Local Environmental Plan 2000 (Amendment No 13)—Wolli Creek

Amendments

Schedule 1

(as defined in clause 55C); residential flat buildings; restaurants; roads; service stations; shops; showrooms (as defined in clause 55C); telecommunications facilities; utility installations other than gas holders or generating works.

4 Prohibited

Any development that is not allowed without or only with consent.

Zone 10 (a) Mixed Use zone

1 Objectives of the Zone

- (a) to take advantage of the construction of the new Wolli Creek railway station in the locality by requiring the land within the zone to be developed in an orderly and efficient manner to its optimum potential, and
- (b) to maximise the amount of permanent employment within the zone, and
- (c) to permit development for the purpose of bulky goods showrooms on the Princes Highway, but otherwise allow retail development only if it is intended to serve the Wolli Creek area, and
- (d) to allow new buildings only if they will achieve a high standard of urban design, and
- (e) to require residential development to include an area of useable open space within the land for the benefit of the occupants, and
- (f) to ensure that the use of land within the zone will not result in any significant adverse impacts from or on the uses of other land in the immediate vicinity, and
- (g) to ensure that development of land will not unreasonably restrict or inhibit the future development of adjoining land, and
- (h) to promote optimum development while minimising adverse environmental impacts by facilitating the efficient use of and access to the Wolli Creek railway station and transport interchange and by controlling the amount of car parking within any development, and
- (i) to provide for adequate vehicular and pedestrian circulation and access and to ensure streetscapes are of a high visual standard, and

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- (j) to ensure that future development will meet environmental requirements relating to flood prone land, stormwater management, waste management, noise and vibration, air and water quality and energy efficiency, and
- (k) to ensure that development will have due regard to the heritage significance and setting of the heritage item known as the Tempe House precinct through appropriate building design and landscaping, and
- (l) to ensure that new development on the corner of the Princes Highway and Gertrude Street opens up and addresses views to Cahill Park and the Cooks River and does not adversely impact on the function and character of Cahill Park, and
- (m) to ensure that development in Gertrude Street and Innesdale Road does not adversely impact on existing residential development on the southern side of Innesdale Road, and
- (n) to provide for the long term traffic access and circulation needs of the Wolli Creek area by limiting access and controlling development on land which will be required for new roads or the widening of existing roads.

2 Without Development Consent

Exempt development.

3 Only With Development Consent

Development for the purpose of:

airline terminals; backpackers' accommodation; boarding houses; bulk stores; bulky goods showrooms; bus stations; child care centres; clubs; commercial premises (other than public car parks within the meaning of the *Local Government Act 1993*); community facilities; drainage or flood mitigation works; dwellings; educational establishments; home industries; home occupations; hospitals; hotels; housing for older people or people with a disability; light industries; mixed use premises; motels; motor showrooms; open space; places of assembly; places of public worship; professional consulting rooms; public buildings; public transport facilities; recreation areas; residential flat buildings; restaurants; roads; service stations; shops (intended to serve the Wolli Creek area); telecommunications facilities; utility installations other than gas holders or generating works; warehouses.

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4 Prohibited

Any development that is not allowed without or only with consent.

Division 2 Special provisions for mixed use development

55C Development in Zone 10 (a1)

(1) In this clause:

development site means an area of land identified by a number or a title on the Land Use Diagram.

flexible space means space within a building that can be used as either residential or commercial space (or a combination of both) by virtue of its design and dimensions.

height, in relation to a building, means the distance above the Australian Height Datum (AHD) to the topmost point of the building.

Height Control Diagram means Diagram 2 in Part 1 of Schedule 2.

Land Use Diagram means Diagram 3 in Part 1 of Schedule 2.

non-residential development means development otherwise than for the purpose of dwellings, residential flat buildings or flexible space.

recreation facility means a building or place used for indoor recreation, and includes a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building or place of like character used for recreation and whether used for gain or not, but does not include a place of assembly.

showroom means a building used for the display of goods offered for sale and includes a motor showroom.

Tempe House precinct means the heritage item referred to as the "Tempe House precinct" and being the land shown edged heavy black in Diagram 1 at the end of Part 2 of Schedule 1.

Tempe House site means the area of land containing and immediately surrounding the Tempe House building and the Chapel being the land shown with broad diagonal hatching on the Land Use Diagram.

Underground Areas Diagram means Diagram 4 in Part 1 of Schedule 2.

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(2) **Erection of buildings or carrying out of works**

Despite any other provision of this plan, consent must not be granted to the erection of a building or the carrying out of a work on land in Zone 10 (a1) within any development site unless:

- (a) the application is for the development of the whole of the development site or consent has already been granted to such an application, and
- (b) in the case where the consent is for a staged development application within the meaning of section 83B of the Act—the application clearly identifies the location, height, bulk, gross floor area and the principal uses of all proposed buildings on the development site, and
- (c) the development of the site will be consistent with:
 - (i) the objectives for development of land within Zone 10 (a1) as contained in clause 55B, and
 - (ii) the objectives for development of that site, as indicated in Column 2 of Part 2 of Schedule 2, and
 - (iii) the objectives of any development control plan applying at the commencement of this clause to the land on which the development site is located, and
- (d) the development is listed in Column 3 of Part 2 of Schedule 2 as development that may be carried out on the development site, and
- (e) the gross floor area of all buildings on all of the development sites will not exceed 167,504m², and
- (f) the maximum gross floor space for the development site as indicated in Part 3 of Schedule 2 will not be exceeded, and
- (g) either:
 - (i) the minimum non-residential gross floor space for the development site as indicated in Part 4 of Schedule 2, or
 - (ii) a development consent is in force for the development of at least 54,337m² of non-residential gross floor area on all land in Zone 10 (a1), and
- (h) the number of underground car parking spaces on land in Zone 10 (a1) will not exceed 2,210, and

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- (i) the total retail floor space on land within Zone 10 (a1) will not exceed 14,000m² of gross floor area, and
 - (j) if the development site includes the pedestrian plaza area and foreshore, practical arrangements in accordance with a staging plan have been made to the satisfaction of the Council for the provision of landscaping and embellishment of the pedestrian plaza area and foreshore.
- (3) **Height controls**
- Consent must not be granted to the erection of a building on land within Zone 10 (a1):
- (a) if the height of the building exceeds the height specified on the corresponding part of the Height Control Diagram, or
 - (b) even though the building complies with paragraph (a), if the height of the building, in combination with the heights of existing or future buildings in the area, will reduce sunlight to major open spaces, plazas or communal private open spaces to less than 2 hours between 9 am and 3 pm as calculated on 21 June in any year.
- (4) **Subdivision of land**
- Despite any other provision of this plan, consent must not be granted to the subdivision of any land in Zone 10 (a1) that is within a development site unless:
- (a) the subdivision is to be carried out as part of or in conjunction with development for which consent is granted in accordance with subclause (2), or
 - (b) practical arrangements have been made, to the satisfaction of the Council, to meet the requirements for the provision of services applying to the development of the development site, being the requirements specified in any development control plan applying to the site at the commencement of this clause.
- (5) **Use of buildings or land**
- Despite any other provision of this plan, consent must not be granted to allow the use of any building or a work in Zone 10 (a1) that is within a development site for any purpose:
- (a) unless the erection of that building or the carrying out of the work is or was subject to a consent in accordance with subclause (2), and

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- (b) unless the use concerned is development indicated in Column 3 of Part 2 of Schedule 2 in relation to the development site within which it is to be located, and
- (c) unless the consent authority is satisfied that the use is consistent with:
 - (i) the development objectives for Zone 10 (a1) as contained in clause 55B, and
 - (ii) the objectives applying to that development site, as indicated in Column 2 of Part 2 of Schedule 2, and
- (d) unless either:
 - (i) the consent authority is satisfied that the minimum non-residential gross floor space for the development site as indicated in Part 4 of Schedule 2 will be met, or
 - (ii) a development consent is in force for development of at least 54,337m² of non-residential gross floor area on the land within Zone 10 (a1).

(6) **Road access**

The consent authority shall not consent to any subdivision of land within Zone 10 (a1) or to the erection of any building on the land, unless practical arrangements have been made via a staging plan, to the satisfaction of the Council, for the physical provision of:

- (a) an adequate system of road access and traffic circulation on the land, and
- (b) adequate road access between the land and the existing road system (including the arterial road system), and
- (c) access arrangements and infrastructure in a manner which achieves a high level of amenity, sufficient to service the land as it may be fully developed in accordance with the provisions of this clause.

(7) **Parking**

Development for the purpose of underground parking may be carried out, with consent, on land shown stippled in Diagram 4 in Part 1 of Schedule 2 but only if:

- (a) all parking spaces are wholly located beneath the finished ground level, or beneath the podium level of any building on the land, and

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- (b) the consent authority is satisfied that all infrastructure servicing the underground parking area, such as vehicular entrances and exits and ventilation, required to be above finished ground level is as unobtrusive as practicable and does not detract from the heritage significance of any heritage item.
 - (8) Consent may be granted for above ground parking only if the parking spaces are not above finished ground level and the consent authority is satisfied that conditions of the consent will prevent the spaces from being occupied by the vehicles of railway commuters while they are predominantly absent from land to which this clause applies.
 - (9) **Savings**
Nothing in this plan prevents the consent authority from separately consenting to development within Zone 10 (a1) for:
 - (a) any purpose which is of a minor or temporary nature and which it is satisfied will not jeopardise the future development of the land in accordance with the provisions of this clause, or
 - (b) the purpose of providing infrastructure, utility installations or public facilities within the land, including any roads, the pedestrian plazas or the foreshore open space, in accordance with the Land Use Diagram, or
 - (c) alterations to any building or work which has already been constructed in accordance with a consent granted in compliance with subclauses (2) and (3), or
 - (d) the purpose of conserving the Tempe House precinct, to the satisfaction of the Council and the Heritage Council of New South Wales.

55D Development in Zone 10 (a)

- (1) In this clause:
 - development site* means an area of land shown edged heavy black in Diagram 5 or 6 in Part 1 of Schedule 2.
 - non-residential floor space* means any gross floor area within a building that is not used as:
 - (a) a dwelling, or
 - (b) access or a common area in conjunction with, and exclusively by, one or more dwellings.

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(2) **Building height**

Consent must not be granted to the erection of a building on land within Zone 10 (a) unless the number of storeys within the building will not exceed the maximum specified for that building in *Rockdale Development Control Plan No 62—Wolli Creek* as approved by the Council on 15 March 2006.

(3) **Floor space ratios**

Consent must not be granted to the erection of a building on any land within a development site identified in Diagram 5 in Part 1 of Schedule 2 unless:

- (a) the combined gross floor area of all buildings to be erected on the development site will not exceed the floor space ratio specified for that development site in that Diagram, and
- (b) the combined non-residential floor space within all such buildings will not be less than 40% of the combined gross floor area of those buildings, and
- (c) the combined non-residential floor space within all such buildings that is not used as serviced apartments (including any access or common areas used in conjunction with, and exclusively by, those serviced apartments) will not be less than 32% of the combined gross floor area of those buildings.

(4) Consent must not be granted to the erection of a building on land within a development site identified in Diagram 6 in Part 1 of Schedule 2 unless:

- (a) the combined gross floor area of all buildings to be erected on the development site will not exceed the floor space ratio specified for that development site in that Diagram, and
- (b) if the building is situated immediately adjacent to Gertrude Street or the Princes Highway—the ground floor level of the building will be used as non-residential floor space (other than any floor space used to provide access to another floor level).

(5) **Development on part of development site**

Consent must not be granted to the erection of a building on part a development site unless the applicant has demonstrated, to the satisfaction of the consent authority, that the whole of the development site can be developed generally in accordance with the provisions of a development control plan applying to the

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whole of the site. In doing so, the applicant is required to provide documentation that clearly demonstrates or deals with the following:

- (a) the proposed location, height, gross floor area and use of all buildings to be erected on the development site,
- (b) the number and location of car parking spaces and loading facilities proposed to be provided on the development site, the manner in which such car parking and loading facilities will be allocated and the proposed means of vehicular access to and from those facilities,
- (c) the proposed location of outdoor recreation space and landscaped areas that are to be provided on the development site.

(6) **Vehicular access and road networks**

Consent must not be granted for development on land shown edged heavy black in Diagram 7 in Part 1 of Schedule 2 if the development will involve the provision of direct vehicular access between that land and those parts of Arncliffe Street, Brodie Spark Drive, the Princes Highway and the local road reservation shown edged with a broken black line in that Diagram.

(7) Consent must not be granted for development on land within Zone 10 (a) shown edged heavy black in Diagram 7 in Part 1 of Schedule 2 unless all vehicular access to that land will be by way of an access road (or a temporary access required until the access road is constructed and connected to an existing road).

(8) Consent must not be granted for development on land shown edged heavy black in Diagram 8 in Part 1 of Schedule 2 unless all vehicular access to the development will be provided from:

- (a) Robert Lane, in the case of land shown stippled on the Diagram, or
- (b) Innesdale Lane, in the case of land shown hatched on the Diagram, or
- (c) Innesdale Road, in the case of land shown cross-hatched on the Diagram.

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[17] **Clause 62**

Insert after clause 61:

62 Development of the land within the Tempe House precinct

- (1) This clause applies to all of the land within the Tempe House precinct.
- (2) In this clause:
Tempe House precinct means the heritage item referred to as the “Tempe House precinct”, being the land shown edged heavy black in Diagram 1 in Part 2 of Schedule 1.
Tempe House view corridor means the area of land between Tempe House and the Cooks River foreshores located within the view lines identified in Diagram 3 in Part 1 of Schedule 2.
- (3) Consent must not be granted for any development on land to which this clause applies unless:
 - (a) the consent authority is satisfied that the development will not be incompatible with the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item or its setting, and
 - (b) the consent is given subject to conditions requiring:
 - (i) the preservation and restoration of any heritage item situated on the land, and
 - (ii) the preservation and restoration (or, where in the opinion of the consent authority this is not possible, the detailed recording) of any other building, work, relic, vegetation or landscape feature situated on the land which in the opinion of the consent authority is of heritage significance, and
 - (iii) the retention and embellishment of the Tempe House view corridor, to the extent (if any) that the view corridor may be affected by the proposed development.
- (4) Consent must not be granted to the erection of any building within the Tempe House precinct unless the consent authority is satisfied that the conservation and appropriate use of the Tempe House precinct is dependent on the consent being granted.
- (5) However, nothing in this clause prevents the consent authority from consenting to development of a minor or temporary nature which, in the opinion of the consent authority, does not adversely affect the heritage significance of the Tempe House precinct.

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[18] Schedule 1

Omit the matter relating to 75 Henderson Street, Turrella from Part 2.

[19] Schedule 1, Part 2

Insert in alphabetical order of Address:

Arncliffe Street, 18 and 20	Wolli Creek	Lot 5, DP 86820, Lot 1, DP 530513, Lot 2, DP 508308 and part Argyle Street roadway	Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) aqueduct
Henderson Street, Part 75, Railway Lands, Part	Wolli Creek, Turrella	Part Lot 1, DP 775302, MS 16565 3000 SY, Lot 5, DP 431083 and part bed of Wolli Creek	Wolli Creek Wetlands
Lusty Street, 27 and 27A, Bonar Street, Part 74	Wolli Creek	Lot 1, DP 86820, Lot 2, DP 444657, part roadway between Turrella Street and Lusty Street and part bed of Wolli Creek	Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS), pipeline, aqueduct and bridge
Princes Highway	Wolli Creek	Part Lot 1, DP 1027899 and Part Lot 2, DP 1019205, being the land shown edged heavy black in Diagram 1 at the end of this Part	Tempe House precinct

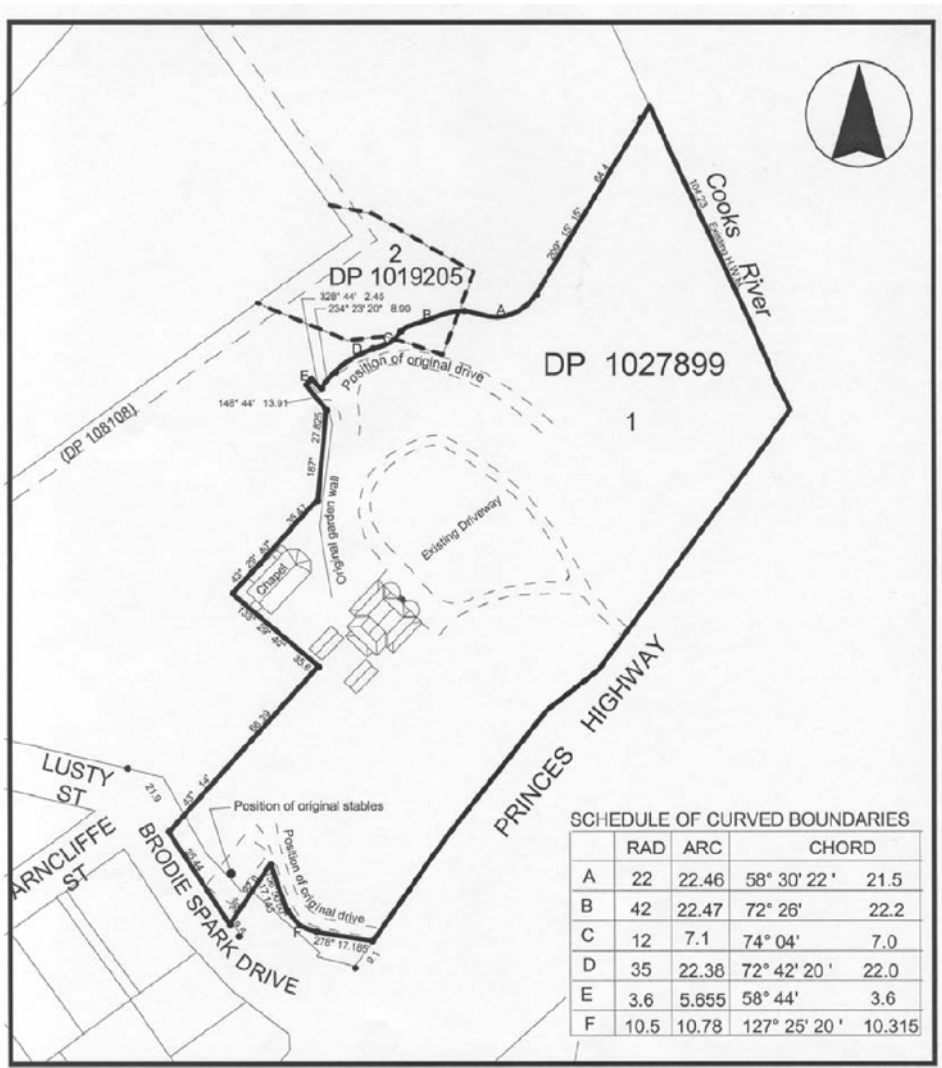
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[20] Schedule 1, Part 2

Insert at the end of the Part:

Diagram 1—Tempe House precinct



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[21] Schedule 2

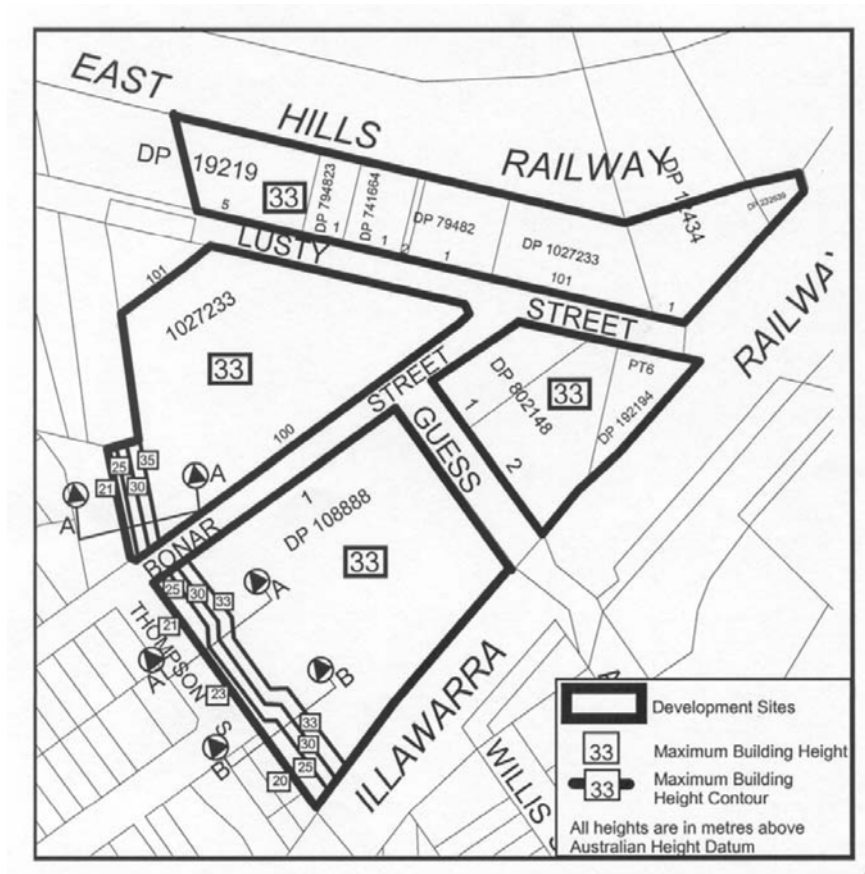
Insert after Schedule 1:

Schedule 2 Wolli Creek

(Clauses 35A, 55C and 55D)

Part 1 Diagrams

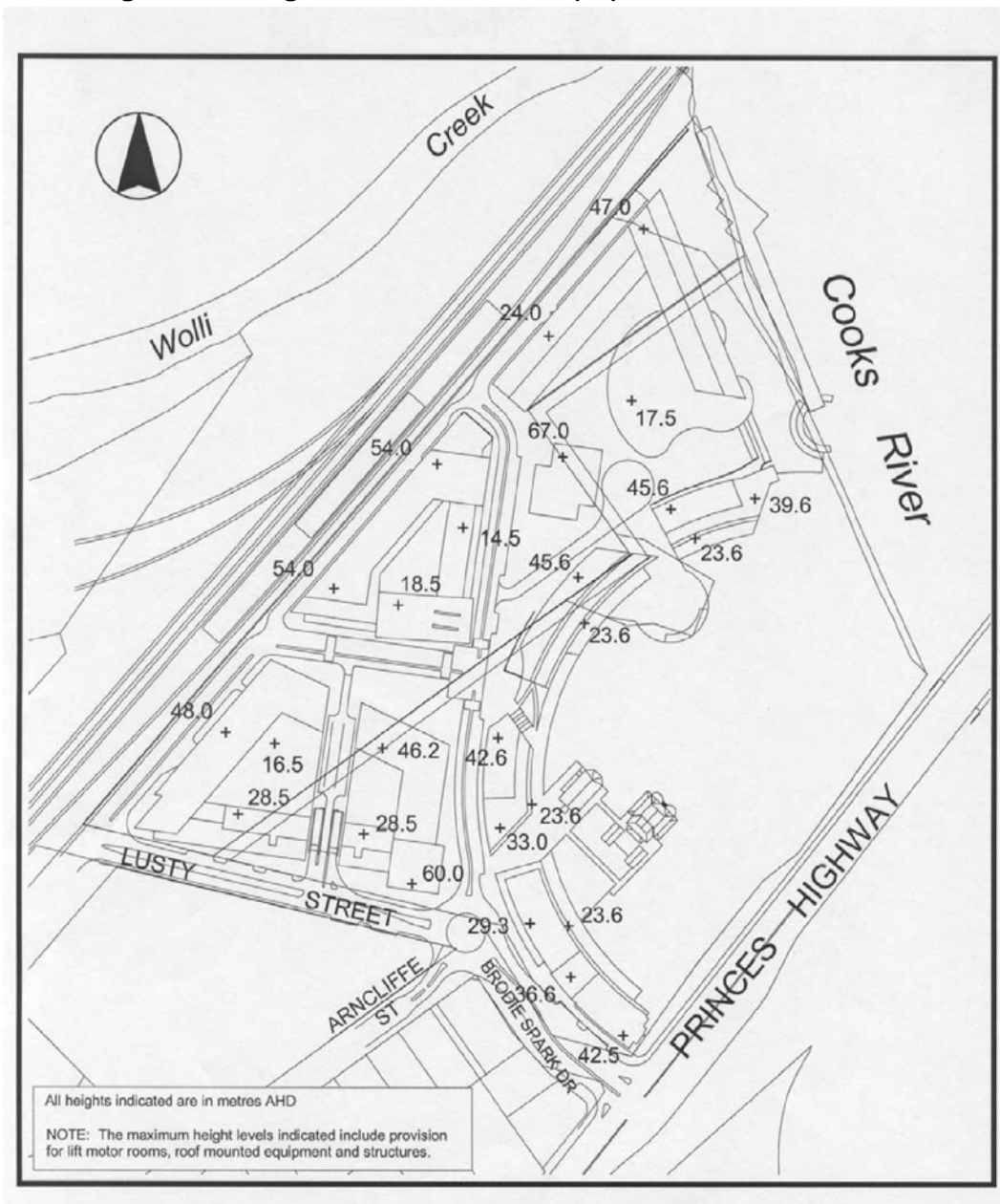
Diagram 1—Development sites—Zone 2 (d)



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Diagram 2—Height control—Zone 10 (a1)

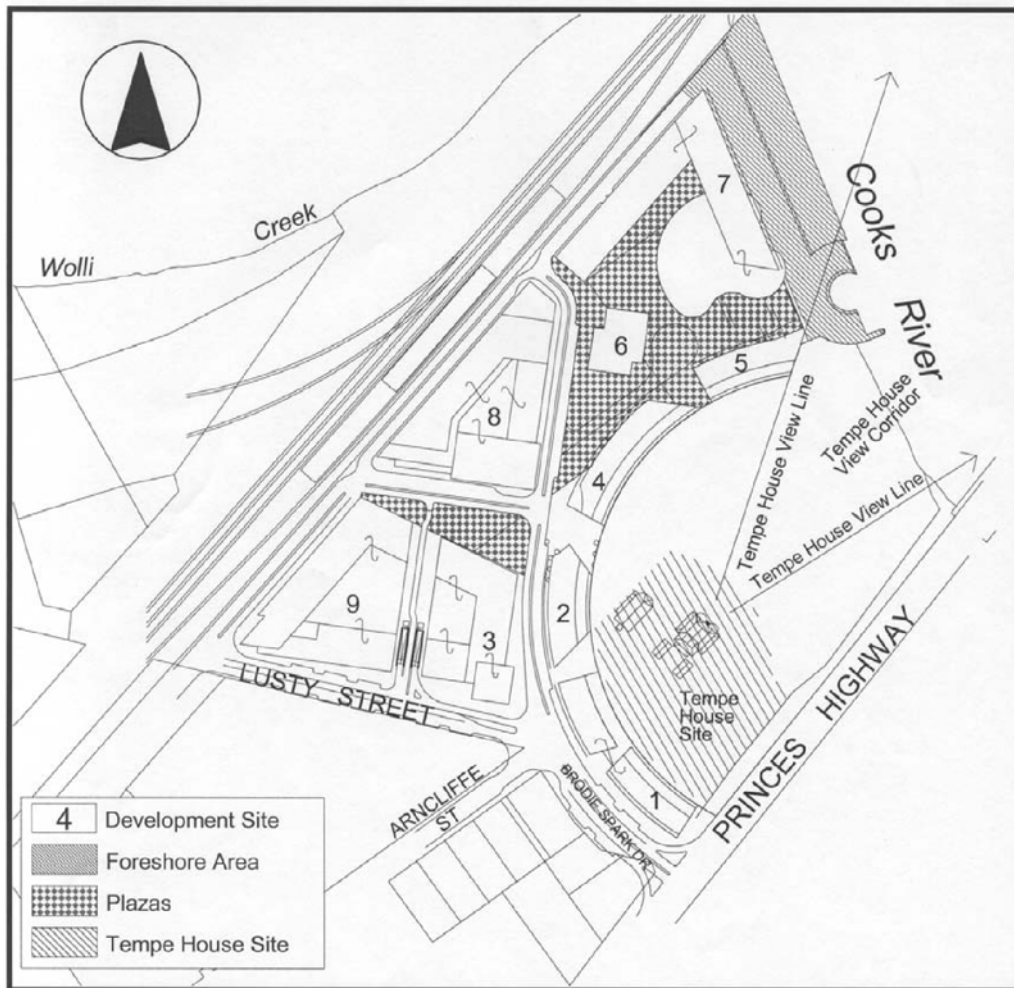


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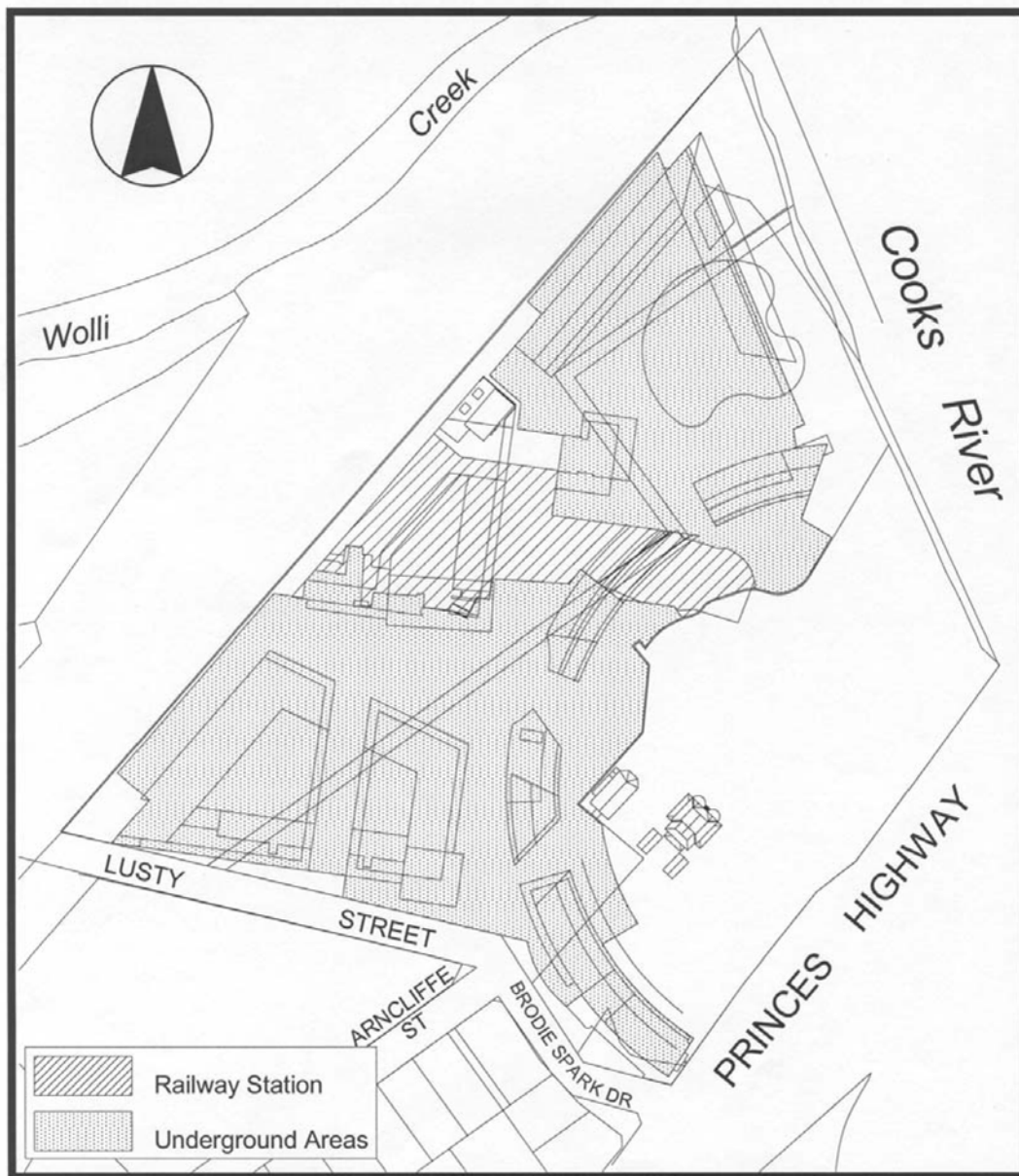
Diagram 3—Land use—Zone 10 (a1)



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Diagram 4—Underground areas—Zone 10 (a1)

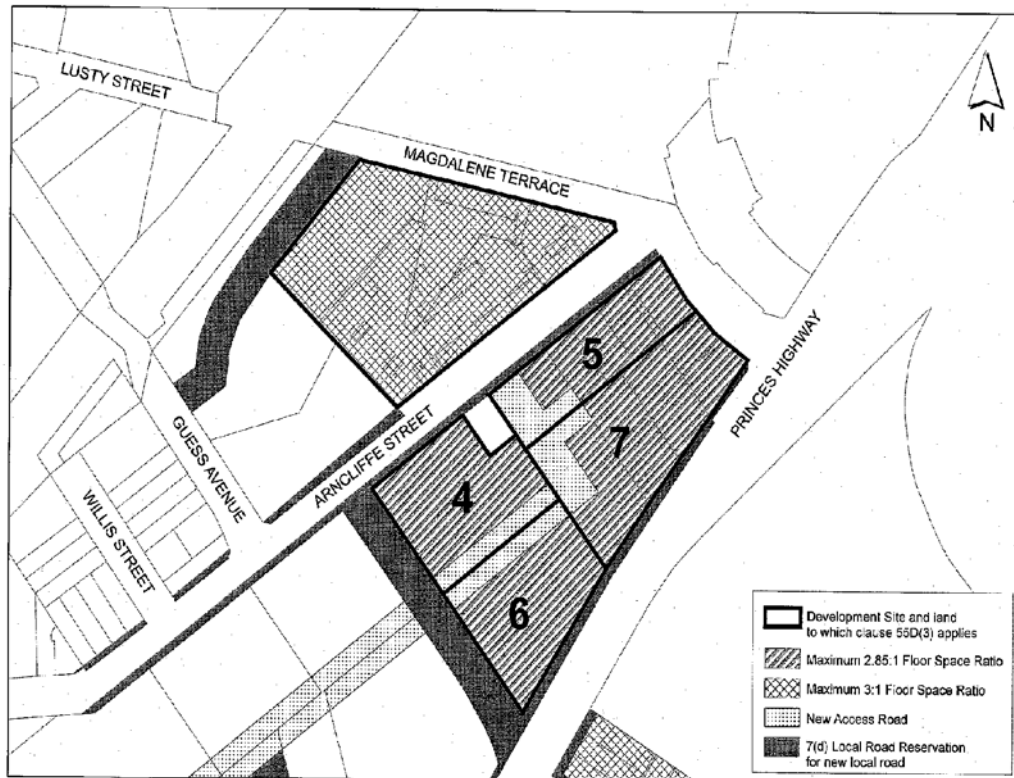


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Diagram 5—Development sites—Zone 10 (a) (Western side of Pacific Highway)



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Diagram 6—Development sites—Zone 10 (a) (Eastern side of Pacific Highway)

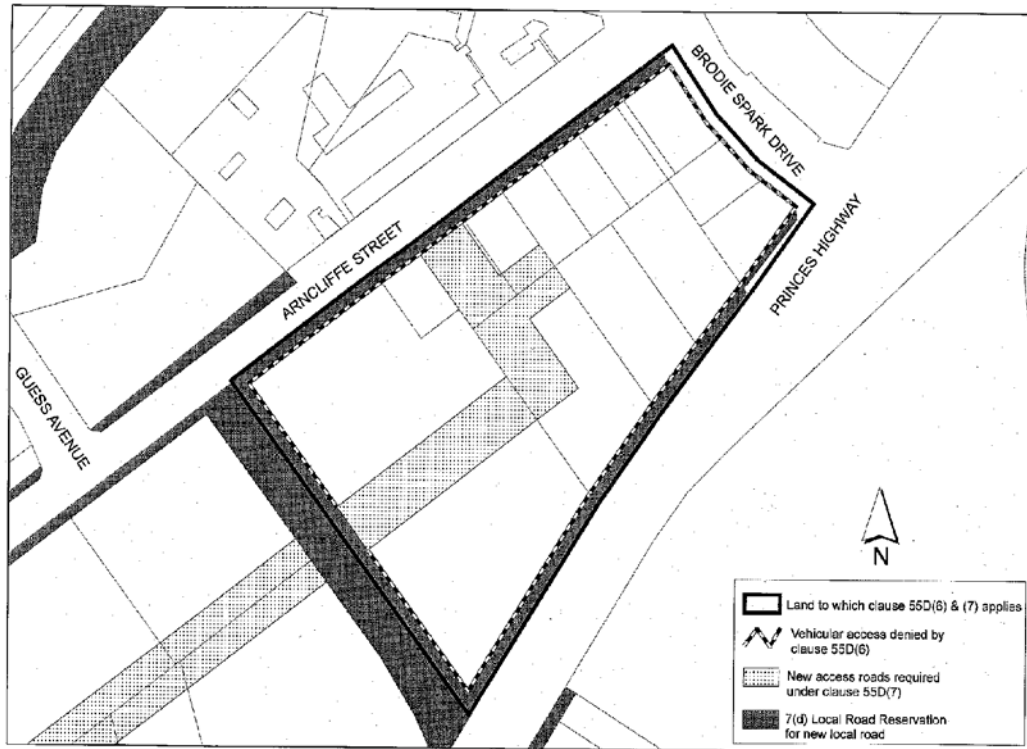


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Diagram 7—Vehicular access—Zone 10 (a) (Western side of Pacific Highway)



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Diagram 8—Vehicular access—Zone 10 (a) (Eastern side of Pacific Highway)



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Part 2 Particulars for development sites in Zone 10 (a1)

Column 1	Column 2	Column 3
Development site	Objectives for development of the site	Development that may be carried out on the site
1	<ul style="list-style-type: none"> (a) To ensure development that provides an appropriate backdrop to Tempe House. (b) To ensure that the development provides a significant marker to the precinct from the Princes Highway. (c) To ensure that Tempe House precinct and its environs are adequately considered in the development of the site. (d) To provide for a built form that is complementary in style, design and finish to that on the eastern face of development sites 2, 4 and 5. (e) To provide opportunities for flexible space. (f) To provide adequate car parking underground. 	Residential development and development for the purpose of hotels; commercial premises; flexible space.
2	<ul style="list-style-type: none"> (a) To provide for predominantly residential development. (b) To provide opportunities for flexible space. (c) To ensure that Tempe House precinct and its environs are adequately considered in the development of the site. (d) To provide for a built form that is complementary in style, design and finish to that on the eastern face of development sites 1, 4 and 5. 	Any development permissible within Zone 10 (a1).

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Column 1	Column 2	Column 3
Development site	Objectives for development of the site	Development that may be carried out on the site
	<ul style="list-style-type: none"> (e) To ensure that views to the Chapel and the Tempe House environs are obtained from the pedestrian plaza areas through appropriate building design. (f) To provide adequate car parking, principally below street level, in recognition of accessibility to public transport. (g) To enliven the vista between the railway plaza and Tempe House with active retail and community uses. 	
3	<ul style="list-style-type: none"> (a) To provide a landmark building that acts as a gateway to land uses in the Railway precinct. (b) To promote mixed use development incorporating residential, and commercial/retail uses. (c) To provide opportunities for flexible space. (d) To provide active street frontages. (e) To provide opportunities for open air dining along the northern edge of the building facing a pedestrian plaza. (f) To provide adequate car parking principally below street level in recognition of accessibility to public transport. 	Any development permissible within Zone 10 (a1).
4	<ul style="list-style-type: none"> (a) To provide for predominantly residential development. (b) To provide opportunities for flexible space. 	Any development permissible within Zone 10 (a1).

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Column 1	Column 2	Column 3
Development site	Objectives for development of the site	Development that may be carried out on the site
	<ul style="list-style-type: none"> (c) To ensure that Tempe House precinct and its environs are adequately considered in the development of the site. (d) To ensure that views to the Chapel and the Tempe House environs are maintained from the pedestrian plaza areas through appropriate building design. (e) To provide for a built form that is complementary in style, design and finish to that on the eastern face of development sites 1, 2 and 5. (f) To provide an active interface with a public plaza opposite the railway entrance. (g) To provide adequate car parking principally below street level in recognition of accessibility to public transport. 	
5	<ul style="list-style-type: none"> (a) To provide for predominantly residential development. (b) To provide opportunities for flexible space. (c) To ensure that Tempe House precinct and its environs are adequately considered in the development of the site. (d) To ensure that views along the Tempe House view corridor are maintained through appropriate building design. (e) To provide for a built form that is complementary in style, design and finish to that on the eastern face of development sites 1, 2 and 4. 	Any development permissible within Zone 10 (a1).

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Column 1	Column 2	Column 3
Development site	Objectives for development of the site	Development that may be carried out on the site
6	<p>(f) To provide adequate car parking principally below street level in recognition of accessibility to public transport.</p> <p>(a) To provide a commercial development that represents the landmark commercial building in the Railway precinct.</p> <p>(b) To provide street frontages that achieve an active interface with the pedestrian plaza.</p> <p>(c) To provide adequate car parking principally below street level in recognition of accessibility to public transport.</p>	Any development permissible within Zone 10 (a1).
7	<p>(a) To promote mixed use development incorporating residential, and commercial/retail uses.</p> <p>(b) To encourage development that promotes the public nature of the development site.</p> <p>(c) To provide active street and plaza frontages.</p> <p>(d) To ensure building design has regard to and complements the foreshore setting.</p> <p>(e) To provide for open air dining opportunities along the northern edge of the site facing the water and also along the eastern edge of the development site facing the plaza.</p>	Any development permissible within Zone 10 (a1).

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Column 1 Development site	Column 2 Objectives for development of the site	Column 3 Development that may be carried out on the site
	<ul style="list-style-type: none"> (f) To provide retail uses at ground level around the edges of the development site. (g) To provide views to the Cooks River from the plaza area and other public spaces. (h) To provide access to underground parking for the northern end of land in the Railway precinct. 	
8	<ul style="list-style-type: none"> (a) To provide for the effective operation of Wolli Creek railway station, including station entry and access, customer services, and administration. (b) To allow for the convenient and efficient use of the station by passengers and convenient and efficient access between the station, any associated transport interchange and the surrounding development. (c) To allow for the provision of facilities for persons using the station and any associated transport interchange. (d) To allow covered “air space” development over the railway station. (e) To provide for adequate vehicular and pedestrian access to any development on the site. (f) To promote mixed use development incorporating commercial/retail uses. 	Any development permissible within Zone 10 (a1).

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Column 1	Column 2	Column 3
Development site	Objectives for development of the site	Development that may be carried out on the site
	(g) To provide an active linkage between the carpark and the station entrance along with retail services are provided.	
	(h) To provide opportunities for a hotel located above or immediately adjacent to the railway station.	
	(i) To provide for retail opportunities for the local population and service and retail uses for commercial tenants on the ground floor facing the street and pedestrian plaza.	
	(j) To provide active street frontages.	
	(k) To provide sunlight and air circulation to the station area.	
9	(a) To promote mixed use development incorporating residential and commercial/retail uses.	Any development permissible within Zone 10 (a1).
	(b) To provide opportunities for flexible space.	
	(c) To provide an area of open space in buildings that is available to residents and tenants of the building.	
	(d) To provide retail opportunities for the local communities, and service and retail uses for the benefit of commercial occupants on the ground floor facing the street and pedestrian plaza.	

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Column 1	Column 2	Column 3
Development site	Objectives for development of the site	Development that may be carried out on the site
Foreshore Area (Shown on the Land Use Diagram)	(a) To ensure the future maintenance and stability of the Cooks River foreshore.	Development for the purpose of flood mitigation works and flood protection works; foreshore restoration; environment protection; open space; recreation; landscaping; underground utility installations; cafés; restaurants; shops; clubs.
	(b) To facilitate pedestrian and bicycle access along the Cooks River foreshore.	
	(c) To provide for the development of the site as useable open space.	
	(d) To provide for recreational use of the site in conjunction with the development of land within Zone 10 (a1).	
	(e) To provide a landscaped setting for development of land within Zone 10 (a1).	
Plazas (Shown on the Land Use Diagram)	To encourage development of appropriate pedestrian plazas throughout the precinct to ensure convenient and safe access to the railway station and the waterfront.	Development for the purpose of underground utility installations; landscaping; shops; commercial premises; refreshment rooms; parking; loading docks; roads.
Tempe House Site (shown on the Land Use Diagram)	(a) To provide for the restoration and ongoing maintenance of the "Tempe House" heritage precinct in conjunction with the development of land within Zone 10 (a1).	Any development permissible within Zone 10 (a1), minor or temporary development authorised by clause 62 (5).
	(b) To ensure that any development on the site will have regard to the heritage significance of the site in accordance with the provisions of the approved conservation plan.	

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Column 1 Development site	Column 2 Objectives for development of the site	Column 3 Development that may be carried out on the site
	<ul style="list-style-type: none"> (c) To allow for the adaptive reuse of Tempe House, the adjacent Chapel and their grounds but only for purposes which will be compatible with the heritage significance of the site. (d) To allow the erection of new buildings on the site, but only where such buildings will be essential to the viable use of the site and compatible with the heritage significance of the site. (e) To maximise the visibility of the Tempe House precinct and to preserve views to and from the site, especially between Tempe House and the Cooks River. (f) To integrate the Tempe House precinct into the development of the surrounding area, while still preserving its heritage significance. 	

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**Part 3 Maximum permitted gross floor space—
Zone 10 (a1)**

Development site	Area (m ²)
1	13,494
2	8,609
3	26,010
4	8,620
5	16,611
6	21,017
7	17,130
8	41,795
9	14,218

**Part 4 Minimum non-residential gross floor
space—Zone 10 (a1)**

Development site	Area (m ²)
1	730
2	560
3	7,600
4	—
5	—
6	597
7	2,500
8	41,700
9	650



New South Wales

Wagga Wagga Local Environmental Plan 1985 (Amendment No 56)

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*. (Q03/00240/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 56)

Wagga Wagga Local Environmental Plan 1985 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 56)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from the Special Uses Zone to the Residential Zone under *Wagga Wagga Local Environmental Plan 1985* to enable the land to be developed for medium density residential purposes.

3 Land to which plan applies

This plan applies to land situated in the City of Wagga Wagga, known as Lots 2, 7 and 8, Section 43, DP 759031, (Nos 18–20), at the corner of Church and Johnston Streets, Wagga Wagga, as shown edged heavy black and lettered “2” on the map marked “Wagga Wagga Local Environmental Plan 1985 (Amendment No 56)” deposited in the office of the Council of the City of Wagga Wagga.

4 Amendment of Wagga Wagga Local Environmental Plan 1985

Wagga Wagga Local Environmental Plan 1985 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Wagga Wagga Local Environment Plan 1985
(Amendment No 56)



New South Wales

Warringah Local Environmental Plan 2000 (Amendment No 18)

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*. (SRE0000154/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Warringah Local Environmental Plan 2000 (Amendment No 18)

Warringah Local Environmental Plan 2000 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 18)*.

2 Aims of plan

This plan aims to amend the locality statements in the appendices to *Warringah Local Environmental Plan 2000* to remove all matter relating to unique development sites.

3 Land to which plan applies

This plan applies to land within the Warringah local government area in localities A3 Terrey Hills Village, B1 Frenchs Forest East, B3 Oxford Heights/Carnarvon Drive, B5 Narrabeen Lakeside, B7 Narrabeen Lake Suburbs, B8 Red Hill, C1 Middle Harbour Suburbs, D4 Collaroy Plateau, E1 Dee Why North, E2 Dee Why Lagoon Suburbs, E15 Wingala Hill, F4 Brookvale Valley, F5 Curl Curl, G3 Manly Lagoon Suburbs, G7 Innes Road, G8 Queenscliff and H1 Freshwater Beach.

4 Amendment of Warringah Local Environmental Plan 2000

Warringah Local Environmental Plan 2000 is amended as set out in Schedule 1.

Warringah Local Environmental Plan 2000 (Amendment No 18)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 What effect has this plan on other environmental planning instruments?

Insert after clause 5 (2):

- (3) Any development application submitted, but not finally determined, before the commencement of a relevant amending plan is to be determined as if the relevant amending plan had been exhibited but had not been made.

- (4) In subclause (3):
relevant amending plan means any of the following local environmental plans:

Warringah Local Environmental Plan 2000 (Amendment No 18)

[2] Appendices A, B and E–H

Omit under the headings “**BUILT FORM**” and “**Housing density**” in relation to the localities A3 Terrey Hills Village, B1 Frenchs Forest East, B5 Narrabeen Lakeside, B7 Narrabeen Lake Suburbs, E1 Dee Why North, E15 Wingala Hill, F5 Curl Curl, G3 Manly Lagoon Suburbs, G7 Innes Road, G8 Queenscliff and H1 Freshwater Beach:

- (b) on land equal to or greater than 3,000m² in area, where the land area per dwelling may be reduced provided the buildings are sited and designed and landscaping is used to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development,

[3] Appendices B, D and E

Omit under the headings “**BUILT FORM**” and “**Housing density**” in relation to the localities B3 Oxford Heights/Carnarvon Drive, B8 Red Hill, D4 Collaroy Plateau and E2 Dee Why Lagoon Suburbs:

- (b) on land equal to or greater than 3,000m² in area, where the land area per dwelling may be reduced provided the buildings are sited and designed and landscaping is used to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development, and

Warringah Local Environmental Plan 2000 (Amendment No 18)

Schedule 1 Amendments

[4] Appendix C Middle Harbour Suburbs Locality Statements

Omit under the headings “**BUILT FORM**” and “**Housing density**” in relation to the locality C1 Middle Harbour Suburbs:

- (b) on land equal to or greater than 3,000m² in area, where the land area per dwelling may be reduced provided the buildings are sited and designed and landscaping is used to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development, or

[5] Appendix F Curl Curl Lagoon Catchment Locality Statements

Omit under the headings “**BUILT FORM**” and “**Housing density**” in relation to the locality F4 Brookvale Valley:

- (b) on land equal to or greater than 3,000m² in area (other than the “Brickworks site” referred to in paragraph (c)), where the land area per dwelling may be reduced provided the buildings are sited and designed and landscaping is used to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development,



New South Wales

Weddin Local Environmental Plan 2002 (Amendment No 1)

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*. (S03/03340/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Weddin Local Environmental Plan 2002 (Amendment No 1)

Weddin Local Environmental Plan 2002 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Weddin Local Environmental Plan 2002 (Amendment No 1)*.

2 Aims of plan

The aims of this plan are:

- (a) to vary the objectives and provisions relating to the distinction between prime and non-prime agricultural land for the purposes of dwellings in Zone No 1 (a) (Agricultural Zone) and Zone No 1 (cii) (Small Farm Zone) under *Weddin Local Environmental Plan 2002*, and
- (b) to clarify the role of the consent authority for clearing of land in Zone No 2 (t) (Township Zone) and Zone No 2 (v) (Village Zone) under that plan.

3 Land to which plan applies

This plan applies to all land to which *Weddin Local Environmental Plan 2002* applies.

4 Amendment of Weddin Local Environmental Plan 2002

Weddin Local Environmental Plan 2002 is amended as set out in Schedule 1.

Weddin Local Environmental Plan 2002 (Amendment No 1)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 10 Zone objectives and development control table

Omit “prime” from paragraph (a) of the matter relating to Zone No 1 (a) (Agricultural Zone) in clause 10 (1).

Insert instead “all forms of”.

[2] Clause 10 (1)

Omit “prime” from paragraph (c) of the matter relating to Zone No 1 (cii) (Small Farm Zone).

[3] Clause 22 Dwellings—Zone No 1 (a)

Omit clause 22 (1). Insert instead:

- (1) Consent must not be granted to the erection of a dwelling on land within Zone No 1 (a) unless:
 - (a) the dwelling is ancillary to, and necessary for, the use of the land for the purpose of agriculture, and
 - (b) the land is, or will be consolidated into, a single allotment that has an area of not less than 400 hectares.

[4] Clause 22 (2)

Omit “which is prime agricultural land”.

[5] Clause 22 (3)

Omit “which is prime agricultural land if”.

Insert instead “if the consent authority is satisfied that”.

[6] Clause 22 (3) (a) and (b)

Omit “, to the satisfaction of the consent authority,” wherever occurring.

[7] Clause 22 (3) and (4)

Insert at the end of clause 22 (3) (c):

, and

- (d) the dwelling is ancillary to, and necessary for, the use of the land for the purpose of intensive agriculture, and

Weddin Local Environmental Plan 2002 (Amendment No 1)

Schedule 1 Amendments

-
- (e) a condition is imposed on that consent that prohibits the erection of the dwelling before the commencement of the use of the land for the purpose of the approved intensive agriculture.

- (4) In this clause:
intensive agriculture means an intensive animal establishment, an intensive horticultural establishment, a market garden or a nursery.

[8] Clause 29 Clearing

Insert at the end of clause 29 (6) (b):

, or

- (c) the land is zoned 2 (t) (Township Zone) or 2 (v) (Village Zone), except where the land is identified as core koala habitat or potential koala habitat in accordance with *State Environmental Planning Policy 44—Koala Habitat Protection* or subject to a plan of management prepared under that environmental planning instrument.



New South Wales

Yarrowlumla Local Environmental Plan 2002 (Amendment No 8)

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*. (QUE0000224/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Yarrowlumla Local Environmental Plan 2002 (Amendment No 8)

Yarrowlumla Local Environmental Plan 2002 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Yarrowlumla Local Environmental Plan 2002 (Amendment No 8)*.

2 Aims of plan

This plan aims to amend *Yarrowlumla Local Environmental Plan 2002* to require lots created by subdivision of so much of the land within Zone No 2 (v) (the Village Zone) as is in the local government area of Palerang to be connected to a sewerage system owned and operated by Palerang Council.

3 Land to which plan applies

This plan applies to land in the local government area of Palerang that is within the 2 (v) Village Zone under *Yarrowlumla Local Environmental Plan 2002*.

4 Amendment of Yarrowlumla Local Environmental Plan 2002

Yarrowlumla Local Environmental Plan 2002 is amended by inserting after clause 21 the following clause:

21A What special requirement applies to subdivision in the Village Zone in the local government area of Palerang?

Despite any other provision of this plan, consent must not be granted to the subdivision of so much of the land within Zone No 2 (v) as is in the local government area of Palerang unless the consent authority is satisfied that the lots created by the subdivision will be connected to a reticulated sewerage system that is owned and operated by Palerang Council.

Department of Primary Industries

PLANT DISEASES ACT 1924

Proclamation – P171R

Proclamation to revoke P148 and P159 that regulated the importation, introduction or bringing into specified parts of New South Wales of certain fruit on account of outbreaks of Queensland fruit fly

Her Excellency Professor MARIE BASHIR, AC, CVO,
Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 3(2)(a) of the Plant Diseases Act 1924, revoke Proclamation P148 published in *New South Wales Government Gazette* No. 47 of 27 February 2004 at pages 843-845, Proclamation P159 published in *New South Wales Government Gazette* No. 7 of 14 January 2005 at page 126 and any Proclamation revived as a result of their revocation.

Signed and sealed at Sydney, this 9th day of August 2006.

By Her Excellency's Command,
IAN MACDONALD, M.L.C.,
Minister for Primary Industries
GOD SAVE THE QUEEN!

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(06-4101)

No. 2808, BARFUSS CORPORATION P/L (ACN 006 917 666), area of 37 units, for Group 2 and Group 3, dated 7 August 2006. (Mining Division).

(06-4104)

No. 2810, AUSTRALIAN GEMSTONES RESOURCES PTY LTD (ACN 121 034 811), area of 418 units, for Group 7, dated 10 August 2006. (Mining Division).

(06-4106)

No. 2812, MALACHITE RESOURCES NL (ACN 075 613 268), area of 24 units, for Group 1, dated 14 August 2006. (Inverell Mining Division).

(06-4107)

No. 2813, RIMFIRE MINERALS CORPORATION, area of 31 units, for Group 1, dated 11 August 2006. (Sydney Mining Division).

(06-4108)

No. 2814, RIMFIRE MINERALS CORPORATION, area of 38 units, for Group 1, dated 11 August 2006. (Orange Mining Division).

(06-4109)

No. 2815, RIMFIRE MINERALS CORPORATION, area of 24 units, for Group 1, dated 11 August 2006. (Orange Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(05-2395)

No. 2565, now Exploration Licence No. 6604, CURLEWIS COAL & COKE PTY LIMITED (ACN 113 968 737), County of Pottinger, Map Sheet (8935), area of 1749 hectares, for Group 9, dated 28 July 2006, for a term until 27 July 2009.

(06-91)

No. 2674, now Exploration Licence No. 6600, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), County of Yancowinna, Map Sheet (7234), area of 36 units, for Group 1, dated 14 July 2006, for a term until 13 July 2008.

(06-92)

No. 2675, now Exploration Licence No. 6588, PARADIGM NSW PTY LTD (ACN 099 477 979), Counties of Ashburnham, Bathurst and Wellington, Map Sheet (8631, 8731), area of 24 units, for Group 1, dated 3 July 2006, for a term until 2 July 2008. As a result of the grant of this title, Exploration Licence No. 5963 and Exploration Licence No. 6028 have ceased to have effect.

(06-98)

No. 2679, now Exploration Licence No. 6602, VITAL METALS LIMITED (ACN 112 032 596), Counties of Roxburgh and Westmoreland, Map Sheet (8830), area of 27 units, for Group 1, dated 25 July 2006, for a term until 24 July 2008.

(06-102)

No. 2683, now Exploration Licence No. 6592, MINCOR RESOURCES NL (ACN 072 745 692), County of Kennedy, Map Sheet (8333), area of 72 units, for Group 1, dated 29 June 2006, for a term until 28 June 2008.

(06-137)

No. 2715, now Exploration Licence No. 6593, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), Counties of Bland and Gipps, Map Sheet (8430), area of 39 units, for Group 1, dated 6 July 2006, for a term until 5 July 2008.

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

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

(04-515)

Exploration Licence No. 6295, COMET RESOURCES LIMITED (ACN 060 628 202), area of 19 units. Application for renewal received 11 August 2006.

(06-5347)

Consolidated Coal Lease No. 727 (Act 1973), CENTENNIAL NEWSTAN PTY LIMITED (ACN 101 508 865), area of 2205 hectares. Application for renewal received 10 August 2006.

(06-5351)

Mining Lease No. 1171 (Act 1973), O.S.V. NOMINEES PTY LTD (ACN 007 562 316), area of 98.64 hectares. Application for renewal received 10 August 2006.

(06-5352)

Mining Lease No. 1172 (Act 1973), O.S.V. NOMINEES PTY LTD (ACN 007 562 316), area of 100 hectares. Application for renewal received 11 August 2006.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C94-0193)

Exploration Licence No. 4699, WHITEHAVEN COAL MINING PTY LTD (ACN 086 426 253), County of Nandewar, Map Sheet (8936), area of 3126 hectares, for a further term until 22 September 2010. Renewal effective on and from 8 August 2006.

(T04-0005)

Exploration Licence No. 6263, MALACHITE RESOURCES NL (ACN 075 613 268), Counties of Buller and Drake, Map Sheet (9340), area of 100 units, for a further term until 1 July 2008. Renewal effective on and from 10 August 2006.

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

PART CANCELLATION

NOTICE is given that the following authority has been cancelled in part:

(T00-0866)

Exploration Licence No. 5886, GEODYNAMICS LIMITED (ACN 095 006 090).

Description of area cancelled:

For further information contact Titles Branch.

Part cancellation took effect on 5 April 2004.

The authority now embraces an area of 63 units.

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

Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Moree
in the Moree Plains Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Moree Plains Shire Council area, Parish of Moree and County of Courallie, shown as Lot 8 Deposited Plan 864063, being the whole of the land in Certificate of Title 8/864063.

The land is said to be in the possession of Moree Plains Shire Council.

(RTA Papers: FPP 6M2238; RO 17/291.1285)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Gravesend in the Gwydir 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 Gwydir Shire Council area, Parish of Hadleigh and County of Burnett, shown as:

Lots 5 to 8 inclusive Deposited Plan 1073920; and

Lot 1 Deposited Plan 1075071.

(RTA Papers: 12/512.1163)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Molong 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 that piece or parcel of land situated in the Cabonne Shire Council area, Parish of Molong and County of Ashburnham, shown as Lot 1 Deposited Plan 622386.

(RTA Papers: 7/72.123)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Gladesville
in the Hunters Hill Municipal Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels land situated in the Hunters Hill Municipal Council area, Parish of Hunters Hill and County of Cumberland, shown as Lots 112 and 113 Deposited Plan 1068265, being the whole of the land in Certificates of Title 112/1068265 and 113/1068265.

The land is said to be in the possession of the Roads and Traffic Authority of New South Wales.

(RTA Papers: FPP 1M1158)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition
and Dedication as Public Road of Land at
Lapstone in the Blue Mountains City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land 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 Blue Mountains City Council area, Parish of Strathdon and County of Cook, shown as Lots 10 and 11 Deposited Plan 1097785, being parts of the land in Certificate of Title 1/196130 and said to be in the possession of Rail Corporation New South Wales.

(RTA Papers: FPP 6M2042; RO 5/44.12432)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at
Baulkham Hills in the Baulkham Hills 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 that piece or parcel of land situated in the Baulkham Hills Shire Council area, Parish of Castle Hill and County of Cumberland, shown as Lot 12 Deposited Plan 861662.

(RTA Papers: 31.12062)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Warkton
in the Warrumbungle Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of public road situated in the Warrumbungle Shire Council area, Parish of Gowang and County of Gowen, shown as Lots 6 and 8 Deposited Plan 1082069.

The land is said to be in the possession of Warrumbungle Shire Council.

(RTA Papers: FPP 6M2323; RO 17/098.151)

Other Notices

CO-OPERATIVES ACT 1992

Change of Name

IT is hereby notified that on the 16th day of August 2006, I registered a change of name for LAMBTON BOWLING CLUB CO-OP LTD to LAMBTON BOWLS SPORTS AND RECREATION CLUB CO-OPERATIVE LIMITED.

Dated this 16th day of August 2006.

EMMA-JANE DAY,
Delegate of the Registrar of Co-operatives

GAME AND FERAL ANIMAL CONTROL ACT 2002

Notification of Suspension of Schedule 1 Conditions of NSW Game Hunting Licences

IN pursuance of the Game and Feral Animal Control Regulation 2004, the Game Council of NSW gives notice of the suspension of operations of provisions in Clauses 4, 5, 7, 8 and 9 of Schedule 1 of the Game and Feral Animal Control Regulation 2004, on the following specified land for the control of game and feral animals:

For the period 18 August 2006 – 18 August 2011:

- Lot 2, DP 1061398, Port Macquarie;
- Lot 337, DP 754434, Port Macquarie;
- Lot 2, DP 1046395, Port Macquarie;
- Lots 1 and 2, DP 1087368, Port Macquarie;
- Lot 11, DP 875998, Port Macquarie;
- Lot 3, DP 1018551, Port Macquarie;
- Lot 11, DP 1055023, Port Macquarie;
- Lot 10, DP 1088869, Port Macquarie.

Approved by Game Council of NSW this 15th day of August 2006.

BRIAN BOYLE,
Chief Executive Officer,
for and on behalf of the Game Council of NSW

GAME AND FERAL ANIMAL CONTROL ACT 2002

Notification of Suspension of Schedule 1 Conditions of NSW Game Hunting Licences

IN pursuance of the Game and Feral Animal Control Regulation 2004, the Game Council of NSW gives notice of the suspension of operations of provisions in Clauses 5, 7, 8 and 9 of Schedule 1 of the Game and Feral Animal Control Regulation 2004, on the following specified land for the control of deer:

For the period 15 August 2006 to 14 August 2007:

- Location: Lot 534, Deposited Plan No. 1006249, Illawarra.

Approved by Game Council of NSW this 15th day of August 2006.

BRIAN BOYLE,
Chief Executive Officer,
for and on behalf of the Game Council of NSW

HERITAGE ACT 1977

Direction pursuant to Section 34(1)(a) to List an Item on the State Heritage Register

Cossington, 43 Ku-ring-gai Avenue, Turramurra
SHR No. 1754

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B". The listing is subject to the Heritage Council approved exemptions described in Schedule "C".

Dated: Sydney, 6th July 2006.

FRANK SARTOR, M.P.,
Minister for Planning

SCHEDULE "A"

The item known as Cossington, 43 Ku-Ring-gai Avenue, Turramurra, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as DP 339780 in Parish of Gordon, County of Cumberland, shown edged on the plan catalogued HC2149 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

1. Repair works to non-original elements of the house and tennis court that do not adversely affect the heritage significance of the place.
2. All activities for maintenance, installation and alterations to gas water and electrical services where such activities are sympathetic to and minimise alterations to heritage fabric and spaces.
3. All works in landscape areas that do not adversely affect early garden design, fabric or heritage significance of the place.
4. Internal alterations to the kitchen and main bathroom that do not adversely affect the original fabric or heritage significance of the place.
5. Internal alterations to the house where these are in accordance with the policies of an endorsed Conservation Management Strategy that do not adversely affect the heritage fabric and heritage significance of the place.
6. Reconstruction of the original French doors within the bedrooms, using as a model the last original set of French doors in the dining room.

HERITAGE ACT 1977

Direction pursuant to Section 34(1)(a)
to Amend a State Heritage Register Listing Boundary

Botany Water Reserve
SHR No. 01317

IN pursuance of section 38(1) of the Heritage Act 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the amendment of the State Heritage Register listing boundary of Botany Water Reserve by removing Lot 1 and 2, DP 780392. The Heritage Council Plan 1965 is hereby revoked.

The amended listing boundary of Botany Water Reserve shall apply to the curtilage or site of the item, being the land described in Schedule "A".

Dated: Sydney, 31st day of July 2006.

FRANK SARTOR, M.P.,
Minister for Planning

SCHEDULE "A"

All those pieces or parcels of land known as Lot 1, DP 241650; Lot 3, DP 780382; Lot 2473, DP 752015; Lot 2824, DP 752015; Lot 1, DP 1039418; Lot 2, DP 1039418; Lot 4, DP 87663; Lot 5, DP 780291; Lot 6, DP 7803919; Lot 6, DP 780391; Lot 2, DP 854374 and Lot 13, DP 87663 in Parish of Botany, County of Cumberland, shown on the plan catalogued HC 2150 in the office of the Heritage Council of New South Wales.

LOCAL GOVERNMENT ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

THE Clarence Valley Council declares, with the approval of Her Excellency the Governor, that the easements described in the Schedule below are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for water supply purposes.

Dated at Grafton, this 10th day of August 2006.

STUART McPHERSON,
General Manager

SCHEDULE**Interest in Land**

Easement rights as described under the heading Easement for Water Pipeline in the terms set out hereunder over the site shown in:

Deposited Plan 1071272 (SB55537) as '(E) PROPOSED EASEMENT FOR WATER PIPELINE VARIABLE WIDTH' within Lot 82 in Deposited Plan 752810 and Lot 57 in Deposited Plan 752844.

Easement rights as described under the heading Easement for Water Pipeline (beneath or upon the surface) in the terms set out hereunder over the site shown in:

Deposited Plan 1075533 (SB55586) as '(E) PROPOSED EASEMENT FOR WATER PIPELINE VARIABLE WIDTH' within Lots 11 and 12 in Deposited Plan 253300 and Lot 2 in Deposited Plan 840445.

Deposited Plan 1082927 (SB55603) as '(E) PROPOSED EASEMENT FOR WATER PIPELINE VARIABLE WIDTH' within Lot 28 in Deposited Plan 752836 and Lot 26 in Deposited Plan 666813.

Rights to be Acquired:

Easement for Water Pipeline

FULL AND FREE right for the Body having the benefit of this easement (being a public or local authority) and every person authorised by it from time to time and at all times to pass and convey water in any quantities through the servient tenement TOGETHER WITH the right to use for the purpose of the easement any line of pipes (including works ancillary thereto) already laid within the servient tenement for the purposes of the passage and conveyance of such water or any pipe or pipes in replacement, substitution or duplication therefor and where no such line of pipes exists to lay place and maintain a line of pipes of sufficient internal diameter beneath the surface of the servient tenement and to lay place and maintain upon the surface of the servient tenement any works ancillary to the said line of pipes AND TOGETHER WITH the right for the Body having the benefit of this easement (being a public or local authority) and every person authorised by it with any tools, implements, or machinery, necessary for the purposes, to enter upon the servient tenement and to remain there for any reasonable time for the purposes of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipeline or any part thereof (including works ancillary thereto) AND for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary PROVIDED THAT the Body having the benefit of this easement (being a public or local authority) and every person authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

Easement for Water Pipeline (beneath or upon the surface)

FULL AND FREE right for the Body having the benefit of this easement (being a public or local authority) and every person authorised by any of them from time to time and at all times to pass and convey water in any quantities through the servient tenement TOGETHER WITH the right to use for the purpose of the easement any line of pipes (including works ancillary thereto) already laid within the servient tenement for the purposes of the passage and conveyance of such water or any pipe or pipes in replacement, substitution or duplication therefor and where no such line of pipes exists to lay place and maintain a line of pipes of sufficient internal diameter beneath the surface of the servient tenement AND TOGETHER WITH the right for the Body having the benefit of this easement (being a public or local authority) and every person authorised by any of them with any tools implements, or machinery, necessary for the purposes, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipeline or any part thereof (including works ancillary thereto) AND for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary PROVIDED THAT the Body having the benefit of this easement (being a public or local authority) and every person authorised by any of them will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

DoC Reference: 311.

NATIONAL PARKS AND WILDLIFE ACT 1974

ERRATA

IN the proclamation appearing in the *New South Wales Government Gazette* dated 11 August 2006, Folio 6212; reserving part of Dthinna Dthinnawan Nature Reserve, the "Notice of Reservation of National Park" is incorrect and should read "Notice of Reservation of Nature Reserve".

NPWS/02/07900.

Lisa Corbyn,
Director General,
Department of Environment and Conservation

IN the proclamation appearing in the *New South Wales Government Gazette* dated 11 August 2006, Folio 6212 and 6213; reserving part of Copeland Tops State Conservation Area, the "Notice of Reservation of Nature Reserve" is incorrect and should read "Notice of Reservation of State Conservation Area".

NPWS/04/01832.

LISA CORBYN,
Director General,
Department of Environment and Conservation

NATIONAL PARKS AND WILDLIFE ACT 1974

Far South Coast Escarpment Parks
Plan of Management

A draft plan of management for the Far South Coast Escarpment Parks, comprising Monga, Deua, Wadbilliga and Gourock National Parks and Badja Swamps Nature Reserve, has been prepared and is on public exhibition until 17 November 2006. Copies of the plan are available free of charge from the NPWS offices at Corner Field Street and Princes Highway, Narooma (phone: 4476 2757); Corner Merimbula and Sapphire Coast Drive, Merimbula (phone: 6495 5001) and 6 Rutledge Street, Queanbeyan. The plan may also be viewed at Braidwood Library, Park Lane, Braidwood; Bega Library, Zingel Place, Bega and Moruya Library, Vulcan Street, Moruya.

Written submissions on the plan must be received by the Regional Planner, PO Box 282, Narooma NSW 2546, by 17 November 2006.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

NATIONAL PARKS AND WILDLIFE ACT 1974

Jenolan Karst Conservation Reserve
Plan of Management

A draft plan of management for Jenolan Karst Conservation Reserve has been prepared and is on public exhibition until 1 December 2006. Copies of the plan are available free of

charge from the Jenolan Caves Reserve Trust Office, 347 Panorama Avenue, Bathurst: phone (02) 6332 5888; the Visitor Information Centre, Jenolan Caves: phone (02) 6359 3911; the Department of Environment and Conservation Offices at 59-61 Goulburn Street, Sydney; the Blue Mountains Heritage Centre, Govetts Leap Road, Blackheath; and the NPWS Offices at 38 Ross Street, Oberon; Level 1, 10 Valentine Street, Parramatta; Level 1, 39 Whitton Street, North Katoomba; and Level 2, 203-209 Russell Street, Bathurst.

Written submissions on the plan must be received by Stephen Meehan, Manager, Karst Conservation Unit, Level 2, 203-209 Russell Street, Bathurst NSW 2795, by 1 December 2006.

All submissions received on this plan are a matter of public record and are available for public inspection upon request. Your comments may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 171(1)
Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Robyn WHITE, 2/120 Burns Bay Road, Lane Cove NSW 2066, prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by Clauses 101 and 103 of the Regulation. This Order is to take effect on and from 24 July 2006.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, 20 July 2006.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 171(1)
Poisons and Therapeutic Goods Regulation 2002

Restoration of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, a direction has been issued that the withdrawal of authority of Seamus Cornelious LYONS of 49 Palmer Street, Balmain NSW 2041, to be in possession of or supply drugs of addiction as authorised by Clauses 101 and 103 of the Regulation for the purposes of his profession as a nurse, shall cease to operate from 18 August 2006.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, 15 August 2006.

ROADS ACT 1993
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 13 of the Roads Act 1993, do, on the recommendation of the Minister for the Environment, by this my Proclamation, dedicate the land described in the Schedule below as a public road.

Signed and sealed at Sydney, this 2nd day of August 2006.

MARIE BASHIR,
Governor

By Her Excellency's Command,

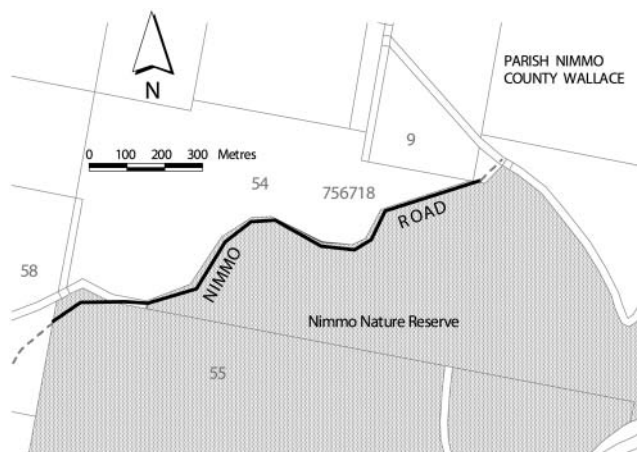
BOB DEBUS, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

County of Wallace, Parish of Nimmo, Snowy River Shire, being the road shown by a heavy black line in the following diagram.

NPWS/05/01622.



Notes: 1. The road described in this diagram is 10 metres wide (ie; 5m either side of the centreline of formation) and is subject to survey.

2. Any section of road not within the area reserved under the National Park Estate (Southern Region Reservations) Act 2000, is not hereby dedicated as a public road.

THREATENED SPECIES CONSERVATION ACT
1995

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

Critically Endangered Species (Part 1 of Schedule 1A)
Pomaderris walshii J.C. Millott & K.L. McDougall, a shrub

Endangered Species (Part 1 of Schedule 1)
Pimelea axiflora F. Muell. ex Meissner subsp. *pubescens* Rye, a shrub

Endangered Population (Part 2 of Schedule 1)
Diuris tricolor Fitzg., the Pine Donkey Orchid, population in the Muswellbrook local government

Any person may make a written submission regarding these Preliminary Determinations. Send submissions to: Scientific Committee, PO Box 1967, Hurstville NSW 2220. Attention Suzanne Chate. Submissions must be received by 13 October, 2006.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.nationalparks.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967 Hurstville NSW 2220. Tel: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Associate Professor LESLEY HUGHES,
Chairperson



NEW SOUTH WALES
CASINO CONTROL AUTHORITY

CASINO CONTROL ACT 1992

Order

Pursuant to section 66(1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, approve the following amendments to the rules for the playing of the game of "Poker" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

(1) Amendments to the rules for the playing of 'Poker'

- (a) Poker sub-rule 3.1 is repealed and in substitution therefor, the following new sub-rule 3.1 is approved:

3.1 The casino operator shall levy a fee at each poker table in the form of a commission. This commission may be either a percentage of the pot, a fee per hand, or a time charge on each player participating in the game or any combination of the above.

- (b) Poker sub-rule 3.3 is repealed and in substitution therefor, the following new sub-rule 3.3 is approved:

3.3 The casino operator shall use one or more of the following methods in determining and collecting the commission:

3.3.1 A percentage commission collected from the pot and any side pots, pursuant to which;

3.3.1.1 the amount to be collected shall be calculated and collected from the total pot or pots by the dealer after the conclusion of a betting round.

3.3.2 A fee per hand dealt, pursuant to which;

3.3.2.1 assessments shall be calculated on a "per-hand" basis.

3.3.3 A fee based on time charges pursuant to which;

3.3.3.1 assessments shall be calculated on a "per-player" basis or on a "per-table per-hour" basis which may be imposed on a "per-player" basis; and

3.3.3.2 where the assessment is imposed on a "per-player" basis, players will be charged in advance, on the hour every hour, from the time the game commences. Players wishing to join the table after the 'on the hour fee' has been paid, but prior to the next hourly time period becoming payable, will be charged a proportion of the hourly time charge calculated in 15 minute increments; and

3.3.3.3 no refunds will be given to players who leave the game prior to the completion of the hour; and

3.3.3.4 inactive players shall also be assessed.

- (c) Poker sub-rule **7.4** is repealed and in substitution therefor, the following new sub-rule 7.4 is approved:

7.4 A player who elects to bet shall place a wager directly in front of them and/or indicate to the dealer their intention to check, bet or fold. Subject to rule 24.4 once a player has made a wager it may not be withdrawn or altered.

- (d) Poker sub-rule **9.3** is repealed and in substitution therefor, the following new sub-rule 9.3 is approved:

9.3 The person holding the dealer button becomes known as the designated player and shall receive the last card in the initial deal.

- (e) Poker sub-rule **12.7** is repealed and in substitution therefor, the following new sub-rule 12.7 is approved:

12.7 An all-in player shall be required to expose their cards after the final betting round is completed.

- (f) Poker rule **24** is repealed and in substitution therefor, the following new rule 24 is approved:

24. Irregularities

All Games

24.1 A card found face up in the shoe shall be immediately placed in the discards and shall not be used in the round. Play will continue with the remaining cards in the shoe.

24.2 If a card(s) is dropped and/or exposed by a player this card or these cards shall still be played. A count will then be performed at the end of the round of play.

24.3 If a player shows another player his/her card(s), upon request by the dealer or another player, he/she shall be required to show the entire table the same card(s) at the completion of the round of play.

24.4 Where a player is directed in error by a dealer to act out of turn that player or any following players who act in those circumstances shall retract their action and shall then act in the correct sequence.

24.5 Subject to rule 24.4 where a player attempts to wager out of turn and:

24.5.1 if the player(s) who should have wagered, before the out of turn player, checks then the out of turn player shall check;

24.5.2 if any player(s) who should have wagered, before the out of turn player, makes a wager smaller than or equal to the wager indicated by the player attempting to wager out of turn, then the player who attempted to wager out of turn may call or fold but is not permitted to raise;

24.5.3 if any player(s) who should have wagered, before the out of turn player, makes a wager in excess of the wager indicated by the player attempting to wager out of turn, then the player who attempted to wager out of turn may

- call, call and raise or fold. If the player who wagered out of turn elects to fold then the out of turn wager will stand and remain in the pot;
- 24.5.4 if any player(s) who should have wagered decides to fold, before the out of turn player, then the out of turn wager shall stand.
- 24.6 In the event that a card(s) is found to be missing; or a card(s) is found that does not form part of the cards that make up a deck in accordance with rule 4.1, the following shall apply:
- 24.6.1 the result of any rounds of play previously completed shall stand; and
- 24.6.2 the round of play where the missing card(s) is discovered or the foreign card(s) is found shall be declared a misdeal and all monies returned to players for that round of play; and
- 24.6.3 the deck shall be checked for any further missing or foreign cards.
- 24.7 Except as expressly permitted by these rules, players may not exchange cards, nor exchange, communicate, nor cause to be exchanged or communicated any information regarding their respective hands.
- 24.8 A player, including an inactive player, shall not look at the discards either before or after the winning hand(s) has been determined.
- 24.9 A player shall not look at the undealt cards at any time.
- 24.10 At any time while a game is in progress a casino supervisor may direct that:
- 24.10.1 only English be spoken by the players at the table;
- 24.10.2 there be silence, except for a player declaring their intention, while a hand is in progress;
- 24.10.3 players suspected of collusion not play at the same table;
- 24.10.4 any spectators to leave the area.
- 24.11 A casino supervisor may impose a time restriction on any player deemed to be taking too long to make a decision. On being advised by the casino supervisor that the time limit is being imposed the player shall then be given 40 seconds to make and act on their decision. A player who fails to make and act on their decision within the 40 second time limit will be required to fold their hand.

Draw Poker

- 24.12 In Draw Poker if cards are dealt out of sequence during the draw and the wrong player has looked at them, then they shall retain those cards. The next cards shall then be dealt to the player who should have received the cards dealt out of sequence and thereafter cards shall be dealt to all players in sequence.

Five Card Stud

- 24.13 Notwithstanding rule 23.3, in Five Card Stud if the first card is dealt face up the second card shall be dealt face down.

- 24.14 In Five Card Stud an all-in player in the first betting round shall not be considered an active player for the purpose of opening the betting. For all subsequent rounds, if an all-in player is the player required to open the betting then the action shall pass to the player to the immediate left of the all-in player.
- 24.15 In Five Card Stud if any card is exposed by the dealer prior to the completion of a betting round, the maximum bet(s) allowed for that betting round shall not exceed the maximum amount already wagered for that round. If no bet(s) have been placed the next bet(s) in the betting round shall not exceed the table minimum. The exposed card shall then be used in the normal sequence.

Seven Card Stud

- 24.16 Notwithstanding rule 23.4, in Seven Card Stud if one of the first two cards is dealt face up the third card shall be dealt face down.
- 24.17 In Seven Card Stud an all-in player in the first betting round shall not be considered an active player for the purpose of opening the betting. For all subsequent rounds, if an all-in player is the player required to open the betting then the action shall pass to the player to the immediate left of the all-in player.
- 24.18 In Seven Card Stud if the dealer commences dealing the final round of cards and subsequently realises there are insufficient cards to complete the deal, the dealer shall retrieve the final round cards and shall shuffle these with remaining cards and deal a community card face up.
- 24.19 In Seven Card Stud if any card is exposed by the dealer prior to the completion of a betting round, the maximum bet(s) allowed for that betting round shall not exceed the maximum amount already wagered for that round. If no bet(s) have been placed the next bet(s) in the betting round should not exceed the table minimum. The exposed card shall then be used in the normal sequence.
- 24.20 In Seven Card Stud if the seventh card is dealt face up or exposed by the dealer while being dealt, if it is the first card to be dealt for that round, then all final cards shall be dealt face up and the opener shall be the opener from the previous round. If the exposed card or cards is not the first card dealt then the player or players receiving an exposed card shall have the option of being treated as an all-in player. The dealer shall request the affected player to determine how they shall be treated before substantial action occurs. If substantial action has occurred then the affected player shall be treated as an all-in player for the remainder of the hand.

All Manila Games

- 24.21 In all Manila games if any card is exposed by the dealer prior to the completion of a betting round, the maximum bet allowed for that betting round shall not exceed the maximum amount already wagered for that betting round. If no bet(s) have been placed the next bet(s) in the betting round shall not exceed the table minimum. The exposed card shall then be used in the normal sequence.
- 24.22 In all Manila games if the dealer exposes two or more cards simultaneously when dealing a community card, and it is possible to reconstruct, the correct card shall remain in play. If the dealer is unable to reconstruct and/or any further community cards are required the exposed card(s) shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing.

All Flop Games

- 24.23 In all flop games if one of the face down cards is exposed by the dealer while dealing, the dealer shall complete the deal and then replace the exposed card with the card that was to be the first burn card and the exposed card becomes the first burn card.
- 24.24 In all flop games if the dealer neglects to burn a card prior to dealing the flop, and it is unable to be reconstructed and there has been no substantial action it shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing. If substantial action has occurred the flop stands.
- 24.25 In all flop games if the dealer neglects to burn a card after the flop has been dealt but prior to dealing further community cards, and the dealer is unable to reconstruct the cards or substantial action has occurred, the community cards as dealt will stand.
- 24.26 In all flop games if the flop has too many cards dealt, and it is unable to be reconstructed, it shall be taken back by the dealer, together with the burn card and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing.
- 24.27 In all flop games if the flop is dealt and turned face up prior to the completion of the betting round, it shall be taken back by the dealer, together with the burn card and shuffled with the remainder of the deck. The betting round shall be completed and the dealer shall cut, and continue dealing.
- 24.28 In all flop games if any card except the flop is exposed by the dealer prior to the completion of a betting round, the maximum bet allowed for that betting round shall not exceed the maximum amount already wagered for that betting round. If no bet(s) have been placed the next bet(s) in the betting round shall not exceed the table minimum. The exposed card shall then be used in the normal sequence.
- 24.29 In all flop games if the dealer exposes two cards simultaneously when dealing a community card and the hand can be reconstructed the correct card shall remain in play. If no further cards are to be dealt, the exposed cards shall be placed in the discard pile, or if further cards are to be dealt, the incorrect exposed card shall become the next burn card. If the hand is unable to be reconstructed the exposed cards shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut the cards, and continue dealing.
- 24.30 In all flop games if the dealer exposes more than two cards simultaneously when dealing a community card and the hand can be reconstructed, only the correct card for that betting round shall remain in play. If no further cards are to be dealt the exposed cards shall be placed in the discard pile, or if further cards are to be dealt, the incorrect exposed cards shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing. If the hand is unable to be reconstructed the exposed cards shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut the cards, and continue dealing.

This Order shall take effect from the date of publication in the New South Wales Government Gazette.

Signed at Sydney, this 16th day of August 2006.

Brian Farrell
Chief Executive,
for and on behalf of the
Casino Control Authority.

Home Building Regulation 2004

Clause 28

Qualification requirements for an endorsed contractor licence or supervisor certificate for:

Structural landscaping	Demolishing
Carpentry	Excavating
Joinery	Underpinning or piercing
Flooring	Fencing
Bricklaying	Glazing
Stonemasonry	Waterproofing
Dry plastering	Roof tiling
Wet plastering	Roof slating
Painting	Roof plumbing
Decorating	Metal fabrication
Wall and floor tiling	Minor tradework
General concreting	Minor maintenance and cleaning

I, Lyn Baker, Commissioner for Fair Trading, Department of Commerce, pursuant to clause 28(1) of the *Home Building Regulation 2004* determine the possession of qualifications or the passing of examinations specified in the Table to the Schedule to be necessary for an applicant for the issue of a Certificate.

This Instrument commences on the Commencement Date.

Dated this 16th day of August 2006.

Lyn Baker
Commissioner for Fair Trading,
Department of Commerce

Definitions

In this Instrument:

References to **Certificate** and **Licence** are respectively to a supervisor certificate, or endorsed contractor licence, to do or supervise structural landscaping, carpentry, joinery, flooring, bricklaying, stonemasonry, dry plastering, wet plastering, painting, decorating, wall and floor tiling, general concreting, demolishing, excavating, underpinning or piercing, fencing, glazing, waterproofing, roof tiling, roof slating, roof plumbing, metal fabrication, minor tradework, minor maintenance and cleaning.

Commencement Date means 21 August 2006;

Registered Training Organisation has the same meaning as **Registered Provider** in the *Vocational Education and Training Accreditation Act 1990*;

TAFE means the New South Wales Technical and Further Education Commission;

the Act means the *Home Building Act 1989*;

the Regulation means the *Home Building Regulation 2004*.

Schedule

Table

Qualifications	
Column 1 Category of residential building work	Column 2 Qualification
Structural landscaping	Completion of RTF30403 Certificate III in Horticulture (Landscape)
Carpentry	Completion of BCG30203 Certificate III in Carpentry
Joinery	Completion of one of the following: BCF30100 Certificate III in Off Site Construction (Shopfitting) OR BCF30200 Certificate III in Off Site Construction (Joinery - Timber/Aluminium/Glass) OR LMF30302 Certificate III in Furniture Making OR LMF30402 Certificate III in Furniture Making (Cabinet Making) OR LMF30502 Certificate III in Furniture Making (Wood Machinery) OR MEM30603 Certificate III in Marine Craft Construction
Flooring	Completion of LMF30102 Certificate III in Floor Covering & Finishing The following elective units of competency must be achieved and indicated in the applicants transcript or on the qualification: LMFFC2009A Install pre-finished and manufactured/engineered timber flooring LMFFC3036A Prepare timber floors for finish coating LMFFC3037A Apply finishes to timber, parquetry and cork floors LMFFC3032A Install strip timber flooring (non-structural) LMFFC3030A Install parquetry flooring LMFFC3031A Install cork tiles LMFFC3033A Cut and install timber flooring materials to stairs LMFFC3034A Install timber sports flooring LMFFC3035A Repair timber flooring
Bricklaying	Completion of BCG30103 Certificate III in Bricklaying/Blocklaying

Stonemasonry	Completion of BCF30600 Certificate III in Stonemasonry (Monumental/Installation)
Dry plastering	Completion of BCG31203 Certificate III in Wall & Ceiling Lining
Wet plastering	Completion of BCG31003 Certificate III in Solid Plastering
Painting	Completion of BCG30603 Certificate III in Painting and Decorating
Decorating	Completion of BCG30603 Certificate III in Painting and Decorating
Wall & floor tiling	Completion of BCG31303 Certificate III in Wall & Floor Tiling
General concreting	<p>Completion of BCG30303 Certificate III in Concreting OR TAFE NSW Course 4428 Certificate III in Construction Carpentry</p> <p>The following units of competency must be achieved and indicated in the applicants transcript or on the qualification:</p> <p>BCGCO3004B Carry out decorative finishes to concrete BCGCO3005B Resurface concrete BCGCO3006B Carry out repair and rectification of concrete BCGSF3001B Apply reinforcement schedule BCGCA2003B Erect and dismantle formwork for footings and slabs on ground BCGSF2004B Place and fix reinforcement materials BCGCO3010B Carry out tilt panel construction BCGCO2004B Carry out concrete work</p>
Demolishing	Completion of BCG30403 Certificate III in Demolition (General Construction)
Excavating	Completion of BCC30603 Certificate III in Civil Construction (Plant Operation)
Underpinning & Piering	Completion of BCC30403 Certificate III in Civil Construction (Foundation Work)
Fencing	<p>Completion of the following units of competency awarded in a Statement of Attainment issued by a registered training organisation:</p> <p>BCGCM1001B Follow OH&S policies and procedures BCGCM1002B Work effectively in the General Construction industry</p>

	<p>BCGCM1003B Plan and organise work</p> <p>BCGCM1004B Conduct workplace communication</p> <p>BCGCM1005B Carry out measurements and calculations</p> <p>BCGCM2001B Read and interpret plans and specifications</p> <p>BCGCM2004B Handle construction materials</p> <p>BCGCM2005B Use construction tools and equipment</p> <p>BCGCM2006B Apply basic levelling procedures</p> <p>BCCCM3001B Construct and dismantle fences and gates</p> <p>BCGCM2009B Carry out basic demolition</p>
Glazing	Completion of LMF30602 Certificate III in Glass & Glazing
Waterproofing	Completion of BCG31403 Certificate III in Waterproofing (General Construction)
Roof tiling	Completion of BCG30803 Certificate III in Roof Tiling
Roof slating	<p>Completion of BCG30803 Certificate III in Roof Tiling</p> <p>The following elective unit of competency must be achieved and indicated in the applicants transcript or on the qualification:</p> <p>BCGRT3005B Slate a roof</p>
Roof plumbing	Completion of BCP30303 Certificate III in Roof Plumbing
Metal fabrication	<p>Completion of BCG30703 Certificate III in Rigging</p> <p>The following elective unit of competency must be achieved and indicated in the applicants transcript or on the qualification:</p> <p>BCGRI3004B Perform advanced steel erection</p>
Minor trade work	<p>Completion of BCG10103 Certificate I in General Construction.</p> <p>The following elective units of competency must be achieved and indicated in the applicants transcript or on the qualification:</p> <p>BCGVE1001B Handle construction materials</p> <p>BCGVE1002B Undertake a basic construction project</p> <p>BCGVE1004B Undertake basic estimation and costing</p> <p>Additional units of competency must be completed to support the minor trade work to be</p>

	undertaken.
Minor maintenance and cleaning	<p>Completion of BCG10103 Certificate I in General Construction.</p> <p>The following elective units of competency must be achieved and indicated in the applicants transcript or on the qualification</p> <p>BCGVE1001B Handle construction materials BCGVE1002B Undertake a basic construction project BCGVE1004B Undertake basic estimation and costing</p> <p>Additional units of competency must be completed to support the minor maintenance or cleaning work to be undertaken.</p>

Transitional arrangements

Column 1 Category of residential building work	Column 2 Qualifications, Examinations or Experience
Structural landscaping, Carpentry, Joinery, Flooring, Bricklaying, Stonemasonry, Dry plastering, Wet plastering, Painting, Decorating Wall & floor tiling, General concreting, Demolishing, Excavating, Underpinning & piling, Fencing, Glazing, Waterproofing, Roof tiling, Roof slating, Roof plumbing, Metal fabrication, Minor tradework, Minor maintenance	<p>1 Existing Licence or Certificate</p> <p>A Licence or Certificate held within three years of the date of application for a Licence or Certificate in the same category.</p>
Structural landscaping, Carpentry, Joinery, Flooring, Bricklaying, Stonemasonry, Dry plastering, Wet plastering, Painting, Decorating Wall & floor tiling, General concreting, Demolishing, Excavating, Underpinning & piling, Fencing, Glazing, Waterproofing, Roof tiling, Roof slating, Roof plumbing, Metal fabrication, Minor tradework, Minor maintenance	<p>2 Qualifications before the Commencement Date</p> <p>Any qualification attained before the Commencement Date that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate.</p>
Structural landscaping, Carpentry, Joinery, Flooring, Bricklaying, Stonemasonry, Dry plastering, Wet plastering, Painting, Decorating Wall & floor tiling, General concreting, Demolishing, Excavating, Underpinning & piling, Fencing, Glazing, Waterproofing, Roof tiling, Roof slating, Roof plumbing, Metal fabrication, Minor tradework, Minor maintenance	<p>3 Transitional arrangements in respect of examinations</p> <p>The passing of any examination that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate PROVIDED THAT immediately before the Commencement Date the applicant was enrolled in the course or program relating to that examination.</p>

Home Building Regulation 2004

Clause 28

Qualification requirements for an endorsed contractor licence or supervisor certificate for:

Kitchen, bathroom & laundry renovation; and
Erection of Pre-fabricated Metal-framed Home Additions and Structures

I, Lyn Baker, Commissioner for Fair Trading, Department of Commerce, pursuant to clause 28(1) of the *Home Building Regulation 2004* determine the possession of qualifications or the passing of examinations specified in the Schedule to be necessary for an applicant for the issue of a Certificate.

This Instrument commences on the Commencement Date.

Dated this 16th day of August 2006.

Lyn Baker
Commissioner for Fair Trading,
Department of Commerce

Definitions

In this Instrument:

References to *Certificate* and *Licence* are respectively to a supervisor certificate, or endorsed contractor licence, to do or supervise Kitchen, bathroom & laundry renovation and Erection of Pre-fabricated Metal-framed Home Additions and Structures.

Commencement Date means **21 August 2006**;

Registered Training Organisation has the same meaning as **Registered Provider** in the *Vocational Education and Training Accreditation Act 1990*;

TAFE means the New South Wales Technical and Further Education Commission;

the Act means the *Home Building Act 1989*;

the Regulation means the *Home Building Regulation 2004*.

Schedule

1 KITCHEN, BATHROOM & LAUNDRY RENOVATION

To be granted a licence for the category of kitchen, bathroom and laundry renovation successful completion of the following must be achieved:

1. Trade licence or qualification

(a) Existing licensed trade contractors in one of the following licence categories:

Carpentry
Joinery
Plumbing
Wall & Floor Tiling

OR

(b) Successful completion of a national qualification conducted by an RTO from the list below:

Code	Qualification
BCG30203	Certificate III in Carpentry
BCF30100	Certificate III in Off Site Construction (Shopfitting)
LMF30302	Certificate III in Furniture Making
LMF30402	Certificate III in Furniture Making (Cabinet Making)
LMF30502	Certificate III in Furniture Making (Wood Machinery)
MEM30603	Certificate III in Marine Craft Construction
BCG31303	Certificate III in Wall and Floor Tiling

AND

2. Successful completion of the modules or units of competency from one of the courses or qualifications listed below.

(a) Course 3477 Certificate IV in Building conducted by an RTO

Code	Module
ABC005	Materials 1
ABC069	Cost Control and Planning 1
ABC077	Building Quantities and Estimating 1B
ABC082	Building Site Supervision
ABC091	Business Management for Building Industry 1A
ABC092	Business Management for Building Industry 1B
ABC102	Residential Site Safety
ABC088	Building Technology 1
ABC001	Construction 1

OR

(b) TAFE Certificate IV in Building Studies (1261)

Code	Module
2182A	Materials 1
2182L	Cost Control and Planning 1
2182F	Building Quantities and Estimating 1B
2182H	Building Site Supervision
2182G	Business Management for Building Industry 1A
2182GG	Business Management for Building Industry 1B
2182J	Residential Site Safety
2182C	Building Technology 1
2182B	Construction 1

OR

(c) The following combination of modules from the TAFE Certificate IV in Plumbing Technology (8081) **and** Course 3477 Certificate IV in Building or TAFE Certificate IV in Building Studies (1261)

Code	Module
1496A	Plumbing contracting principles
ABC005 or 2182A	Materials 1
ABC077 or 2182F	Building Quantities and Estimating 1B
ABC088 or 2182C	Building Technology 1
ABC001 or 2182B	Construction 1

OR

(d) The following combination of units of competency from LMF40202 Certificate IV in Furnishing Technology and LMF30302 Certificate III in Furniture Making

Code	Unit of competency
LMFFT4001A	Co-ordinate on site installation of furnishing products
LMFFT4007A	Sample, inspect & test products to specifications
LMFFT4008A	Interpret and use workplace information
LMFFT4009A	Match furnishing style/materials to customer requirements
LMFGN3002A	Estimate & cost job
LMFFM3013A	Measure & draw site layout for manufactured furniture products
LMFFM3005A	Fabricate custom furniture
LMFFM3006A	Install furniture products

2 ERECTION OF PRE-FABRICATED METAL-FRAMED HOME ADDITIONS AND STRUCTURES

To be granted a licence for the category of Erection of Pre-fabricated Metal-framed Home Additions and Structures, successful completion of the following units of competency awarded in a Statement of Attainment issued by an RTO:

Code	Unit of competency
BCGCM1001B	Follow OH&S policies and procedures
BCGCM1002B	Work effectively in the general construction industry
BCGCM1003B	Plan and organise work
BCGCM1004B	Conduct workplace communication
BCGCM1005B	Carry out measurements & calculations
BCGCM2001B	Read and interpret plans & specifications
BCPRF3003A	Fabricate & install external flashings
BCGVE1004B	Undertake basic estimation and costing
BCPCM3001A	Flash penetrations through roofs and walls
BCGCM2005B	Use construction tools
BCM4022A (or ABC082)	Supervise construction work (or Building site supervision)
BSBCMN209A	Provide information to clients
BCGCA3002B	Carry out setting out
BCGVE2001B	Produce construction drawings
BCPCM2008A	Cut & join sheet metal
BCPRF2002A	Select and install roof sheeting and wall cladding
BCGCO2003B	Carry out concreting to simple forms
BCGCA3010B	Install and replace windows and doors
BSBSBM405A	Monitor and manage business operations



PRACTICE NOTE SC Eq 3

Supreme Court Equity Division - Commercial List and Technology and Construction List

Commencement

1. This Practice Note commences on 1 September 2006.

Application

2. This Practice Note applies to new and existing proceedings in, or to be entered in, the Commercial List or the Technology and Construction List in the Equity Division.

Definitions

3. In this Practice Note:

Court Book means the documents that a party intends to rely upon at the trial or hearing of an application.

CPA means the *Civil Procedure Act 2005*.

UCPR means the *Uniform Civil Procedure Rules 2005*.

SCR means the *Supreme Court Rules 1970*.

Lists means the Commercial List or the Technology and Construction List.

List Judge means a judge of the Equity Division assigned to administer the Lists.

Introduction

4. The purpose of this Practice Note is to set out the case management procedures employed in the Lists for the just, quick and cheap disposal of proceedings.
5. Practice Note SC Eq 1 shall not apply to proceedings in the Lists.
6. Parts 14 and 14A of the SCR remain in force (with certain amendments), but it is expected that this Practice Note will be observed by way of additional provision for the conduct of proceedings entered in either of the Lists.
7. A party who considers that compliance with this Practice Note will not be possible, or will not be conducive to the just, quick and cheap disposal of the proceedings, may apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such disposal.

Pleadings and Entry in the Lists

8. A matter in the Lists shall be commenced in the general form of Summons prescribed under the UCPR. There is to be filed with the Summons a List Statement, for the Commercial List a “Commercial List Statement” and for the Technology and Construction List a “Technology and Construction List Statement”, setting out, in summary form, in the form of Annexure 1:

- the nature of the dispute;
- the issues which the plaintiff believes are likely to arise,
- the plaintiff’s contentions;
- the questions (if any) the plaintiff considers are appropriate to be referred to a referee for inquiry and report; and
- a statement as to whether the parties have attempted to mediate ***and*** whether the plaintiff is willing to proceed to mediation at an appropriate time.

9. The plaintiff’s contentions should:

- avoid formality;
- state the allegations the plaintiff makes with adequate particulars; and
- identify the legal grounds for the relief claimed.

10. A defendant shall file and serve a List Response, in the Commercial List a “Commercial List Response” or in the Technology and Construction List a “Technology and Construction List Response”, setting out, in summary form in the form of Annexure 1:

- the nature of the dispute;
- the issues which the defendant believes are likely to arise
- the defendant’s response to the plaintiff’s contentions including the legal grounds for opposition to the relief claimed in the Summons ;
- the questions (if any) the defendant considers are appropriate to be referred to a referee for inquiry and report; and
- a statement as to whether the parties have attempted to mediate ***and*** whether the defendant is willing to proceed to mediation at an appropriate time.

11. The defendant’s contentions should:

- avoid formality;
- admit or deny the allegations the plaintiff makes;
- in so far as they do not already appear state the allegations the defendant makes including adequate particulars of those allegations; and
- identify the legal grounds for opposition to the relief claimed in the Summons.

12. Any Cross-Claim shall be made in the general form of Cross-Summons prescribed under the UCPR. There is to be filed and served with any Cross-Summons a List Cross-Claim Statement, in the Commercial List a “Commercial List Cross-Claim Statement” or, in the Technology and Construction List a “Technology and Construction List Cross-Claim Statement” setting out the matters listed in paragraphs 8 and 9 above in the form of Annexure 1.

13. A Cross-Defendant shall file and serve a List Cross-Claim Response, in the Commercial List a “Commercial List Cross-Claim Response” or, in the Technology and Construction List, a “Technology and Construction List Cross-Claim Response” setting out the matters listed in paragraphs 10 and 11 above in the form of Annexure 1.

14. At the time of service of any Cross-Summons the Cross-Claimant is to serve on the Cross-Defendant copies of the Summons and any other Cross-Summons together with any relevant List Statement and List Response and any List Cross-Claim Statement and List Cross-Claim Response that have been served on or by the Cross-Claimant.

15. Any party moving for an order for entry of any proceedings in either of the Lists shall move by Notice of Motion at the earliest possible time and shall file and serve with the Notice of Motion a relevant List Statement or List Response.

16. Any motion for an order for entry of proceedings in either of the Lists shall be made returnable before the List Judge on a Friday.

17. For ease of reference all List Statements and Responses (including in relation to Cross-Claims) must include a Front Sheet identifying the names of the parties and their designation as plaintiff or defendant or Cross-Claimant or Cross-Defendant. This paragraph does not apply to a Summons or Cross-Summons.

Removal from the Lists

18. Upon an order being made removing proceedings from either of the Lists and subject to paragraph 19, this Practice Note shall not apply to the proceedings from the making of that order.

19. The Court may direct that this Practice Note shall continue to apply to the proceedings to the extent stated in the direction.

20. The making of an order removing proceedings from either of the Lists shall not affect any orders made or directions given prior to such removal.

Motions and Directions

21. All proceedings in the Lists are case managed by the List Judge with the aim of ensuring a speedy resolution of the real issues between the parties. The Lists are administered in Court on Friday of each week. Motions are listed at 9.15 am and are called through for the purpose of ascertaining the length of the hearing and allocating a time for hearing on that or some other day. Directions in the Commercial List commence at 9.45am and directions in the Technology and Construction List commence at 12 noon. The times for the commencement of the Motions and Directions hearings may change and Practitioners should always check the daily court lists as published prior to attendance at Court on a Friday.

22. The Court’s expectation of Practitioners appearing in the Lists includes that:

- careful review of the case will be made as early as practicable for the purpose of informing the Court of its suitability for mediation, for reference out of all or some of the issues, and/or for the use of a single expert, or a Court Appointed Expert or the use of an appropriate concurrent evidence process;

- at the time the matter is set down for hearing trial counsel will provide to the Court:
(1) a considered opinion of the realistic estimate of the time required for trial; and
(2) the allocation of time for their client's evidence and submissions in the stopwatch system for trial.
- agreement will be reached on a timetable for the preparation of matters for trial and/or reference and/or mediation and Consent Orders will be handed up during the directions hearing;
- if there is slippage in an agreed timetable, further agreement will be reached without the need for the intervention of the Court; and
- requests for Court intervention in relation to timetabling will only be sought rarely when, for good reason, agreement has proved to be impossible;

23. To facilitate the just, quick and cheap resolution of matters Consent Orders will be made by the List Judge in Chambers on days other than Friday by application in writing to the List Judge's Associate. When Consent Orders are to be made either in Chambers or in Court varying a timetable, it is imperative that those Orders include the vacation of any date for directions hearings or the hearing of Motions that the parties no longer wish to maintain. If the proceedings settle, it is necessary to have the List Judge make Orders finalising the litigation, rather than filing Terms or Orders with the Registry. Those Orders may also be made by consent in Chambers.

24. The Lists close at 12 noon on Thursday. Any application to add a matter to the List or remove a matter from the List must be made prior to 12 noon on Thursday. Such applications are to be made in writing to the List Judge's Associate.

25. At the first and/or subsequent directions hearings orders will be made and directions given with a view to the just, quick and cheap disposal of the proceedings. The orders or directions may relate to:

- the filing of a Summons, List Statements, List Responses or other documents;
- the filing of a Cross-Summons, List Cross-Claim Statements or Responses;
- the filing of a statement of agreed issues and the result in the proceedings according to the determination of those issues;
- the provision of any essential further particulars that are not contained in the List Statements or Responses;
- the making of admissions, pursuant to a notice to admit facts or otherwise;
- the appointment of a single expert or a Court Appointed Expert;
- the holding of conferences of experts including with a view to providing joint reports and/or agendas for use in the concurrent evidence method at trial;
- the filing of lists of documents either generally or with respect to specific matters;
- the preparation of a Scott Schedule;
- the provision of copies of documents;
- the administration and answering of interrogatories either generally or with respect to specific matters;

- the service and/or filing of affidavits or statements of evidence by a specified date or dates;
- the reference to a referee for inquiry and report of the whole of the proceedings or any question arising therein;
- the obtaining of the assistance of any person specially qualified to advise on any matter arising in the proceedings.

26. Orders or directions relating to the provision of particulars, the filing of lists of documents and the administration of interrogatories will be made only upon proof of necessity.

27. With the exception of evidence in support of interlocutory applications, the former practice of filing evidence as case preparation occurs is to cease. Timetables for case preparation should include provision for the serving of evidence on the other parties but not filing it with the Court. Evidence to be relied upon at trial will only be filed with the Court at the time provided for in the Usual Order for Hearing.

28. Evidence to be relied upon in support of interlocutory applications is to be served on the other parties and filed with the Court. Timetables for preparation of such applications should include provision for that process.

Orders for reference

29. Consideration should be given throughout the course of proceedings as to whether any questions are appropriate for referral to a referee for inquiry and report.

30. Where questions are appropriate to be referred to a referee for inquiry and report, the parties should:

- formulate the questions with precision; and
- inform the Court of:
 - the identity of an agreed referee or, if no agreement can be reached, the referee each suggests;
 - the date on which the referee can commence the reference;
 - the expected duration of the reference; and
 - the anticipated date for delivery of the report.

31. An order made for reference to a referee for inquiry and report will normally be in the form of the Usual Order for Reference set out in Annexure 2.

32. Consent Orders for amendment to the matters referred to the Referee in the Schedule to the Usual Order for Reference may be filed with the List Judge's Associate in writing for the making of such order in Chambers. Any contested amendments are to be heard in the Motions List on Fridays.

Representation

33. Each party not appearing in person shall be represented at any directions hearing by a barrister or a solicitor familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.

34. Practitioners should have communicated prior to the directions hearing with a view to agreement on directions to propose to the Court and preparation of short minutes recording the directions.

Urgent applications and liberty to apply

35. A party seeking ex parte or urgent orders or directions prior to the commencement of proceedings or in the course of the proceedings should telephone the Commercial List Judge's Associate, who will advise the party of the Judge to whom application should be made.

36. Parties have general liberty to apply and may cause proceedings to be listed at a directions hearing prior to a specified future directions hearing. A party seeking to do so should make prior arrangement with, or give appropriate notice to, any other party, and should send a fax to the List Judge's Associate who will advise the date for listing.

Listing for hearing

37. Where the whole, or any part, of the proceedings is/are to be heard by the Court, a date for hearing may be fixed prior to completion of interlocutory steps.

38. Proceedings will be fixed for hearing during a directions hearing in the Lists on Friday at which time the Court should be provided with a realistic estimate of the hearing time required and where there is to be an application for a stopwatch hearing, paragraphs 39 to 42 are applicable. Upon fixing a date for hearing the Court will normally direct that the Usual Order for Hearing set out in Annexure 3 shall apply, with or without modification.

Stopwatch Hearings

39. An option for matters that are heard by the Court and/or referred to Referees is the stopwatch method of trial or reference hearing. In advance of the trial or reference, the Court will make orders in respect of the estimated length of the trial or reference and the amount of time each party is permitted to utilise. The orders will allocate blocks of time to the aspects of the respective cases for examination in chief, cross-examination, re-examination and submissions. If it is in the interests of justice, the allocation of time will be adjusted by the Court or the Referee to accommodate developments in the trial or reference.

40. This method of hearing is aimed at achieving a more cost effective resolution of the real issues between the parties. It will require more intensive planning by counsel and solicitors prior to trial including conferring with opposing solicitors and counsel to ascertain estimates of time for cross-examination of witnesses and submissions to be built in to the estimate for hearing.

41. Any party wishing to have a stopwatch hearing must notify the other party/parties in writing prior to the matter being set down for hearing or reference out. At the time the matter is set down for hearing or referred out to a Referee it is expected that solicitors or counsel briefed on hearing will be able to advise the Court:

- whether there is consent to a stopwatch hearing;
- if there is no consent, the reasons why there should not be a stopwatch hearing.

42. If there is consent to a stopwatch hearing counsel and/or solicitors must be in a position to advise the Court of:

- the joint estimate of the time for the hearing of the matter; and
- the way in which the time is to be allocated to each party and for what aspect of the case.

Experts

43. The use of a single expert or a Court Appointed Expert and/or the concurrent evidence of experts is encouraged in suitable cases. The parties are to confer as early as practicable with a view to reaching agreement as to whether the use of such an expert or the concurrent evidence of experts is appropriate and, if agreed, the inclusion of such appointment and/or adoption of concurrent evidence should be accommodated in the timetable for the preparation for hearing.

44. Where experts' reports have been or are to be served (whether or not pursuant to an order or direction of the Court) the Court will, unless otherwise persuaded, direct, upon such terms as it thinks fit, that the parties cause the experts or some of them to confer with a view to identification of and a proper understanding of any points of difference between them and the reasons therefor and a narrowing of such points of difference. The Court may, at the same time or subsequently, direct that the parties and/or the experts prepare an agreed statement of the points of agreement, and of difference remaining, between experts following such conference and the reasons therefore (see Schedule 7 of the UCPR).

Proportionate Liability

45. Any party in proceedings involving an apportionable claim, who has reasonable grounds to believe that a particular person may be a concurrent wrongdoer in relation to the claim(s) must, as soon as practicable, give written notice to all other parties to the proceedings of: (1) the identity of that person; and (2) the alleged circumstances that may make that person a concurrent wrongdoer.

Costs

46. Unless otherwise ordered, a party in whose favour an order for costs is made may proceed to assessment of such costs forthwith.

47. The cost of unnecessary photocopying and assembly of documents is unacceptable. It is incumbent on the lawyers for the parties to carefully consider the documents necessary to be included in the tender bundle. Excessive documents may attract adverse costs orders.

Mediation

48. The parties should be aware of the provisions of Part 4 of the CPA and relevant parts of the UCPR relating to mediation.

49. It is expected that prior to the commencement of proceedings in the Lists, the parties will have considered referral of their disputes to mediation. It is also expected that the lawyers, or the litigant if not legally represented, will be in a position to advise the Court on the first return date of the Summons whether: (a) the parties have attempted mediation; and (b) their respective clients are willing to proceed to mediation at an appropriate time.

50. If a matter is referred to mediation by consent and/or by an order pursuant to the section 26 of the CPA, the parties are to ensure that the person(s) who is (are) able to make a decision as to whether the matter settles is present personally or by authorised nominee(s) at the mediation.

Summary judgment

51. As a general rule applications to strike out or for summary judgment will not be entertained. Sometimes applications are appropriate, but Practitioners should expect strictness in declining to entertain such applications.

Use of technology

52. The use is encouraged, where appropriate, of technology permitting the taking of evidence in, or other conduct of, proceedings by video link or conference telephone and the management of documents and transcript. Practitioners should propose the use of such technology when appropriate, and the Court may give directions involving its use: for example, in major cases with a view to statements, documents and transcript being available to all concerned on a common data base.

J J Spigelman AC
Chief Justice of New South Wales
15 August 2006.

Related Information

Practice Note SC Eq 3 was issued and commenced on 1 September 2006.

See also:

Supreme Court Practice Note SC Gen 1 – Application of Practice Notes

Supreme Court Practice Note SC Gen 6 – Mediation

Supreme Court Practice Note SC Gen 7 – Use of technology

Supreme Court Practice Note SC Gen 12 – Joint conferences of expert witnesses

Civil Procedure Act 2005

Uniform Civil Procedure Rules 2005

Supreme Court Rules 1970

Amendment History

This Practice Note replaces SC Eq 3 issued on 17 August 2005.

Practice Note SC Eq 3 issued on 17 August 2005 replaced Former Practice Note No. 100 on 17 August 2005.

ANNEXURE 1

[LIST] STATEMENT [OR] LIST CROSS CLAIM STATEMENT

[LIST] RESPONSE [OR] LIST CROSS CLAIM RESPONSE

A. NATURE OF DISPUTE

B. ISSUES LIKELY TO ARISE

C. PLAINTIFF'S [or CROSS CLAIMANT'S] CONTENTIONS

[or C DEFENDANT'S [or CROSS DEFENDANT'S] RESPONSES TO CONTENTIONS

which should include reference to any relief claimed in the Summons or Cross Summons that are admitted, not admitted or denied.

D. QUESTIONS APPROPRIATE FOR REFERRAL TO A REFEREE

E. A STATEMENT AS TO WHETHER THE PARTIES HAVE ATTEMPTED MEDIATION; WHETHER THE PARTY IS WILLING TO PROCEED TO MEDIATION AT AN APPROPRIATE TIME.

ANNEXURE 2

USUAL ORDER FOR REFERENCE

1 Pursuant to Part 20 rule 14 of the Uniform Civil Procedure Rules (the "UCPR"), refer to *[state name of referee]* for enquiry and report the matter in the Schedule hereto.

2 Direct that (without affecting the powers of the Court as to costs) the parties, namely *[state relevant parties]*, be jointly and severally liable to the referee for the fees payable to him.

3 Direct that the parties deliver to the referee forthwith a copy of this order together with a copy of Division 3 of Part 20 of the UCPR.

4 Direct that:

- (a) subject to paras (b) and (c) hereof the provisions of Pt 20 r 20 shall apply to the conduct of proceedings under the reference;
- (b) the reference will commence on *[date]* unless otherwise ordered by the referee;
- (c) the referee consider and implement such manner of conducting proceedings under the reference as will, without undue formality or delay, enable a just determination to be made including, if the referee thinks fit:
 - (i) the making of inquiries by telephone;
 - (ii) site inspection;
 - (iii) inspection of plant and equipment; and
 - (iv) communication with experts retained on behalf of the party;
- (d) any evidence in chief before the referee shall, unless the referee otherwise permits, be by way of written statements signed by the maker of the statement;

(e) the referee submit the report to the Court in accordance with Pt 20 r 23 addressed to the Equity Division Registrar on or before *[date]*.

5 Amendments to the Schedule, whether by agreement or on a contested basis, are to be the subject of an order made by the Court.

6 If for any reason the Referee is unable to comply with the Order for delivery of the report to the Court by the date in this Usual Order for Reference, the Referee is to provide to the List Judge an Interim Report setting out the reasons for such inability and an application to extend the time within which to deliver the report to the Court to a date when the Referee will be able to provide the Report.

7 Grant liberty to the referee or any party to seek directions with respect to any matter arising in proceedings under the reference upon application made on 24 hours' notice or such less notice ordered by the Court.

8 Reserve costs of the proceedings.

9 Stand the proceedings over for further directions on *[date]*.

SCHEDULE

The whole of the proceedings; or

The following questions arising in the proceedings, namely *[state the questions]*.

ANNEXURE 3

USUAL ORDER FOR HEARING

Experts' Reports

1 In any case in which there is expert evidence to be relied upon by the parties, the experts are to meet no later than 3 weeks before trial for the purpose of reaching agreement on as many issues as possible and producing: (a) a joint report; and (b) any separate report(s) dealing with those matters that are unable to be agreed.

2 The joint report and any separate report(s) are to be filed and served no later than 5 working days before trial.

3 In cases in which expert evidence is to be given concurrently, the experts are to meet no later than 3 weeks prior to trial for the purpose of producing: (a) a joint report; (b) any separate report(s) dealing with those matters that are unable to be agreed; and (c) a draft agenda for discussion of the contested issues in the concurrent evidence session at trial.

4 The joint report and any separate report(s) and the draft agenda are to be filed and served no later than 5 working days before trial.

Affidavits and Statements

5 Where no directions have been given for the service of affidavits or statements of evidence, each party shall, not less than 28 days before the date fixed for hearing, serve on each other

party a statement of the evidence proposed to be led from each witness to be called by that party, signed by the proposed witness, unless the Court otherwise orders.

6 Where directions have been given for the service of affidavits or statements of evidence, or where paragraph 2 of this order applies:

- (a) a party who fails to comply with an order made for the service of affidavits or statements of evidence, or with paragraph 2 of this order, may not adduce evidence to which the order, or paragraph 2 of this order, applies without the leave of the Court;
- (b) at least 14 days before the date fixed for hearing each party shall, by notice in writing to each other party, state whether he or she proposes to object to the whole or any part of any affidavit or statement of evidence and the grounds for the objections;
- (c) the Court may, on such terms as it thinks fit, direct that the statement of evidence served, or part of it, stand as the evidence in chief of the witness, or as part of such evidence;
- (d) if the affidavit is not read or the maker of the statement of evidence is not called as a witness, no other party may put the affidavit or statement in evidence without the leave of the Court;
- (e) if the affidavit is read or the maker of the statement of evidence called as a witness, then save in relation to new matters which have arisen in the course of the trial, the party serving the affidavit or statement may not lead evidence from the deponent or the maker of the statement of evidence (as the case may be), the substance of which is not included in the affidavit or statement of evidence served without the leave of the Court;
- (f) whether or not the affidavit or statement of evidence or any part of it is used in evidence by the party calling the witness, if the deponent or the maker of the statement of evidence is called as a witness any other party may use the affidavit or statement of evidence or any part of it in cross-examination of the witness unless the Court otherwise orders;
- (g) nothing in this order shall otherwise deprive any party of any proper objection to the admissibility of evidence.

Documents – Court Book

7 (1) By no later than 6 weeks before the date fixed for hearing each party shall, by notice in writing to each other party, specify what documents it proposes to have included in the Court Book at the hearing and, in the event that there has not been inspection, where the documents may be inspected.

7 (2) Within 10 working days thereafter, each party shall advise each other party in writing:

- (a) which of the specified documents may be included in the Court Book by consent;
- (b) whether the authenticity of any of the remaining documents, and if so which, is disputed; and
- (c) in so far as any document may not be included in the Court Book by consent, the grounds for the objection to its inclusion.

7 (3) Each party other than the plaintiff shall, not later than 3 weeks prior to the date fixed for hearing, deliver to the plaintiff 2 copies of all documents intended by such party to be included in the Court Book at the hearing which have not been specified in the plaintiff's notice referred to in subparagraph (1).

7(4) If any party intends to tender an original document that party shall, at least 3 weeks before the date fixed for hearing, give notice of that intention to all other parties. If any party requires another party to tender an original document that party shall, at least 3 weeks prior to the date fixed for hearing, give notice of that requirement to the other party.

7(5) The party in possession of any document the subject of a notice in accordance with subparagraph (4) shall make the document available for inspection prior to the date of hearing at the chambers of the barrister or office of the solicitor for that party giving the notice.

7(6) Where an order has been made for the filing of lists of documents:

- (a) until the conclusion of the hearing each party shall be under a continuing obligation to disclose any document relevant to any matter in issue with respect to the matters specified in the original order;
- (b) in the event that a party becomes aware that documents which have been in its possession have not been included in its list of documents, whether by reason of oversight or otherwise, that party shall forthwith include, and clearly identify, particulars of those additional documents in a supplementary list and file and serve an affidavit specifying the reason for the failure to disclose the documents in the original list;
- (c) at least 7 working days before the date fixed for hearing, each party shall file and serve a supplementary list of the documents (if any) with respect to the matters specified in the original order which have come into its possession since the time of serving its list of documents, but excluding copies of documents received pursuant to discovery from any other party and copies of subpoenaed documents to which all parties have been granted access, and shall give supplementary inspection.

Filing with the Court

8 No later than 10 working days before the hearing:

all parties' barristers or solicitors shall cause to be filed with the Court a folder of all affidavits, statements and reports to be relied upon at trial with an index setting out in alphabetical order (a) the name of the deponent or maker of the statement or report; (b) the date of the affidavit, statement or report; and (c) a short statement identifying the role of the deponent or the maker of the statement or report.

9. No later than 5 working day before the hearing:

9.1 The plaintiff shall file, paginated and indexed, two copies of the Court Book intended to be tendered at the hearing by any party. The index of documents should indicate documents the tender of which is agreed and, in relation to the documents as to which there is no agreement, which documents they are and whether lodged on behalf of the plaintiff or on behalf of any other party to the proceedings and, if so, which party.

10. No later than 2 working days before the hearing:

10.1 Each barrister or solicitor shall cause to be filed and served a short outline of submissions; a statement of the real issues for determination; a list of authorities; and a chronology of relevant events.

11. Compliance with orders 9 and 10 is to be by delivery to the trial Judge's Associate or, if the identity of the trial Judge is unknown at the time for compliance, by delivery to the List Judge's Associate.



PRACTICE NOTE SC Gen 7

Supreme Court – Use of technology

Commencement

1. This Practice Note commences on 1 September 2006.

Application

2. This Practice Note applies to new and existing proceedings in the court, except as otherwise stated.

Definitions

3. In this Practice Note:

SCR means the *Supreme Court Rules 1970*

UCPR means the *Uniform Civil Procedure Rules 2005*

ASCII means *American Standard Code for Information Interchange*. ASCII is the most common format for text files in computers and on the Internet. In an ASCII file, each alphabetic, numeric, or special character is represented with a 7-bit binary number

Database means *a collection of data that is organised so that its contents can easily be accessed, managed and updated*

Delimiter means *a character that identifies the beginning or the end of a character string (a contiguous sequence of characters)*

Electronic Data means *information that has been translated into a form that is more convenient to move or process*

Field means *a column of data within a database*. Each record (row) can be made up of a number of pieces of information and, therefore, consists of a number of fields. These fields may be displayed as a box to enter or display data (in a form or report)

GIF means *Graphics Interchange Format*. A GIF is one of the two most common file formats for graphic images on the World Wide Web. The other is JPEG

HTML means *Hypertext Markup Language*. HTML is the set of "markup" symbols or codes inserted in a file intended for display on a World Wide Web browser

Image means *a picture that has been created or copied and stored in electronic form, an electronic photocopy*

Medium means *a third-party or element through which a message is communicated*

PDF means *Portable Document Format*. PDF is a file format that has captured all the elements of a printed document. PDF is also an abbreviation for the Netware Printer Definition File but is not used in this document in this way

RTF means *Rich Text Format*. RTF is a file format that allows exchange of text files between different word processors in different operating systems

SQL means *Structured Query Language*. SQL is a standard interactive and programming language for getting information from and updating a database

TIF or **TIFF** means *Tagged Imaged File Format*. TIFF is a common format for exchanging raster (bitmapped) images between application programs, including those used for scanning images

Virus means *a piece of programming code inserted into other programming to cause some unexpected and, for the victim, usually undesirable event*. Viruses can be transmitted by downloading programs from infected sites (including internet sites) or they may be present on a diskette received from an infected system

Introduction

4. The purpose of this Practice Note is to set out a protocol for the use of technology in courtrooms and jury deliberation rooms and, in relation to civil litigation, to:
 - encourage the use of information technology as a means of improving the efficiency of civil litigation in general;
 - emphasise the court's power to require the use of technology in particular cases or circumstances;
 - offer guidelines on the matters parties in civil actions ought to take into account in deciding how to make use of technology; and
 - offer examples and suggested standards to assist parties in agreeing upon the extent and manner in which they will use technology to exchange information.

Use of technology in courtrooms and jury deliberation rooms

5. Parties should give the Court as much notice as possible if they require technology in the courtroom or jury deliberation room during their hearing. Equipment and services may be required, such as hardware, software and additional infrastructure and a third party service provider may need to be engaged. Technology may include:
 - Real time transcript;
 - Video-conferencing; and
 - Computers at the bar table.
6. The trial or presiding judge must give approval before technology may be installed or used in courtrooms or jury deliberation rooms. Where such a judge has not yet been allocated, parties should obtain approval from the relevant List Judge.
7. When a judge approves the use of technology, he/she will ask the registry to make all arrangements. In most circumstances the Court will install its own equipment and, in civil matters, the parties will be asked to meet all associated costs.

8. A document *Technology in the courtroom - Protocols and Procedures for Video and Audio Link* is available on the Court's website, along with the relevant forms.

Encouraging the use of technology in civil litigation

9. All parties in civil proceedings are required at all stages of their litigation to consider the prospect of using technology for the purposes of information exchange and at trial itself. In preparing a case for trial the parties are specifically encouraged to:
- use electronic data to create lists of their discoverable documents;
 - give discovery by exchanging databases created in accordance with an agreed protocol;
 - exchange electronic versions of documents such as pleadings and statements;
 - arrange for inspection of discovered material, and other material to be inspected by way of images if appropriate; and
 - consider the use of electronic data at trial in accordance with the Court's requirements.

Directions

10. The Court retains the power to direct parties to use information technology in appropriate cases. Parties shall comply with any directions issued by the Court in relation to the use of technology and shall comply with any requirements published by the Court in relation to issues concerning the use of technology, such as document formats.
11. It should be noted that whilst this practice note is advisory in nature the Court may mandate the use of the technology standards it describes in cases where the parties fail to agree on exchange and presentation mechanisms within a reasonable time frame.

Electronic exchange of Court documents

12. Where a party serves a pleading, affidavit, statement, list of documents or interrogatory on another party, the recipient may ask the first party to also provide a copy of it in an electronic format.
13. The Court expects parties to accede to reasonable requests for copies of court documents in an electronic format. Before providing copies the parties shall make all reasonable efforts to agree upon:
- the word processing or other format in which electronic versions will be provided;
 - the methods by which electronic versions will be exchanged; and
 - any other terms and conditions of electronic exchange.

Document formats

14. Where appropriate the parties may wish to agree upon the preparation of a document in a structured format, such as HTML, so that hypertext links can be made where appropriate. For example, if a document refers to a document ID, a hypertext link can be made to the relevant document image.

Content of Court documents

15. A court document provided by a party in electronic format shall contain the same text as the paper copy. Where a court document contains an annexure, however, the text of the annexure will be expected to be contained within the electronic copy only where the annexure was created for the purposes of the litigation by or on behalf of that party or that party's solicitor.

Risk of computer viruses

16. Generally it will not be regarded as unreasonable for a party to provide documents in electronic format subject to a condition that it is the responsibility of the recipient to test it for viruses.

Providing electronic copies to the Court

17. The Court may direct a party to provide the Court with copies of court documents in an electronic format. A party who provides a document to the Court in electronic format shall provide appropriate written warnings about the need to test for viruses.

Electronic exchange of discovery lists and documents

18. As a general rule the Court will expect the parties to consider preferring the use of technology to exchange information where they believe more than 500 documents between them will be discoverable. Decisions about the appropriate use of technology will be better informed if the parties have identified early in the proceedings the scope of discovery and the categories of documents likely to be discovered.

Agreement by written protocol

19. Where the parties agree that discovery should be given by exchange of electronic data they should:
- endeavour to reach agreement early in the proceedings on the protocol to be used and the scope of that protocol; and
 - seek either consent orders or directions from the Court, if agreement is not reached, concerning the terms of the protocol.

Directions by the Court

20. The Court may make orders that parties:
- meet to discuss how best to use information technology to exchange information about their discoverable documents;
 - make written submissions on how best to use technology with respect to discovery and the management of information in the proceedings generally.
21. As a general rule, by the second directions hearing the Court will expect each party:
- to have investigated the number and categories of documents likely to be discoverable by that party, taking into account any limits on discovery that may be agreed between the parties or are the subject of a direction by the Court;
 - to have attempted to agree with the other parties on whether and how to use technology to exchange lists of their discoverable documents; and

- to be able to make informed submissions about whether and how technology should be used to exchange lists of their discoverable documents.

Technology checklist

22. In developing a protocol on electronic exchange the parties shall consider the matters described in the annexed Technology Check List. The checklist is a guide only and parties should feel free to agree on appropriate changes to it. However, if the parties are unable to agree on a protocol then the default options indicated in the checklist will apply as a minimum standard.

Recommended fields

23. The fields and associated guidelines described in Annexure 1 are those that ought be used for the purpose of electronic exchange and which may be mandated by the Court in a given case, in the absence of agreement to the contrary by the parties.

Verification of electronic lists

24. Each party shall consider how lists of documents shall be verified where data about those documents is to be exchanged electronically.

Orders to dispense with verifications by affidavit

25. Existing rules of Court presuppose that a hard copy list of documents will be verified by affidavit. Where a party believes that it is appropriate to dispense with verification of a hard copy list, that party should ask the Court for an appropriate direction.

Verification by reference to method of service

26. As an alternative to verification of a hard copy list, the parties may wish to consider asking for a direction that the verifying affidavit identify the documents by reference to the medium by which the data was served and the date of service. For example, the affidavit may refer, in a hypothetical case, to: *the documents described in the database contained on the compact disks served on the defendant under cover of letters date 21 January, 24 January and 29 March 2003.*

Providing electronic lists of documents to the Court

27. The parties shall consider whether data relating to their discoverable documents should be provided to the Court in addition to any hard copy list.

Use of technology during a hearing

28. Where parties have used databases or databases and associated documents or images to facilitate discovery and inspection, the parties should consider and make submissions about how best to use technology at the hearing. For example, the parties' discovery databases might form the basis of an index to the agreed bundle, or for the creation of a database of documents admitted into evidence and rulings on the admissibility of documents.

J J Spigelman AC
Chief Justice of New South Wales
15 August 2006

Related Information

Practice Note SC Gen 7 was issued and commenced on 1 September 2006.

See also:

Technology in the courtroom - Protocols and Procedures for Video and Audio Link

Video-Link call application form

Video/audio-link call order form

Video-link set-up form

Amendment History

This Practice Note replaces SC Gen 7 issued on 17 August 2005.

Practice Note SC Gen 7 issued on 17 August 2005 replaced Former Practice Note No. 127.

Annexure 1

Recommended fields

Field	Data type and length	Notes
Document ID (Default field 1)	Text and Numbers (if appropriate) Length - depending on field structure	<p>Each document should be uniquely identified. The field may be broken into different components such as First Page and Last Page providing the parties agree. The field or fields might comprise a four-part number in form AAA.NNN.NNN.NNNN where "AAA" represents alphabetic shorthand for the party name. The other three sets of numbers could be used to suit the convenience of the parties. It may be useful if the first set is used to refer to an archive box number, the second to the number of the folder within the box, and the third to the page number. Rules for the numbering hierarchy can be agreed prior to discovery and the above is to be used as a guide not the definitive form.</p> <p>The parties should consider whether each page should be individually numbered or agree on some other satisfactory arrangement. If agreement is not reached then the parties should seek the Court's direction. If the parties agree not to number each page, consideration should be given to an additional field recording the number of pages in each document. Attachments to documents can be separately listed and numbered. Attachments can be numbered sequentially following the host document. For example, a host document may be numbered XXX.001.001.0001 and its attachments would be numbered as XXX.001.001.0002, XXX.001.001.0003 and XXX.001.001.0004.</p> <p>If imaging is to be used the parties can agree to any additional information about document identification. It is recommended that the document ID match the image file name i.e. where the document id is AAA.NNN.NNN.NNNN then the image file name should be AAA.NNN.NNN.NNNN.tiff</p>
Attachments	Text & Number, Length - depending on the number of attachments	Contains first and last pages of each document physically attached to a discovered document. Does not include documents that are only referred to in a discovered document. Each attachment should be listed separately, with its own discovery number and details. Multiple entries to be separated by commas.

Host Document Number	Text and Number, Length depending on the document ID structure	Contains First Page and - if agreed - Last Page of the host document to which an attachment is attached. Should never be multiple entries in this field, as each attachment should only ever have one host document.
Document Group	Text, 3	HWA Host with attachment HNA Host no attachment ATT Attachment This field may be required if parties agree to swap image files.
Date (Default field 2)	Date, 11	Date can be inserted as: DD/MMM/YYYY for example 05/Sep/1996 DD = Day MMM = Month YYYY = Year <u>Undated documents:</u> = Documents with no discernible date should be coded to a standard agreed between the parties which the parties will recognise as "undated." For example, the date field may be left blank. (Where this option is selected the parties may choose to enter the word "undated" in an additional text field.) Alternatively, an agreed date format such as 01/Jan/1801 should be used. It is important to note that databases that use a Date Type format may not accept text such as 'Undated' or dates that include '00' in the field. If there is no way of ascertaining the date of the document*: Documents with only the month and year (e.g. August 1997) can be coded with the first day of the month, the month and the year (e.g. 01/Aug/1997) and a 'Yes' an entry should be made in the next field - "Estimated Date" field. Documents with the day and month but no year are considered undated. For example, a document dated 04/Apr will should be coded as "undated." as the year cannot be identified. Documents with just the year (e.g. 1997) should be coded with the first day of January (e.g. 01/Jan/1997) and a 'Yes' entry should be made in the 'Estimated Date' field. *If there is no way of ascertaining the date of the document, then the parties may agree upon what naming convention to use, for example, "Undated", or 00/00/0000, however, it should be noted that some database formats may not recognise these codes.
Document type	Text, 254	This field is completed using commonly received document types e.g. letter, memo, deed. Parties should endeavour to create a list of agreed document types prior

(Default field 3)		to discovery. If the document has been faxed, this field should include "facsimile". If a group of documents is being discovered as a bundle, this field should be completed as "Bundle of <i>document type</i> ".
Privilege	Text, 6	This identifies whether a claim of privilege is made over the document. The permissible entries in this field are "YES", "NO" and "PART". If this field is completed with "YES" or "PART", the basis of privilege field must also be completed.
Basis of Privilege	Text, 50 (or combination of text and numbers)	Identifies basis of privilege claim. Parties should agree how they will identify privilege claims. One possibility is to set out here the basis of the claim that the document is privileged eg, the section or sections of the Evidence Act.
Status	Text, 10	"Copy" or 'Original' or "Fax". "Fax" should be used for a document that is either the original facsimile document (i.e. the document sent by the sender) or an original facsimile copy produced by the recipient's facsimile machine.
Author (Default field 4)	Text, 254 or as appropriate	Person or persons who wrote the document. To be completed using information on the face of the document. Last name First initial only eg. "Smith B". If more than one author enter as "Brown J; Jones J, ..." etc. If more than one addressee for one company, enter as "Brown J; Jones J;..." etc. Other ways of addressing multiple values can be agreed between the parties.
Author Organisation (Default field 4)	Text, 254 or as appropriate	Organisation from which the document emanated. To be completed from information on the face of the document. Multiple entries to be separated by commas. Parties should agree on standard spellings or abbreviations for organisations. Other ways of addressing multiple values can be agreed between the parties.
Addressee (Default field 5)	Text, 254 or as appropriate	Person or persons to whom the document is addressed. Includes persons to whom copies are circulated. To be completed from information on the face of the document. Last name First initial only eg. "Smith B". Multiple entries to be separated by commas. Other ways of addressing multiple values can be agreed between the parties.
Addressee Organisation (Default field 5)	Text, 254 or as appropriate	Organisation receiving the document. To be completed from information on the face of the document. Multiple entries to be separated by commas. Parties should agree on standard spellings or abbreviations for organisations. Other ways of addressing multiple values can be agreed between the parties.
Parties	Text, 254 or as appropriate	Identifies parties to an agreement or other legal document (not correspondence). Multiple entries to be comma delimited.

Title (Default field 6)	Text, 254 or as appropriate	Title of a document such as "Report on Technology".
Source	Text, 20 or as appropriate	Parties may find this field useful to identify documents that have been obtained from someone other than the party giving discovery, e.g. documents obtained on subpoena or through some other compulsory process of obtaining access to documents. This field would identify the party from whom such documents were obtained.
Non-paper record	Text, 3	This field should be used to identify information recorded using media other than paper, where the relevant information has not been printed out and discovered in hard copy form, e.g. video and audio tapes, floppy disks and magnetic computer tapes. Permissible entries are "YES" and "NO".

Annexure 2

Technology checklist

** = default or minimum standard

Preparation stage	Type of document	Options
Pre-Trial	Exchange of Court Documents and Witness Statements	Hard copy only Electronic Copy only Hard copy and electronic copy**
	Electronic Document Format	Delimited ASCII text file** Word processing format _____ Excel spreadsheet XML Other _____
	Document Exchange Via	DX Courier Australia Post Floppy Disk** Electronic mail CD Rom Internet
Discovery	Exchange of Document Lists	Hard copy only Electronic Copy only Hard copy and electronic copy**
	Electronic Document List Format	Delimited ASCII text file** Word processing format _____ Excel spreadsheet XML Other _____
	Document Exchange Via	DX Courier Australia Post Floppy Disk** Electronic mail CD Rom Internet
	Example Database Formats	MS Access Lotus Notes Filemaker Pro MS SQL Sybase Excel Spreadsheet** Oracle Other

	Document Inspection Format	Hard copy only Electronic/image of hard copy Hard copy and electronic/image copy** Non-paper record for example, video/audio tape, database, microfiche, etc Other Medium _____
	Electronic Image Formats	TIFF – Multi TIFF – Single** PDF GIF Other
	Special Considerations	Redacting (masking) Confidentiality Other
Trial	Exchange of Agreed Bundle/Court Book Indexes	Hard copy only Electronic/image of hard copy Hard copy and electronic/image** copy Other Medium _____
	Electronic Document Index Format	Delimited ASCII text file** Word processing format Excel spreadsheet Other
	Document Exchange Via	DX Courier Australia Post Floppy Disk** Electronic mail CD Rom Internet/Intranet
Generally	Image Resolution	Images may be scanned in at around 200 dpi. Any greater file size may be unworkable.
	Filename Structure	Images may be named identically to the relevant Document ID or according to the agreed folder structure. If images are named in accordance with the naming convention of the full document ID then the dots within the Document ID may be omitted (other than the dot preceding the file extension).
	Special Considerations	Consideration should be given to: <ul style="list-style-type: none"> • whether there are any special requirements, such as redacting (masking) • the implications of using technology in respect of information that may be subject to confidentiality orders or undertakings.

	Recommended fields and default fields**	Among the Recommended Fields, the following are the default fields (those which the parties will be expected to use as a minimum standard unless otherwise agreed or ordered): <ul style="list-style-type: none">• Document ID• Date• Document type• Author/ Author organisation• Addressee/ Addressee organisation• Title
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KENO RULE ADDENDUM

The Keno Rules dated 23rd November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001, 1st March 2002, 1st September 2002, 1st February 2003, 27th June 2003, 18th October 2004, 21st November 2005) are further amended as set out in this Addendum. This Addendum is effective on and from 4th September 2006.

1. Definition of “Keno Bonus Jackpot Prize”

Insert the following definition:

“**Keno Bonus Jackpot Prize**” means the prize offered in respect of a Keno Bonus game played by a Subscriber in conjunction with Regular Keno Jackpot where a Regular Keno Jackpot Prize is payable and the Multiplier is either 2, 3, 4, 5 or 10.;

2. Definition of “Multiplier”

Insert the following as a new definition:

“**Multiplier**” means the multiplier that applies to the cumulative total of the twenty numbers Drawn from the range of numbers 1 to 80 inclusive, where:

- (a) the multiplier of 1x is assigned to the cumulative totals set out in Part A of the schedule;
- (b) the multiplier of 2x is assigned to the cumulative totals set out in Part B of the schedule;
- (c) the multiplier of 3x is assigned to the cumulative totals set out in Part C of the schedule;
- (d) the multiplier of 4x is assigned to the cumulative totals set out in Part D of the schedule;
- (e) the multiplier of 5x is assigned to the cumulative totals set out in Part E of the schedule;
and
- (f) the multiplier of 10x is assigned to the cumulative totals set out in Part F of the schedule;

3. Rule 18

Delete section (a) of the existing Rule and insert the following as a new Rule for section (a) only :

- (a) The following Approved Schedule of Prizes applies to all Games of Keno other than Lucky Last, Heads or Tails?, Keno Racing and Keno Roulette and Keno Bonus where it is played in conjunction with Lucky Last, Heads or Tails?, Keno Racing or Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots Matched	Number of Spots Selected				
	1	2	3	4	5
0					
1	3				
2		12	1	1	
3			44	4	2
4				120	14
5					640

Number of Spots Matched	Number of Spots Selected				
	6	7	8	9	10
0					
3	1	1			
4	5	3	2	1	1
5	80	12	7	5	2
6	1,800	125	60	20	6
7		\$5,000 plus Keno Bonus Jackpot Prize of \$7,000 (if payable) plus Jackpot Growth	675	210	50
8			\$25,000 plus Keno Bonus Jackpot Prize of \$38,000 (if payable) plus Jackpot Growth	2,500	580
9				\$100,000 plus Keno Bonus Jackpot Prize of \$180,000 (if payable) plus Jackpot Growth	10,000
10					\$250,000 plus Jackpot Fill of \$750,000 plus Keno Bonus Jackpot Prize of \$2,900,000 (if payable) plus Jackpot Growth

Number of Spots Matched	Number of Spots selected		
	15	20	40
0		100	250,000
1		10	25,000
2		2	2,200
3			200
4			35
5	1		7
6	2		2
7	4		1
8	20	2	
9	50	7	
10	250	20	
11	2,000	100	
12	12,000	450	
13	50,000	1,200	1
14	100,000	5,000	2
15	250,000	10,000	7
16		15,000	35
17		25,000	200
18		50,000	2,200
19		100,000	25,000
20		250,000	250,000

4. Schedule

Delete the existing schedule & insert the following schedule:

SCHEDULE

Part A – 1 x Multiplier

211	212	213	214	216	219	222	223	225	226	228	229	231	233	235	237	239	241	242	244
245	247	249	251	252	254	255	258	260	261	263	264	266	269	271	273	276	278	280	281
283	285	287	288	290	291	293	295	296	298	300	301	303	304	307	308	311	313	315	316
318	321	322	324	326	328	330	332	334	335	337	338	342	344	345	348	350	352	353	355
356	358	359	367	370	373	375	378	380	382	385	389	390	393	395	397	407	411	412	416
422	424	426	428	430	433	434	437	440	442	444	445	447	450	452	454	456	458	462	464
467	469	471	472	474	477	479	481	482	483	484	486	488	489	490	491	494	496	498	499
501	503	505	507	511	516	519	521	523	525	528	530	532	534	536	537	538	540	541	543
545	546	547	549	552	554	555	556	557	559	561	562	564	566	568	570	573	575	577	579
581	583	584	587	589	591	593	595	598	600	607	609	611	613	615	616	618	620	623	626
628	630	632	633	635	640	642	643	645	647	649	651	653	655	656	657	658	664	666	669
671	673	674	676	677	678	681	682	686	691	692	693	694	695	697	698	706	708	709	710
711	712	713	715	717	718	719	721	722	723	725	727	728	730	732	733	736	737	741	743
746	747	751	759	762	765	767	768	773	778	783	785	786	788	789	792	793	797	800	802
805	807	808	812	813	815	818	820	823	827	828	831	832	834	835	837	842	847	852	853
855	858	861	869	873	874	877	879	883	884	887	888	890	892	893	895	897	898	899	901
902	903	905	907	908	909	910	911	912	914	922	923	925	926	927	928	929	934	938	939
942	943	944	946	947	949	951	954	956	962	963	964	965	967	969	971	973	975	977	978
980	985	987	988	990	992	994	997	1000	1002	1004	1005	1007	1009	1011	1013	1020	1022	1025	1027
1029	1031	1033	1036	1037	1039	1041	1043	1045	1047	1050	1052	1054	1056	1058	1059	1061	1063	1064	1065

1066	1068	1071	1073	1074	1075	1077	1079	1080	1082	1083	1084	1086	1088	1090	1092	1095	1097	1099	1101
1143	1146	1148	1149	1151	1153	1156	1158	1162	1164	1166	1168	1170	1173	1175	1176	1178	1180	1183	1186
1187	1190	1192	1194	1196	1198	1204	1208	1209	1213	1223	1225	1227	1230	1231	1235	1238	1240	1242	1245
1247	1250	1253	1261	1262	1264	1265	1267	1268	1270	1272	1275	1276	1278	1282	1283	1285	1286	1288	1290
1292	1294	1296	1298	1299	1302	1304	1305	1307	1309	1312	1313	1316	1317	1319	1320	1322	1324	1325	1327
1329	1330	1332	1333	1335	1337	1339	1340	1342	1344	1347	1349	1351	1354	1356	1357	1359	1360	1362	1365
1366	1368	1369	1371	1373	1375	1376	1378	1379	1381	1383	1385	1387	1389	1391	1392	1394	1395	1397	1398
1401	1404	1406	1407	1408	1409														

Part B – 2 x Multiplier

215	218	221	230	234	248	270	277	317	320	327	333	360	362	365	372	374	377	379	381
383	386	388	392	398	404	406	414	420	425	427	429	436	443	449	453	461	466	473	487
492	508	510	513	527	531	542	558	567	571	580	585	588	596	601	604	610	634	641	644
659	660	661	663	668	672	680	683	685	687	690	696	701	703	714	724	731	735	738	742
749	752	755	756	760	764	766	771	775	776	777	780	781	784	795	798	801	803	806	810
814	817	819	822	825	836	839	840	843	844	845	849	854	856	860	864	865	868	871	878
882	885	889	896	906	917	919	924	930	933	935	937	940	948	952	957	959	960	961	976
976	979	986	1010	1016	1019	1024	1032	1035	1040	1049	1053	1062	1078	1089	1093	1107	1110	1112	1128
1133	1147	1154	1159	1167	1171	1177	1184	1191	1193	1195	1200	1206	1214	1216	1222	1228	1232	1234	1237
1241	1243	1246	1248	1255	1258	1260	1287	1293	1300	1303	1343	1350	1372	1386	1390	1399	1402	1405	

Part C – 3 x Multiplier

217	227	232	238	243	250	253	256	259	262	267	272	275	279	282	284	286	289	292	294
297	299	302	305	306	309	310	312	314	319	323	329	336	339	341	346	347	351	357	361
363	364	368	369	371	384	391	396	402	408	409	410	417	421	432	435	438	439	441	446
448	451	455	459	463	465	468	470	475	476	478	480	485	493	495	497	500	502	504	506
509	512	515	517	518	520	522	524	526	529	533	535	539	544	548	550	551	553	560	563
565	569	572	574	576	578	582	586	590	592	594	597	602	605	606	608	612	614	617	619
624	625	627	629	631	637	638	639	646	648	650	652	654	662	665	667	670	675	679	689
700	702	704	707	716	720	726	729	734	739	740	744	745	748	750	753	757	761	763	770
774	779	787	791	794	796	799	804	809	811	816	821	824	826	829	833	841	846	850	857
859	863	867	870	872	875	876	880	881	886	891	894	900	904	913	916	918	920	931	941
945	950	953	955	958	966	968	970	972	974	981	982	983	989	991	993	995	996	1001	1003
1006	1008	1012	1014	1015	1018	1023	1026	1028	1030	1034	1038	1042	1044	1046	1048	1051	1055	1057	1060
1067	1069	1070	1072	1076	1081	1085	1087	1091	1094	1096	1098	1100	1102	1103	1105	1108	1111	1114	1116
1118	1120	1123	1125	1127	1135	1140	1142	1144	1145	1150	1152	1155	1157	1161	1165	1169	1172	1174	1179
1181	1182	1185	1188	1199	1203	1210	1211	1212	1218	1224	1229	1236	1249	1251	1252	1256	1257	1259	1263
1269	1273	1274	1279	1281	1284	1291	1297	1301	1306	1308	1310	1311	1314	1315	1318	1321	1323	1326	1328
1331	1334	1336	1338	1341	1345	1348	1353	1358	1361	1364	1367	1370	1377	1382	1388	1393	1403		

Part D – 4 x Multiplier

210	240	340	343	354	376	400	423	599	622	758	769	772	782	790	830	838	848	851	862
998	1021	1197	1220	1244	1266	1277	1280	1380	1410										

Part E – 5 x Multiplier

220	236	257	265	274	325	349	366	387	394	399	401	403	405	413	418	419	431	457	460
514	621	636	688	699	705	754	866	915	921	932	984	999	1106	1160	1163	1189	1201	1202	1207
1215	1217	1219	1221	1226	1233	1254	1271	1295	1346	1355	1363	1384	1400						

Part F – 10 x Multiplier

224	246	268	331	415	603	684	936	1017	1205	1289	1352	1374	1396						
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TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BEGA VALLEY SHIRE COUNCIL

Shire of Bega Valley Tree Preservation Order

NOTICE is hereby given that under the provisions of Clause 8 of the Environmental Planning and Assessment Model Provisions 1980, as adopted by Bega Valley Local Environmental Plan 2002, the Council of the Shire of Bega Valley has by resolution at its meeting held on 8th August 2006, made a Tree Preservation Order and repealed the previous Order dated 14th November 1995.

Copies of the tree preservation order and accompanying policy document Local Development Code No. 2 – Tree Management are available from all Council Offices and from Council's web site: www.begavalley.nsw.gov.au. D. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega NSW 2550. [2303]

BEGA VALLEY SHIRE COUNCIL

Road Naming Eden

NOTICE is hereby given that the Bega Valley Shire Council has pursuant to section 162(1) of the Roads Act named the section of road as described hereunder:

The section of road to be constructed is between Bungo Street and Barclay Street, Eden, it is north of the existing Lake Street, which runs from Mitchell Street to Bungo Street. This is the extension of Lake Street between Bungo Street and Barclay Street is proposed to be named Lake Street North.

Authorised by Council Resolution of 8th August 2006. D. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega NSW 2550. [2304]

CESSNOCK CITY COUNCIL

Erratum

THE Cessnock City Council notice published in *New South Wales Government Gazette* No. 98, page 6153, on 4th August 2006, the description for the location of the proposed roads named Beaufort Avenue, Waterfort Close and Pondview Way was incorrect. The proposed public roads should be described as shown below:

Location	Name
New subdivision off Bimbadeen Road, Bellbird.	Beaufort Avenue.
New subdivision off Bimbadeen Road, Bellbird.	Waterfort Close.
New subdivision off Bimbadeen Road, Bellbird.	Pondview Way.

B. R. MORTOMORE, General Manager, Cessnock City Council, Administration Centre, 62-78 Vincent Street, Cessnock NSW 2325. (Reference: Road Naming). [2305]

GLEN INNES SEVERN COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that pursuant to section 162 of the Roads Act 1993, Council has named the roads described hereunder:

Location	Name
Road running north of Rangers Valley Road, opposite Weirs Road and immediately west of the rail northern rail corridor.	Kneipp Road.

HEIN BASSON, General Manager, Glen Innes Severn Council, PO Box 61, Glen Innes NSW 2370. [2306]

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

Cheers Road, Wootton, has been renamed Squires Road, Wootton (being a continuation of the existing Squires Road, Wootton). [2307]

KYOGLE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

KYOGLE COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in the Schedule 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 road widening purposes. Dated at Kyogle, this 21st day of July 2006. A. PIGGOTT, Acting General Manager, Kyogle Council, PO Box 11, Kyogle NSW 2474.

SCHEDULE

Lots 4 and 5 in DP 874145. [2308]

PITTWATER COUNCIL

Roads Act 1993, Section 16

Dedication of Land as Public Road

NOTICE is hereby given that Pittwater Council in pursuance of section 16 of the Roads Act 1993, dedicates the Council owned land described in the Schedule as public road. M. FERGUSON, General Manager, Pittwater Council, PO Box 882, Mona Vale NSW 1660.

SCHEDULE

The sections of lane that give access to a public reserve being Lots 3 and 5 in Deposited Plan 1096806, Parish of Narrabeen, County of Cumberland and Local Government Area of Pittwater. [2309]

RIVERINA WATER COUNTY COUNCIL

Local Government Act 1993, Section 553

Extension of Watermains

NOTICE is hereby given pursuant to section 553 of the Local Government Act 1993, that Riverina Water County Council's water mains have been extended to service the lands described hereunder:

Wagga Wagga

Koorinal Road, Koorinal: From the existing main at the eastern end of Fairbairn Crescent, travelling south for a distance of 297 metres on the western side of the road, until linking with the existing main near the northern boundary of Lot 6.

Drawing No.: 1-3066, March 2006.

Wagga Wagga Subdivisions

Sunshine Grove – Stage 2 – Mima Street: From hydrant in front of boundary of Lot Nos 33 and 48, travelling west then north until hydrant in front of Lot No. 52, crossing to the eastern side of Mima Street and travelling north for a distance of 25 metres and turning north-east until hydrant at corner of Mima and Warambee Street for a distance of 280 metres. From intersection of Mima and Yoogali Street, travelling south-east, along Yoogali until hydrant in front of Lot No. 64 for a distance of 75 metres. From intersection of Mima and Warrabee Street, travelling south-east along Warrabee until hydrant in front of Lot 73 for a distance of 74 metres.

Drawing No.: 1-2968, March 06.

Copland/Nagle – Stage 1: From the existing main in Copland Street, travelling north along Sutton Street for a distance of 209 metres. From corner of Sutton Street and Ball Place, travelling east along Ball Place for a distance of 213 metres until the hydrant at boundary of Lot Nos 14 and 15. From corner of Sutton and Nagle Street, travelling west along Nagle for a distance of 136 metres.

Drawing No.: 1-1852, April 06.

Bourkelands – Stage 17: From the existing main in Bedervale Street in front of Lot No. 1, crossing over to the opposite side of road and then travelling south-west for a distance of 38 metres, turning around the corner and travelling east for a distance of 89 metres then turning north into Yarrawah Drive until hydrant in front of Lot No. 20 for a distance of 265 metres. From intersection of Yarrawah and Tocal Street, travelling south-east along Tocal for a distance of 55.2 metres.

Drawing No.: 1-3051, April 06.

Tatton – Stage 7: From existing main at the corner of Atherton Crescent and Janolan Place approximately, travelling south until hydrant in front of Lot No. 716 for a distance of 378 metres. From intersection of Atherton Crescent and Brindabella Drive, travelling south-west along Brindabella Drive until hydrant in front of Lot No. 721 for a distance of 130 metres. From intersection of Brindabella

Drive and Darling Place, travelling north-west along Darling Place until hydrant in front of Lot No. 727 for a distance of 148 metres.

Drawing No.: 1-2738, 1-2716, 1-2939, June 06.

Rural: Nil.

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of twenty-one (21 days) after the publication of this notice, or the date of connection of the properties to the water main, whichever is the earlier date. G. W. PIEPER, General Manager, Riverina Water County Council, PO Box 456, Wagga Wagga NSW 2650. [2310]

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 Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of compensation and the Roads Act 1993. Dated at Murwillumbah, this 9th day of August 2006. MIKE RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE

Lots 1 and 2, DP 1083090.

[2311]

WYONG SHIRE COUNCIL

Roads Act 1993

Part 2, Section 10

NOTICE is given pursuant to Part 2, section 10 of the Roads Act 1993, that the land in the Schedule below is hereby dedicated as Public Road. K. YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

SCHEDULE

Lot 422, DP 1089465, Lakedge Avenue, Berkeley Vale.

Lot 60, DP 1089787, Cresthaven Avenue, Bateau Bay.

[2312]

ESTATE NOTICES

IN the Supreme Court of New South Wales, Sydney Registry, Equity Division.—After 14 days from publication of this notice an application for probate of the will dated 3rd October 2003, of LORNA EVELYN DAVIS, late of 25 Lovoni Street, Cabramatta NSW 2166, home duties, will be made by Kerrie Susanne Hinde. Creditors are required to send particulars of their claims upon her estate to GALILEE SOLICITORS, Level 11, 60 Carrington Street, Sydney NSW 2000 (DX 320, Sydney), tel.: (02) 9324 8000, fax: (02) 9324 8080. Reference: RG:Nf:394177. [2313]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of VICTOR WILLIAM ROACH, late of 4 Norfolk Street, Paddington, in the State

of New South Wales, field material operator, who died on 31st March 2006, must send particulars of the claim to the executor, Milan Djekovic, c.o. Djekovic, Hearne & Walker, Solicitors, 266A Oxford Street, Paddington NSW 2021, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 24th May 2006. DJEKOVIC, HEARNE & WALKER, Solicitors, 266A Oxford Street, Paddington NSW 2021 (DX 225, Sydney), tel.: (02) 9331 1933. Reference: S.M. Hearne. [2314]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LYDIA KATHLEEN JONES, late of Greenacre, in the State of New South Wales, widow, who died on 9th June 2006, must send particulars of his claim to the executor, Maureen Cooke, c.o. Olliffe & Co., Solicitors, 7/1-5 Jacobs Street, Bankstown NSW 2200, 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 31st July 2006. OLLIFFE & CO., Solicitors, 7/1-5 Jacobs Street, Bankstown NSW 2200 (DX 11213, Bankstown), tel.: (02) 9790 3903. [2315]

OTHER NOTICES

NOTICE of dissolution of partnership.—BELLONA ESTATE VINEYARD AND WINERY PARTNERSHIP.—On 16th January 2006, Mr Brendan White served a notice under section 32 of the Partnership Act 1898 (NSW) on Tallow & Oil Freighters Pty. Limited to dissolve with immediate effect the Partnership (known as the Bellona Estate Vineyard and Winery Partnership) between Mr Brendan White and Tallow & Oil Freighters Pty. Limited trading at Lot 1, Old North Road, North Rothbury NSW 2335. BRENDAN WHITE, 15 Wentworth Road, Strathfield NSW 2135. [2316]

FREEDOM OF INFORMATION ACT 1989**Section 14 (1) (b) and (3)****SUMMARY OF AFFAIRS****of the****BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE
PAYMENTS CORPORATION (CORPORATION)****FOI Agency No. 968****BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE
PAYMENTS COMMITTEE (COMMITTEE)****FOI Agency No. 1682****SECTION 1 – POLICY DOCUMENTS****Corporation**

The Corporation holds the following policy documents which may be accessed for inspection:

- Policy and procedures relating to the authority and administrative powers of the Corporation
- Policy and procedures relating to the financial provisions of the Building and Construction Industry Long Service Payments Fund
- Policy and procedures relating to registration of workers, recording of service credits, long service payments and long service levies
- Personnel procedures relating to work specification, training and operational matters
- Records stored on computer and /or paper relating to registered workers, employers and levy payers
- The Corporation's Business Plan activity reports
- The Corporation's 2004/2005 Annual Report
- Current brochures, pamphlets and newsletters

The Corporation's internet site lspc.nsw.gov.au contains information about the Corporation and its operation. Prior to making an FOI application to the Corporation, it is suggested the 13 14 41 Helpline be contacted as information may be available free as part of the Corporation's service to the building and construction industry.

Committee

The Committee holds the following policy documents which may be assessed for inspection:

- Minutes of the Committee's meetings specified in FOI applications
- The Committee's findings in relation to appeals
- A listing of the members who form the Committee (published in the Corporation's Annual Report)
- Any brochures which may be current

Prior to making an application to the Committee, it is suggested the 13 14 41 Helpline be contacted as information may be available free as part of the Corporation's service to the building and construction industry.

SECTION 2 – STATEMENT OF AFFAIRS

The Building and Construction Industry Long Service Payments Corporation's Annual Report (describing the operation, functions, and structure of the Corporation) will serve as the Corporation's and the Committee's latest Statement of Affairs. The Annual Report can be obtained from the Corporation's internet site (lspc.nsw.gov.au) or by contacting the Corporation's FOI Co-ordinator.

SECTION 3 – CONTACT ARRANGEMENTS

Any inquiries concerning the procedures for inspecting and purchasing policy documents and Statements of Affairs should be made to:

FOI Co-ordinator
Building & Construction Industry
Long Service Payments Corporation
Locked Bag 3000
Central Coast MC NSW 2252
Telephone: 13 14 41
Facsimile: (02) 9287 5685

FREEDOM OF INFORMATION ACT 1989
Section 14 (1) (b) and (3)
SUMMARY OF AFFAIRS
of the
LEGAL AID COMMISSION OF NEW SOUTH WALES
FOI Agency No. 48

SECTION 1 – POLICY DOCUMENTS

- Annual Reports
- Business Continuity Management Plan
- Client Service Strategy
- Code of Conduct
- Communicating with People who are Deaf or Hearing/Speech Impaired
- Corporate Plan
- Corporate Style Guide
- Corruption and Fraud Prevention Plan
- Disability Policy and Disability Action Plan
- Ethnic Affairs Policy Statement and Charter of Principles for a Culturally Diverse Society
- Fee Scales
- Gender Neutral Language
- Grants Allocation Guidelines
- Guidelines for Managing Complaints
- LACnet and Website Management Policy
- Legal Aid Policies
- Means Test Guidelines
- Merit Protocol
- Policies in Brief
- Policy Manual
- Privacy Management Plan and Privacy Guidelines
- Protected Disclosure Policy
- Records Management Procedures

SECTION 2 – STATEMENT OF AFFAIRS

The most recent Legal Aid Commission Statement of Affairs was published in July 2006.

SECTION 3 – CONTACT ARRANGEMENTS

Requests under the FOI Act for information or access to documents or further information about the Commission's policy documents should be directed to:

The FOI Officer
Legal Aid Commission of NSW
323 Castlereagh Street
Sydney NSW 2000
PO Box K847
Haymarket NSW 1238
DX 5 Sydney
Telephone: (02) 9219 5034
Facsimile: (02) 9219 5038
Internet: www.legalaid.nsw.gov.au

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