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NEW SOUTH WALES

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LEGISLATION

Proclamations



New South Wales

Commencement Proclamation

under the

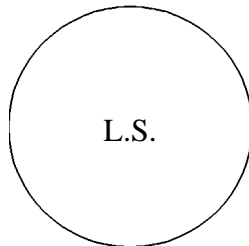
Criminal Legislation Amendment Act 2007 No 57

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 (2) of the *Criminal Legislation Amendment Act 2007*, do, by this my Proclamation, appoint 7 December 2007 as the day on which the uncommenced provisions of that Act (other than Schedule 4 [2]–[6]) commence.

Signed and sealed at Sydney, this 5th day of December 2007.

By Her Excellency's Command,



L.S.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Criminal Legislation Amendment Act 2007*, other than amendments to the *Drug Misuse and Trafficking Act 1985* that relate to the possession of precursors and drug manufacture apparatus.



New South Wales

Proclamation

under the

Dams Safety Act 1978 No 96

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 27 (1) of the *Dams Safety Act 1978*, do, by this my Proclamation, amend Schedule 1 to that Act as follows:

- (a) by inserting in alphabetical order of names of dams in Columns 1 and 2, respectively, the following matter:

| | |
|-------------------------------------|-------------------------------|
| Anvil Hill Main Water | Anvil Creek, Muswellbrook |
| Anvil Hill South In-pit Tailings | Anvil Creek, Muswellbrook |
| Anvil Hill Start-up Tailings | Anvil Creek, Muswellbrook |
| Central Garden Detention Basin | Finlaysons Creek, Marylands |
| Eraring Attemperating Cooling Water | Dora Creek, Eraring |
| Hunter Valley Operations 6 Tailings | Parnells Creek, Jerrys Plains |
| Jerrara Creek | Jerrara Creek, Kiama |
| Mannus Lake | Mannus Creek, Tumbarumba |
| Petrochilos | Off-stream storage, Bonalbo |
| Ravensworth Void 4 East Tailings | Ravensworth, Muswellbrook |
| Ravensworth Void 5 Ash | Ravensworth, Muswellbrook |
| Tillegra | Williams River, Dungog |
| Wilpinjong TD1 East | Wilpinjong Creek, Mudgee |
| Wilpinjong TD1 West | Wilpinjong Creek, Mudgee |
| Wilpinjong TD2 | Wilpinjong Creek, Mudgee |

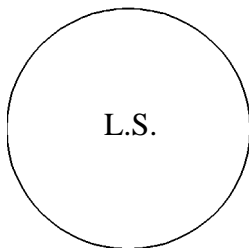
Proclamation

Explanatory note

- (b) by omitting the matter relating to Bogolong, Bonalbo, Cowal Lake Protection Bund, Hovell Weir, Newstan Area 7 Confining Embankment, Sunlight Gully Lower Dam and Sunlight Gully Upper Dam.

Signed and sealed at Sydney, this 21st day of November 2007.

By Her Excellency's Command,



PHILIP KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water
GOD SAVE THE QUEEN!

Explanatory note

The objects of this Proclamation are:

- (a) to add the names and locations of certain dams to the list of prescribed dams in Schedule 1 to the *Dams Safety Act 1978* to enable the Dams Safety Committee to exercise certain powers in relation to the dam (including issuing notices requiring things to be done to ensure the safety of the dam) or to reflect the change in name of a dam that is already a prescribed dam, and
- (b) to omit the names and locations of certain dams from the list of prescribed dams to remove the prescribed status of the dam or to remove reference to the former name of a dam that remains prescribed under a new name.

Regulations



New South Wales

Environmental Planning and Assessment Amendment (Liverpool City Centre Levies) Regulation 2007

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* to prescribe, in respect of land within the Liverpool city centre, the maximum percentage levy that can be collected under section 94A of the *Environmental Planning and Assessment Act 1979* (which requires applicants for development consent to pay a levy of a percentage of the proposed cost of the development).

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 94A (5) and 157 (the general regulation-making power).

Clause 1 Environmental Planning and Assessment Amendment (Liverpool City Centre Levies) Regulation 2007

Environmental Planning and Assessment Amendment (Liverpool City Centre Levies) Regulation 2007

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Liverpool City Centre Levies) Regulation 2007*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended by inserting the following matter before the matter relating to the *Wollongong City Centre Local Environmental Plan 2007* in the Table to clause 25K (1) (b):

Land within the Neighbourhood Centre, Commercial Core, Mixed Use or Enterprise Corridor zone under *Liverpool City Centre Local Environmental Plan 2007*

| | |
|-----------------------|------------|
| Less than \$1,000,000 | Nil |
| \$1,000,000 or more | 3 per cent |

Land within the High Density Residential or Light Industrial zone under *Liverpool City Centre Local Environmental Plan 2007*

| | |
|-----------------------|------------|
| Less than \$1,000,000 | Nil |
| \$1,000,000 or more | 2 per cent |



New South Wales

Water Industry Competition (Access to Infrastructure Services) Regulation 2007

under the

Water Industry Competition Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Industry Competition Act 2006*.

MORRIS IEMMA, M.P.,
Premier

Explanatory note

The object of this Regulation is to make provision with respect to the scheme established by Part 3 of the *Water Industry Competition Act 2006*, including provision with respect to coverage and non-coverage declarations, access undertakings, access agreements and access determinations under that Part.

This Regulation is made under the *Water Industry Competition Act 2006*, including section 101 (the general power to make regulations) and various other provisions referred to in the Regulation.

Water Industry Competition (Access to Infrastructure Services) Regulation 2007

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Water Industry Competition (Access to Infrastructure Services)
Regulation 2007

Clause 1

Water Industry Competition (Access to Infrastructure Services) Regulation 2007

under the

Water Industry Competition Act 2006

1 Name of Regulation

This Regulation is the *Water Industry Competition (Access to Infrastructure Services) Regulation 2007*.

2 Commencement

This Regulation commences on the commencement of Part 3 of the Act.

3 Definitions

(1) In this Regulation:

ACN (short for “Australian Company Number”) has the same meaning as it has in section 9 of the *Corporations Act 2001* of the Commonwealth.

contact details includes postal and email addresses and telephone and fax numbers.

the Act means the *Water Industry Competition Act 2006*.

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

4 Notice to be given by IPART in relation to certain applications

If an application that purports to have been made under section 24, 28 or 32 of the Act has not been duly completed, IPART must notify the applicant of that fact.

Note. See section 80 of the *Interpretation Act 1987* with respect to the due completion of forms.

5 Coverage applications: section 25

(1) For the purposes of section 25 (1) (b) of the Act, the following persons are prescribed as persons from whom submissions are to be invited in relation to a coverage application for an infrastructure service:

(a) the service provider for the service, except where the application has been made by the service provider,

Clause 6 Water Industry Competition (Access to Infrastructure Services)
Regulation 2007

-
- (b) the Minister administering the *Protection of the Environment Operations Act 1997*,
 - (c) the Minister administering the *Public Health Act 1991*,
 - (d) the Minister administering Part 3 of the *Water Industry Competition Act 2006* and, if a different Minister administers Part 2 of that Act, that Minister also,
 - (e) the Minister administering the *Water Management Act 2000*.
- (2) When inviting submissions from the persons referred to in subclause (1), IPART must notify them of:
- (a) the date on which the application was made, and
 - (b) the date (4 months later) by which IPART must endeavour to furnish a report on the application to the Minister, as referred to in section 25 (4) of the Act.
- Note.** An application will not have been made until it has been lodged in duly completed form (as to which, see clause 4).
- (3) If at any time it appears to IPART that it will not be practicable for its report on the application to be provided to the Minister:
- (a) by the date notified under subclause (2) (b), or
 - (b) if a later date has been notified under this subclause, by that later date,
- IPART must notify the applicant, and the persons referred to in subclause (1), of the date by which IPART now expects the report to be provided.

6 Revocation applications: section 29

- (1) For the purposes of section 29 (1) (b) of the Act, the following persons are prescribed as persons from whom submissions are to be invited in relation to a revocation application for an infrastructure service:
- (a) the service provider for the service, except where the application has been made by the service provider,
 - (b) the applicant for the coverage application pursuant to which the service is currently the subject of a coverage declaration,
 - (c) the Minister administering the *Protection of the Environment Operations Act 1997*,
 - (d) the Minister administering the *Public Health Act 1991*,
 - (e) the Minister administering Part 3 of the *Water Industry Competition Act 2006* and, if a different Minister administers Part 2 of that Act, that Minister also,
 - (f) the Minister administering the *Water Management Act 2000*.

-
- (2) When inviting submissions from the persons referred to in subclause (1), IPART must notify them of:
- (a) the date on which the application was made, and
 - (b) the date (4 months later) by which IPART must endeavour to furnish a report on the application to the Minister, as referred to in section 29 (4) of the Act.

Note. An application will not have been made until it has been lodged in duly completed form (as to which, see clause 4).

- (3) If at any time it appears to IPART that it will not be practicable for its report on the application to be provided to the Minister:
- (a) by the date notified under subclause (2) (b), or
 - (b) if a later date has been notified under this subclause, by that later date,

IPART must notify the applicant, and the persons referred to in subclause (1), of the date by which IPART now expects the report to be provided.

7 Binding non-coverage applications: section 33

- (1) For the purposes of section 33 (1) (b) of the Act, the following persons are prescribed as persons from whom submissions are to be invited in relation to a binding non-coverage application for an infrastructure service:
- (a) the Minister administering the *Protection of the Environment Operations Act 1997*,
 - (b) the Minister administering the *Public Health Act 1991*,
 - (c) the Minister administering Part 3 of the *Water Industry Competition Act 2006* and, if a different Minister administers Part 2 of that Act, that Minister also,
 - (d) the Minister administering the *Water Management Act 2000*.
- (2) When inviting submissions from the persons referred to in subclause (1), IPART must notify them of:
- (a) the date on which the application was made, and
 - (b) the date (4 months later) by which IPART must endeavour to furnish a report on the application to the Minister, as referred to in section 33 (4) of the Act.
- Note.** An application will not have been made until it has been lodged in duly completed form (as to which, see clause 4).
- (3) If at any time it appears to IPART that it will not be practicable for its report on the application to be provided to the Minister:
- (a) by the date notified under subclause (2) (b), or

Clause 8 Water Industry Competition (Access to Infrastructure Services)
Regulation 2007

(b) if a later date has been notified under this subclause, by that later date,

IPART must notify the applicant, and the persons referred to in subclause (1), of the date by which IPART now expects the report to be provided.

8 Negotiation of access to infrastructure services

- (1) IPART must have regard to the provisions of this clause in determining whether or not the parties to a dispute have, in good faith, attempted to resolve the dispute by negotiation, as referred to in section 40 (2) of the Act.
- (2) Within 14 days after receiving a request from an access seeker for information under this subclause, a service provider that provides any infrastructure service that is the subject of a coverage declaration or access undertaking must make the following package of information available to the access seeker:
 - (a) a list of all such services that are provided by the service provider, as described in the relevant coverage declaration or access undertaking,
 - (b) information as to the procedure to be followed to obtain access to each such service, and as to the time it is likely to take to negotiate access (assuming the matter does not go to arbitration),
 - (c) a copy of IPART's negotiation protocols, together with a statement to the effect that, unless otherwise agreed between the parties, those protocols will apply to any negotiations for access to any such service,
 - (d) such information as IPART's negotiation protocols require to be provided,
 - (e) such other information as the service provider considers appropriate to include in the package.
- (3) IPART's negotiation protocols must include the following:
 - (a) an obligation on each party to negotiate in good faith,
 - (b) an obligation on the service provider to use all reasonable endeavours to accommodate the access seeker's requirements,
 - (c) a statement of the information to be included in the service provider's package of information, as referred to in subclause (2) (d),
 - (d) protocols as to the exchange of information between the parties, including:
 - (i) an obligation on the service provider to provide the access seeker with such information as is necessary to understand

-
- the derivation of any derived elements that occur in any proposed access agreement, and
- (ii) an obligation on each party to give such undertakings as to confidentiality as the other party may reasonably require,
 - (e) protocols as to the notice (if any) to be given to third parties in relation to the negotiations,
 - (f) protocols as to the dispute resolution procedures to be attempted before an application is made to IPART for the dispute to be determined by arbitration.
- (4) The parties to the dispute must give written notice to IPART of any agreement under which they undertake to use negotiation protocols other than IPART's.

9 Timelines for arbitration

- (1) As soon as practicable after accepting an application for a dispute to be determined by arbitration pursuant to section 40 of the Act, IPART must notify the parties to the dispute, and the Minister, of:
 - (a) the date on which the application was accepted, and
 - (b) the date (6 months later) by which the arbitrator must endeavour to determine the dispute, as referred to in section 40 (8) of the Act.
- (2) If at any time it appears to the arbitrator that it will not be practicable for the dispute to be determined:
 - (a) by the date notified under subclause (1) (b), or
 - (b) if a later date has been notified under this subclause, by that later date,the arbitrator must give written notice to the parties to the dispute, and to the Minister, of the date by which the arbitrator now expects the dispute to be determined.

10 Basis on which dispute may be determined

- (1) For the purpose of determining a dispute by the date currently notified under clause 9, the arbitrator may make his or her determination on the basis of the information then available and on any assumptions that it is reasonable to make as to any information not then available.
- (2) For the purpose of determining a dispute between a service provider and an access seeker with respect to an infrastructure service the subject of a coverage declaration or access undertaking, the arbitrator may assume, in the absence of evidence to the contrary, that the service provider is able to provide the access seeker with such access to the service as is sought by the access seeker.

Clause 11 Water Industry Competition (Access to Infrastructure Services)
Regulation 2007

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- (3) Before determining a dispute, the arbitrator must give written notice to the parties to the dispute:
- (a) of any assumptions that the arbitrator proposes to make for the purposes of his or her determination, and
 - (b) of each party's right to make submissions to the arbitrator with respect to any of those assumptions, and
 - (c) of the date by which any such submissions should be lodged with the arbitrator.
- (4) Failure to give such notice does not affect the validity of the arbitrator's determination.

Note. See section 40 (10) of the Act which requires the arbitrator to give effect to any relevant access undertaking and prohibits the arbitrator from making a determination that would put the service provider in breach of its other legal obligations.

11 Application of regulations under the IPART Act

The provisions of the regulations under the *Independent Pricing and Regulatory Tribunal Act 1992* that modify the application of the *Commercial Arbitration Act 1984* to the arbitration of disputes under section 24A (2) of the firstmentioned Act apply to the arbitration of disputes under section 40 of the *Water Industry Competition Act 2006*.

12 Information to be included in the register of infrastructure services: section 44

- (1) The information to be included in the register of infrastructure services referred to in section 44 of the Act must include the information referred to in subclauses (2)–(4), and may include such other information as IPART considers appropriate.
- (2) The information to be included in relation to an infrastructure service the subject of a coverage declaration is as follows:
 - (a) a description of the service,
 - (b) the name, ACN and contact details of the service provider for the service,
 - (c) the date on which the declaration was first made,
 - (d) the date on which any subsequent renewal of the declaration was made,
 - (e) the period for which the declaration is to have effect, and its expiry date.
- (3) The information to be included in relation to an infrastructure service the subject of a binding non-coverage declaration is as follows:
 - (a) a description of the service,

Water Industry Competition (Access to Infrastructure Services)
Regulation 2007

Clause 12

-
- (b) the name, ACN and contact details of the service provider for the service,
 - (c) the period for which the declaration is to have effect, and its expiry date.
- (4) The information to be included in relation to an infrastructure service the subject of an access undertaking is as follows:
- (a) a description of the service,
 - (b) the name, ACN and contact details of the service provider for the service,
 - (c) the date on which the undertaking took effect (that is, the date on which it was approved by IPART),
 - (d) the period for which the undertaking is to have effect, and its expiry date,
 - (e) a statement as to where the undertaking is available for inspection by members of the public (including, where appropriate, a link to the relevant website),
 - (f) a statement as to how copies of the undertaking may be obtained from the service provider.

Orders



New South Wales

Public Sector Employment and Management (Ministers) Further Amendment Order 2007

under the

Public Sector Employment and Management Act 2002

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 Chapter 4 of the *Public Sector Employment and Management Act 2002*, make the following Order.

Dated, this 5th day of December 2007.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,
Premier

Clause 1 Public Sector Employment and Management (Ministers) Further
 Amendment Order 2007

Public Sector Employment and Management (Ministers) Further Amendment Order 2007

under the

Public Sector Employment and Management Act 2002

1 Name of Order

This Order is the *Public Sector Employment and Management (Ministers) Further Amendment Order 2007*.

2 Amendment of Public Sector Employment and Management (Ministers) Order 2006

The *Public Sector Employment and Management (Ministers) Order 2006* is amended as set out in Schedule 1.

Public Sector Employment and Management (Ministers) Further
Amendment Order 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 7 Construction of references to Treasurer in relation to Rail SOCs

Omit the clause.

[2] Clause 7A

Insert after clause 7:

7A Consequential provision

On the commencement of the *Public Sector Employment and Management (Ministers) Further Amendment Order 2007*:

- (a) each share in a Rail SOC held (or taken to be held) by the Premier immediately before that commencement is taken to be transferred to the Treasurer, and
- (b) the Rail SOC concerned is required to register the transfer.

Rules



New South Wales

Land and Environment Court Rules 2007

under the

Land and Environment Court Act 1979

The following rules of court were made under the *Land and Environment Court Act 1979* on 5 December 2007.

The Honourable Justice B J Preston
Chief Judge

Explanatory note

The object of these Rules is to repeal and remake the *Land and Environment Court Rules 1996* in connection with the extension to the Land and Environment Court of the *Civil Procedure Act 2005* and the *Uniform Civil Procedure Rules 2005*.

Land and Environment Court Rules 2007

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Land and Environment Court Rules 2007

under the

Land and Environment Court Act 1979

Part 1 Preliminary

1.1 Name of rules (cf Land and Environment Court Rules 1996, Part 1, rule 1)

These rules are the *Land and Environment Court Rules 2007*.

1.2 Commencement (cf Land and Environment Court Rules 1996, Part 1, rule 2 (1))

These rules commence on the commencement of Schedule 2 [9] to the *Courts Legislation Amendment Act 2007*.

1.3 Definitions (cf Land and Environment Court Rules 1996, Part 1, rule 4)

In these rules:

applicant includes appellant or objector.

approved form, in relation to a document, means the form approved under section 77A of the *Land and Environment Court Act 1979*, or under section 17 of the *Civil Procedure Act 2005*, for the purposes of that document.

conciliation conference means a conciliation conference arranged under section 34 of the Act.

public authority has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

the Act means the *Land and Environment Court Act 1979*.

the Court means the Land and Environment Court.

1.4 Repeal of former rules

The *Land and Environment Court Rules 1996* are repealed.

Land and Environment Court Rules 2007

Rule 2.1

Administration

Part 2

Part 2 Administration

2.1 Seal of the Court (cf Land and Environment Court Rules 1996, Part 2, rule 1)

- (1) The seal of the Court is to be an impressed seal with the wording “The Seal of the Land and Environment Court of New South Wales” and is to be kept in the custody of the Registrar.
- (2) Orders of the Court (or copies of them) when issued out of the Court and warrants given by the Court are to be sealed with the seal of the Court.
- (3) A facsimile of the seal may be used instead of the seal for any purpose.

2.2 Sittings of the Court (cf Land and Environment Court Rules 1996, Part 2, rule 2)

- (1) Sittings are to be held in each year at such times and places as are appointed for that year or from time to time by the Chief Judge.
- (2) Particulars of times and places so appointed are to be published if, and in such manner as, the Chief Judge directs.
- (3) The Court may sit at any time and place even though the time and place of the sitting have not been appointed or have not been published under this rule.

2.3 Vacation (cf Land and Environment Court Rules 1996, Part 2, rule 3)

- (1) The Court is to observe such vacation periods as the Chief Judge directs.
- (2) A hearing or trial will not be held in a vacation period unless the Court otherwise orders.

2.4 Registry (cf Land and Environment Court Rules 1996, Part 2, rule 4)

- (1) There is to be a registry for the Court at Sydney.
- (2) The registry is to be under the control and direction of the Registrar.
- (3) In exercising that control and direction, the Registrar is to comply with any direction by the Chief Judge.

2.5 Agents for Registrar (cf Land and Environment Court Rules 1996, Part 2, rule 6)

- (1) Local Court registrars and such other persons as the Chief Judge may direct are taken to be agents of the Registrar for the purposes of this rule.
- (2) An agent of the Registrar is to accept documents for filing, and any fees payable in relation to them, as though the agent’s office were the registry.
- (3) As soon as practicable after accepting any documents for filing, an agent of the Registrar is to forward them to the registry together with an account of any fees paid in respect of the documents.

| | |
|----------|--|
| Rule 3.1 | Land and Environment Court Rules 2007 |
| Part 3 | Proceedings in Class 1, 2 or 3 of the Court's jurisdiction |

Part 3 Proceedings in Class 1, 2 or 3 of the Court's jurisdiction

3.1 Application of Part (cf Land and Environment Court Rules 1996, Part 13, rule 1)

This Part applies to proceedings in Class 1, 2 or 3 of the Court's jurisdiction.

Note. Proceedings to which this Part applies are also subject to the provisions of the *Civil Procedure Act 2005* and the *Uniform Civil Procedure Rules 2005*. That Act and those rules refer to an applicant under these rules as a plaintiff and a respondent under these rules as a defendant.

3.2 Originating process

- (1) The originating process to commence proceedings is an application prepared in the approved form.
- (2) The application is to contain the following particulars:
 - (a) the full name, the address and the telephone number of the applicant, together with particulars of any representative capacity in which the applicant brings the proceedings,
 - (b) the full name of the respondent and the address at which service is to be effected on the respondent, so far as these matters are known to the applicant,
 - (c) an address at which service of documents in the proceedings will be accepted on behalf of the applicant,
 - (d) the date or other identification of the decision, or other matter appealed against, objected to, or otherwise complained of or referred or remitted to the Court,
 - (e) the title of the Act or instrument under which the proceedings are brought, together with the relevant section or clause number.
- (3) Where the originating process is an application under section 125 of the *Aboriginal Land Rights Act 1983*, the following additional requirements apply to that process:
 - (a) it must contain the following matter:
 - (i) the description of the applicant,
 - (ii) the date and result of the election,
 - (iii) the date on which the result of the election is publicly declared, and
 - (iv) the facts relied upon to invalidate the election or return, and

Land and Environment Court Rules 2007

Rule 3.3

Proceedings in Class 1, 2 or 3 of the Court's jurisdiction

Part 3

- (b) it must nominate as the respondents to the proceedings every person the validity of whose election or return is disputed and the Electoral Commissioner of New South Wales.

3.3 Where reference to other body required (cf Land and Environment Court Rules 1996, Part 13, rule 3)

As soon as practicable after being served with an application commencing proceedings to which section 97 (5) of the *Environmental Planning and Assessment Act 1979* applies, a consent authority must cause a copy of the application to be served on the appropriate Minister, public authority or approval body referred to in that subsection.

3.4 Parties to appeals under the Environmental Planning and Assessment Act 1979 (cf Land and Environment Court Rules 1996, Part 13, rule 4)

- (1) Any application to be heard at the hearing of an appeal that is made under section 97 (4), 97 (5) or 98 (3) of the *Environmental Planning and Assessment Act 1979* is to be made by means of a letter, addressed and delivered to the Registrar, that identifies the appeal proceedings.
- (2) As soon as practicable after receiving such an application, the Registrar is to give notice of that fact to all of the parties to the appeal.
- (3) In an appeal under section 98 (1) of the *Environmental Planning and Assessment Act 1979*, the consent authority and the person who made the development application are to be named as respondents and served with the appeal.

3.5 Particulars (cf Land and Environment Court Rules 1996, Part 13, rule 5)

- (1) A party may, by reasonable notice to another party, require such particulars of the other party's case as are necessary to enable the first party to identify the case to be met.
- (2) The Court may order a party to file and serve on another party further and better particulars of the case on which the first party relies.
- (3) At the same time or subsequently, the Court may direct that, if the other party does not comply with the order within a specified time, the other party is not entitled to rely on that case until the order is complied with.
- (4) Alternatively, the Court's direction may be that the proceedings be stayed until the order is complied with.

3.6 Public authority to make documents available (cf Land and Environment Court Rules 1996, Part 13, rule 6)

- (1) If the presiding Commissioner at a conciliation conference so requires, a public authority that is a party to the proceedings the subject of the

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| Rule 3.7 | Land and Environment Court Rules 2007 |
| Part 3 | Proceedings in Class 1, 2 or 3 of the Court's jurisdiction |

conference must make available for examination by the Commissioner all documents that:

- (a) relate to the proceedings, and
 - (b) are within the public authority's custody, possession or control, including (in the case of a consent authority) any relevant environmental planning instruments or development control plans, or draft environmental planning instruments or development control plans, within the meaning of the *Environmental Planning and Assessment Act 1979*.
- (2) The Commissioner may allow any party to examine any documents made available under this rule.
- (3) This rule does not require a public authority to make available for examination any document that is privileged from disclosure except with the consent of the person entitled to the privilege.

3.7 Costs in certain proceedings (cf Land and Environment Court Rules 1996, Part 16, rule 4)

- (1) This rule applies to the following proceedings:
- (a) all proceedings in Class 1 of the Court's jurisdiction,
 - (b) all proceedings in Class 2 of the Court's jurisdiction,
 - (c) the following proceedings in Class 3 of the Court's jurisdiction:
 - (i) appeals, references or other matters that may be heard and disposed of by the Court under the *Crown Lands Act 1989* or *Western Lands Act 1901*, as referred to in section 19 (a) of the *Land and Environment Court Act 1979*,
 - (ii) appeals under section 37 (1) of the *Valuation of Land Act 1916*,
 - (iii) appeals under section 8E of the *Rookwood Necropolis Act 1901*,
 - (iv) appeals and applications under section 526 (including section 526 as applied by section 531) or 574 of the *Local Government Act 1993*,
 - (v) appeals under section 202 of the *Fisheries Management Act 1994*,
 - (vi) appeals under section 174, and references under section 175, of the *Aboriginal Land Rights Act 1983*,
 - (vii) any other appeals, references or other matters referred to in section 19 (h) of the *Land and Environment Court Act 1979*.

Land and Environment Court Rules 2007

Rule 3.8

Proceedings in Class 1, 2 or 3 of the Court's jurisdiction

Part 3

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- (2) The Court is not to make an order for the payment of costs unless the Court considers that the making of an order as to the whole or any part of the costs is fair and reasonable in the circumstances.
- (3) Circumstances in which the Court might consider the making of a costs order to be fair and reasonable include (without limitation) the following:
- (a) that the proceedings involve, as a central issue, a question of law, a question of fact or a question of mixed fact and law, and the determination of such question:
 - (i) in one way was, or was potentially, determinative of the proceedings, and
 - (ii) was preliminary to, or otherwise has not involved, an evaluation of the merits of any application the subject of the proceedings,
 - (b) that a party has failed to provide, or has unreasonably delayed in providing, information or documents:
 - (i) that are required by law to be provided in relation to any application the subject of the proceedings, or
 - (ii) that are necessary to enable a consent authority to gain a proper understanding of, and give proper consideration to, the application,
 - (c) that a party has acted unreasonably in circumstances leading up to the commencement of the proceedings,
 - (d) that a party has acted unreasonably in the conduct of the proceedings,
 - (e) that a party has commenced or defended the proceedings for an improper purpose,
 - (f) that a party has commenced or continued a claim in the proceedings, or maintained a defence to the proceedings, where:
 - (i) the claim or defence (as appropriate) did not have reasonable prospects of success, or
 - (ii) to commence or continue the claim, or to maintain the defence, was otherwise unreasonable.

3.8 Neutral evaluation (cf Land and Environment Court Act 1979, former Part 5A)

- (1) In this rule:

evaluator means a person to whom the Court refers a matter for neutral evaluation under this rule.

neutral evaluation means a process of evaluation of a dispute in which the evaluator seeks to identify and reduce the issues of fact and law in dispute, including by assessing the relative strengths and weaknesses of

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| Rule 3.9 | Land and Environment Court Rules 2007 |
| Part 3 | Proceedings in Class 1, 2 or 3 of the Court's jurisdiction |

each party's case and offering an opinion as to the likely outcome of the proceedings (including any likely findings of liability or the award of damages).

neutral evaluation session means a meeting arranged for the neutral evaluation of a matter under this rule.

- (2) If it considers the circumstances appropriate, the Court may, by order, refer any matter for neutral evaluation, and may do so either with or without the consent of the parties to the proceedings.
- (3) The neutral evaluation is to be undertaken by an evaluator agreed to by the parties or, if the parties cannot agree, by an evaluator appointed by the Court.
- (4) It is the duty of each party to proceedings the subject of a referral to neutral evaluation to participate, in good faith, in the neutral evaluation.
- (5) The costs of neutral evaluation, including the costs payable to the evaluator, are payable:
 - (a) if the court makes an order as to the payment of those costs, by one or more of the parties in such manner as the order may specify, or
 - (b) in any other case, by the parties in such proportions as they may agree among themselves.
- (6) Subject to any relevant practice notes, an evaluator may, by order, give directions as to the preparation for, and conduct of, the neutral evaluation.

3.9 Application of Supreme Court Rules regarding contempt (cf Land and Environment Court Rules, Part 6, rule 1 (1))

Part 55 (Contempt) of the *Supreme Court Rules 1970* applies, so far as applicable, to proceedings to which this Part applies.

Land and Environment Court Rules 2007

Rule 4.1

Proceedings in Class 4 of the Court's jurisdiction

Part 4

Part 4 Proceedings in Class 4 of the Court's jurisdiction

4.1 Application of Part

This Part applies to proceedings in Class 4 of the Court's jurisdiction.

Note. Proceedings to which this Part applies are subject to the provisions of the *Civil Procedure Act 2005* and the *Uniform Civil Procedure Rules 2005*. That Act and those rules refer to an applicant under these rules as a plaintiff and a respondent under these rules as a defendant. Under Part 4 of the *Uniform Civil Procedure Rules 2005*, proceedings to which this Part applies are to be commenced by statement of claim or by summons.

4.2 Proceedings brought in the public interest

- (1) The Court may decide not to make an order for the payment of costs against an unsuccessful applicant in any proceedings if it is satisfied that the proceedings have been brought in the public interest.
- (2) The Court may decide not to make an order requiring an applicant in any proceedings to give security for the respondent's costs if it is satisfied that the proceedings have been brought in the public interest.
- (3) In any proceedings on an application for an interlocutory injunction or interlocutory order, the Court may decide not to require the applicant to give any undertaking as to damages in relation to:
 - (a) the injunction or order sought by the applicant, or
 - (b) an undertaking offered by the respondent in response to the application,if it is satisfied that the proceedings have been brought in the public interest.

4.3 Proceedings for the review of public authority's decision

In any proceedings in which a public authority's decision is challenged or called into question, the Court may make one or more of the following orders:

- (a) an order directing the public authority to make available to any other party any document that records matters relevant to the decision,
- (b) an order directing the public authority to furnish to any other party a written statement setting out the public authority's reasons for the decision, being a statement that includes:
 - (i) the public authority's findings on any material questions of fact, and
 - (ii) the evidence on which any such findings were based, and

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| Rule 4.4 | Land and Environment Court Rules 2007 |
| Part 4 | Proceedings in Class 4 of the Court's jurisdiction |

- (iii) the public authority's understanding of the applicable law, and
- (iv) the reasoning process that led to the decision,
- (c) an order for particulars, discovery or interrogatories.

4.4 Neutral evaluation (cf Land and Environment Court Act 1979, former Part 5A)

- (1) In this rule:
- evaluator* means a person to whom the Court refers a matter for neutral evaluation under this rule.
- neutral evaluation* means a process of evaluation of a dispute in which the evaluator seeks to identify and reduce the issues of fact and law in dispute, including by assessing the relative strengths and weaknesses of each party's case and offering an opinion as to the likely outcome of the proceedings (including any likely findings of liability or the award of damages).
- neutral evaluation session* means a meeting arranged for the neutral evaluation of a matter under this rule.
- (2) If it considers the circumstances appropriate, the Court may, by order, refer any matter for neutral evaluation, and may do so either with or without the consent of the parties to the proceedings.
- (3) The neutral evaluation is to be undertaken by an evaluator agreed to by the parties or, if the parties cannot agree, by an evaluator appointed by the Court.
- (4) It is the duty of each party to proceedings the subject of a referral to neutral evaluation to participate, in good faith, in the neutral evaluation.
- (5) The costs of neutral evaluation, including the costs payable to the evaluator, are payable:
- (a) if the court makes an order as to the payment of those costs, by one or more of the parties in such manner as the order may specify, or
 - (b) in any other case, by the parties in such proportions as they may agree among themselves.
- (6) Subject to any relevant practice notes, an evaluator may, by order, give directions as to the preparation for, and conduct of, the neutral evaluation.

4.5 Application of Supreme Court Rules regarding contempt (cf Land and Environment Court Rules, Part 6, rule 1 (1))

Part 55 (Contempt) of the *Supreme Court Rules 1970* applies, so far as applicable, to proceedings to which this Part applies.

Land and Environment Court Rules 2007

Rule 5.1

Proceedings in Class 5, 6 or 7 of the Court's jurisdiction

Part 5

Part 5 Proceedings in Class 5, 6 or 7 of the Court's jurisdiction

5.1 Application of Part (cf Supreme Court Rules, Part 75, rule 4)

This Part applies to proceedings in Class 5, 6 or 7 of the Court's jurisdiction.

5.2 Application of other rules of court (cf Supreme Court Rules, Part 75, rules 2, 3 and 6; Land and Environment Court Rules, Part 6, rule 2 (1))

- (1) Parts 55 (Contempt) and 75 (Criminal proceedings) of the *Supreme Court Rules 1970* apply, so far as applicable, to proceedings to which this Part applies.
- (2) The following provisions of the *Uniform Civil Procedure Rules 2005* apply, so far as applicable, to proceedings to which this Part applies:
 - (a) Part 1 (Preliminary), other than rules 1.10, 1.10A and Division 4,
 - (b) Part 2 (Case management generally),
 - (c) Part 4 (Preparation and filing of documents), other than rules 4.2, 4.7A, 4.9 and 4.12,
 - (d) rules 6.15 and 6.16,
 - (e) Part 19 (Amendment),
 - (f) rules 31.3, 31.7, 31.11, 31.12, 31.32 and 31.33,
 - (g) rule 34.1,
 - (h) Part 36 (Judgments and orders).
- (3) Part 10 (Service of documents generally) of the *Uniform Civil Procedure Rules 2005* (other than rules 10.7 and 10.16) applies, so far as applicable, to service of a notice of listing required by the regulations under the *Criminal Procedure Act 1986*.
- (4) For the purposes of subrule (3), the address contained in a notice of appearance filed in the registry by an accused person's solicitor, as required by the regulations under the *Criminal Procedure Act 1986*, is taken to be the accused person's address for service.
- (5) Orders may not be made under rule 31.3 of the *Uniform Civil Procedure Rules 2005*:
 - (a) in respect of the evidence given by an accused person, or
 - (b) that prevent an accused person from attending any part of the proceedings,
 without the accused person's consent.

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| Rule 5.3 | Land and Environment Court Rules 2007 |
| Part 5 | Proceedings in Class 5, 6 or 7 of the Court's jurisdiction |

- (6) In the application of the provisions referred to in subrules (1), (2) and (3):
- (a) a reference to the plaintiff is taken to be a reference to the prosecutor, and
 - (b) a reference to a defendant is taken to be a reference to an accused person.

5.3 Commencement of proceedings (of Supreme Court Rules, Part 75, rule 7; Land and Environment Court Rules, Part 6, rule 2 (2))

- (1) Proceedings for an offence that may be taken before the Court in its summary jurisdiction are to be commenced in the Court by summons claiming an order under section 246 of the *Criminal Procedure Act 1986* in respect of the offence and claiming that the defendant be dealt with according to law for commission of the offence.
- (2) A summons seeking an order pursuant to section 246 (1) of the *Criminal Procedure Act 1986* is to be accompanied by the affidavits intended to be relied on as establishing prima facie proof of the offence charged.

Land and Environment Court Rules 2007

Rule 6.1

Miscellaneous

Part 6

Part 6 Miscellaneous

6.1 Time for appeal (cf Land and Environment Court Rules 1996, Part 17, rule 1)

- (1) A person may commence proceedings in relation to an appeal, objection or reference to the Court:
 - (a) except as provided by paragraph (b), at any time within 60 days after the right of appeal, objection or reference first arises, or
 - (b) in the case of an appeal against the refusal of a claim under section 36 of the *Aboriginal Land Rights Act 1983*, at any time within 4 months after the refusal.
- (2) This rule does not apply if the time within which an appeal, objection or reference may be made to the Court is expressly provided for by or under the Act or instrument that confers the right of appeal, objection or reference.

6.2 Reckoning of time (cf UCPR rule 1.11)

- (1) Any period of time fixed by these rules, or by any judgment or order of the Court or by any document in any proceedings, is to be reckoned in accordance with this rule.
- (2) If a time of one day or longer is to be reckoned by reference to a given day or event, the given day or the day of the given event is not to be counted.
- (3) If, apart from this subrule, the period in question, being a period of 5 days or less, would include a day or part of a day on which the registry is closed, that day is to be excluded.
- (4) If the last day for doing a thing is, or a thing is to be done on, a day on which the registry is closed, the thing may be done on the next day on which the registry is open.
- (5) Section 36 of the *Interpretation Act 1987* (which relates to the reckoning of time) does not apply to these rules.

6.3 Extension and abridgment of time (cf UCPR rule 1.12)

- (1) The Court may, by order, extend or abridge any time fixed by these rules or by any judgment or order of the Court.
- (2) The Court may extend time under this rule, either before or after the time expires, and may do so after the time expires even if an application for extension is made after the time expires.

Rule 6.4 Land and Environment Court Rules 2007

Part 6 Miscellaneous

6.4 Fixing times (cf UCPR rule 1.13)

If no time is fixed by these rules, or by any judgment or order of the Court, for the doing of any thing in or in connection with any proceedings, the Court may, by order, fix the time within which the thing is to be done.

6.5 Fines (cf Land and Environment Court Rules 1996, Part 17, rule 2)

- (1) If the Court imposes a fine, the Court is to order the person on whom the fine is imposed to pay the fine to the Registrar.
- (2) The Registrar is to pay into the Consolidated Fund all money paid to the Registrar on account of any fine imposed by the Court.
- (3) Subrule (2) does not apply if an Act makes provision for payment of any fine to a statutory body or local council (for example, under section 694 of the *Local Government Act 1993*).



New South Wales

Uniform Civil Procedure Rules (Amendment No 19) 2007

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 3 December 2007.

Jennifer Atkinson
Secretary of the Rules Committee

Rule 1 Uniform Civil Procedure Rules (Amendment No 19) 2007

Uniform Civil Procedure Rules (Amendment No 19) 2007

under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 19) 2007*.

2 Commencement

- (1) Subject to subrules (2)–(5), these Rules commence on the day on which they are published in the Gazette.
- (2) Schedule 2 commences on the commencement of section 7 of the *Local Court Act 2007*.
- (3) Schedule 3 commences on the commencement of the *Uniform Civil Procedure Rules (Amendment No 16) 2007*.
- (4) Schedule 4 (other than Schedule 4 [2]) commences on the commencement of Schedule 1 [34] to the *Confiscation of Proceeds of Crime Amendment Act 2005*.
- (5) Schedule 4 [2] commences on the commencement of:
 - (a) section 7 of the *Local Court Act 2007*, or
 - (b) Schedule 1 [34] to the *Confiscation of Proceeds of Crime Amendment Act 2005*,whichever is the later.

3 Amendment of Uniform Civil Procedure Rules 2005

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedules 1–4.

Uniform Civil Procedure Rules (Amendment No 19) 2007

General amendments

Schedule 1

Schedule 1 General amendments

(Rule 3)

[1] Rule 4.2 Documents to be filed to contain certain information

Omit rule 4.2 (2) (f).

[2] Rule 4.2 (3A)

Insert after rule 4.2 (3):

- (3A) Court documentation within the meaning of section 347 (Restrictions on commencing proceedings without reasonable prospects of success) of the *Legal Profession Act 2004* that is not required by that section to be certified must include a statement to the effect that it is not required to be so certified.

[3] Rule 4.2A

Insert after rule 4.2:

4.2A List of parties

- (1) This rule applies to proceedings in which there are more than 2 plaintiffs or more than 2 defendants.
- (2) The plaintiff must file a list of parties with the originating process.
- (3) When a party files a document that first records a change in the parties to the proceedings, that party must also file a list of parties.

[4] Rule 4.3 Paper and writing

Omit “and underlined” from rule 4.3 (3A).

[5] Rule 4.3 (3A) (c) and (d)

Omit rule 4.3 (3A) (c). Insert instead:

- (c) in the case of a notice of motion, the name of the person affected by the orders sought,
- (d) in all cases, the name of the person specified in the filing details as the person for whom the document is filed.

[6] Rule 4.6 Changing address for service

Omit rule 4.6 (2).

Uniform Civil Procedure Rules (Amendment No 19) 2007

Schedule 1 General amendments

[7] Rule 7.4, heading

Omit “current”. Insert instead “concurrent”.

[8] Rule 10.5 The various methods of service

Omit “mail” from rule 10.5 (2) (c). Insert instead “service”.

[9] Rule 16.4 Default judgment on claim for possession of land

Omit rule 16.4 (3) (e). Insert instead:

- (e) must state whether costs are claimed and, if so, how much is claimed for costs, indicating:
 - (i) how much is claimed on account of professional costs (not exceeding the amount fixed by the regulations made for the purposes of section 329 of the *Legal Profession Act 2004*), and
 - (ii) how much is claimed on account of filing fees, and
 - (iii) how much is claimed on account of the costs of serving the originating process, and

[10] Rule 16.4 (3)

Omit the note at the end of the subrule.

[11] Rule 16.5 Default judgment on claim for detention of goods

Omit rule 16.5 (2) (d). Insert instead:

- (d) must state whether costs are claimed and, if so, how much is claimed for costs, indicating:
 - (i) how much is claimed on account of professional costs (not exceeding the amount fixed by the regulations made for the purposes of section 329 of the *Legal Profession Act 2004*), and
 - (ii) how much is claimed on account of filing fees, and
 - (iii) how much is claimed on account of the costs of serving the originating process, and

[12] Rule 16.5 (2)

Omit the note at the end of the subrule.

[13] Rule 16.6 Default judgment on debt or liquidated claim

Omit rule 16.6 (2) (e). Insert instead:

- (e) must state whether costs are claimed and, if so, how much is claimed for costs, indicating:

Uniform Civil Procedure Rules (Amendment No 19) 2007

General amendments

Schedule 1

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- (i) how much is claimed on account of professional costs (not exceeding the amount fixed by the regulations made for the purposes of section 329 of the *Legal Profession Act 2004*), and
 - (ii) how much is claimed on account of filing fees, and
 - (iii) how much is claimed on account of the costs of serving the originating process, and

[14] Rule 16.6 (2)

Omit the note at the end of the subrule.

[15] Rule 16.7 Default judgment on claim for unliquidated damages

Omit rule 16.7 (2) (c). Insert instead:

- (c) must state whether costs are claimed and, if so, how much is claimed for costs, indicating:
 - (i) how much is claimed on account of professional costs (not exceeding the amount fixed by the regulations made for the purposes of section 329 of the *Legal Profession Act 2004*), and
 - (ii) how much is claimed on account of filing fees, and
 - (iii) how much is claimed on account of the costs of serving the originating process, and

[16] Rule 16.7 (2)

Omit the note at the end of the subrule.

[17] Rule 19.5 Mode of amendment generally

Insert after rule 19.5 (3):

- (4) An amended document must retain the existing paragraph numbering, with any additional paragraphs that are inserted after an existing paragraph bearing the number of that paragraph together with the letters “A”, “B” and so on, as in these rules.

[18] Rule 39.3 Affidavit in support of application for writ of execution

Omit “which goods have, and which have not,” from rule 39.3 (3) (a).

Insert instead “which goods have not”.

Uniform Civil Procedure Rules (Amendment No 19) 2007

Schedule 1 General amendments

[19] Rule 39.52

Insert after rule 39.51:

39.52 Orders authorising entry to premises by Sheriff

An order under section 135 (2) (a) of the *Civil Procedure Act 2005* may not be made in respect of any goods unless the court is satisfied:

- (a) that, while attempting to seize the goods, the Sheriff has been refused entry to the premises where they are believed to be, or
- (b) that there are special circumstances that justify the making of such an order.

[20] Rule 50.1 ApplicationOmit “*Local Courts*” from rule 50.1 (b).**[21] Rule 50.4 Statement of ground**

Insert “must be in the approved form and” after “an appeal” in rule 50.4 (1).

[22] Rule 50.4 (2)

Omit “plaintiff must file and serve with the summons”.

Insert instead “summons must also contain”.

[23] Rule 50.5 Parties

Insert after rule 50.5 (2):

- (2A) Subrule (2) does not apply to the extent to which a provision of these rules, or of any other Act or law, provides to the contrary.

[24] Rule 50.12 Leave to appeal

Insert “must be in the approved form and” after “summons” in rule 50.12 (3).

[25] Rule 50.12 (4)

Omit “plaintiff must file and serve with the summons”.

Insert instead “summons must also contain”.

[26] Rule 50.13 (4)

Omit “defendant must file and serve with the cross-summons”.

Insert instead “cross-summons must also contain”.

Uniform Civil Procedure Rules (Amendment No 19) 2007

Amendments relating to the Local Court

Schedule 2

Schedule 2 Amendments relating to the Local Court

(Rule 3)

[1] All rules

Omit “A Local Court” and “a Local Court” wherever occurring.

Insert instead “The Local Court” and “the Local Court”, respectively.

[2] Rules 6.4 and 10.24

Omit “the *Local Courts Act 1982*” wherever occurring.

Insert instead “the *Local Court Act 2007*”.

[3] Part 8, note

Omit the note appearing under the heading to Part 8.

[4] Rule 31.30, heading

Omit “**Local Courts**”. Insert instead “**Local Court**”.

[5] Rule 33.1 Definitions

Insert “for the venue” before “where the subpoena” in paragraph (c) of the definition of *registrar* in rule 33.1 (1).

[6] Rule 37.2 Application for instalment order by judgment debtor

Omit rule 37.2 (5).

[7] Rule 38.4 Venue of examination

Omit rule 38.4 (3). Insert instead:

- (3) If, in the case of proceedings before the Local Court, the Court is satisfied that the person neither resides nor carries on business within 30 kilometres of the venue where the judgment or order was entered, then the examination is to be conducted at the premises of the Court nearest to where the person resides or carries on business, as the Court may determine.

[8] Part 44, Division 1

Omit the Division.

[9] Schedule 1 Application of rules

Omit “Part 7 of the *Local Courts Act 1982*” wherever occurring.

Insert instead “Part 3 of the *Local Court Act 2007*”.

Uniform Civil Procedure Rules (Amendment No 19) 2007

Schedule 3 Amendments relating to the Court of Appeal

Schedule 3 Amendments relating to the Court of Appeal

(Rule 3)

[1] Rule 51.7, heading

Omit “served”. Insert instead “filed”.

[2] Rule 51.10 Filing and service of summons seeking leave to appeal

Insert after rule 51.10 (3):

- (4) A summons seeking leave to appeal must state whether the appellant has filed and served a notice of intention to seek leave to appeal, and the date the notice was served on the prospective respondent or on the last of the prospective respondents.

[3] Rule 51.13 Opposing party to file a response

Omit “unless the opposing party is a submitting party” from rule 51.13 (1).

[4] Rule 51.40 Notices of contention

Insert at the end of the rule:

- (2) A respondent who files a notice of contention in proceedings is taken to have entered an appearance in the proceedings.

[5] Rules 51.60 and 51.61

Insert after rule 51.59:

51.60 Application for expedited hearing

- (1) A party may apply for the hearing of proceedings in the Court to be expedited.
- (2) An interested party may file a notice of non-objection to the hearing of the proceedings being expedited.
- (3) If notices of non-objection are filed by each of the interested parties, the application may be decided in the absence of the public and the parties.
- (4) Reasons for a decision under subrule (3) need not be given.
- (5) This rule does not limit any other power of the Court to order that the hearing of proceedings be expedited.

Uniform Civil Procedure Rules (Amendment No 19) 2007

Amendments relating to the Court of Appeal

Schedule 3

51.61 Affidavits in support of orders sought by notice of motion

- (1) Unless the Court orders otherwise:
 - (a) a party that files a notice of motion must also file an affidavit setting out the evidence that the party relies on in support of the orders sought by the notice, and
 - (b) a party that opposes an order sought by a notice of motion must file an affidavit setting out the evidence that the party relies on in opposition to the order.
- (2) An affidavit referred to in subrule (1) (b) must be filed as soon as practicable and, in any case, before the hearing date listed in the notice of motion that seeks the orders opposed.

Uniform Civil Procedure Rules (Amendment No 19) 2007

Schedule 4 Amendment relating to Confiscation of Proceeds of Crime Act 1989

Schedule 4 Amendment relating to Confiscation of Proceeds of Crime Act 1989

(Rule 3)

[1] Part 7, Division 8

Insert after Division 7 of Part 7:

Division 8 Commencement of proceedings under particular Acts

7.32 Proceedings under the Confiscation of Proceeds of Crime Act 1989

- (1) Without limiting rule 7.1 (1), an appropriate officer within the meaning of the *Confiscation of Proceeds of Crime Act 1989* may commence and carry on proceedings in a Local Court by a police prosecutor in relation to an application under that Act:
 - (a) for a pecuniary penalty order, forfeiture order or drug proceeds order under that Act, or
 - (b) for confirmation of a freezing notice.
- (2) Once proceedings of the kind referred to in subrule (1) (a) or (b) (*the original proceedings*) have been commenced under the *Confiscation of Proceeds of Crime Act 1989* in relation to any person, whether in a Local Court or elsewhere, any further proceedings under that Act in relation to the same person (whether or not they form part of, or relate to, the original proceedings), are to be commenced by notice of motion filed in the original proceedings.

Note. Pursuant to rule 6.4, the original proceedings must be commenced by summons.

[2] Rule 7.32 (as inserted by item [1])

Omit “a Local Court” wherever occurring. Insert instead “the Local Court”.

Uniform Civil Procedure Rules (Amendment No 19) 2007

Amendment relating to Confiscation of Proceeds of Crime Act 1989

Schedule 4

[3] Part 10, Division 4

Insert after Division 3 of Part 10:

Division 4 Service under particular Acts

10.28 Service under the Confiscation of Proceeds of Crime Act 1989

In any proceedings in which notice under the *Confiscation of Proceeds of Crime Act 1989* is required to be given in accordance with rules of court, the notice is to be given by filing it, and serving it on:

- (a) all active parties, and
- (b) all other persons to whom it is required by that Act to be given,

as soon as practicable after it has been filed.



New South Wales

Uniform Civil Procedure Rules (Amendment No 20) 2007

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 3 December 2007.

Jennifer Atkinson
Secretary of the Rules Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* in connection with the application of Parts 3–9 of the *Civil Procedure Act 2005* to the Land and Environment Court.

Rule 1 Uniform Civil Procedure Rules (Amendment No 20) 2007

Uniform Civil Procedure Rules (Amendment No 20) 2007

under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 20) 2007*.

2 Commencement

These Rules commence on the commencement of Schedule 2 [9] to the *Courts Legislation Amendment Act 2007*.

3 Amendment of Uniform Civil Procedure Rules 2005

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

Uniform Civil Procedure Rules (Amendment No 20) 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 3)

[1] Rule 3.4 Electronic filing of documents

Omit rule 3.4 (1). Insert instead:

- (1) This rule applies:
 - (a) in relation to proceedings in any court other than the Land and Environment Court, to documents of a kind referred to in Part 1 of Schedule 4, and
 - (b) in relation to proceedings in the Land and Environment Court, to documents of a kind referred to in Part 2 of Schedule 4.

[2] Rule 6.10 Time for appearance

Insert at the end of the rule:

- (2) A reference in subrule (1) (b) to a summons extends, in relation to the Land and Environment Court, to an application that, in accordance with the rules of that Court, commences proceedings in Class 1, 2 or 3 of that Court's jurisdiction.

[3] Rule 12.8 Additional grounds for dismissal of proceedings by Supreme Court or Land and Environment Court

Insert "or the Land and Environment Court" after "Supreme Court" in rule 12.8 (1).

[4] Rule 12.8

Omit "Supreme Court", "Court's" and "Supreme Court's" wherever occurring in rule 12.8 (2)–(6).

Insert instead "court" and "court's", as the case requires.

[5] Part 40, Division 2 heading

Insert ", Land and Environment Court" after "Supreme Court".

[6] Rule 40.5 Application of Division

Insert ", the Land and Environment Court" after "the Supreme Court".

Uniform Civil Procedure Rules (Amendment No 20) 2007

Schedule 1 Amendments

[7] Rule 42.3 Powers of the court generally

Insert after rule 42.3 (2) (e):

- (e1) in the case of proceedings in the Land and Environment Court, to make an order for costs against a person who carries on proceedings as a party's agent, or

[8] Part 49, heading

Omit the heading. Insert instead:

**Part 49 Reference and removal of proceedings,
and appeals and reviews, within the court****[9] Rule 49.1 Construction of certain references**

Insert at the end of the rule:

Note. See section 36 of the *Land and Environment Court Act 1979*, which provides that proceedings that are before a Commissioner of the Land and Environment Court under that section, or under section 34 of that Act, may be referred or removed for hearing by a Judge of the Land and Environment Court in the same way as proceedings before an associate Judge of the Supreme Court may be referred or removed for hearing by a Judge of the Supreme Court.

[10] Rule 50.2 Definitions

Insert at the end of the rule:

- (2) For the avoidance of doubt, it is declared that, for the purposes of this Part:
 - (a) a Commissioner of the Land and Environment Court, when exercising the functions of that Court under the *Land and Environment Court Act 1979*, is taken to be the ***court below***, and
 - (b) the Land and Environment Court, when hearing an appeal under section 56A of the *Land and Environment Court Act 1979* against a decision made by a Commissioner of that Court in the exercise of those functions, is taken to be the ***higher court***.

Uniform Civil Procedure Rules (Amendment No 20) 2007

Amendments

Schedule 1

[11] Schedule 1 Application of rules

Insert after the matter relating to the Supreme Court, in Columns 1, 2, 3 and 4, respectively:

| | | |
|----------------------------|--|---|
| Land and Environment Court | Proceedings in Class 1, 2 or 3 of its jurisdiction | <p>Part 6, Divisions 2 and 4</p> <p>Part 20, Division 4, and Part 42, Division 3, in relation to all proceedings other than those referred to in:</p> <p>(a) section 19 (a), (c), (c1), (e), (e2), (e3), (f), (f1) or (g) or 40 of the <i>Land and Environment Court Act 1979</i>, or</p> <p>(b) section 179, 181, 677 or 730 of the <i>Local Government Act 1993</i>, or</p> <p>(c) section 44 of the <i>Fisheries Management Act 1994</i></p> <p>Rules 42.1, 42.6, 42.8, 42.9, 42.18, 42.19 and 42.20</p> |
| | Proceedings in Class 4 of its jurisdiction | |

Uniform Civil Procedure Rules (Amendment No 20) 2007

Schedule 1 Amendments

[12] Schedule 2 Local rules that prevail over these rules

Insert after the matter relating to the *Supreme Court (Corporations) Rules 1999*:

Land and Environment Court Rules 2007

| Part | Provision |
|-------------|--------------------------|
| All Parts | All rules in those Parts |

[13] Schedule 4 Documents to be filed by means of ECM system

Insert at the beginning of the Schedule:

Part 1 Documents relating to proceedings in courts other than the Land and Environment Court

[14] Schedule 4, Part 2

Insert at the end of the Schedule:

Part 2 Documents relating to proceedings in the Land and Environment Court

Affidavit
 Application
 Cross-claim
 Cross-summons
 Defence
 Draft conditions of development consent
 Draft conditions of other approvals
 Minutes of order
 Notice of appearance
 Notice of motion
 Points of claim
 Points of defence
 Points of reply
 Reply
 Statement identifying issues for separate determination
 Statement of agreed facts
 Statement of claim

Uniform Civil Procedure Rules (Amendment No 20) 2007

Amendments

Schedule 1

Statement of cross-claim
Statement of fact and contentions
Statement of preliminary points of law
Submission
Subpoena
Summons

OFFICIAL NOTICES

Appointments

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

PURSUANT to the Crimes (Administration of Sentences) Act 1999, the Minister for Justice, the Hon. John Hatzistergos, M.L.C., has approved the appointments of each of the following persons listed in column A as Official Visitors to the correctional centre listed next to their name in column B. Each appointment is from 31 October 2007 for a period up to 30 September 2009.

| <i>NAME column A</i> | <i>CENTRE column B</i> |
|--------------------------|--|
| Terence Francis RATH | Bathurst Correctional Centre |
| Eric John TANNER | Bathurst Correctional Centre |
| Ross Gregory HANNAH | Berrima Correctional Centre |
| Doreen Jessie ORCHER | Brewarrina (Yetta Dhinnakkal) Centre |
| Peter James MURTIKOS | Broken Hill Correctional Centre |
| Isileli TUITAVUKI | Campbelltown Court Cells |
| Colin CHAMBERS | Cessnock Correctional Centre & Newcastle Court Cells |
| Susan Elizabeth MACLEOD | Cessnock Correctional Centre |
| Margaret Jean REEKS | Cooma Correctional Centre & Queanbeyan Court Cells |
| Sharon Marie TYKVART | Dillwynia Correctional Centre |
| Clare Rosalie SNEDDON | Emu Plains Correctional Centre & Penrith Court Cells |
| Pamela Rosalie NOAL | Emu Plains Correctional Centre |
| John MATHEW | Glen Innes Correctional Centre & Moree Court Cells |
| Patrick John DORAHY | Goulburn Correctional Centre |
| James Osborne MORRICE | Goulburn Correctional Centre |
| Christopher Robin BULT | Goulburn Correctional Centre |
| John THORNTON | Grafton Correctional Centre & Lismore Court Cells |
| Vincent Patrick O'BRIEN | Grafton Correctional Centre |
| Brendan Craig UNDERWOOD | Ivanhoe (Warikirri) Centre |
| Michael Setford GRAVENER | John Morony I Correctional Centre |
| Thomas William BURKE | Junee Correctional Centre |
| Colin Charles GOLDSPINK | Junee Correctional Centre |
| Graeme John ALLISON | Kariong Juvenile Correctional Centre |

| | |
|---------------------------|--|
| Laurel Elva HARRIS | Kirkconnell Correctional Centre |
| Babette SMITH | Lithgow Correctional Centre |
| John Craig BROWN | Lithgow Correctional Centre |
| Michael Alan WRIGHT | Long Bay Hospital |
| Dennis John WEATHERALL | Special Purpose Centre & Metropolitan Special Programs Centre Area 3 and Special Purpose Centre |
| Timothy John HICKIE | Metropolitan Special Programs Centre Areas 1 & 2 |
| Robyn Wendy MORROW | Mannus Correctional Centre |
| David BROWN | Mid North Coast Correctional Centre |
| Peter James CONNOR | Mid North Coast Correctional Centre |
| Louise Alison SHAKESPEARE | Mid North Coast Correctional Centre |
| Reginald Charles POLLOCK | Metropolitan Remand & Reception Centre & Special Purpose Centre, Dawn De Loas Centre |
| Andy Khanh NGUYEN | Metropolitan Remand & Reception Centre |
| John Morris HENNESSY | Metropolitan Remand & Reception Centre |
| John Colin SHIPWAY | Metropolitan Remand & Reception Centre |
| Robyn READ | Silverwater Women's Correctional Centre |
| Fergus Anthony HYNES | Silverwater Women's Correctional Centre, Parramatta Transitional Centre & Norma Parker Periodic Detention Centre |
| Mary Jane STEVENS | Oberon Correctional Centre |
| Richard John McDONNELL | Parklea Correctional Centre |
| Kay VALDER | Parklea Correctional Centre |
| Maree Lesley TURNER | Parramatta Correctional Centre |
| Fr Arthur BRIDGE | Parramatta Correctional Centre & Parramatta Court Cells |
| Colin Peter ROBINSON | Silverwater Correctional Centre |
| William Matthew BUSH | Silverwater Correctional Centre |
| Ian Trevor William DOWNS | Surry Hills Court Cells |
| Tanya Maree ROGERS | St Heliers Correctional Centre |
| Paul James STEVENSON | Tamworth Correctional Centre |

| | |
|--------------------------|---|
| Bruce DONALDSON | Tomago Periodic Detention Centre |
| Peter Thomas FITZPATRICK | Wollongong Periodic Detention Centre & Wollongong Court Cells |
| Morris Keith PERKINS | Wellington Correctional Centre, Dubbo Court Cells and Moree Court Cells |
| Annemarie JONES | Wellington Correctional Centre |
| William John PHILLIPS | Wellington Correctional Centre |

AUSTRALIAN MUSEUM TRUST ACT 1975

Appointment of Trustees
Australian Museum Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Australian Museum Trust Act 1975, the following persons being appointed as trustees of the Australian Museum Trust from 1 January 2008 to 31 December 2010:

- (i) David HANDLEY (re-appointment)
- (ii) Dr Cindy PAN (re-appointment)

FRANK SARTOR,
Minister for the Arts

FILM AND TELEVISION OFFICE ACT 1988

Appointment of Members

Board of the New South Wales Film and Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6A of the Film and Television Office Act 1988, the following persons being appointed as members of the Board of the New South Wales Film and Television Office from 1 January 2008 to 31 December 2010:

- (i) Geoffrey ATHERDEN (re-appointment)
- (ii) Professor Ross GIBSON (re-appointment)
- (iii) Troy LUM (re-appointment)
- (iv) Ken REID (new appointment)

FRANK SARTOR,
Minister for the Arts

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6772 5488 Fax (02) 6771 5348

ROADS ACT 1993

Notification of closing of a road

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

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

SCHEDULE 1

*Land District – Armidale;
LGA – Armidale Dumaresq*

Road closed: Lot 1 D.P. 1119529 at Donald Creek. Parishes Donald & Springmount, County Sandon. File No.: AE06H34.

NOTE: On closing, the lands within Lot 1 DP 1119529 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 2

*Land District – Inverell;
LGA – Inverell*

Roads closed: Lots 1 & 2 D.P. 1119516 at Copeton. Parish Clare, County Hardinge. File No.: AE05H145.

NOTE: On closing, the lands within Lots 1 & 2 D.P. 1119516 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 3

*Land District – Walcha;
LGA – Walcha*

Roads closed: Lots 1 & 2 D.P. 1119525 at Walcha Road. Parish Congi, County Inglis. File No.: AE06H213.

NOTE: On closing, the lands within Lot 1 & 2 D.P. 1119525 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 4

*Land District – Armidale;
LGA – Guyra*

Road closed: Lot 1 D.P. 1119521 at Guyra. Parish Falconer, County Sandon. File No.: AE05H238.

NOTE: On closing, the lands within Lot 1 D.P. 1119521 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 5

*Land District – Armidale;
LGA – Armidale Dumaresq*

Road closed: Lot 1 D.P. 1119523 at Black Mountain. Parish Tilbuster, County Sandon. File No.: AE06H48.

NOTE: On closing, the lands within Lot 1 D.P. 1119523 remains vested in the State of New South Wales as Crown Land.

DUBBO OFFICE
142 Brisbane Street (PO Box 865), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6882 6920

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

Local Government Area – Narromine
Land District – Dubbo

Lot 1, DP 1117790, Parish of Eurombedah, County of Ewenmar (not being land under the Real Property Act). File No.: DB05 H 78

Note: On closing, the title for Lot 1 shall vest in the state of New South Wales as Crown land.

**REVOCATION OF RESERVATION OF
CROWN LAND**

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| Land District: Coonamble | The whole being |
| Local Government Area: Coonamble Shire Council | Lot 36, DP 754214, Parish Gilguldry, |
| Locality: Gilguldry | County Leichhardt |
| Reserve No. 94093 | of an area of 164.7 ha |
| Public Purpose: Future Public Requirements | |
| Notified: 19 December 1980 | |
| File Reference: DB06 H 88 | |

Notes: Purchase of Perpetual Lease 107425 by William and Catherine Munday.

**REVOCATION OF RESERVATION OF
CROWN LAND**

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

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

SCHEDULE*Column 1*

Land District: Walgett
Local Government Area:
Walgett Shire Council
Locality: Doyle
Reserve No. 94955
Public Purpose: Future
Public Requirements
Notified: 22 May 1981

Column 2

The whole being
Lot 11, DP 750270,
Parish Doyle,
County Baradine
Lot 10, DP 750270,
Parish Doyle,
County Baradine
of an area of 1466.6ha

File Reference: DB03H212/1

Notes: Purchase of Perpetual Lease 128976 by Howard and Pamela Wilson.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

Local Government Area – Wellington
Land District – Dubbo

Lot 1, DP 1120021, Parish of Tenandra, County of Lincoln (not being land under the Real Property Act). File No.: DB01 H 402

Note: On closing, the title for Lot 1 shall vest in the state of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

Local Government Area and Land District – Wellington

Lot 1, DP 1117159, Parish of Gundy, County of Gordon (not being land under the Real Property Act). File No.: DB05 H 63.

Note: On closing, the title for Lot 1 shall vest in the state of New South Wales as Crown land.

GOULBURN OFFICE
159 Auburn Street (PO Box 748), Goulburn NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|-------------------------|---------------------------------------|
| Doug STRATFORD (new member) | Robertson Showground | Reserve No. 180002 Public Purpose: |
| Stephen HORE (new member) | Trust | Showground |
| Philip Arthur DECKER (new member) | | Notified: 27 June 1986 |
| Grant Michael POINTING (re-appointment) | | File Reference: GB91 R 4/1 |
| Nathan Nassel WATERS (re-appointment) | | |
| Kenneth William SHARPE (re-appointment) | | |
| Patricia Edith WILLARD (re-appointment) | | |
| For a term commencing the date of this notice and expiring 6 December 2012. | | |

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

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

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, 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

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|------------------------|---------------------------|--|
| Ronald Leslie Doyle | Dirawong Reserve Trust | Reserve No. 140012 Public Purpose: Conservation of Aboriginal Heritage Preservation of Native Flora Preservation of Fauna Public Recreation Notified: 9 January 1987 File Reference: GF86R65/5 |

For a term commencing 13 December 2007 and expiring 12 June 2008.

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

**REVOCATION OF RESERVATION OF
CROWN LAND**

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|---------------------------------|
| Land District: Newcastle | The part being |
| Local Government Area: Port Stephens Council | Lot 5, DP 1065330, |
| Locality: Tanilba Bay | Parish Sutton, |
| Reserve No. 170106 | County Gloucester |
| Public Purpose: Boy Scouts | of an area of 208m ² |
| Notified: 2 June 1989 | |
| Lot 3, DP 1065330, | |
| Parish Sutton, County Gloucester | |
| Lot 4, DP 1065330, | |
| Parish Sutton, County Gloucester | |
| Lot 5, DP 1065330, | |
| Parish Sutton, County Gloucester | |
| File Reference: MD89 H 472/4 | |

Notes: Lot 5 once revoked from the reserve is to be transferred to Landcom as per agreement for the creation of a community reserve under Council control.

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

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to clause 4(3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, MLC.,
Minister for Lands

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| University of New South Wales (R88998) Reserve Trust | Reserve No. 88998 Public Purpose: Boatshed Notified: 31 August 1973 File Ref.: MN01R8/1 |

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

TONY KELLY, MLC.,
Minister for Lands

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---------------------------|--|
| Crown Lands Reserve Trust | Reserve No. 1014288 Public Purpose: Urban Services Notified: This Day File Ref.: 07/4991/1 |

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, MLC.,
Minister for Lands

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Land District: Metropolitan Local Government Area: Warringah Council Locality: Belrose Lot 2651 DP752038 Parish: Manly Cove County: Cumberland Area: About 696m2 File Ref.: 07/4991/1 | Reserve No. 1014288 Public Purpose: Urban Services |

Note: That part of Reserve No. 1012168 comprising Lot 2651 DP752038 is not revoked.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****NOTIFICATION OF CLOSING OF A ROAD**

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

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

Description

*Locality – Attunga; Land District – Tamworth
L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1119473, Parish Bubbogullion, County Inglis. File Reference: TH05 H 266

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Locality – Hallsville; Land District – Tamworth
L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1118849, Parish Woolmol, County Inglis. File Reference: TH05 H 53

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Locality – Hallsville;
Land District – Tamworth;
L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1117808, Parish Woolmol, County Inglis.

File Reference: TH05H256.

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Locality – Tintinhull;
Land District – Tamworth;
L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1118279, Parish Tamworth, County Inglis.

File Reference: TH05H106.

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

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

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|-----------------|---------------------------|--|
| Geoff FIRKIN | Scotts Head Reserve Trust | Reserve No: 65963 Public Purpose: Public Recreation and Resting Place Notified: 8 May 1936 File: TE80 R 170 |

For a term commencing
2 December 2007 and
expiring 1 June 2008.

ERRATUM

IN the *Government Gazette* No. 45 dated 30 March 2007 a notice titled "Declaration of Land to be Crown Land" appeared on folio 2014 in relation to Lot 12 in Deposited Plan 666005 and Lots 2 and 3 in Deposited Plan 606740 at South West Rocks. The preamble text should read: "PURSUANT to section 138 of the Crown Lands Act 1989 the Minister for Lands declares the land to be Crown land." File No.: TE07 R 6

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

ROADS ACT 1993

ORDER

Transfer of Crown Public Road to a Council

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

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

SCHEDULE 1

*County – Gloucester; Land District – Gloucester
Local Government Area – Great Lakes Council*

Crown public road being Upper Myall Road in two parts, (1) between the intersection of Upper Myall Road and Nobbys Road north of Lot 2, DP 865265, Parish Kyle to eastern boundary Lot 193, DP 39523, Parish Kyle and (2) between western boundary Lot 7003, DP 1066316, Parish Kyle and intersection with Manning Hill Road on western boundary Lot 52, DP 1073022, Parish Teleraree, County Gloucester.

SCHEDULE 2

Roads Authority: Great Lakes Council.
File: TE03 H 191

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

PURSUANT to section 92 (1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of part of the reserve specified opposite thereto in Column 2 to the extent specified in Column 3 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---------------------------|--|--|
| Crown Lands Reserve Trust | Reserve No.: 1011970 Public Purpose: Access and Public Requirements, Tourism Purposes and Environmental and Heritage Conservation Notified: 28 July 2006 | The part being Lot 434, DP 257034; Lot 435, DP 257034; Lot 1, DP 1086929; Lot 2, DP 1086929 Parish Forster County Gloucester |

File: 07/2042

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

DISSOLUTION OF RESERVE TRUST

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

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

SCHEDULE

| | |
|---|--|
| Column 1 Brewarrina Sanitary Purposes (R64677) Reserve Trust | Column 2 Reserve No. 64677 Public Purpose: Sanitary Purposes Notified: 27 July 1934 File Reference: WL97R60/1 |
|---|--|

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of Section 28A of the Western Lands Act 1901, the Western Lands Leases of the lands specified in the following Schedule have been granted to the undermentioned persons.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

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

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

The Conditions and Reservations annexed to such leases are those Conditions published in the Government Gazette of 25 May 2007, Folios 2974 – 2975.

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

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

Administrative District – Walgett North
Shire – Walgett
Parish – Wallangulla/Mebea County – Finch

| WLL no. | Name of Lessee | Lot | Deposited Plan no. | Folio identifier | Area | Term of Lease | |
|----------|--|-----|--------------------|------------------|--------|---------------|-------------|
| | | | | | | From | To |
| WLL14935 | Jayne TREGEAR | 197 | 1076808 | 197/1076808 | 2627m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14699 | Patricia Ann DAWSON and Richard SPICER as Joint Tenants | 29 | 1073508 | 25/1073508 | 2540m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14922 | Laurence Sydney WICKINGS and Elizabeth Johanna WICKINGS as Joint Tenants | 99 | 1073508 | 99/1073508 | 2640m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14937 | John Richard O'DWYER | 85 | 1073508 | 85/1073508 | 2492m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14939 | Christopher James MORAN | 154 | 1076808 | 154/1076808 | 2545m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14859 | Mirko KREZNOVIC | 53 | 1073508 | 53/1073508 | 2423m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14879 | Yoke Kwan DOUGLAS | 349 | 1076808 | 349/1076808 | 2551m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14927 | Valerie Lorraine WHITE | 206 | 1076808 | 206/1076808 | 2603m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14926 | Marvin Allan McGILLIVRAY and Anneli Snofrid McGILLIVRAY as Joint Tenants | 209 | 1076808 | 209/1076808 | 2363m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14877 | Raymond CROSS | 270 | 1076808 | 270/1076808 | 3085m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14624 | Fritz KIENZLE | 171 | 1076808 | 171/1076808 | 2494m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14936 | David Joseph BARCLAY | 229 | 1076808 | 229/1076808 | 2496m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14742 | Pauline DYKES | 271 | 1076808 | 271/1076808 | 1350m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14654 | Kathleen Margaret DAVIS | 149 | 1076808 | 149/1076808 | 2396m2 | 04-Dec-2007 | 03-Dec-2027 |
| WLL14873 | Tracey RILEY | 75 | 1073508 | 75/1073508 | 2486m2 | 04-Dec-2007 | 03-Dec-2027 |

Department of Planning



New South Wales

City of Canada Bay Local Environmental Plan 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*. (SRE0000043/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 City of Canada Bay Local Environmental Plan No 7

City of Canada Bay Local Environmental Plan No 7

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *City of Canada Bay Local Environmental Plan No 7*.

2 Aims of plan

- (1) This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*.
- (2) This plan also incidentally makes more extensive provisions in the *Concord Planning Scheme Ordinance* for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the 1993 Act.

3 Land to which plan applies

This plan applies to land in the local government area of Canada Bay, being Lot 5, DP 778667, known as 64 Victoria Avenue, Concord West and Lot 27, DP 719909, known as 159 Parramatta Road, North Strathfield.

4 Amendment of Concord Planning Scheme Ordinance

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

City of Canada Bay Local Environmental Plan No 7

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 61GB

Omit the clause. Insert instead:

61GB Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 10 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 10:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 10, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 10, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) In this clause, *the relevant amending plan*, in relation to land described in Part 2 of Schedule 10, means the local environmental plan that inserted the land description in that Part.
- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 10, the Governor approved of subclause (3) applying to the land.

City of Canada Bay Local Environmental Plan No 7

Schedule 1 Amendments

[2] Schedule 10 Classification and reclassification of public land as operational land

Insert before the heading “**Concord**”:

Part 1 Interests not changed**[3] Schedule 10, Part 2**

Insert after Part 1 of the Schedule:

Part 2 Interests changed

| Column 1 | Column 2 | Column 3 |
|--------------------------|--------------------|--------------------------------------|
| Locality | Description | Any trusts etc not discharged |
| Concord West | | |
| 64 Victoria Avenue | Lot 5, DP 778667 | Nil. |
| North Strathfield | | |
| 159 Parramatta Road | Lot 27, DP 719909 | Nil. |



New South Wales

Great Lakes Local Environmental Plan 1996 (Amendment No 13)

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*. (NEW0000057/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 13)

Great Lakes Local Environmental Plan 1996 (Amendment No 13)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 13)*.

2 Aims of plan

- (1) This plan amends *Great Lakes Local Environmental Plan 1996* to rezone the land to which this plan applies from partly Zone No 1 (c) (Future Urban Investigation Zone) and partly Zone No 2 (Village Zone) to partly Zone No 2 (a) (Low Density Residential Zone), partly Zone No 7 (a) (Wetlands and Littoral Rainforest Zone), partly Zone No 7 (a1) (Environmental Protection Zone) and partly Zone No 7 (b) (Conservation Zone).
- (2) This plan aims to provide for development on the land to which it applies:
 - (a) that reflects the sensitive environmental attributes of that land, and
 - (b) that will ensure the quality of the natural environment through conservation of biological diversity and ecological integrity.

3 Land to which plan applies

- (1) This plan applies to certain land within the local government area of Great Lakes, known as the Pacific Palms Local Environmental Study Area, as shown edged heavy red on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No 13)" deposited in the offices of Great Lakes Council.
- (2) However, this plan does not apply to that part of the land within the local government area of Great Lakes as shown edged heavy red and hatched on that map, being deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

Great Lakes Local Environmental Plan 1996 (Amendment No 13)

Clause 4

4 Amendment of Great Lakes Local Environmental Plan 1996

Great Lakes Local Environmental Plan 1996 is amended as set out in Schedule 1.

Great Lakes Local Environmental Plan 1996 (Amendment No 13)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clauses 33B and 33C

Insert after clause 33A:

33B Development on certain land at Pacific Palms

Objective of Provision

The objective of this provision is to ensure the sustainable development of certain land at Pacific Palms by:

- (a) establishing a co-ordinated and long-term framework for managing sensitive natural systems so as to reflect community standards, and
- (b) ensuring future land management practices do not compromise the long-term ecological integrity of the area, particularly in relation to wetlands and native vegetation, threatened species habitat areas and wildlife corridors.

Ecological management and bush fire hazard reduction

- (1) This clause applies to Lot 4242, DP 1036056 (Lakeside Crescent), Lot 58, DP 731369, Lot 2, DP 867899 and Lot 2, DP 862876 (Boomerang Drive), Pacific Palms.
- (2) Before granting development consent for development on land to which this clause applies, the Council must have regard to the following:
 - (a) the capability of the land to support the proposed development,
 - (b) the protection of significant vegetation and habitats, including habitats for threatened species,
 - (c) the facilitation of fauna movement within and through the land,
 - (d) the protection of the scenic attributes of the land,
 - (e) the protection of development from bush fire without unreasonably compromising the ecological values of the land.
- (3) Before granting development consent for development on land to which this clause applies, the Council must be satisfied that:
 - (a) adequate measures will be implemented to achieve the long-term preservation and management of biological diversity and ecological integrity on the land, and

Great Lakes Local Environmental Plan 1996 (Amendment No 13)

Amendments

Schedule 1

-
- (b) adequate measures will be implemented to achieve the long-term protection and management of significant habitats on the land, including habitats for threatened species, for wildlife conservation purposes, and
 - (c) adequate measures will be implemented to facilitate fauna movement within and through the land, and
 - (d) if the proposed development is on land within Zone No 2 (a), adequate measures will be implemented to protect development on the land from bush fire and such measures will not unreasonably compromise the ecological values of the land.
- (4) Development consent must not be granted for development for the purpose of subdivision on land to which this clause applies unless the Council is satisfied that:
- (a) any part of the land to which the development application relates that is within Zone No 7 (a1) is, or will be contained in, a single lot, and
 - (b) land within that lot will be effectively managed in the long term for ecological and conservation purposes.

33C Primary koala food trees at Pacific Palms

- (1) This clause applies to Lot 2, DP 867899 (Boomerang Drive) and Lot 4242, DP 1036056 (Lakeside Crescent), Pacific Palms.
- (2) Development consent must not be granted for development on land to which this clause applies (other than land within Zone No 2 (a)) unless the Council is satisfied that:
 - (a) the development will not cause loss of primary koala food trees, or
 - (b) if loss of primary koala food trees is an unavoidable consequence of the carrying out of the development, replacement plantings will be undertaken.
- (3) In this clause, *primary koala food trees* means trees of the species *Eucalyptus robusta* (Swamp Mahogany).

[2] Dictionary

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

Great Lakes Local Environmental Plan 1996 (Amendment No 13)



New South Wales

Lake Macquarie Local Environmental Plan 2004 (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*. (NEW0003959/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)*.

2 Aims of plan

The aims of this plan are:

- (a) to remove the cross-hatching on the map in respect of certain land and to rezone that land from Zone 6 (1) Open Space Zone to Zone 5 Infrastructure Zone, to enable Energy Australia to upgrade a substation and to allow associated bush fire asset protection, and
- (b) to rezone certain land from Zone 10 Investigation Zone to Zone 2 (1) Residential Zone and Zone 7 (2) Conservation (Secondary) Zone and to enable development to be carried out in accordance with *State Environmental Planning Policy (Seniors Living) 2004* on land in respect of which development consent has been previously granted pursuant to the provisions of *Lake Macquarie Local Environmental Plan 1984*.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to Lot 166, DP 755242, 225–229 Mandalong Road, Morisset, as shown edged heavy black and lettered “5” on Sheet 1 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)” deposited in the office of the Council of the City of Lake Macquarie.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to Part SP 73164, 24 Bulls Garden Road, Whitebridge, as shown edged heavy black and lettered “2 (1)” or “7 (2)” on Sheet 2 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)” deposited in the office of the Council of the City of Lake Macquarie.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)

Clause 4

4 Amendment of Lake Macquarie Local Environmental Plan 2004

Lake Macquarie Local Environmental Plan 2004 is amended by inserting in appropriate order in the definition of *the map* in the Dictionary the following matter:

Lake Macquarie Local Environmental Plan 2004
(Amendment No 18)



New South Wales

Liverpool City Centre Local Environmental Plan 2007

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*. (S06/00938/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Liverpool City Centre Local Environmental Plan 2007

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| Clause 1 | Liverpool City Centre Local Environmental Plan 2007 |
| Part 1 | Preliminary |

Liverpool City Centre Local Environmental Plan 2007

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

Note. The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Plan is not a standard local environmental plan, standard clauses have been included in this Plan and the clause numbering from the *Standard Instrument (Local Environmental Plans) Order 2006* has been retained. This means that the numbering in this Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1 Name of Plan

This Plan is *Liverpool City Centre Local Environmental Plan 2007*.

2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the Liverpool city centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to strengthen the regional position of the Liverpool city centre as a focused service and employment centre for Sydney's south west region,
 - (b) to promote residential development that supports and complements the employment role of Liverpool city centre,
 - (c) to promote employment, residential, recreational and cultural opportunities for a population of varied ages and backgrounds within the Liverpool city centre,
 - (d) to reinforce and revitalise the commercial core of Liverpool city centre to provide employment opportunities,
 - (e) to strengthen the provision of medical services and education,
 - (f) to protect and enhance the vitality, identity and diversity of the Liverpool city centre,
 - (g) to facilitate a high standard of urban, and environmentally sustainable, building design,

Liverpool City Centre Local Environmental Plan 2007

Clause 3

Preliminary

Part 1

-
- (h) to encourage the management and conservation of natural resources within the Liverpool city centre,
 - (i) to encourage the use of public transport within the Liverpool city centre,
 - (j) to conserve and protect the environmental heritage of the Liverpool city centre.

3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Note. The maps adopted by this Plan are the Land Application Map, the Land Zoning Map, the Height of Buildings Map, the Floor Space Ratio Map, the Heritage Map, the Land Reservation Acquisition Map, the Flood Liable Land Map, the Acid Sulfate Soils Map and the Key Sites Map.

Clause 7A Liverpool City Centre Local Environmental Plan 2007

Part 1 Preliminary

7A Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended by inserting the following at the end of clause 3 (2):

Land to which *Liverpool City Centre Local Environmental Plan 2007* applies.

8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.
- (3) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application is to be determined as if this Plan had been exhibited but had not commenced.

8A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

Liverpool City Centre Local Environmental Plan 2007

Clause 9

Preliminary

Part 1

9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6)

State Environmental Planning Policy No 9—Group Homes

State Environmental Planning Policy No 60—Exempt and Complying Development

9A Consequential amendment to SEPP 4

- (1) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* is amended by inserting the following at the end of Schedule 1:

Clause 33F of *Liverpool City Centre Local Environmental Plan 2007*

Note. This amendment is consequential on clause 33F of this Plan. The inclusion of a reference to that clause in Schedule 1 to *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* ensures that clause 10 of that policy will not permit the carrying out of works to which clause 33F of this Plan applies without consent.

- (2) This clause is repealed on the day following the day on which it is commenced.

Clause 10 Liverpool City Centre Local Environmental Plan 2007

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

10 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B3 Commercial Core

B4 Mixed Use

B6 Enterprise Corridor

Industrial Zones

IN2 Light Industrial

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

Waterway Zones

W1 Natural Waterways

11 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

12 Zone objectives and land use table

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Liverpool City Centre Local Environmental Plan 2007

Clause 13

Permitted or prohibited development

Part 2

- (3) In the Table at the end of this Part:
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 15 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

13 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

14 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Clause 15 Liverpool City Centre Local Environmental Plan 2007

Part 2 Permitted or prohibited development

15 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

15A Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts.
- (2) Any development, not being designated development, may, despite any other provision of this Plan (except clause 27), be carried out with consent, for a maximum period of 52 days, whether consecutive or not, in any one year.
- (3) Development referred to in subclause (2) may be carried out only if:
 - (a) it would not generate an excessive demand for public services, and
 - (b) it would be compatible with the character and amenity of the locality in which it would be carried out in terms of:
 - (i) design, height and siting, and
 - (ii) its operation, and
 - (iii) traffic generation and car parking, and
 - (iv) noise, light, dust and odour nuisance, and
 - (v) privacy, and

Liverpool City Centre Local Environmental Plan 2007

Clause 15A

Land Use Table

Part 2

- (vi) stormwater drainage, and
- (vii) hours of operation, and
- (viii) overshadowing, and
- (c) it would not be inconsistent with any current consent applying to the land.

Land Use Table

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment and with good access for residents to facilities and services.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To permit residents to work at home if that does not adversely affect the amenity of the locality.
- To minimise fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Educational establishments; Environmental facilities; Group homes; Health consulting rooms; Home businesses; Hospitals; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Roads; Seniors housing; Serviced apartments; Shop top housing; Spa pools; Swimming pools; Temporary structures; Utility installations

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses which serve the needs of people who live and work in the surrounding neighbourhood.
- To allow for residential development, while maintaining active retail, business or other non-residential uses at street level.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

3 Permitted with consent

Boarding houses; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Educational establishments; Environmental facilities; Food and drink premises (but only if the floor area of the premises does not exceed 250m²); Group homes; Health consulting rooms; Home businesses; Hospitals; Hostels; Hotel or motel accommodation; Kiosks; Neighbourhood shops; Passenger transport facilities (including bus shelters); Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Roads; Seniors housing; Service stations; Serviced apartments; Shop top housing; Signage; Spa pools; Swimming pools; Temporary structures; Utility installations; Veterinary hospitals

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.

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Clause 15A

Land Use Table

Part 2

-
- To ensure that for key land in the Liverpool city centre, opportunities for retail, business and commercial uses exist in the longer term.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Amusement centres; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Helipads; Heliports; Hospitals; Hotel or motel accommodation; Information and education facilities; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Retail premises; Roads; Sex services premises; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for residential development in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.
- To facilitate a high standard of urban design and convenient urban living.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

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Part 2 Land Use Table

3 Permitted with consent

Amusement centres; Boarding houses; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Child care centres; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Group homes; Helipads; Home businesses; Home industries; Hospitals; Hostels; Hotel or motel accommodation; Information and education facilities; Mortuaries; Multi dwelling housing; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Retail premises; Roads; Seniors housing; Service stations; Shop top housing; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Vehicle repair stations; Veterinary hospitals; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To enable a mix of employment (including business, office, retail and light industrial uses) and residential uses.
- To permit residential uses that do not undermine the viability or operation of businesses.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- To provide for businesses along the entry corridor into Liverpool city centre which complement the activity around the city core.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care

3 Permitted with consent

Amusement centres; Boarding houses; Boat launching ramps; Boat repair facilities; Boat sheds; Bulky goods premises (but only if the floor area of the premises does not exceed 1,000m²); Business premises; Car

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Clause 15A

Land Use Table

Part 2

parks; Community facilities; Crematoriums; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Group homes; Helipads; Home businesses; Home industries; Hospitals; Hostels; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Mortuaries; Multi dwelling housing; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings (but only as a component of a mixed use development part of which is used for a non-residential purpose permissible on the land); Retail premises (but only if the floor area of the premises does not exceed 1,000m²); Roads; Service stations; Shop top housing; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Timber and building supplies; Utility installations; Vehicle repair stations; Vehicle showrooms; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Boat repair facilities; Boat sheds; Car parks; Community facilities; Crematoriums; Depots; Drainage; Earthworks; Educational establishments; Flood mitigation work; Freight transport facilities; Helipads; Heliports; Hotel or motel accommodation (but only if located no less than 150m away from land in Zone IN3); Kiosks; Landscape and garden supplies; Light industries; Liquid fuel depots;

Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

Materials recycling or recovery centres; Mortuaries; Neighbourhood shops; Office premises (but only if ancillary to another use that is permissible in this zone); Passenger transport facilities; Places of public worship; Pubs; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants (but only if the floor area of the premises does not exceed 200m²); Roads; Service stations; Sex services premises; Signage; Spa pools; Swimming pools; Take away food or drink premises (but only if the floor area of the premises does not exceed 200m²); Tank-based aquaculture; Telecommunications facilities; Temporary structures; Timber and building supplies; Transport depots; Truck depots; Utility installations; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and which minimises any adverse impacts on surrounding land.
- To provide for development that is compatible with Liverpool Hospital.
- To prevent development that is not compatible with or that may detract from the activities, including medical research and development associated with Liverpool Hospital.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Boarding houses; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Dwelling houses; Educational

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Clause 15A

Land Use Table

Part 2

establishments; Group homes; Hospitals; Hostels; Medical centres; Medical research and development facilities; Neighbourhood shops; Places of public worship; Residential care facilities; Roads; Seniors housing

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Flood mitigation works; Helipads; Kiosks; Passenger transport facilities; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Clause 15A Liverpool City Centre Local Environmental Plan 2007

Part 2 Land Use Table

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Advertisements; Advertising structures; Car parks (but only as required by this Plan or public car parking provided by or on behalf of Council); Cemeteries; Charter and tourism boating facilities; Community facilities; Drainage; Earthworks; Entertainment facilities; Environmental facilities; Flood mitigation works; Horticulture; Information and education facilities; Kiosks; Moorings; Pond based aquaculture; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Sewage treatment works; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Waste disposal land fill operations; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To enable the recreational enjoyment of the natural environment in this zone.
- To enable the scientific study of the natural environment in this zone.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works

3 Permitted with consent

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Drainage; Earthworks; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Moorings;

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Clause 15A

Land Use Table

Part 2

Passenger transport facilities; Recreation areas; Roads; Temporary structures; Utility installations; Water recreation structures

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

| | |
|-----------|---|
| Clause 16 | Liverpool City Centre Local Environmental Plan 2007 |
| Part 3 | Exempt and complying development |

Part 3 Exempt and complying development

16 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (iii) comply with any relevant standards set for the development by this Plan, and
 - (iv) comply with any relevant requirements of Sydney Water Corporation that relate to building over sewers, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iii) be designated development, or
 - (iv) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the

Liverpool City Centre Local Environmental Plan 2007

Clause 17

Exempt and complying development

Part 3

State Heritage Register under the *Heritage Act 1977* or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*, or

- (v) contravene any condition of a development consent applying to the land, or
- (vi) obstruct drainage of the site on which it is carried out, or
- (vii) restrict any vehicular or pedestrian access to or from the site, or
- (viii) be carried out within any easement for a public sewer main, or
- (ix) require a tree to be removed, or
- (x) contravene any restriction on the land, imposed by or for the benefit of the Council in an instrument made under section 88B the *Conveyancing Act 1919*, or
- (xi) be carried out on land that is identified as Zone RE1 Public Recreation or Zone W1 Natural Waterways, or
- (xii) be carried out on land that is flood prone land, or
- (xiii) be carried out on land that is within 40 metres of a waterway.

17 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Conservation in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)).
- (1) The objective of this clause is to identify development as complying development.

Clause 17 Liverpool City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

-
- (2) Development specified in Schedule 3 that is carried out in compliance with the applicable development standards listed in that Schedule and that complies with the requirements of section 76A (6) of the Act and the requirements of this Part is complying development.
- (3) To be complying development the development must:
- (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (d) be consistent with any of the following plans that apply to the land:
 - (i) a plan for management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*,
 - (ii) a recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995*, and
 - (e) comply with any relevant requirements of Sydney Water Corporation that relate to building over sewers, and
 - (f) not contravene any condition of development consent applying to the land, and
 - (g) not be carried out within any easement for a public sewer main, and
 - (h) not require a tree to be removed, and
 - (i) not contravene any restriction on the land, imposed by or for the benefit of the Council in an instrument made under section 88B of the *Conveyancing Act 1919*, and
 - (j) not be development to which Part 3A of the Act applies, and
 - (k) not be designated development, and
 - (l) not require the concurrence of a person other than the consent authority, and
 - (m) not be carried out on land that has been used for any one or more of the following purposes if a notice of completion of remediation work for the proposed use has not been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*:

asbestos or asbestos products, extractive industries, intensive livestock agriculture, manufacturing of chemicals, mining,

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Clause 18

Exempt and complying development

Part 3

service stations, sheep or cattle dips, waste disposal land fill operations, waste management facilities, and

- (n) not be carried out on land:
 - (i) that is within 40 metres of a waterway, or
 - (ii) that is identified in this or any other environmental planning instrument as bush fire prone, flood prone, or contaminated, or
 - (iii) that is subject to subsidence, slip or erosion, or
 - (iv) that is identified as Zone RE1 Public Recreation or Zone W1 Natural Waterways, or
 - (v) that is a special area or outer catchment area within the meaning of the *Sydney Water Catchment Management Act 1998*, or
 - (vi) that is specified in Schedule 5 (Environmental heritage) or that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register or that is subject to an interim heritage order under the *Heritage Act 1977*, or
 - (vii) that is identified in this Plan as requiring consideration of an acid sulfate soils management plan, or
 - (viii) that is within 200 metres of a poultry farm.

18 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means:
 - (a) a sensitive coastal location, or
 - (b) coastal waters of the State, or
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or

Clause 18 Liverpool City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

- (f) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (g) land reserved as a state conservation area, or identified as an Aboriginal place, under the *National Parks and Wildlife Act 1974*, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, or
- (j) land that is within a wilderness area (within the meaning of the *Wilderness Act 1987*).

Liverpool City Centre Local Environmental Plan 2007

Clause 21

Principal development standards

Part 4

Part 4 Principal development standards

21 Height of buildings

- (1) The objectives of this Plan for the control of the height of buildings are as follows:
 - (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to maintain satisfactory sky exposure and daylight to buildings and public areas,
 - (d) to provide building heights that ensure sunlight access to key areas and public domain,
 - (e) to nominate heights that will provide an appropriate transition in built form and land use intensity.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map, except as provided by clause 21A or 22B.

21A Architectural roof features

- (1) A person may, with development consent, carry out development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 21.
- (2) Development consent must not be granted to any such development unless the consent authority is satisfied that the architectural roof feature:
 - (a) comprises a decorative element on the uppermost portion of a building, and
 - (b) is not a structure for advertising, and
 - (c) does not include floor space area and is not reasonably capable of modification to include floorspace area, and
 - (d) will have a minimal overshadowing impact.
- (3) If it contains or supports building identification signage or equipment for servicing the building, (such as plant, lift motor rooms, fire stairs and the like), the signage or equipment must, to the satisfaction of the consent authority, be fully integrated into the design of the roof feature.

Clause 22 Liverpool City Centre Local Environmental Plan 2007

Part 4 Principal development standards

22 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic,
 - (b) to control building density and bulk in relation to the site area and within building envelopes (maximum building height limits) in order to achieve the desired future character of the city centre,
 - (c) to minimise any adverse environmental impact on the use or enjoyment of adjoining properties,
 - (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation,
 - (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
 - (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space within building envelopes (maximum building height limits) leaves generous space for the articulation and modulation of design.
- (2) The maximum floor space ratio for a building on any land is not to exceed:
 - (a) the floor space ratio shown for the land on the Floor Space Ratio Map, or
 - (b) if a different floor space ratio is specified under subclause (3)—that floor space ratio.
- (3) Except as provided by clause 22B, the maximum floor space ratio for buildings within a zone specified in the Table to this clause, on land for which the floor space ratio shown on the Floor Space Ratio Map is as specified in Column 1 of the Table under the heading for that zone, is the amount specified opposite that ratio in:
 - (a) Column 2 of the Table if the site area for the development is less than or equal to 1,000m², or
 - (b) Column 3 of the Table if the site area for the development is greater than 1,000m² but less than 2,500m².
- (4) For the purposes of Column 3 of the Table to this clause:
$$X = (\text{the site area in square metres} - 1,000)/1,500$$

Liverpool City Centre Local Environmental Plan 2007

Clause 22A

Principal development standards

Part 4

Table—Floor space ratio

| Column 1 | Column 2 | Column 3 |
|---|-----------------|-----------------|
| Zone B3 Commercial Core | | |
| 3.5:1 | 3:1 | (3 + 0.5X):1 |
| 4:1 | 3:1 | (3 + X):1 |
| 5:1 | 4:1 | (4 + X):1 |
| 6:1 | 4.5:1 | (4.5 + 1.5X):1 |
| 8:1 | 5:1 | (5 + 3X):1 |
| Zone B1 Neighbourhood Centre, B4 Mixed Use, B6 Enterprise Corridor, SP1 Special Activities or SP2 Infrastructure | | |
| 2:1 | 1.5:1 | (1.5 + 0.5X):1 |
| 3:1 | 2:1 | (2 + X):1 |
| 3.5:1 | 2.5:1 | (2.5 + X):1 |
| 4:1 | 2.5:1 | (2.5 + 1.5X):1 |
| 6:1 | 2.5:1 | (2.5 + 3.5X):1 |
| Zone R4 High Density Residential | | |
| 2:1 | 1:1 | (1 + X):1 |
| 2.5:1 | 1.5:1 | (1.5 + X):1 |
| 3:1 | 2:1 | (2 + X):1 |
| 3.5:1 | 2:1 | (2 + 1.5X):1 |

22A Minimum building street frontage

- (1) The objectives of this Plan for the control of building frontage to streets are as follows:
- (a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,
 - (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,
 - (c) to provide appropriate dimensions for the design of car parking levels,
 - (d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.

Clause 22B Liverpool City Centre Local Environmental Plan 2007

Part 4 Principal development standards

- (2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of at least 24 metres to a public street (excluding service laneways) on land zoned R4 High Density Residential, B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.
- (3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that:
 - (a) due to the physical constraints of the site or adjoining sites it is not possible for the building to be erected with at least one street frontage of 24 metres or more, and
 - (b) the erection of the building is consistent with the aims of this Plan.

22B Design excellence

- (1) This clause applies to development involving the construction of a new building or external alterations to an existing building.
- (2) Consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (3) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds or Macquarie Street Mall (between Elizabeth Drive and Memorial Avenue),
 - (e) any relevant requirements of the Liverpool City Centre Development Control Plan,
 - (f) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,

Liverpool City Centre Local Environmental Plan 2007

Clause 22B

Principal development standards

Part 4

-
- (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.
- (4) Consent must not be granted to the following development to which this Plan applies unless an architectural design competition has been held in relation to the proposed development:
- (a) development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,
 - (b) development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,
 - (c) development for which the applicant has chosen to have such a competition.
- (5) Subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10 per cent greater than that allowed by clause 22 or a height of up to 10 per cent greater than that allowed by clause 21, but only if:
- (a) the design of the building or alteration is the result of an architectural design competition, and
 - (b) the concurrence of the Director-General has been obtained to the development application.

Clause 22C Liverpool City Centre Local Environmental Plan 2007

Part 4 Principal development standards

- (7) In determining whether to provide his or her concurrence to the development application, the Director-General is to take into account the result of the architectural design competition (if any).
- (8) In this clause:
architectural design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

22C Car parking

- (1) The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the Liverpool city centre.
- (2) Except as otherwise provided by this Plan, car parking is to be provided in accordance with the Liverpool City Centre Development Control Plan.
- (3) Consent must not be granted for development on land zoned B3 Commercial Core, B4 Mixed Use or SP1 Special Activities that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless:
 - (a) at least one car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and
 - (b) at least one car parking space is provided for every 50 square metres of the gross floor area of the building that is to be used for retail activities.
- (4) Car parking that is required to be provided under this clause must be provided on site unless the consent authority is satisfied that car parking will be adequately provided for elsewhere.
- (5) For the purposes of this clause, the following are to be included as part of a building's gross floor area:
 - (a) any area of the building that is used for car parking and is at or above existing ground level, except to the extent permitted by the Liverpool City Centre Development Control Plan,
 - (b) any area of the building that is used for car parking below existing ground level, except where the car parking is provided as required by this clause.
- (6) Council owned public car parking is not to be included as part of a building's gross floor area.

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(7) In this clause:

commercial activities, in relation to the use of a building, means the use of the building for the purposes of business premises, child care centres, educational establishments, entertainment facilities, hospitals, hotel or motel accommodation, office premises, places of public worship, restricted premises, sex services premises, vehicle repair stations, veterinary hospitals or other like uses or a combination of such uses.

retail activities, in relation to the use of a building, means the use of the building for the purposes of amusement centres, food and drink premises, function centres, medical centres, registered clubs, retail premises, service stations or a combination of such uses.

22D Ground floor development

- (1) The ground floor of any development that is a building on land zoned B1 Neighbourhood Centre or B4 Mixed Use must have active street frontages and be used for commercial activities or retail activities (within the meaning of clause 22C), other than any parts of that floor used for:
- (a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or
 - (b) access for fire services, or
 - (c) vehicle access.
- (2) Despite subclause (1), an active street frontage is not required in respect of any part of a building facing a service lane.

22E Building separation

Buildings on land to which this Plan applies must be erected so that the separation distance:

- (a) from neighbouring buildings, and
- (b) between separate towers or other separate raised parts of the same building,

is not less than that provided for in the Liverpool City Centre Development Control Plan.

22F Ecologically sustainable development

Before granting consent for development, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach, by considering each of the following:

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

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

22G Serviced apartments

Development consent must not be granted to development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* and the design principles of the Residential Flat Design Code (a publication of the Department of Planning, September 2002) are achieved for the development as if it were a residential flat development.

22H Objectives for development within the Liverpool city centre

- (1) Before granting consent for development, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the development of the city centre as are relevant:
 - (a) the preservation of the existing street layout and reinforcement of street character through consistent building alignments,
 - (b) the achievement of solar access to buildings and areas of high pedestrian activity,
 - (c) the reduction of potential pedestrian and traffic conflicts on the Hume Highway,
 - (d) the improvement of public spaces within the city centre,
 - (e) the reinforcement of Liverpool railway station and interchange as a major passenger transport facility, including visual enhancement of the surrounding environment and a public plaza at the station entry,
 - (f) the enhancement of the natural river foreshore and places of heritage significance,

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- (g) the provision of direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.
 - (2) Without limiting subclause (1), before granting consent for development on land shown marked as a key site precinct on the Key Sites Map that involves the erection of a building, or the demolition and erection of a building, at an estimated cost of more than \$1 million, the consent authority must be satisfied that:
 - (a) if the development does not occupy all of the land in the key site precinct—the development supports the economic and orderly development of adjacent land within that precinct, and
 - (b) if the consent authority considers that further subdivision of the land within the key site precinct may be necessary—the development is consistent with that subdivision, the proposed street network and the intended future character of the area.

24 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause or of *State Environmental Planning Policy No 1—Development Standards*.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:

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- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard for development in the coastal zone,
 - (c) a development standard that arises, under the regulations under the Act, in connection with a BASIX commitment for a BASIX affected development (as defined by the regulations made under the Act).

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25 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the **owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship or if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

| Zone | Authority of the State |
|---|---|
| Zone RE1 Public Recreation and marked "Local open space" | Council |
| Zone RE1 Public Recreation and marked "Regional open space" | The corporation constituted by section 8 of the Act |
| Zone SP2 Infrastructure and marked "Classified roads" | Roads and Traffic Authority |
| Zone SP2 Infrastructure and marked "Local road" | Council |

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

26 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:
- (a) the development is carried out with the concurrence of the Roads and Traffic Authority (*the RTA*), and

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- (b) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.
 - (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by the RTA,
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

27 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications,

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conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the *relevant classification Plan*, in relation to land described in Part 2 of Schedule 4, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

28 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land zoned B3 Commercial Core, RE1 Public Recreation or W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and

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(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Plan.

29 Community use of educational establishments

(1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.

(2) An educational establishment (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.

(3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

30 Classified roads

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the proposed development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or

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includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

31 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred to in this clause as a *rail corridor*).
- (3) Development consent must not be granted to development:
 - (a) that is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,
 unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

33 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

33A Wetlands

- (1) The objective of this clause is to protect and enhance water quality and aquatic ecosystems, including wetlands.
- (2) Before granting consent for development on land in or near a wetland, the consent authority must:
 - (a) consider the impact of that development on:
 - (i) the growth of native plant communities, and
 - (ii) the survival of native wildlife populations, and
 - (iii) the provision and quality of habitats for indigenous and migratory species of wildlife, and

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- (iv) the surface and ground water characteristics (including salinity and water quality) of the wetland and of the surrounding land, and
 - (b) take into account:
 - (i) whether adequate safeguards and rehabilitation measures have been, or will be, made or taken to protect the environment, and
 - (ii) whether any other wetlands are in the vicinity and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those other wetlands.

33B Foreshore building lines

- (1) The objective of this clause is to ensure that development within a designated foreshore building line will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) For the purposes of this clause, a *foreshore building line* is a foreshore building line shown on the Land Zoning Map.
- (3) The erection of a building is prohibited on land situated between a foreshore building line and the level reached by the mean high water mark of the nearest natural waterbody.
- (4) Despite subclause (3), development consent may be granted for the following:
 - (a) the erection of a building where the levels, depth or other exceptional features of the site make it expedient to do so,
 - (b) the extension, alteration or rebuilding of an existing building that is erected wholly or partly within a foreshore building line, if the consent authority is satisfied that the building as extended, altered or rebuilt will not have an adverse impact on the amenity or aesthetic appearance of the foreshore,
 - (c) the erection of any of the following:
 - (i) boat sheds,
 - (ii) sea walls,
 - (iii) wharves, slipways, jetties,
 - (iv) waterway access stairs,
 - (v) swimming pools at or below existing ground level,
 - (vi) fences,
 - (vii) picnic facilities, cycleways, walking trails or other outdoor recreation facilities.

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- (5) Development consent referred to in subclause (4) must not be granted unless the consent authority is satisfied that:
- (a) the development will contribute to achieving the objectives for development within the zone in which it will be carried out, and
 - (b) the appearance of the structure will be compatible with the surrounding area, as viewed from both the waterway concerned and the adjacent foreshore areas, and
 - (c) the development will not cause environmental harm, such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

33C Development on flood prone land

- (1) The objectives of this clause are:
- (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of flood prone land, and
 - (c) to avoid significant adverse impacts on flood behaviour, and
 - (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) Before determining an application for consent to carry out development on flood prone land, the consent authority must consider:
- (a) the impact of that development on:
 - (i) flood behaviour, including the flood peak at any point upstream or downstream of the site of the development, and

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- (ii) the flow of floodwater on adjoining lands, and
 - (iii) the flood hazard or risk of flood damage to property and personnel, and
 - (iv) erosion, siltation or destruction of riparian vegetation in the area, and
 - (v) the water table on any adjoining land, and
 - (vi) riverbank stability, and
 - (vii) the safety in time of flood of the site of the development and of any buildings or works intended to be erected or carried out, and
 - (viii) the hydraulic capacity of flood prone land in the locality, and
 - (ix) the provision of emergency equipment, personnel, welfare facilities or other resources that might be needed for an evacuation resulting from flooding, and
 - (x) the risk to life and personal safety of any emergency service and rescue personnel who might be involved in any such evacuation, and
 - (xi) the cumulative impact of further development on flooding, and
 - (xii) the potential for pollution during flooding, and
 - (b) the impact that flooding will have on the proposed development, including the flood liability of access to the site of the proposed development, and
 - (c) the provisions of any floodplain management plan adopted by the Council which applies to the land.

33D Earthworks

- (1) The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features.
- (2) Consent for earthworks may be granted only if the consent authority is satisfied that:
 - (a) the earthworks are required for the reasonable economic use of the land on which it takes place or for the provision of utility services, and
 - (b) there would be no adverse impact on any one or more of the following:
 - (i) a water body,
 - (ii) private or public property,

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- (iii) ground water quality and resources,
 - (iv) stormwater drainage,
 - (v) flooding.

33E Managing salinity in urban areas

- (1) The objective of this clause is to protect natural hydrological systems by minimising disturbance and ensuring appropriate land use and management where urban development may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (2) Consent must not be granted to development on land if, in the opinion of the consent authority:
 - (a) it is likely that the land has saline soil, or
 - (b) the development may cause the soil on the land to become more saline,unless it has considered a salinity management plan that complies with this clause in relation to the development.
- (3) A *salinity management plan* is a plan that recommends measures to be adopted, as part of proposed development, to reduce:
 - (a) any existing soil salinity, or any impact of that salinity, on the land concerned, and
 - (b) the likelihood and impact of the soil becoming more saline as a result of the development.
- (4) The salinity management plan is to include measures that are based on the following principles (to the extent relevant):
 - (a) the clearing of any native vegetation should be minimised,
 - (b) deep-rooted species of vegetation that are salt tolerant and able to reduce ground water levels should be planted,
 - (c) footings of buildings should be constructed so as not to impede groundwater movement,
 - (d) building materials that are resistant to salt effects should be used in building works,
 - (e) surface water infiltration should be reduced by constraining irrigation systems,
 - (f) roadways, utility services and other infrastructure should be located so as to reduce:
 - (i) any existing soil salinity or any impact of that salinity, and
 - (ii) the likelihood and impact of the soil becoming more saline as a result of the development.

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33F Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land of the class specified for those works, except as provided by this clause.

| Class of land shown on the Acid Sulfate Soils Map | Works |
|---|---|
| 1 | Any works. |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. |
| 3 | Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface. |
| 4 | Works beyond 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

- (3) Consent is not to be granted under this clause unless:
 - (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Guidelines* and has been provided to the consent authority, and
 - (b) a copy of the plan and a copy of the development application have been provided to the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General of that Department made within 21 days after those copies were provided to that Department.

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- (4) Consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Guidelines* indicates that an acid sulfate soils management plan need not be carried out for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) This clause requires consent for the carrying out of works by a public authority. However, consent is not required for the carrying out of any of the following work by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the work has been damaged, ceased to function or poses a risk to the environment or to public health and safety,
 - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that would result in the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) This clause does not require consent to carry out any works unless:
- (a) the works involve the disturbance of more than one tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
 - (b) the works are likely to lower the water table.

33G Sun access

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing.
- (2) This clause applies to land in the vicinity of Bigge Park, Apex Park and Macquarie Street Mall (between Elizabeth Drive and Memorial Avenue), as shown edged heavy black on the Height of Buildings Map.
- (3) Despite any other provision of this Plan, development on land to which this clause applies is prohibited if the development results in any part of

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a building projecting above the height and setback controls specified in the Liverpool City Centre Development Control Plan.

- (4) This clause does not apply to development resulting only in refurbishment of a building.

34 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item, or
- (b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 35 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is a routine agricultural

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management activity within the meaning of that Act carried out on land to which that Act applies, or

- (b) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (c) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (d) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

35 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Liverpool city centre, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,

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- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission

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of a heritage conservation management plan before granting consent under this clause.

(6) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(7) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(8) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

(9) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

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- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

36 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

37 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
 - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
 - (b) transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.
- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.

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- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

38 Crown development and public utilities

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
- (a) the carrying out of development of any description specified in subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,
- but excluding:
- (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
- (a) development of any description at or below the surface of the ground,
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,

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- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
 - (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
 - (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

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- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
 - (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
 - (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting

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Part 5 Miscellaneous provisions

and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

- (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
 - (b) any development designed to change the use or purpose of any such reserve.
- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by the Department of Natural Resources, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
 - (b) the formation or alteration of any means of access to a road.

38A Council development

Development may be carried out by or on behalf of the Council without development consent on any land, except land within a heritage conservation area or land containing a heritage item, for any one or more of the following purposes:

- (a) construction or maintenance of stormwater drainage, water quality treatment devices, water tanks, flood mitigation structures, recreation areas, public amenities or temporary storage facilities,
- (b) installation or maintenance of street furniture, such as seats, Council information signs, street signs, street lights, bus shelters, garbage and recycling containers and bins, bollards, flagpoles, telephone kiosks and the like, but not fixed outdoor vending machines,
- (c) construction or maintenance of roads, footpaths, cycle ways, parking areas, fire trails, walking tracks and other public pedestrian areas, roads, including tree planting and repaving, street surfacing, reconstruction of kerbs, gutters and the like,

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- (d) installation or maintenance of park furniture, including seats, picnic tables, barbecue units and shelters, awnings and shade structures, gazebos and pergolas, bollards, playground equipment, flagpoles, bridges, staircases, boardwalks, lighting (excluding ovals, tennis courts and the like) and Council information signs,
 - (e) installation or maintenance of goal posts, sight screens, fencing and similar ancillary sporting structures on sporting or playing fields for use in the playing or performance of sporting events (excluding grandstands, dressing sheds and other structures),
 - (f) installation or maintenance of temporary structures for special events, including marquees, booth toilets, stages, tents, scaffolds and the like,
 - (g) bush regeneration, landscaping, gardening, tree planting, tree maintenance and tree removal,
 - (h) other works or activities approved by the Council as part of a plan of management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989* for public land (but not the erection of buildings or activities excluded by paragraphs (a)–(g)).

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 14)

1 Land zoned R4 High Density Residential

- (1) This clause applies to land zoned R4 High Density Residential within the Liverpool city centre, generally bounded by the Hume Highway, Passefield Street, Atkinson Street, the Southern Rail Line, Mill Park, the Georges River, Newbridge Road and Bridges Road.
- (2) Development for the following purposes is permitted on land to which this clause applies:
 - (a) tourist and visitor accommodation,
 - (b) restaurants (but only if any such restaurant forms part of a mixed use development that contains multi dwelling housing).

2 Land zoned B1 Neighbourhood Centre

- (1) This clause applies to land zoned B1 Neighbourhood Centre within the Liverpool city centre abutting the Hume Highway between Forbes Street and Goulburn Street.
- (2) Development for the purposes of residential flat buildings is permitted on land to which this clause applies but only if any such building contains neighbourhood shops.

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Exempt development

Schedule 2

Schedule 2 Exempt development

(Clause 16)

Access ramps

- (1) Maximum height—600mm.
- (2) Maximum grade—1:14.
- (3) Maximum length—9m.
- (4) Maximum width—1m.
- (5) Must be at least 500mm from any property boundary.
- (6) If the ramp is to be used to provide access for the disabled, it must comply with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*.

Advertisements—general requirements

- (1) Must be non-moving.
- (2) If over public road, must be at least 3m above and 600mm from the edge of the road.
- (3) If over a public footpath, must be at least 2.6m above the footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs).
- (5) Must be within the boundaries of the property to which it applies, unless in a business or an industrial zone.
- (6) Must reflect the character and style of any building to which it is attached.
- (7) Must be structurally adequate.
- (8) Must not be detrimental to the character and functioning of the building.
- (9) Must not cause offence to the public.
- (10) Not permitted on walls facing or adjoining residential premises.
- (11) Must not be an “A” frame sign.
- (12) The consent of the owner of the property on which the sign is to be located must be obtained.

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Schedule 2 Exempt development

Advertisements—business identification signs for businesses other than brothels in business zones**(1) Underawning sign**

Sign attached to the underside of an awning other than a fascia or return end:

- (a) Must meet the general requirements for advertisements.
- (b) 1 sign per premises of ground level, street frontage.
- (c) Maximum length—2.5m.
- (d) Maximum height—0.5m.
- (e) Must not be flashing.

(2) Projecting wall sign (excluding underawning signs)

Sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm:

- (a) Must meet the general requirements for advertisements.
- (b) 1 sign per premises or 1 per street frontage, whichever is greater.
- (c) Maximum projection—1.5m.
- (d) Maximum area—1.5m².
- (e) Must not be flashing.

(3) Flush wall sign

Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm:

- (a) Must meet the general requirements for advertisements.
- (b) Maximum area—2.5m².
- (c) Must not be flashing.

(4) Top hamper sign

Sign attached to the transom of a doorway or display window of a building:

- (a) Must meet the general requirements for advertisements.
- (b) Maximum area—2.5m².
- (c) Must not be flashing.

(5) Fascia signs

Sign attached to the fascia or return of the awning:

- (a) Must meet the general requirements for advertisements.
- (b) Maximum—1 sign per premises.

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Exempt development

Schedule 2

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- (c) Must not project above or below, or more than 300mm from the fascia or return end of the awning to which it is attached.
 - (d) Must not be flashing.

Advertisements—business identification signs for businesses other than brothels in industrial zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 pole or pylon sign per premises (including any directory board for multiple occupancies).
- (3) Maximum height—5m.
- (4) Located within 5m of any public entry point to the premises.
- (5) Must not obstruct the sight line of vehicular or pedestrian traffic.
- (6) For multiple occupancy premises, 1 additional company sign is permitted at the entrance to each occupied unit, maximum dimensions—1.2m².
- (7) For single occupancy premises, 1 additional company identification sign is permitted, maximum area—1m² per 3m of street frontage or 50m², whichever is the lesser.

Advertisements—business identification signs in residential zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m².
- (4) If a pole or pylon sign, maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—business identification signs in rural zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m² (except if pole or pylon sign).
- (4) If pole or pylon sign, maximum area—2m² and maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—public notices displayed by a public body giving information or direction about the services provided

- (1) Must meet the general requirements for advertisements.

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Schedule 2 Exempt development

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- (2) Maximum height—5m.
 - (3) Maximum area—5m².
 - (4) Must not obstruct the sight line of vehicular or pedestrian traffic.
 - (5) Must not be flashing.

Advertisements—real estate signs (advertising land development)

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—6m² for each 25 lots.

Advertisements—real estate signs (advertising premises or land for sale or rent) in business or industrial zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—4.5m².
- (3) Must be located wholly within the property boundary.
- (4) Must not be flashing.

Advertisements—real estate signs (advertising premises or land for sale or rent) in residential or rural zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m².
- (3) Must not be flashing.

Advertisements—signs behind the glass line of a shop window in the B1, B3, B4, B6 or IN2 zone (with the exclusion of brothels)

- (1) Must meet the general requirements for advertisements.
- (2) Must not occupy more than 50% of the area of the window.
- (3) Must not be flashing.

Advertisements—street signs comprising name plates, directional signs and advance traffic warning signs

- (1) Must meet the general requirements for advertisements.
- (2) Must be constructed by or for Council.
- (3) Traffic signs must comply with AS 1742.1—1991, *Manual of Uniform Traffic Control Devices*.

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Exempt development

Schedule 2

Advertisements—temporary signs for religious, cultural, political, social or recreational events

- (1) Must meet the general requirements for advertisements.
- (2) 1 per street frontage.
- (3) Maximum area—1.5m² and maximum height—1.5m in residential and rural areas.
- (4) Maximum area—3.5m² and maximum height—2m in commercial and industrial areas.
- (5) Must not include commercial advertising apart from name of event sponsor.
- (6) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.
- (7) Must not be used in relation to recurring events.
- (8) Must not be flashing.

Advertisements—within a site, but not visible from outside of that site (with the exclusion of brothels)

Must meet the general requirements for advertisements.

Air conditioning units for dwelling houses in rural or residential zones

- (1) Maximum noise level at property boundary—5 dBA above ambient background noise level.
- (2) Must be at least 3m from any property boundary.
- (3) Maximum sound power level—60 dB.
- (4) Any opening created must be adequately weatherproofed.
- (5) Must be structurally adequate.
- (6) Must be attached to external wall or ground mounted.
- (7) 1 per premises.

Aerials and antennae (other than satellite dishes or microwave antennas)

- (1) Must not be used for transmission purposes.
- (2) 1 per dwelling house or multi dwelling complex.
- (3) Maximum height—3m above the ridge line of the building.
- (4) Must be for television reception only.

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Schedule 2 Exempt development

Awnings, pergolas, carports and canopies

- (1) Must be located in a residential zone on a property that contains a dwelling house.
- (2) Must be at least 500mm from any property boundary.
- (3) Maximum height—2.7m, or if no part of the structure is within 900mm of any property boundary—3m.
- (4) Must not have roller doors or panel lift doors installed.
- (5) Must be structurally adequate. Steel structures must be designed by a qualified engineer, timber structures must be designed in accordance with AS 1684—1992, *Residential timber-framed construction—Design criteria*.
- (6) Must not be closer to the street than the associated dwelling.
- (7) Maximum area—20m².
- (8) Maximum cumulative area of all awnings, carports, canopies, cabanas, gazebos, greenhouses and pergolas on the site—50m² in residential zones and 75m² in rural zones.
- (9) Must be constructed with non-reflective finishes.
- (10) If roof area is 15m² or more (except in the case of canopies), must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (11) Water from canopies must be directed to a surface water collection point and must not cause a nuisance to any adjoining property.

Barbecues

- (1) Maximum area—2m².
- (2) Maximum chimney height—2m.
- (3) Located in rear yard area or, behind a courtyard wall, with no greater than 200mm of the chimney above the wall.
- (4) Must be structurally adequate.
- (5) Must be at least 1200mm from any pool safety fence.
- (6) Must not create a nuisance to any adjoining property.

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Exempt development

Schedule 2

Bird aviaries in residential zones

- (1) Maximum cumulative area—5m².
- (2) Maximum height—1.8m.
- (3) Must be constructed with non-reflective finishes.
- (4) Must be located in the rear yard and be at least 1m from any property boundary.
- (5) Must not be used to house chickens, pheasant, partridge, quail, pea fowl or pigeons.
- (6) Must be structurally adequate.
- (7) Must have a concrete floor graded to a waste collection point, which satisfies any relevant requirements of Sydney Water.

Change of use—general requirements

- (1) A written notice of the different use is to be supplied to the Council 14 days before undertaking work or beginning operations. The written notice must include copies of all relevant approvals from any other approval body.
- (2) Must not involve the carrying out of any alterations other than alterations that are themselves exempt development.
- (3) The new use must be permissible within the zone.
- (4) Must not use curtilage of the premises for storage or display purposes.

Change of use—light industrial premises

- (1) Must meet the general requirements for change of use.
- (2) Must be for light industrial purposes.
- (3) The premises must have a previous approval for light industrial use.
- (4) Maximum floor area—500m².
- (5) Must have adequate space for loading and unloading vehicles on the premises.
- (6) Must not extend the existing hours of operation, and not operate outside the hours of 6.00am to 6.00pm.
- (7) Must not create any greater, different or additional potential hazard to the environment or the occupants of the building.
- (8) The new use must not compromise the amenity of the locality in any greater, different or additional way, than the existing use.

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Schedule 2 Exempt development

Change of use—office and business premises

- (1) Must meet the general requirements for change of use.
- (2) Must use the premises for the purposes of office or business premises.
- (3) The premises must have a previous approval for use as office or business premises.

Change of use—shops

- (1) Must meet the general requirements for change of use.
- (2) Must use the premises for the purposes of a shop.
- (3) The premises must have a previous approval for use as a shop.
- (4) Must not result in premises being used for the purposes of food and drink premises, beauty salon, hairdressing salon or used for the purposes of skin penetration.

Clothes hoists and clothes lines

- (1) Must not be forward of the dwelling.
- (2) Must be installed to the manufacturer's specifications.

Concreting or paving

- (1) Must be located on a property that contains a dwelling house.
- (2) Must be located within the property boundaries.
- (3) Must not adversely effect the flow of water onto adjoining properties.
- (4) Must take appropriate measures to collect and dispose of any stormwater.
- (5) Must be at least 100mm below the base of any weepholes on any structure.
- (6) Must not be in the front setback except for driveways and pathways.
- (7) Maximum area of concrete and paving—65% of the site.
- (8) Must not alter the existing shape of the land.

Decks

- (1) Must be located on a property that contains a dwelling house.
- (2) Maximum area—20m².
- (3) Maximum cumulative area of all decks and patios on the site—50m² in residential zones and 75m² in rural zones.

Liverpool City Centre Local Environmental Plan 2007

Exempt development

Schedule 2

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- (4) Must not be located forward of the dwelling unless behind an existing Council approved fence with a minimum height of 1.8m.
 - (5) Maximum height of deck—600mm.
 - (6) Must be at least 900mm from any property boundary.
 - (7) Must be structurally adequate.
 - (8) Maximum height of any handrail associated with the deck—1m.

Demolition

- (1) Must be demolition of a structure, the erection of which would be exempt development under this Plan.
- (2) Activity must be confined to within the property boundaries.
- (3) The demolition is for the entire structure and not part of a structure.
- (4) Must be carried out in accordance with AS 2601—2001, *Demolition of structures* and any relevant WorkCover guidelines.
- (5) Must not bury or burn materials on the site.
- (6) Must keep debris off any footpath.
- (7) If a structure is likely to have been treated with pesticides, contact with the top 10-20mm of soil must be avoided.

Fences (other than fences covered by the Swimming Pools Act 1992)

- (1) Must be constructed so that they do not prevent the natural flow of stormwater drainage or runoff.
- (2) Must be structurally adequate.
- (3) Maximum height—1m if constructed, in whole or in part, of masonry.
- (4) Maximum height—1.2m if located between the building line and street or any other public place and constructed of timber, or metal (wrought iron or the like) or a combination of those materials.
- (5) Maximum height 1.8m if a side or rear boundary fence constructed of timber, metal or lightweight materials.

Flagpoles

- (1) Maximum flag area—2m².
- (2) Maximum height—6m.
- (3) Must not project beyond property boundaries.
- (4) Must be structurally adequate.

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Schedule 2 Exempt development

- (5) Must be installed to the manufacturer's specifications.
- (6) Must not be used to display offensive matter or an advertisement.
- (7) Maximum—1 per site.
- (8) Maximum—1 flag per flagpole.
- (9) Must not cause an audible nuisance.

Garden sheds and greenhouses

- (1) Maximum floor area—20m².
- (2) Maximum cumulative area of all garden sheds and greenhouses on the site—30m² in residential zones and 50m² in rural zones.
- (3) Maximum height—2.4m.
- (4) Must not be located forward of the dwelling.
- (5) Must be at least 500mm from any property boundary in a residential zone and at least 3m from any property boundary in a rural zone.
- (6) Must be at least 450mm from any other structure.
- (7) Must not be used for habitable or commercial purposes.
- (8) Must not have reflective finishes.
- (9) Must be structurally adequate.
- (10) Must be freestanding.
- (11) If roof area is 15m² or more, must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.

Hoardings

- (1) Maximum height—2.1m.
- (2) Must not encroach on any footpath, public thoroughfare or adjoining property.
- (3) Must be erected in accordance with any relevant WorkCover requirements.
- (4) Must be dismantled on completion of all construction works.
- (5) Must be structurally adequate.

Liverpool City Centre Local Environmental Plan 2007

Exempt development

Schedule 2

Home occupations

Note. All home occupations are exempt development and no standards have been prescribed at the commencement of this Plan.

Letter boxes

- (1) Maximum height—1m.
- (2) Must be erected in accordance with any relevant guidelines for letter box construction issued by Australia Post.
- (3) Must be located wholly within the property boundaries.
- (4) Must be structurally adequate.
- (5) 1 per dwelling house and a maximum of 2 per property.

Minor alterations

- (1) Must only involve the replacement of doors, walls, ceiling linings, floor linings, windows, frame members or roofing materials, with equivalent or improved quality materials, or renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.
- (2) Must not include changes to the external configuration of the building.
- (3) Must be structurally adequate.
- (4) Must not increase the total floor area of the building.
- (5) Must be undertaken in accordance with any relevant WorkCover guidelines.
- (6) If residential premises, must not involve the removal or replacement of a load-bearing member.
- (7) If residential premises, must not involve the conversion of a non-habitable room to a habitable room.
- (8) If a shop (other than a food shop), office premises or industrial premises, maximum floor area, 100m² of non-structural work.

Playground equipment for domestic use

- (1) Maximum height—2.4m.
- (2) Maximum area—10m².
- (3) Maximum floor height for cubby houses and similar structures—600mm.

Liverpool City Centre Local Environmental Plan 2007

Schedule 2 Exempt development

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- (4) Must not be located within a swimming pool area or less than 1200mm from a pool safety fence.
 - (5) Must not be located forward of the dwelling, unless located behind a Council approved fence that is at least 1.8m high.
 - (6) Must be structurally adequate.

Portable classrooms and other portable school buildings

- (1) Must not be erected for more than 5 years.
- (2) Must be structurally adequate.
- (3) If roof area is 15m² or more, must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (4) Must be at least 3m from any property boundary.
- (5) Must be erected by or on behalf of the Department of Education and Training.

Privacy screens

- (1) Maximum height—2.1m.
- (2) Maximum length—10m.
- (3) Must not be located forward of the dwelling.
- (4) Must be constructed of timber or lattice.
- (5) Screening material must be at least 30% transparent.
- (6) Must be structurally adequate.
- (7) Must be free standing.
- (8) Must not be attached to any boundary fence.

Re-cladding of roofs and walls

- (1) Must only involve replacing existing materials with similar materials which are compatible with the existing building and finishes.
- (2) Must not involve structural alterations or change to the external configuration of a building.
- (3) Must be undertaken in accordance with any relevant WorkCover guidelines.

Liverpool City Centre Local Environmental Plan 2007

Exempt development

Schedule 2

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- (4) Must use materials with non-reflective finishes.

Retaining walls

- (1) Must be structurally adequate.
- (2) The footing, wall and associated drainage must be located entirely within the property boundary.
- (3) Must provide an agricultural drain connected to a stormwater disposal system along the wall.
- (4) If associated with the construction of a dwelling (being the retaining of cut and fill within a 2.0m radius of the building platform) maximum height—900mm.
- (5) If not associated with the construction of a dwelling, maximum height—450mm in residential, commercial and industrial zones and 600mm in rural zones.

Satellite dishes and microwave antennae—general requirements

- (1) Maximum—1 installation per premises.
- (2) Must be structurally adequate and, if roof mounted, secured to the building.
- (3) If ground mounted:
- (a) must not be located forward of the building, unless located behind a Council approved fence that is at least 1.8m high, and
- (b) must not be located within any driveway or landscaped area that was required by the Council.
- (4) Must not be used for transmission purposes if on residential premises.
- (5) In any multiple dwelling or residential flat development, all units must be connected to a single common television/radio antenna.
- (6) Must be at least 900mm from the boundary of any adjoining residential property and must be contained within the property boundaries.

Satellite dishes and microwave antennae—ground mounted on commercial premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum height and diameter—1.8m.

Liverpool City Centre Local Environmental Plan 2007

Schedule 2 Exempt development

Satellite dishes and microwave antennae—ground mounted on residential premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum height—1.8m.
- (3) Maximum diameter—1m.
- (4) Must not be visible from the street that the property fronts.

Satellite dishes and microwave antennae—roof mounted on commercial premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum height—2m above the roof surface.
- (3) Maximum diameter—1.8m.

Satellite dishes and microwave antennae—roof mounted on residential premises

- (1) Must meet the general requirements for satellite dishes and microwave antenna.
- (2) Maximum diameter—600mm.
- (3) Must be suitably coloured to blend in with the building.
- (4) The upper most portion of the antennae or satellite dish must be located below the ridge of the dwelling.

Scaffolding

- (1) Must not encroach on any public road or footpath, public thoroughfare or adjoining property. Encroachments onto adjoining properties are permitted only with the consent of the adjoining property owner.
- (2) Must not encroach on any adjoining property without the consent of the adjoining property owner.
- (3) Must comply with any relevant WorkCover guidelines.
- (4) Must be structurally adequate.

Skylights and roof windows, in detached houses

- (1) The total cumulative area of light wells or skylights must not exceed more than 5% of the total roof area per dwelling.
- (2) Must be located at least 900mm from any property boundary or any wall separating attached dwellings.

Liverpool City Centre Local Environmental Plan 2007

Exempt development

Schedule 2

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- (3) Must be at least 2.4m above the floor level of the room to which it serves.
 - (4) Associated building work must not reduce the structural integrity of the building.
 - (5) Any opening created must be adequately weatherproofed.
 - (6) Must be installed to the manufacturer's specifications.

Solar water heaters

- (1) Must be installed to the manufacturer's specifications.
- (2) Associated building work must not reduce the structural integrity of the building.
- (3) Any opening created must be adequately weatherproofed.
- (4) If roof mounted, the base must be flush with the roofline.

Storm blinds

Note. A retractable roof like shelter, located over a window or door for protection from the weather.

- (1) Maximum area of each blind 10m².
- (2) Must be located wholly within the property boundaries.

Temporary buildings (other than temporary work sheds)

- (1) Must not be erected for more than 72 hours.
- (2) Must be located within the property boundaries.
- (3) Must be at least 6m from any street.
- (4) Must not be used for commercial or industrial purposes.
- (5) Must be structurally adequate.
- (6) Must not be used for a recurring use or a use that would otherwise require development consent.

Water heaters (excluding solar water systems)

Associated work must not reduce the structural integrity of the building.

Water tanks

- (1) Maximum volume—5000L.
- (2) Maximum height (including any stand)—2m or if installed on a rural property with an allotment size of at least 2 hectares—2.4m.
- (3) Maximum height of stand—450mm.

Liverpool City Centre Local Environmental Plan 2007

Schedule 2 Exempt development

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- (4) Must not be located forward of the dwelling, unless located behind a Council approved fence that is at least 1.8m high.
 - (5) Must be structurally sound.
 - (6) Must be installed to the manufacturer's specifications.
 - (7) Must be a commercially manufactured tank designed for the use of water supply.
 - (8) Must ensure that overflow from tanks is connected to an approved stormwater disposal system.
 - (9) Must ensure that any pumps do not cause a noise nuisance.
 - (10) Maximum—1 per dwelling or other premises.
 - (11) Must not be constructed of reflective materials and materials must be compatible with the associated dwelling.

Work sheds (temporary)

- (1) Must be a temporary structure erected for the purposes of storing building materials that are used in association with the construction of another structure.
- (2) Must not obstruct the line of sight of traffic.
- (3) Must be removed upon completion of the construction works.
- (4) Must not be erected in residential zones for more than 12 months if the structure is visible from any street.
- (5) Must not cause a nuisance to any other property.
- (6) Must not be used for residential purposes or for the storage or handling of inflammable materials.
- (7) Must be located within the property boundaries.
- (8) Must be structurally adequate.

Liverpool City Centre Local Environmental Plan 2007

Complying development

Schedule 3

Schedule 3 Complying development

(Clause 17)

Part 1 Complying development subject to conditions

Division 1 Types of development

Awnings, pergolas, canopies, carports, gazebos, decks, patios

- (1) Must be on lots between 270m² and 1,000m² in residential zones.
- (2) Must be contained within property boundary.
- (3) Maximum length of structure permitted within 900mm of the property boundary—30% of the length of that boundary.
- (4) Any structure visible from the street must:
 - (a) not be located forward of the dwelling,
 - (b) if located less than 900mm from a side or rear property boundary, must not be located forward of any dwelling on the adjoining property, and
 - (c) not exceed 30% of the facade of the dwelling.
- (5) Minimum secondary corner setback—2.5m, unless located behind a Council approved fence that is at least 1.8m high.
- (6) Roofed structures must not be located outside any existing building envelope.
- (7) Any visible second hand materials must be treated and painted to be compatible with the existing development.
- (8) At least 50% of the perimeter must be open. A side within 500mm of a property boundary is not considered to be open.
- (9) Must not have roller doors or panel lift doors installed.
- (10) Maximum total area of the following structures:
 - (a) pergolas, awnings, canopies, carports or similar outbuilding—50m²,
 - (b) decks and patios or similar outbuilding—50m².
- (11) Maximum site coverage of all structures 0.6:1.
- (12) Maximum height of any handrail—1m.
- (13) If visible from the street, the subfloor area of the decking must be enclosed with materials that are compatible with the dwelling.

Liverpool City Centre Local Environmental Plan 2007

Schedule 3 Complying development

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- (14) Handrails must be constructed of materials that are compatible with the dwelling and painted.
 - (15) Maximum height 2.7m if located less than 900mm from a property boundary or 3m in any other case.
 - (16) Maximum height of the floor level of any deck or patio—600mm.
 - (17) If roof area is 15m² or more (except in the case of canopies), must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
 - (18) Must collect and dispose of any stormwater in a manner that does not adversely effect any adjoining property.
 - (19) Must not result in more than 67% of the site being built upon.
 - (20) Maximum cut and maximum fill on a building platform—450mm.
 - (21) Any cut and fill must be adequately retained.
 - (22) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Demolition of single storey dwelling houses and outbuildings

- (1) Must be within the property boundaries.
- (2) Must be undertaken in accordance with AS 2601—2001, *Demolition of structures* and any relevant WorkCover guidelines.
- (3) Must ensure that adjoining properties are not adversely effected by dust, noise, traffic, falling objects and underpinning.
- (4) Must have prior Council approval for any street closure or hoarding.
- (5) Any hoardings must be provided in accordance with WorkCover guidelines.
- (6) Must have prior Council approval for the lifting or craning of materials over a public footway or roadway.
- (7) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Liverpool City Centre Local Environmental Plan 2007

Complying development

Schedule 3

Driveways ancilliary to garages or carports

- (1) Must be at least 500mm clear of all drainage, structures and street furniture on the kerb and gutter.
- (2) Must not interfere with existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
- (3) On corner lots must be at least 6m from the point of intersection of the two property boundaries.
- (4) Must be constructed in accordance with AS/NZS 2890:2004, *Parking Facilities*.
- (5) Maximum gradient within the property—1:5 with a maximum of 2m of transition zone of 1:12.
- (6) Outside the property boundary must be constructed at right angles to the kerb and guttering.
- (7) Minimum width 2.9m.
- (8) Maximum width inside property boundary—6m.

Industrial and warehousing additions and alterations

- (1) Must be on lots, in industrial zones, that are not adjoining or adjacent to residential zones or public open space.
- (2) Must involve no change in use of the premises.
- (3) Must be no alteration to the approved hours of operation.
- (4) Any setbacks must be measured from any proposed road widening identified in any environmental planning instrument or Liverpool City Centre Development Control Plan.
- (5) Must be at least 3m from any side or rear property boundary.
- (6) Building is to be at least 7.5m from front property boundary or at least 18m if the building fronts Newbridge Road or the Hume Highway.
- (7) Maximum secondary corner setback—7.5m.
- (8) Fences must not be erected in the front building alignment.
- (9) Property must have existing full frontal improvements, including kerb and gutter and road services.
- (10) Maximum floor space ratio of a building—1:1.
- (11) Maximum size of additions and alterations—1000m² or 25% of the existing floor area, whichever is the lesser.

Liverpool City Centre Local Environmental Plan 2007

Schedule 3 Complying development

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- (12) Facades visible to the street must have an active frontage to that street. This may include elements of wall-articulation and roof variation. For example, windows, doors, verandahs, wall offsets and parapets.
 - (13) Maximum cut and maximum fill on a building platform—450mm.
 - (14) Maximum cut on a building platform—900mm.
 - (15) Maximum fill on a building platform—600mm.
 - (16) Any cut and fill must be adequately retained.
 - (17) Must provide adequate garbage and storage areas on site and behind the building line.
 - (18) The external finishes and facade of an addition must be compatible with the existing building.
 - (19) Maximum wall height (excluding any parapet)—7.2m.
 - (20) Maximum height of parapet—1.2m above the intersection of the wall and the roof.
 - (21) Maximum roof pitch—10 degrees.
 - (22) Stormwater must be drained to a Council drainage system or private drainage easement.
 - (23) Must not use on site stormwater detention systems.
 - (24) Maximum discharge to the Council's kerb and gutter—20L/sec. All other discharges must be in accordance with *Australian Rainfall and Runoff* published by the Institution of Engineers Australia.
 - (25) Drainage system must be designed by a qualified Hydraulics Engineer for a 1 in 10 year storm event and any excess water must flow overland to the street.
 - (26) Any landscaping is to be designed by a suitably qualified landscape architect and is to provide a balance between buildings and open space and is to visually enhance the area. Any landscaping must have:
 - (a) a minimum of 5m landscaping strip to any street frontage, including a 3m splay at the egress driveway, not exceeding 600mm in height, and
 - (b) features to reduce the visual impact of industrial buildings and hard stand areas, and
 - (c) mounding at street frontages along main roads and major access roads to screen parking areas, building facades and security fencing, and
 - (d) a 2.5m wide landscape bay, containing shade trees between every 6–8 car spaces.

Liverpool City Centre Local Environmental Plan 2007

Complying development

Schedule 3

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- (27) Must be no increase in vehicular movement into or out of the property.
 - (28) Must be no alteration to existing driveways.
 - (29) Must provide at least 1 car parking space for every 75m² of gross floor area or for every 2 employees, whichever is the greater and if the addition or the existing building includes an office, the rate must be calculated at a rate of 1 car parking space for every 35m² of gross floor area or for every 2 employees, whichever is the greater.
 - (30) All loading and unloading must take place within the curtilage of the site.
 - (31) Must be undertaken in accordance with any relevant WorkCover guidelines.
 - (32) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Minor alterations of a dwelling house or residential unit

- (1) Must only involve the replacement of doors, walls, ceiling linings, floor linings, windows, frame members or roofing materials, with equivalent or improved quality materials, or renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.
- (2) Must be on lots between 270m² and 1,000m² in residential zones.
- (3) Must not include changes to the external configuration of the building.
- (4) Must be structurally adequate.
- (5) Must be undertaken in accordance with any relevant WorkCover guidelines.
- (6) Must not involve a change in the use of a room.

Minor alterations on business premises

- (1) Must only involve the replacement of doors, walls, ceiling linings, floor linings, windows, frame members or roofing materials, with equivalent or improved quality materials, or renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.
- (2) Must not include changes to the external configuration of the building.
- (3) Must not increase the total floor area of the building.
- (4) Must be structurally adequate.

Liverpool City Centre Local Environmental Plan 2007

Schedule 3 Complying development

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- (5) Must be undertaken in accordance with any relevant WorkCover guidelines.
 - (6) Must not result in premises being used for the purposes of a food shop, beauty salon, hairdressing salon or skin penetration premises.

Sheds, garages, entertainment rooms, cabanas and greenhouses, screen or glass enclosures

- (1) Must be on lots between 270m² and 1,000m² in residential zones.
- (2) Sheds, garages and greenhouses that are detached from a dwelling must be at least 500mm from the side and rear property boundaries. All other structures must be at least 900mm from any such boundary.
- (3) Must be contained within the property boundary.
- (4) Minimum secondary corner setback—2.5m, unless located behind a Council approved fence that is at least 1.8m high.
- (5) Must not be located outside any existing building envelope.
- (6) Maximum height—2.7m if located less than 900mm from a property boundary or 3m in any other case.
- (7) Maximum height of floor level of any structure—600mm.
- (8) Must not be visible from the street.
- (9) Maximum roof pitch—26 degrees.
- (10) Maximum total area of all enclosed outbuildings—50m².
- (11) Maximum site coverage of all structures to which this clause applies 0.6:1.
- (12) Windows or glazed panels facing a property boundary must be at least 900mm from the boundary.
- (13) If roof area is 15m² or more, must have guttering and downpipes discharging into:
 - (a) the street gutter fronting the land, or
 - (b) an inter-allotment stormwater drainage system on the land, or
 - (c) rainwater tanks used for domestic and fire fighting purposes.
- (14) Must collect and dispose of any stormwater in a manner that does not adversely effect any adjoining property.
- (15) Maximum cut and maximum fill on a building platform—450mm.
- (16) Any cut and fill must be adequately retained.

Liverpool City Centre Local Environmental Plan 2007

Complying development

Schedule 3

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- (17) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Spas or swimming pools

- (1) Must be on lots between 270m² and 1,000m² in residential zones.
- (2) Must be at least 900mm from any property boundary.
- (3) If within the building alignment, must be behind a Council approved fence.
- (4) Pool fencing must not incorporate the wall of any dwelling house.
- (5) Pools, pool fencing and ancillary items must, where relevant, comply with the following:
 - (a) AS/NZS 1838:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication*,
 - (b) AS/NZS 1839:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Installation*,
 - (c) AS 2783–1992, *Use of reinforced concrete for small swimming pools*.
 - (d) AS 1926.2—2007, *Swimming pool safety—Location of safety barriers for swimming pools*.

Note. See also the *Swimming Pools Act 1992* and any regulations under that Act.
- (6) Maximum noise level of any filtration equipment or pumps at property boundary—5dBA above ambient background level.
- (7) Maximum height of any coping surrounding pool—600mm.
- (8) Must not be used for commercial purposes.
- (9) Must not impinge on any area of private open space that has been required under a development consent.
- (10) Must grade areas surrounding the pool to divert surface water to a surface water collection point.
- (11) All pool waste must be disposed of via an approved sewerage system.
- (12) Any cut and fill must be adequately retained.
- (13) Sedimentation and erosion preventative measures must be undertaken in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Liverpool City Centre Local Environmental Plan 2007

Schedule 3 Complying development

Division 2 Conditions for development listed in this Part**1 Conditions that apply before work begins**

The person having the benefit of the complying development certificate must:

- (a) appoint a principal certifying authority for the development before work begins, and
- (b) give any occupier of adjoining premises at least 2 days notice before work begins, and
- (c) provide a temporary on-site toilet or access to an existing toilet on site, and
- (d) protect and support any neighbouring buildings that might be affected by the proposed development, and
- (e) protect any public place from obstruction or inconvenience caused by the carrying out of the proposed development, and
- (f) set up barriers sufficient to prevent any substance from the site falling onto a public place.

Note. See also section 86 of the Act, which requires certain steps to be taken before work begins. These include the principal certifying authority notifying the Council of his or her appointment.

2 Hours of work

Construction or demolition work that is audible in adjoining premises must be carried out only between the following hours:

- (a) Monday–Friday—7.00am and 6.00pm,
- (b) Saturday—8.00am and 1.00pm,

and no such work must be carried out at any time on a Sunday or a public holiday.

3 Survey certificate

In order to ensure compliance with approved plans, a survey certificate, to Australian Height Datum, must be prepared by a registered surveyor, as follows:

- (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries, and
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate. (Levels must relate to the datum on the certificate.)

Liverpool City Centre Local Environmental Plan 2007

Complying development

Schedule 3

4 Required payments

If payments are required in relation to any of the following, evidence of those payments must be provided to the Council on or before the lodging of the complying development certificate with the Council:

- (a) road reserve deposits,
- (b) opening of roads,
- (c) inspections,
- (d) long service leave,
- (e) builders insurance,
- (f) registration.

5 Storage of building materials

Building materials or equipment must not be stored on Council's road reserve.

6 Notification to Council on completion

The Council must be notified when all works have been completed.

Part 2 Other complying development

Bed and breakfast accommodation

- (1) Maximum number of guest bedrooms—2.
- (2) Minimum number of bathrooms—2.
- (3) Must have a smoke detection system that complies with AS 3786-1993, *Smoke Alarms* and AS 3000:2000, *Electrical Installations*.
- (4) Must have a fire extinguisher and fire blanket in the kitchen.
- (5) If subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*, approval from the owners' corporation must be obtained.
- (6) Minimum number of off-street car spaces to be provided—3.
- (7) Maximum driveway width—6m.

Liverpool City Centre Local Environmental Plan 2007

Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 27)

Part 1 Land classified, or reclassified, as operational land—no interests changed

| Column 1 | Column 2 |
|-----------------|--------------------|
| Locality | Description |

Part 2 Land classified, or reclassified, as operational land—interests changed

| Column 1 | Column 2 | Column 3 |
|-----------------|--------------------|--------------------------------------|
| Locality | Description | Any trusts etc not discharged |

Part 3 Land classified, or reclassified, as community land

| Column 1 | Column 2 |
|-----------------|--------------------|
| Locality | Description |

Liverpool City Centre Local Environmental Plan 2007

Environmental heritage

Schedule 5

Schedule 5 Environmental heritage

(Clause 35)

Part 1 Heritage items

| Item name | Address | Property description | Heritage significance |
|--|-----------------------------------|---|-----------------------|
| Light Horse Park | Atkinson Street | Lot 1, DP 234608, Lot 2, DP 579808 | Local |
| Liverpool Public School | Bigge Street | Lots 8 and 9, Sec 61, DP 758620, Lots 1–4, DP 878452, Lot 1, DP 50779, Lot 1, DP 178206, Lot 1, DP 178665, Lot 10, DP 303625, Lot 1, DP 956168, Lots 4–7, DP 797682 | Local |
| Liverpool Railway Station Group, including station building, goods shed and jib crane | Bigge Street (off) | Lot 31, DP 859887, Part Lot 5, DP 226933 | State |
| Former Liverpool Court House | Corner of Bigge and Moore Streets | Lot 442, DP 831058 | State |
| Commercial Hotel (former Marsden's Hotel) | Bigge and Scott Streets | Lot 17, DP 1050799, Lots 15, 16 and 18, DP 979379 | State |
| Dwelling | 13 Bigge Street | Lots 1 and 2, DP 13930 | Local |
| Pirelli Power Cables and Systems Building (formerly MM Cables Factory, and Cable Makers Australia Factory Pty Ltd) | 3 Bridges Road | Lot 200, DP 1009044 | Local |
| Dwelling | 115 Castlereagh Street | Lot 4, SP 39972 | Local |
| Lyndeer House and stables | 2 Charles Street | Lots 25 and 27, DP 192311, Lot 2527, DP 1111436 | Local |
| Cast-iron letterbox | College Street | Adjacent to north-west corner of Lot 1, DP 863491 | Local |

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Liverpool City Centre Local Environmental Plan 2007

Schedule 5 Environmental heritage

| Item name | Address | Property description | Heritage significance |
|---|--|---|-----------------------|
| Liverpool College (TAFE) site, including Blocks A-G, chimneystack, fences, gatehouses and archaeological features (formerly Liverpool Hospital and Benevolent asylum) | College Street | Lot 1, DP 863491 | State |
| Apex Park (first Liverpool Cemetery) | Elizabeth Drive and Castlereagh Street | Lot 7027, DP 1027999 | State |
| Bigge Park | Elizabeth, College, Moore and Bigge Streets | Lot 702, DP 1056246 | State |
| Milestone | Corner of Elizabeth Drive and George Street | | Local |
| St Luke's Anglican Church Group, including landscaping, church, hall, headstone and memorial gates (former St Luke's Church of England) | Elizabeth Drive and Macquarie and Northumberland Streets | Lot 111, DP 552031 | State |
| All Saints Roman Catholic School | George Street | Lot 1, DP 782355 | Local |
| Pylons (former Liverpool railway bridge) | Georges River (near Haig Avenue) | Near Lot 7002, DP 1073063 | Local |
| Liverpool Weir | Georges River (near Haig Avenue) | Near Lot 7002, DP 1073063 | State |
| Collingwood Inn Hotel | Hume Highway | Lot 1, DP 83770, Lots 1 and 2, DP 563488, Lot 5, DP 701018, Lot D, DP 374057 | Local |

Liverpool City Centre Local Environmental Plan 2007

Environmental heritage

Schedule 5

| Item name | Address | Property description | Heritage significance |
|---|---|--|-----------------------|
| Plan of Town of Liverpool (early town centre street layout–Hoddle 1827) | Streets within the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways) | | Local |
| Liverpool Memorial Pioneer's Park, (formerly St Luke's Cemetery and Liverpool Cemetery) | Macquarie, Campbell and Northumberland Streets and the Hume Highway | Lots 7035–7037, DP 1073993, State Part Lots 1 and 2, Sec 24, DP 758620, Lots 1– 4, Sec 34, DP 758620 | |
| Commercial building (formerly Rural Bank and State Bank) | Macquarie Street and Memorial Avenue | Lot 11, DP 20730 | Local |
| Boer War Memorial, including memorial to Private A.E. Smith | Corner of Macquarie Street and Memorial Avenue (Macquarie Street public footpath adjacent to 297 Macquarie Street) | | Local |
| Macquarie Monument | Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street) | | Local |
| Row of 3 palm trees | Macquarie Street median strip, opposite 306 Macquarie Street | Lot 1, DP 119905 | Local |

Liverpool City Centre Local Environmental Plan 2007

Schedule 5 Environmental heritage

| Item name | Address | Property description | Heritage significance |
|--|---|--|------------------------------|
| The Corner Pub (former Liverpool Hotel) | 214 Macquarie Street (corner of Moore Street) | Lot 1, DP 111765 | Local |
| Commercial building | 261–263 Macquarie Street | Lot 1, DP 200052, Lot 8, DP 1103087 | Local |
| Legend Hotel | 269 Macquarie Street | Lot 1, DP 519133 | Local |
| Commercial building | 275–277 Macquarie Street | Lot 2, DP 519133 | Local |
| Memorial School of Arts | 306 Macquarie Street | Lot 1, DP 119905 | Local |
| Dr James Pirie Child Welfare Centre Building (formerly Child Welfare Centre) | Moore and Bigge Streets | Lot 701, DP 1056246 | Local |
| Commercial building | 14 Scott Street | Lot 1, DP 208270 | Local |
| Commercial building (former out-building to former Golden Fleece Hotel and former Eugene's laundry) | 16 Scott Street | Lot 3, DP 588103 | Local |
| Golden Fleece Hotel | Corner of Scott and Terminus Streets | Lot 100, DP 716185 | Local |
| McGrath Services Centre Building (formerly Challenge Woollen Mills, and Australian Paper Company's Mill) | Shepherd and Atkinson Streets | Lot 1, DP 247485 | Local |
| Railway Viaduct | Shepherd Street and Mill Road, Main Southern Railway Line | | Local |

Liverpool City Centre Local Environmental Plan 2007

Environmental heritage

Schedule 5

| Item name | Address | Property description | Heritage significance |
|--|-----------------------|------------------------------------|------------------------------|
| Residential building ("Del Rosa") | 7 Speed Street | Lots 13 and 14, DP 13536 | Local |
| Residential building ("Rosebank") (former Queen's College) | 17 Speed Street | Lot 1, DP 567283 | State |
| Cottage | 27 Speed Street | Lot 40, DP 1091733 | Local |
| Liverpool Fire Station | 70-78 Terminus Street | Lot 1, DP 91748 | Local |
| Berryman Reserve | 4 Remembrance Drive | Lot 1, DP 744448, Lot A, DP 432628 | Local |

Part 2 Archaeological sites

| Item Name | Address | Property Description |
|------------------|----------------|-----------------------------|
|------------------|----------------|-----------------------------|

Liverpool City Centre Local Environmental Plan 2007

Dictionary

Dictionary

(Clause 4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Guidelines means guidelines by that name approved for the purposes of this definition by the Director-General and made publicly available.

Acid Sulfate Soils Map means the Liverpool City Centre Local Environmental Plan 2007 Acid Sulfate Soils Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

agricultural produce industry means a rural industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means extensive agriculture, cotton and rice cultivation, intensive livestock agriculture, horticulture, viticulture, turf farming, animal boarding or training establishments, aquaculture or farm forestry.

amusement centre means a building or place (not being part of a hotel or pub) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary clinic.

Liverpool City Centre Local Environmental Plan 2007

Dictionary

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

archaeological site means the site (as shown on the Heritage Map or listed in Schedule 5) of one or more relics.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 6 guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,

Liverpool City Centre Local Environmental Plan 2007

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- (b) species diversity—the variety of species,
 - (c) ecosystem diversity—the variety of communities or ecosystems.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the *Local Government Act 1993*.

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

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bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading the items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale of bulky goods.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

business premises means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

cemetery means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

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Dictionary

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,

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(i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

community land has the same meaning as in the *Local Government Act 1993*.

Council means the Liverpool City Council.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) land within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage

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conservation area, or building, work or place within a heritage conservation area, which contributes to its heritage significance.

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (which support the operations of an existing undertaking) when not required for use.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE college, that provides formal education and is constituted by or under an Act.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

environmental facility means a building or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or

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- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) cotton and rice cultivation,
- (e) intensive livestock agriculture,
- (f) aquaculture,
- (g) turf farming,
- (h) animal boarding or training establishments,
- (i) farm forestry,
- (j) horticulture or viticulture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal land fill operation.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

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- (2) **Fish** includes:
- (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood prone land means land shown as flood liable land on the Flood Liable Land Map.

Flood Liable Land Map means the Flood Liable Land Map.

floor space ratio of buildings on a site is the ratio of the total floor space area of all buildings within the site to the site area.

Floor Space Ratio Map means the Liverpool City Centre Local Environmental Plan 2007 Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food shops, milk bars and pubs.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

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function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means business premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

group home means a dwelling that is a permanent group home or a transitional group home.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

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hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

Height of Buildings Map means the Liverpool City Centre Local Environmental Plan 2007 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

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heritage item means a building, work, archaeological site, tree, place or Aboriginal object shown on the Heritage Map and the site and nature of which is described in Schedule 5.

Heritage Map means the Liverpool City Centre Local Environmental Plan 2007 Heritage Map.

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

home-based child care or **family day care home** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 40 square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

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- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
 - (f) the use of more than 50 square metres of floor area to carry on the light industry,

but does not include bed and breakfast accommodation or sex services premises.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling, or in a building ancillary to a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

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hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

Key Sites Map means the Liverpool City Centre Local Environmental Plan 2007 Key Sites Map.

kiosk means retail premises with a gross floor area not exceeding 25 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

Land Application Map means the Liverpool City Centre Local Environmental Plan 2007 Land Application Map.

Land Reservation Acquisition Map means the Liverpool City Centre Local Environmental Plan 2007 Land Reservation Acquisition Map.

Land Zoning Map means the Liverpool City Centre Local Environmental Plan 2007 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

Liverpool City Centre Development Control Plan means the *Liverpool City Centre Development Control Plan 2007*, as in force on the commencement of this Plan.

livestock processing industry means a rural industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackereries, tanneries, woolscours and rendering plants.

local heritage significance, in relation to a place, building, work, archaeological site, tree or precinct, means its heritage significance to an area.

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maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

medical research and development facility means a building or place used for the purpose of carrying out medical research or the development of medical treatments or products.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

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mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

neighbourhood shop means retail premises used for the purpose of selling foodstuffs, personal care products, and other small daily convenience goods for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank, newsagency or dry cleaning.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on

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other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

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

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place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a natural waterbody.

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public authority has the same meaning as in the Act.

public entertainment has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public entertainment

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
 - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
 - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or

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- (b) land to which the *Crown Lands Act 1989* applies, or
 - (c) a common, or
 - (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
 - (e) a regional park under the *National Parks and Wildlife Act 1974*.

public meeting has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

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recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Liverpool, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

roadside stall means a place or temporary structure with a gross floor area not exceeding 20 square metres used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

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rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

sensitive coastal location means land in the coastal zone that is any of the following:

- (a) land within 100 metres above mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100 metres of any of the following:
 - (i) the water's edge of a coastal lake,

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- (ii) land to which paragraph (b), (c), (d) or (e) applies,
 - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
 - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
 - (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100 metres from the outer edge of the heavy black line on the series of maps held in the Department of Planning and marked “State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)”.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other.

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spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of this Act.

take away food or drink premises means food or drink premises that are predominantly used for the preparation and sale of food or drink for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

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the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display and sale (whether by retail or wholesale, or both) of goods or materials used in the construction and maintenance of buildings, where those goods or materials are of such size or weight as to require customers to have direct vehicular access to the building or place in order to load or unload those goods or materials.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

utility installation means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle showroom means a building or place used for the display or sale of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

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warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal land fill operation means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

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- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.



New South Wales

Mosman Local Environmental Plan 1998 (Amendment No 24)—Exempt and Complying Development

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*. (S06/00753)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Mosman Local Environmental Plan 1998 (Amendment No 24)—Exempt and Complying Development

Mosman Local Environmental Plan 1998 (Amendment No 24)—Exempt and Complying Development

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Mosman Local Environmental Plan 1998 (Amendment No 24)—Exempt and Complying Development*.

2 Aims of plan

This plan aims to update references in *Mosman Local Environmental Plan 1998* to exempt and complying development having regard to amendments made to *Mosman Development Control Plan—Exempt and Complying Development*.

3 Land to which plan applies

This plan applies to land to which *Mosman Local Environmental Plan 1998* applies.

4 Amendment of Mosman Local Environmental Plan 1998

Mosman Local Environmental Plan 1998 is amended by omitting “and 3 September 2002” wherever occurring in clause 10A (1)–(3) and by inserting instead “, 3 September 2002 and 2 October 2007”.



New South Wales

Orange Local Environmental Plan 2000 (Amendment No 5)

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*. (DUB0108723/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Orange Local Environmental Plan 2000 (Amendment No 5)

Orange Local Environmental Plan 2000 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Orange Local Environmental Plan 2000 (Amendment No 5)*.

2 Aims of plan

This plan aims to amend *Orange Local Environmental Plan 2000 (the 2000 plan)* so as:

- (a) to allow, with the consent of Orange City Council, development to be carried out on certain land for specified additional uses, and
- (b) to update references to the date that the Council adopted a recently amended *Orange Development Control Plan 2004*, and
- (c) to define exempt and complying development by reference to *Orange Development Control Plan 2004*, and
- (d) to rezone certain land from Zone 2 (a) Urban Residential to Zone 3 (b) Business Services, and
- (e) to effect minor law revision.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to the following land:
 - (a) Lot 25, DP 986204, Shepherd Road, Spring Creek,
 - (b) Lot 2, DP 152541, 108–110 Bathurst Road, Orange,
 - (c) Lot 1, DP 105223, 95 Prince Street, Orange,
 - (d) Lot 121, DP 712215, Leeds Parade, Orange,
 - (e) Lot 1, DP 591927, 48 Peisley Street, Orange,
 - (f) Lot 4, DP 270204, 168–200 Lone Pine Avenue, Orange.
- (2) With respect to the aims referred to in clause 2 (b), (c) and (e), this plan applies to all land under the 2000 plan.

Orange Local Environmental Plan 2000 (Amendment No 5)

Clause 4

-
- (3) With respect to the aim referred to in clause 2 (d), this plan applies to Lot 507, DP 712206, 52–54 Bathurst Road, Orange and Lot 3, DP 37362, 27 Eyles Street, Orange, as shown coloured mid blue on the map marked “Orange Local Environmental Plan 2000 (Amendment No 5)” deposited in the office of Orange City Council.

4 Amendment of Orange Local Environmental Plan 2000

Orange Local Environmental Plan 2000 is amended as set out in Schedule 1.

Orange Local Environmental Plan 2000 (Amendment No 5)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 20 Exempt development

Omit clause 20 (1). Insert instead:

- (1) Development of minimal environmental impact listed in Part 16.1 of DCP 2004 is *exempt development*.

[2] Clause 20 (2) (c)

Omit “*Orange Development Control Plan 1/99—Exempt and Complying Development* as adopted by the Council on 5 December 2002”.

Insert instead “DCP 2004”.

[3] Clause 22 Complying development

Omit clause 22 (1). Insert instead:

- (1) Development listed in Part 16.2 of DCP 2004 is *complying development*.

[4] Clause 22 (2) (b) and (b1)

Omit clause 22 (2) (b). Insert instead:

- (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b1) it is not an existing use, as defined in section 106 of the Act, and

[5] Clause 22 (2) (c) and (3) (a)

Omit “*Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 5 December 2002” wherever occurring.

Insert instead “DCP 2004”.

[6] Clause 22 (4)

Omit “*Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 5 December 2002”.

Insert instead “Part 16.3 of DCP 2004”.

Orange Local Environmental Plan 2000 (Amendment No 5)

Amendments

Schedule 1

[7] Clause 51 General controls for Zone 3 (b) (Business Services Zone)

Omit “shops subject to Schedule 5” from clause 51 (2) (b).

Insert instead “shops”.

[8] Clause 87 General terms

Insert in alphabetical order:

DCP 2004 means *Orange Development Control Plan 2004*, as adopted by the Council on 7 June 2007.

[9] Clause 87, definition of “The Map”

Insert in appropriate order:

Orange Local Environmental Plan 2000 (Amendment No 5)

[10] Schedule 1 Additional uses

Insert after item 11 under the headings “**Ref**”, “**Address**”, “**Property Description**” and “**Development**”, respectively:

| | | | |
|----|----------------------------------|-------------------|--|
| 12 | Shepherd Road, Spring Creek | Lot 25 DP 986204 | Development for the purpose of a dwelling ancillary to an existing intensive plant nursery and orchard |
| 13 | 108–110 Bathurst Road, Orange | Lot 2 DP 152541 | Development for the purpose of an office |
| 14 | 95 Prince Street, Orange | Lot 1 DP 105223 | Development for the purpose of an office |
| 15 | Leeds Parade, Orange | Lot 121 DP 712215 | Development for the purpose of bulk retail, subject to the condition that the site is provided with vehicular access from Leeds Parade |
| 16 | 48 Peisley Street, Orange | Lot 1 DP 591927 | Development for the purpose of a liquor store |

Orange Local Environmental Plan 2000 (Amendment No 5)

Schedule 1 Amendments

| | | | |
|----|----------------------------------|-----------------|---|
| 17 | 168–200 Lone Pine Avenue, Orange | Lot 4 DP 270204 | Development for the purpose of a discount variety store, being a building or place used for the sale by retail or auction, or the hire or display of a wide range of discounted general merchandise, subject to the following conditions: (a) the maximum area of the store does not exceed 3,200m ² , (b) the area set aside for the sale of clothing and footwear does not exceed 95m ² , (c) the area set aside for the sale of food and groceries does not exceed 250m ² , (d) convenient and direct vehicular access to the store is provided, being access that is designed to enable the goods to be collected by customers after sale. |
|----|----------------------------------|-----------------|---|

- [11] Schedules 3 (Exempt development) and 5 (Complying development)**
Omit the Schedules.



New South Wales

Pittwater Local Environmental Plan 1993 (Amendment No 86)

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*. (S06/00667/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Pittwater Local Environmental Plan 1993 (Amendment No 86)

Pittwater Local Environmental Plan 1993 (Amendment No 86)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 86)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 4 (b) (Light Industrial “B”) to Zone No 3 (e) (Office Business “E”) under *Pittwater Local Environmental Plan 1993* to permit additional commercial premises on the land, and
- (b) to provide opportunities for employment-generating development.

3 Land to which plan applies

This plan applies to land within the local government area of Pittwater, being part of Lot 1, DP 1112155, 6 Jubilee Avenue, Warriewood, as shown coloured dark blue with red edging and lettered “3 (e)” on Sheet 2 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 86)” deposited in the office of Pittwater Council.

4 Amendment of Pittwater Local Environmental Plan 1993

Pittwater Local Environmental Plan 1993 is amended as set out in Schedule 1.

Pittwater Local Environmental Plan 1993 (Amendment No 86)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the Zoning Map* in clause 5 (1):

Pittwater Local Environmental Plan 1993 (Amendment No 86)—
Sheet 2

[2] Clause 30B Development of UDP land in Warriewood Valley

Insert after clause 30B (1A):

(1B) This clause also applies to the following land:

Land at Warriewood within part of Sector 6 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 86)”

[3] Clause 30B (2B)

Insert after clause 30B (2A):

(2B) The council may grant consent for development of land to which subclause (1B) applies that is within Zone No 3 (e) only after it has considered the objectives of the zone as specified in Part 2 of Schedule 11.

[4] Schedule 11

Omit “(Clause 49 (3))”. Insert instead “(Clauses 30B (2)–(2B) and 49 (3))”.

[5] Schedule 11, Part 2 Zone objectives for the Warriewood Valley Urban Land Release

Insert in appropriate order:

Zone No 3 (e) (Office Business “E”)

The objectives of this zone are:

- (a) to enable a mix of office business and ancillary development to be carried out in financially viable office business areas, and
- (b) to identify land within the Warriewood Valley Urban Land Release which is suitable as attractive, functional and safe office business areas, and
- (c) to provide opportunities for employment-generating development within the Warriewood Valley Urban Land Release.



New South Wales

Randwick Local Environmental Plan 1998 (Amendment No 40)

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*. (S07/00396/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 40)

Randwick Local Environmental Plan 1998 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 40)*.

2 Aims of plan

This plan aims to amend the *Randwick Local Environmental Plan 1998* to update references to the date of adoption of *Development Control Plan—Exempt and Complying Development* by the Randwick City Council.

3 Land to which plan applies

This plan applies to all land in the City of Randwick under *Randwick Local Environmental Plan 1998*.

4 Amendment of Randwick Local Environmental Plan 1998

Randwick Local Environmental Plan 1998 is amended by omitting “13 July 2004” wherever occurring in clause 26 (1)–(3) and by inserting instead “25 September 2007”.

HERITAGE ACT, 1977
DIRECTION PURSUANT TO SECTION 34(1)(a)
TO LIST AN ITEM ON THE STATE HERITAGE REGISTER

Japanese midget submarine wreck site *M24*

SHR No 1785

IN pursuance of Section 34(1)(a) of the Heritage Act, 1977, I, the Minister for Planning, 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 exemptions from approval under Section 57(2) of the Heritage Act, 1977, described in Schedule "C" and in addition to the standard exemptions.

FRANK SARTOR, M.P.,
Minister for Planning

Sydney, 4th day of December 2007.

SCHEDULE "A"

The item known as M24, situated on the land described in Schedule "B".

SCHEDULE "B"

The listing boundary is located off Bungan Head on Sydney's northern beaches within a circle with a radius of 500 metres the centre of which is at the intersection of the parallel 33° 40' 21" South latitude with the meridian 151° 22' 58" East longitude (WGS 84). as consists of NSW coastal waters.

SCHEDULE "C"

| RECOMMENDED EXEMPTIONS UNDER SECTION 57(2) | |
|---|---|
| Exemptions | Reason/ comments |
| 1. All Standard Exemptions | These cover a full range of activities that do not require Heritage Council approval, including Standard Exemption 7 which allows consideration of additional unspecified types of minor works for exemption. |
| 2. Establishment of site surveillance and security systems by the Heritage Office, Department of Planning | The installation within the proposed curtilage of site monitoring and protection systems to safeguard the heritage values of the site. These devices could include the anchoring or mooring of monitoring systems within the listed boundary. The excavation of land to permit deployment will remain subject to Section 60 applications under the <i>Heritage Act, 1977</i> and Section 57(2) Exemptions where they are deemed to apply. |
| 3. Anchoring within proposed curtilage under prior agreement of the Heritage Office, Department of Planning. | The anchoring of vessels within the proposed curtilage is approved for bone fide researchers and site managers engaged or coordinated by the Heritage Office, Department of Planning where that activity does not propose a threat to the site. Vessel access into the no-entry Protected Zone around the site remains subject to Permit approval under Section 15 of the Commonwealth <i>Historic Shipwrecks Act</i> 1976. |
| 4. Inspection, maintenance and repair of site-based surveillance systems. | Inspection, maintenance and repair of site-based surveillance systems within the proposed curtilage is allowed for by the Heritage Office, Department of Planning, and for contractors engaged by the Heritage Office, where that activity does not propose a threat to the site. Vessel access into the no-entry Protected Zone around the site remains subject to Permit approval under Section 15 of the Commonwealth <i>Historic Shipwrecks Act</i> 1976. |

Department of Primary Industries

APIARIES ACT 1985

Appointment of Inspector

I, DOUG HOCKING, Executive Director, Biosecurity Compliance and Mine Safety Division of the NSW Department of Primary Industries, with the powers the Director-General has delegated to me under section 47A of the Apiaries Act 1985 (“the Act”) and pursuant to section 5 (1) of the Act appoint Dean WHITEHEAD as an inspector for the purposes of the Act.

Dated this 9th day of November 2007.

D. HOCKING,
Executive Director,
Biosecurity, Compliance and Mine Safety

EXOTIC DISEASES OF ANIMALS ACT 1991

Order

Declaration of exotic diseases for the purposes of the
Exotic Diseases of Animals Act 1991

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 6A of the Exotic Diseases of Animals Act 1991 (“the Act”):

- A. revoke the Order entitled “Declaration of exotic diseases for the purposes of the Exotic Diseases of Animals Act 1991” published in New South Wales Government Gazette No. 148 of 2 December 2005 at page 9896, and any Order revived as a result of that revocation; and
- B. declare any animal disease specified in the Schedule to be an exotic disease for the purposes of the Act.

SCHEDULE

African horse sickness
Africanised honeybees
African swine fever
Asian honeybee (*Apis cerana*)
Aujeszky’s disease
Australian bat lyssavirus
Avian influenza
Bluetongue
Borna
Bovine brucellosis (*Brucella abortus*)
Bovine spongiform encephalopathy
Braula fly (Bee louse, *Braula coeca*)
Caprine and ovine brucellosis (*Brucella melitensis*)
Chagas disease
Chronic wasting disease of deer
Classical swine fever
Contagious agalactia
Contagious bovine pleuropneumonia
Contagious caprine pleuropneumonia
Contagious equine metritis
Dourine
Dwarf honeybee (*Apis florea*)
East Coast fever (*Theileriosis*)
Encephalitides (*tick borne*)
Enterovirus encephalomyelitis (*porcine polioencephalomyelitis, Teschen*)

Epizootic lymphangitis
Equine babesiosis (*piroplasmosis*)
Equine encephalomyelitis (*Eastern, Western and Venezuelan equine encephalomyelitis*)
Equine encephalosis
Equine herpes – virus 1 (neurological strain)
Equine influenza
Fowl typhoid (*Salmonella gallinarum*)
Getah virus
Giant honeybee (*Apis dorsata*)
Glanders
Goat pox
Haemorrhagic septicaemia
Heartwater
Hendra virus
Infectious bursal disease (hypervirulent form)
Japanese encephalitis
Jembrana disease
Lumpy skin disease
Maedi-visna
Malignant catarrhal fever (wildebeest associated)
Menangle virus
Nairobi sheep disease
Newcastle disease (virulent)
Nipah virus
Peste des petits ruminants
Porcine epidemic diarrhoea
Porcine reproductive and respiratory syndrome
Potomac fever
Post-weaning multi-systemic wasting syndrome
Pulmonary adenomatosis
Rift Valley fever
Rinderpest
Salmonella abortus ovis infection in sheep
Salmonella abortus equi infection in horses
Scrapie
Screw worm fly
Sheep pox
Sheep scab
Surra (*Trypanosoma evansi*)
Swine influenza
Swine vesicular disease
Tracheal mite (Acarine, Acariasis, *Acarapis woodi*)
Transmissible spongiform encephalopathies
Trichinellosis
Tropilaelaps mite (Asian mite, *Tropilaelaps clareae*)
Trypanosomiasis
Varroasis (*Varroa destructor*)
Varroasis (*Varroa jacobsoni*)
Vesicular exanthema
Vesicular stomatitis
Virulent porcine circovirus
Warble fly
Wesselsbron disease
West Nile virus infection – clinical

Note: Pursuant to section 3 of the Act, “foot and mouth disease” and “rabies” are already exotic diseases for the purposes of the Act.

Dated this 10th day of September 2007.

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

OCCUPATIONAL HEALTH AND SAFETY ACT 2000

Instrument of delegation by Director-General

I, B. D. BUFFIER, Director-General NSW Department of Primary Industries (the Director-General), pursuant to section 137A (2) of the Occupational Health and Safety Act 2000, hereby delegate the functions conferred or imposed on the Director-General by any provision of the Occupational Health and Safety Regulation 2001 (the Regulation) listed in column 1 of the Schedule below to the delegate(s) listed opposite that function in column 2 of the Schedule.

In this instrument, the description of "Subject" in Column 1 of the Schedule below is only for general explanation and does not limit any function delegated.

SCHEDULE

| <i>Column 1 – Function</i> | <i>Column 2 – Person</i> |
|--|--|
| Any function conferred or imposed (as a result of clause 8 (2) of Schedule 4 to the Regulation) on the Director-General under any provision of the following clauses of the Regulation: 347 (Subject: Exemptions for particular persons on application) 348 (Subject: Exemptions for classes of persons or things) | Any person appointed as an inspector under section 32 of the <i>Mines Inspection Act 1901</i> who also holds or is for the time being acting in the Department of Primary Industries position of Senior Inspector of Electrical Engineering or Senior Inspector of Mechanical Engineering. |
| Any function conferred or imposed (as a result of clause 13 (2) of Schedule 4A to the Regulation) on the Director-General under any provision of the following clauses of the Regulation: 347 (Subject: Exemptions for particular persons on application) 348 (Subject: Exemptions for classes of persons or things) | Any person appointed as an inspector under section 145 of the <i>Coal Mine Health and Safety Act 2002</i> who also holds or is for the time being acting in the Department of Primary Industries position of Senior Inspector of Electrical Engineering or Senior Inspector of Mechanical Engineering. |

Dated this 3rd day of December 2007.

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

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T07-0506)

No. 3366, AUSGOLD EXPLORATION PTY LTD (ACN 078093606), area of 207 units, for Group 1, dated 23 November 2007. (Broken Hill Mining Division).

(T07-0507)

No. 3367, AUSGOLD EXPLORATION PTY LTD (ACN 078093606), area of 213 units, for Group 1, dated 23 November 2007. (Broken Hill Mining Division).

(T07-0508)

No. 3368, AUSGOLD EXPLORATION PTY LTD (ACN 078093606), area of 214 units, for Group 1, dated 23 November 2007. (Broken Hill Mining Division).

(T07-0511)

No. 3371, SPENCER HAMILTON PTY LTD (ACN 097 933 643), area of 6 units, for Group 1, dated 28 November 2007. (Sydney Mining Division).

(T07-0512)

No. 3372, PLATSEARCH NL (ACN 003 254 395), area of 91 units, for Group 1, dated 28 November 2007. (Wagga Wagga Mining Division).

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

NOTICE is given that the following application has been granted:

MINING LEASE APPLICATION

(C00-1537)

Singleton No. 223, now Mining Lease No. 1597 (Act 1992), LIDDELL TENEMENTS PTY LIMITED (ACN 051 529 876), Parish of Liddell, County of Durham, Map Sheet (9133-3-N, 9133-3-S), area of 2065 hectares, to mine for coal, dated 5 November 2007, for a term until 5 November, 2028. As a result of the grant of this title, Mineral Lease No. 1180 (Act 1906), Private Lands Lease No. 481 (Act 1906), Private Lands Lease No. 862 (Act 1924), Private Lands Lease No. 863 (Act 1924), Consolidated Coal Lease No. 709 (Act 1973), Mining Lease No. 1314 (Act 1992), Mining Lease No. 1346 (Act 1992), Mining Lease No. 1407 (Act 1992), Mining Lease No. 1408 (Act 1992) and Mining Lease No. 1423 (Act 1992) have ceased to have effect and Consolidated Coal Lease No. 708 (Act 1973), Mining Lease No. 1313 (Act 1992) and Mining Lease No. 1552 (Act 1992) have partly ceased to have effect.

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

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

(05-260)

Exploration Licence No. 6497, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 4 units. Application for renewal received 3 December 2007.

(T03-0873)

Exploration Licence No. 6499, AGRICULTURAL EQUITY INVESTMENTS PTY LIMITED (ACN 064 646 108), area of 36 units. Application for renewal received 28 November 2007.

(05-246)

Exploration Licence No. 6501, ISOKIND PTY LIMITED (ACN 081 732 498), area of 36 units. Application for renewal received 30 November 2007.

(07-9999)

Consolidated Coal Lease No. 721 (Act 1973), CENTENNIAL MANNERING PTY LTD (ACN 101 509 120), area of 3526 hectares. Application for renewal received 3 December 2007.

(T96-0229)

Mining Purposes Lease No. 316 (Act 1973), JOSEPH WALTER JAKITSCH AND WOLFGANG HORST MOOSMUELLER, area of 2 hectares. Application for renewal received 30 November 2007.

(T89-1297)

Mining Purposes Lease No. 347 (Act 1973), MIETEK LEON KUCZYNSKI, area of 2.12 hectares. Application for renewal received 30 November 2007.

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

EXOTIC DISEASES OF ANIMALS ACT 1991

ORDER - Section 15

Revocation of Restricted Area – Special Restricted Area
(Hatched) - Mudgee

I, STEPHEN ELLIOTT DUNN, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me under section 67 of the Exotic Diseases of Animals Act 1991 (“the Act”) and pursuant to section 15 of the Act, revoke the order declared under section 15 of the Act titled ‘Declaration of Restricted Area – Special Restricted Area (Hatched) – Mudgee’ dated 1 October 2007.

Dated: 5 December 2007.

STEPHEN ELLIOTT DUNN,
Deputy Chief Veterinary Officer

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C95-2213)

Exploration Licence No. 4969, CENTENNIAL MANDALONG PTY LIMITED (ACN 101 508 892), County of Northumberland, Map Sheet (9131), area of 1026 hectares, for a further term until 31 July 2012. Renewal effective on and from 15 November 2007.

(T94-0246)

Exploration Licence No. 5242, JAGUAR MINERALS LIMITED (ACN 107 159 713), Counties of Bathurst, Georgiana and Westmoreland, Map Sheet (8830), area of 45 units, for a further term until 27 June 2009. Renewal effective on and from 29 November 2007.

(07-1117)

Mining Purposes Lease No. 1093 (Act 1906), ISOKIND PTY LIMITED (ACN 081 732 498), Parish of Kaloogleguy, County of Robinson, Map Sheet (8035-2-S), area of 16.19 hectares, for a further term until 5 February 2029. Renewal effective on and from 12 November 2007.

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

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(04-640)

Exploration Licence No. 6432, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), County of Yancowinna, Map Sheet (7134), area of 8 units. Cancellation took effect on 30 November 2007.

(05-261)

Exploration Licence No. 6515, TASMANIA MINES LIMITED (ACN 009491990), County of Bligh, Map Sheet (8733), area of 6 units. Cancellation took effect on 3 December 2007.

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

EXOTIC DISEASES OF ANIMALS ACT 1991
EQUINE INFLUENZA
ORDER - Section 22

Control Order – Regulation of Protected Area (Green)

I, PAUL JOHN ANDERSON, an Inspector under the *Exotic Diseases of Animals Act 1991* (“the Act”), having been directed by BRUCE MORGAN CHRISTIE, Chief Veterinary Officer (“DCVO”), pursuant to his delegated powers under section 67 of the Act to make the following Control Order, pursuant to section 22 of the Act, hereby:

1. revoke the control orders declared under section 22 of the Act titled “Control Order – Protected Area (Green)” dated 26 November 2007 and 1 December 2007, and any order revived as a result of this revocation; and
2. regulate the movement of horses into, out of and within the area specified in Schedule 1, in the manner specified in Schedule 2; and
3. regulate the movement of animal products into, out of and within the area specified in Schedule 1 in the manner specified in Schedule 3; and
4. regulate the holding of events within the area specified in Schedule 1 in the manner specified in Schedule 4.

SCHEDULE 1

Specified Area

The specified area is to be known as the “**Protected Area (Green)**” and is that part of the Control Area shown by the shaded area in the map below being:

1. within the local government areas administered by the following councils:

| | | |
|-------------------------------|---------------------------------|------------------------------------|
| City Of Albury | Coonamble Shire Council | Council |
| Ballina Shire Council | Corowa Shire Council | Nambucca Shire Council |
| Balranald Shire Council | Deniliquin Council | Narrandera Shire Council |
| Bega Valley Shire Council | Eurobodalla Shire Council | Palerang Council |
| Bellingen Shire Council | Glen Innes Severn Shire Council | Port Macquarie-Hastings Council |
| Berrigan Shire Council | Goulburn Mulwaree Council | Queanbeyan City Council |
| Bogan Shire Council | Greater Hume Shire Council | Richmond Valley Council |
| Bombala Council | Greater Taree City Council | Shoalhaven City Council |
| Bourke Shire Council | Griffith City Council | Snowy River Shire Council |
| Brewarrina Shire Council | Gundagai Shire Council | Tumbarumba Shire Council |
| Broken Hill City Council | Hay Shire Council | Tumut Council |
| Byron Shire Council | Jerilderie Shire Council | Tweed Shire Council |
| Carrathool Shire Council | Kempsey Shire Council | Unincorporated Far West |
| Central Darling Shire Council | Lachlan Shire Council | Urana Shire Council |
| Clarence Valley Council | Leeton Shire Council | Wagga Wagga City Council |
| Cobar Shire Council | Lismore City Council | The Council Of The Shire Of Wakool |
| Coffs Harbour City Council | Lockhart Shire Council | Wentworth Shire Council |
| Conargo Shire Council | Murray Shire Council | |
| Cooma-Monaro Council | Murrumbidgee Shire | |

2. Those parts of the following Parishes located within the local government area administered by the Bland Shire Council;

| Parish Name | County Name | | |
|--------------------|--------------------|--------------------|-----------|
| Ariah | Cooper | Kolkilbertoo | Cooper |
| Bibbijolee | Gipps | Kolkilbertoo East | Cooper |
| Bimbil | Dowling | Kolkilbertoo South | Cooper |
| Blairgowrie | Dowling | Lewes | Cooper |
| Bourke | Cooper | Melbergen | Nicholson |
| Bygalorie | Gipps | Mologone | Dowling |
| Clowery | Dowling | Munduburra | Cooper |
| Conapaira East | Cooper | Murrabung | Dowling |
| Contarlo | Dowling | Naradhan | Dowling |
| Currawong | Dowling | Narriah | Cooper |
| Currikabakh | Dowling | Narriah | Dowling |
| Davis | Dowling | Oxley | Cooper |
| Dowling | Cooper | Rutland | Dowling |
| Euratha | Cooper | Sandy Creek | Cooper |
| Euratha South | Cooper | The Peak | Cooper |
| Garryowen | Dowling | Thulloo | Gipps |
| Geelooma | Dowling | Ungarie | Gipps |
| Gurragong | Cooper | Wollongough | Gipps |
| Jimberoo | Dowling | Womboyn | Dowling |
| Kalingan | Gipps | Yelkin | Dowling |
| Kikoira | Dowling | Youngareen | Gipps |

3. Those parts of the following Parishes located within the local government area administered by the Harden Shire Council;

| Parish Name | County Name |
|--------------------|--------------------|
| Bundarbo | Buccleuch |
| Birrema | Harden |
| Bookham | Harden |
| Cooney | Harden |
| Coppabella | Harden |
| Jugiong | Harden |

4. those parts of the following Parishes located within the local government area administered by the Great Lakes Council;

| Parish Name | County Name |
|--------------------|--------------------|
| Talawahl | Gloucester |
| Tuncurry | Gloucester |
| Wang Wauk | Gloucester |

5. those parts of the following Parishes located within the local government area administered by the Gwydir Shire Council;

| Parish name | County name | | |
|--------------------|--------------------|------------|-----------|
| Abercrombie | Burnett | Blue Nobby | Burnett |
| Balfour | Burnett | Blue Nobby | Stapylton |
| Baroma | Burnett | Bogamildi | Burnett |
| Bledger | Burnett | Boobah | Burnett |
| | | Boonal | Stapylton |

| | | | |
|---------------|-----------|--------------|-----------|
| Boonanga | Stapylton | Mobbindry | Stapylton |
| Booraba | Stapylton | Mungle | Stapylton |
| Boyanga | Burnett | Murgo | Burnett |
| Bullala | Burnett | Muscle | Burnett |
| Codrington | Burnett | Myalla | Burnett |
| Cox | Burnett | Nunga Nunga | Burnett |
| Currumbah | Stapylton | Oregon | Burnett |
| Eales | Burnett | Ottley | Burnett |
| Ellis | Burnett | Pepperbox | Burnett |
| Gill | Burnett | Rocky Hole | Burnett |
| Glenalvon | Burnett | Russell | Burnett |
| Goalonga | Burnett | Stack | Burnett |
| Goorabil | Burnett | Stanley | Burnett |
| Gournama | Burnett | Stapylton | Stapylton |
| Gragin | Burnett | Stephenson | Burnett |
| Graman | Arrawatta | Strathmore | Burnett |
| Gravesend | Burnett | Stuart | Burnett |
| Gugumburra | Burnett | Tackinbri | Burnett |
| Gullungutta | Burnett | Toongcooma | Stapylton |
| Hadleigh | Burnett | Tubble Gah | Stapylton |
| Hollingsworth | Burnett | Tucka Tucka | Stapylton |
| Holmes | Stapylton | Tullin Tulla | Burnett |
| Kiga | Burnett | Vicars | Burnett |
| Mandoe | Burnett | Warialda | Burnett |
| Merriwa | Stapylton | Whalan | Stapylton |
| Mingan | Stapylton | Yagobe | Burnett |
| Mitchell | Burnett | Yallaroi | Burnett |

6. That part of the Parish of Dumboy (County of Murchison) located within the local government area administered by the Gwydir Shire Council north of and including the Gwydir Highway;

7. those parts of the following Parishes located within the local government area administered by the Inverell Shire Council;

| Parish name | County name | Blue Nobby | Stapylton |
|--------------|-------------|------------|-----------|
| Aconite | Hardinge | Bonshaw | Arrawatta |
| Adowa | Arrawatta | Bora | Arrawatta |
| Alpine | Arrawatta | Bowman | Arrawatta |
| Anderson | Arrawatta | Buckley | Arrawatta |
| Anderson | Gough | Bukkulla | Arrawatta |
| Arthurs Seat | Arrawatta | Bunal | Arrawatta |
| Ashby | Arrawatta | Burgundy | Arrawatta |
| Ashford | Arrawatta | Burnett | Burnett |
| Astley | Arrawatta | Byron | Arrawatta |
| Athol | Arrawatta | Campbell | Arrawatta |
| Auburn Vale | Hardinge | Campbell | Gough |
| Balaclava | Gough | Champagne | Arrawatta |
| Bannockburn | Arrawatta | Chapman | Arrawatta |
| Barden | Arrawatta | Clare | Hardinge |
| Bebo | Arrawatta | Clerk | Hardinge |
| Bengalla | Arrawatta | Clive | Gough |
| Bloonbah | Arrawatta | Coolatai | Burnett |
| Blue Nobby | Burnett | Cox | Arrawatta |

| | | | |
|--------------|-----------|------------------|-----------|
| Cucumber | Arrawatta | Meriti | Arrawatta |
| Dight | Arrawatta | Moredun | Hardinge |
| Dumaresq | Arrawatta | Myall | Arrawatta |
| East Yetman | Arrawatta | Myalla | Burnett |
| Eden | Gough | Newstead | Gough |
| Egerton | Arrawatta | North Nullamanna | Arrawatta |
| Ellis | Arrawatta | Nullamanna | Arrawatta |
| Elsmore | Gough | Ottley | Burnett |
| Ena | Arrawatta | Paradise | Gough |
| Frazer | Arrawatta | Parkhurst | Burnett |
| Goonian | Arrawatta | Pindari | Arrawatta |
| Gordon | Arrawatta | Redbank | Arrawatta |
| Gordon | Gough | Rose | Arrawatta |
| Gragin | Burnett | Ross | Gough |
| Graman | Arrawatta | Russell | Arrawatta |
| Gullungutta | Burnett | Samuel | Arrawatta |
| Gum Flat | Murchison | Severn | Arrawatta |
| Gunnee | Burnett | Single | Hardinge |
| Hallam | Arrawatta | St Andrews | Arrawatta |
| Hawthorne | Arrawatta | Strathbogie | Gough |
| Herbert | Gough | Swamp Oak | Arrawatta |
| Hetherington | Arrawatta | Swanbrook | Gough |
| Hogarth | Arrawatta | Swanvale | Gough |
| Holdfast | Arrawatta | Swinton | Hardinge |
| Holmes | Arrawatta | Texas | Arrawatta |
| Inverell | Gough | Trigamon | Arrawatta |
| Kings Plains | Arrawatta | Tubble Gah | Stapylton |
| Leslie | Arrawatta | Tucka Tucka | Stapylton |
| Limestone | Arrawatta | Vivier | Arrawatta |
| Little Plain | Murchison | Wallangra | Arrawatta |
| Lockerby | Arrawatta | Wandera | Arrawatta |
| Lorne | Arrawatta | Weean | Arrawatta |
| Macintyre | Arrawatta | Wellingrove | Gough |
| Macintyre | Gough | Wyndham | Arrawatta |
| Mandoe | Arrawatta | Yetman | Arrawatta |
| Mcdonald | Arrawatta | | |

8. That part of the Parish of Delungra (County of Murchison) located within the local government area administered by the Inverell Shire Council north of and including the Gwydir Highway;

9. those parts of the following Parishes located within the local government area administered by the Kyogle Shire Council;

| Parish Name | County Name | | |
|-------------|-------------|--------------|--------|
| Alice | Drake | Coongbar | Drake |
| Babyl | Rous | Dyraaba | Rous |
| Black Camp | Drake | Ettrick | Rous |
| Bonalbo | Buller | Evans | Buller |
| Boorabee | Rous | Fairy Mount | Rous |
| Buller | Buller | Geneva | Rous |
| Burgess | Buller | Hanging Rock | Rous |
| Capeen | Buller | Jiggi | Rous |
| Claribell | Buller | Langwell | Rous |
| | | Mearimb | Buller |

| | | | |
|-------------|----------|------------|--------|
| Mongogarrie | Richmond | Runnymede | Rous |
| Mummulgum | Rous | Sandilands | Drake |
| Peacock | Buller | Stratheden | Rous |
| Picarbin | Drake | Tabulam | Drake |
| Pikapene | Drake | Toooloom | Buller |
| Pocupar | Buller | Toonumbar | Rous |
| Queebun | Rous | Wiangaree | Rous |
| Robertson | Buller | Wyndham | Rous |

10. those parts of the following Parishes located within the local government area administered by the Moree Plains Shire Council;

| Parish Name | County Name | Coppymurrumbill | Stapylton |
|--------------------|--------------------|------------------------|------------------|
| Adams | Stapylton | Coubal | Benarba |
| Ardgowan | Courallie | Cowmerton | Benarba |
| Balerang | Benarba | Crinoline | Benarba |
| Ballalla | Benarba | Currah | Benarba |
| Banarway | Benarba | Currumbah | Stapylton |
| Baroona | Benarba | Currygundi | Benarba |
| Bengerang | Stapylton | Denebry | Stapylton |
| Benson | Stapylton | Dindierna | Benarba |
| Bibble | Benarba | Douro | Stapylton |
| Biniguy | Courallie | Dundunga | Benarba |
| Biroo | Benarba | Finley | Stapylton |
| Boggabilla | Stapylton | Galloway | Benarba |
| Bogree | Courallie | Gil Gil | Benarba |
| Boobera | Stapylton | Gil Gil | Stapylton |
| Boolmuckledi | Benarba | Goocalla | Benarba |
| Booloroo | Courallie | Goorara | Stapylton |
| Boomi | Benarba | Greaves | Benarba |
| Boonangar | Benarba | Greenaway | Benarba |
| Boonerey | Benarba | Gunnyanna | Stapylton |
| Boonoon | Benarba | Hamilton | Benarba |
| Boronga | Benarba | Harvey | Courallie |
| Boroo | Benarba | Harvey | Stapylton |
| Boyanga | Benarba | Illingrammindi | Stapylton |
| Brigalow | Benarba | Keelo | Benarba |
| Browne | Stapylton | King | Courallie |
| Bryanungra | Stapylton | Kinnimo | Stapylton |
| Bucknel | Benarba | Kunopia | Benarba |
| Bunarba | Benarba | Lay Green | Stapylton |
| Bundori | Benarba | Limebon | Stapylton |
| Caidmurra | Benarba | Mayne | Stapylton |
| Canary | Stapylton | Medgun | Courallie |
| Careunga | Stapylton | Melleallina | Stapylton |
| Careunga North | Stapylton | Merriwa | Stapylton |
| Carraa | Benarba | Mia Mia | Courallie |
| Carroby | Stapylton | Mobbindry | Stapylton |
| Collymongle | Benarba | Moorina | Benarba |
| Collyu | Benarba | Moppin | Stapylton |
| Cook | Stapylton | Moree | Courallie |
| Coolanga | Stapylton | Morella | Stapylton |
| Coolobong | Benarba | Mount Pleasant | Stapylton |
| Coonalgra | Benarba | Mungie Bundie | Courallie |

| | | | |
|-------------|-----------|-----------------|-----------|
| Mungle | Stapylton | Tyrrell | Benarba |
| Myall | Benarba | Umbri | Benarba |
| Narrawall | Benarba | Wadden | Benarba |
| Neargo | Benarba | Wallon | Stapylton |
| Newcastle | Benarba | Warra Warrama | Stapylton |
| Noonah | Benarba | Warren | Benarba |
| Noora | Benarba | Wee Bulla Bulla | Courallie |
| Numby Numby | Benarba | Welbon | Stapylton |
| Paine | Stapylton | Werrina | Benarba |
| Paleranga | Stapylton | Whalan | Benarba |
| Paramellowa | Courallie | Whalan | Stapylton |
| Pearse | Benarba | Willimill | Stapylton |
| Tala | Benarba | Winslow | Benarba |
| Tantarana | Stapylton | Wirra North | Benarba |
| Toongooma | Stapylton | Wonga | Stapylton |
| Trinkey | Stapylton | Yarouah | Benarba |
| Tulloona | Stapylton | Yarrol | Benarba |
| Tun Cooley | Stapylton | Yooloobil | Stapylton |
| Turrawah | Benarba | Young | Benarba |
| Tycawina | Benarba | | |

11. those parts of the following Parishes located within the local government area administered by the Tenterfield Shire Council;

| Parish Name | County Name | | |
|--------------------|--------------------|---------------|--------|
| Addison | Clive | Dunbar | Drake |
| Angoperran | Clive | Ellerslie | Buller |
| Annandale | Clive | Emu | Buller |
| Antimony | Buller | Fairfield | Drake |
| Bajimba | Clive | Farnell | Clive |
| Ballandean | Clive | Flagstone | Gough |
| Barney Downs | Clive | Forest Land | Clive |
| Bates | Clive | Frazer | Clive |
| Binghi | Clive | Gibraltar | Clive |
| Blain | Clive | Gilgurry | Buller |
| Bloxsome | Clive | Girard | Buller |
| Bluff Land | Clive | Glen Lyon | Clive |
| Bolivia | Clive | Goolamanger | Clive |
| Boonoo Boonoo | Buller | Graham | Clive |
| Booroo | Clive | Harden | Clive |
| Boorook | Buller | Highland Home | Gough |
| Callanyn | Buller | Hillcrest | Clive |
| Carroll | Buller | Hongkong | Drake |
| Cavendish | Clive | Irby | Clive |
| Chauvel | Drake | Jeffrey | Clive |
| Clifton | Clive | Jenny Lind | Buller |
| Colongon | Buller | Jondol | Clive |
| Corry | Buller | Lands End | Gough |
| Cowper | Clive | Lawson | Clive |
| Dickson | Clive | Limestone | Clive |
| Donaldson | Clive | Maclean | Clive |
| Drake | Drake | Malara | Drake |
| Dumaresq | Clive | Mingoola | Clive |
| Dumaresq | Gough | Morven | Clive |
| | | Muir | Gough |

| | | | |
|--------------|-------|------------------|-------|
| Perth | Clive | Tenterfield | Clive |
| Rock Vale | Clive | Timbarra | Clive |
| Romney | Clive | Timbarra | Drake |
| Silent Grove | Clive | Wellington North | Gough |
| Sistova | Drake | Wellington Vale | Gough |
| Strachan | Gough | West Fairfield | Drake |
| Strathearn | Clive | Woodside | Clive |
| Tarban | Clive | Wunglebong | Clive |

12. Those parts of the following Parishes located within the local government area administered by the Upper Lachlan Shire Council;

| Parish name | County name | | |
|-------------|-------------|----------------|--------|
| Breadalbane | Argyle | Cullarin | King |
| Collector | Argyle | Dalton | King |
| Gurrundah | Argyle | Dixon | King |
| Milbang | Argyle | Garway | King |
| Mummel | Argyle | Grabben Gullen | King |
| Mutmutbilly | Argyle | Gunning | King |
| Pomeroy | Argyle | Jerrara | King |
| Tarago | Argyle | Jerrawa | King |
| Wologorong | Argyle | Kildare | King |
| Bigga | Georgiana | Lampton | King |
| Binda | Georgiana | Lerida | King |
| Blackman | Georgiana | Manton | King |
| Gillindich | Georgiana | Merrill | King |
| Julong | Georgiana | Mundoonen | King |
| Keverstone | Georgiana | Narrawa | King |
| Markdale | Georgiana | Nelanglo | King |
| Meglo | Georgiana | Preston | King |
| Mulgowrie | Georgiana | Romner | King |
| Biala | King | Wheo | King |
| Bunton | King | Winduella | King |
| Crookwell | King | Gundaroo | Murray |

13. Those parts of the following Parishes located within the local government area administered by the Upper Lachlan Shire Council and west of the line commencing at the point at which Woodhouselee Road (the road from Woodhouselee to Goulburn) crosses the common boundary of the Upper Lachlan Shire and the Goulburn Mulwaree Shire, thence along this road via Woodhouselee and then Roslyn to Laggan, thence from Laggan in a generally northerly direction via Peelwood to Tuena, then north from Tuena along the Junction Point Road to where it crosses the common boundary of the land administered by the Upper Lachlan Shire and the land administered by the Bathurst Regional Council. This description is to be interpreted in conjunction with the map sheet "GOULBURN SI55-12, NSW SOUTH WALES, EDITION 3", dated 2003, published by GEOSCIENCE Australia, Symonston ACT 2609;

| Parish name | County name |
|-------------|-------------|
| Pejar | Argyle |
| Upper Tarlo | Argyle |
| Wayo | Argyle |
| Belmore | Georgiana |
| Bolong | Georgiana |
| Cuddyong | Georgiana |

| | |
|-------------|-----------|
| Kangaloolah | Georgiana |
| Kiamma | Georgiana |
| Laggan | Georgiana |
| Thalaba | Georgiana |
| Wangalo | Georgiana |
| Yarraman | Georgiana |

14. those parts of the following Parishes located within the local government area administered by the Walgett Shire Council;

| Parish name | County name | | |
|--------------------|--------------------|---------------|------------|
| Aberfoyle | Leichhardt | Burbah | Finch |
| Amos | Leichhardt | Buriembri | Denham |
| Back Willoi | Clyde | Burrabebe | Finch |
| Bagot | Finch | Burran Burran | Finch |
| Baloon | Finch | Burrandown | Finch |
| Baraneal | Denham | Burrawandool | Finch |
| Barnbah | Finch | Cabul | Denham |
| Barrangeel | Finch | Calmuldi | Finch |
| Barwon | Denham | Cambo Cambo | Finch |
| Barwon | Finch | Campbell | Finch |
| Benn | Denham | Carinda | Clyde |
| Bergan | Denham | Castlereagh | Leichhardt |
| Berryabar | Denham | Christie | Denham |
| Berrybah | Baradine | Collarindabri | Finch |
| Bimber | Finch | Colmia | Leichhardt |
| Birben | Finch | Colomy | Leichhardt |
| Birrah | Finch | Combadero | Finch |
| Birruma | Narran | Coocoran | Finch |
| Blackwood | Finch | Cooyah Warrah | Leichhardt |
| Blowan | Clyde | Coogarah | Finch |
| Bloxsome | Finch | Cook | Benarba |
| Bogewang | Leichhardt | Coonghan | Narran |
| Bogra | Finch | Coorabur | Clyde |
| Bon Bon | Finch | Corona | Finch |
| Booman Gabar | Narran | Cowelba | Finch |
| Boorara | Finch | Cox | Baradine |
| Boorooma | Finch | Cryon | Denham |
| Borah | Finch | Cuddie | Clyde |
| Borgara | Leichhardt | Culnooy | Baradine |
| Bouka Bouka | Clyde | Cumberdoon | Baradine |
| Brewan | Leichhardt | Cumborah | Finch |
| Browne | Denham | Cunnianna | Finch |
| Buckinguy | Clyde | Currall | Finch |
| Buddah | Finch | Dahomey | Leichhardt |
| Buggee | Finch | Dangar | Baradine |
| Bugilbone | Denham | Dangar | Benarba |
| Bukkulla | Finch | Daraaba | Finch |
| Bulliwy | Baradine | Denevoli | Baradine |
| Bumble | Finch | Denham | Denham |
| Bundabarrina | Finch | Denuleroi | Denham |
| Bundah | Finch | Deripas | Finch |
| Bunghill | Finch | Devon | Leichhardt |
| Bungle Gully | Baradine | Dewhurst | Denham |
| | | Doyle | Baradine |

| | | | |
|-----------------|------------|---------------|------------|
| Dunglear | Finch | Keelo | Finch |
| Dungell | Finch | Keilmoi | Finch |
| Dunumbral | Finch | Kennedy | Finch |
| Durabeba | Finch | Kidgar | Leichhardt |
| Eales | Finch | Kigwigil | Finch |
| Eastlake | Denham | Kurragong | Finch |
| Eckford | Finch | Langloh | Finch |
| Elphinstone | Finch | Llanillo | Finch |
| Eton | Denham | Lolah | Narran |
| Eulan | Finch | Lolleep | Finch |
| Euminbah | Finch | Long Point | Denham |
| Eurawin | Finch | Maggarie | Finch |
| Eurie Eurie | Denham | Manilla | Denham |
| Euroka | Leichhardt | Manning | Finch |
| Evans | Baradine | Mcfarlane | Baradine |
| Finch | Finch | Mebea | Finch |
| Finley | Denham | Meei | Benarba |
| Finley | Finch | Mein | Finch |
| Gamalally | Finch | Meit | Baradine |
| Geera | Clyde | Merritombea | Baradine |
| Gidgerygah | Leichhardt | Merrywinebone | Denham |
| Gidginbilla | Leichhardt | Midgee | Baradine |
| Gilwarny | Leichhardt | Milchomi | Baradine |
| Ginge | Clyde | Milrea | Finch |
| Gingie | Finch | Mogil Mogul | Finch |
| Glass | Denham | Moongulla | Finch |
| Glatherindi | Finch | Mooni | Finch |
| Goangra | Baradine | Moora | Leichhardt |
| Gooningeri | Finch | Mooroo | Finch |
| Gooraway | Finch | Moramina | Finch |
| Gordon | Finch | Morendah | Finch |
| Gorian | Denham | Mourabie | Leichhardt |
| Gorie Gorie | Finch | Mullingowba | Finch |
| Grandool | Clyde | Mundoo | Finch |
| Grawin | Finch | Mungerarra | Denham |
| Greaves | Finch | Munna Munna | Leichhardt |
| Green | Finch | Mureabun | Finch |
| Gummanaldi | Finch | Murkadoo | Denham |
| Gunathera | Benarba | Murra Murra | Denham |
| Gundabloui | Finch | Muttama | Baradine |
| Gungalman North | Leichhardt | Muttama | Baradine |
| Gunna | Leichhardt | Myall | Denham |
| Gurilly | Finch | Myallwirrie | Denham |
| Gurley | Finch | Narran | Finch |
| Gwabegar | Baradine | Nedgera | Leichhardt |
| Higgins | Clyde | Newman | Baradine |
| Higgins | Clyde | Nugal | Leichhardt |
| Hungerford | Finch | Pagan | Denham |
| Imbergeee | Finch | Pearse | Denham |
| Jamalong | Baradine | Peelborough | Finch |
| Jereel | Denham | Pian | Denham |
| Kamilaroi | Benarba | Pilliga | Baradine |
| Katambone | Denham | Pine | Finch |
| Kee Kee | Finch | Pinegobla | Finch |

| | | | |
|------------|------------|--------------|------------|
| Plumbolah | Finch | Wallah | Finch |
| Pokataroo | Denham | Wallangulla | Finch |
| Queega | Finch | Walmar | Denham |
| Quegobla | Baradine | Wambadule | Baradine |
| Reynolds | Denham | Wammell | Finch |
| Roberts | Denham | Wammerawa | Clyde |
| Roberts | Finch | Warragan | Leichhardt |
| Rose | Finch | Warrambool | Finch |
| Scott | Finch | Warren Downs | Leichhardt |
| Somerville | Finch | Waugh | Finch |
| Sussex | Leichhardt | Wee Warra | Finch |
| Talawa | Finch | Weribiddee | Clyde |
| Talluba | Baradine | Werribilla | Finch |
| Tareela | Denham | Wilby Wilby | Finch |
| Telinebone | Finch | Wilga | Finch |
| Teni | Baradine | Wilkie | Finch |
| Terribie | Denham | Willenbone | Clyde |
| Thalaba | Denham | Willewa | Clyde |
| Tholoo | Denham | Willoi | Clyde |
| Tolooora | Leichhardt | Wommo | Clyde |
| Tomorrigo | Finch | Wooburrabebe | Finch |
| Toryweewha | Denham | Wyabery | Leichhardt |
| Townday | Finch | Wyabray | Clyde |
| Trielmon | Leichhardt | Yanda | Clyde |
| Tutawa | Finch | Yarraldool | Denham |
| Ulah | Finch | Yarraman | Baradine |
| Ulambie | Baradine | Yarraman | Finch |
| Ularbie | Leichhardt | Yarren | Baradine |
| Ulourie | Clyde | Yeranbah | Finch |
| Urاندool | Finch | Yerangle | Finch |
| Waddiwong | Leichhardt | Youendah | Leichhardt |
| Walgett | Baradine | Yourblah | Finch |
| Walgett | Denham | | |

15. those parts of the following Parishes located within the local government area administered by the Warren Shire Council;

| Parish name | County name | | |
|--------------|-------------|-----------------|---------|
| Balcombe | Oxley | Bulgeraga | Gregory |
| Ballaree | Clyde | Bullagreen | Ewenmar |
| Beablebar | Oxley | Bundilla | Ewenmar |
| Beardina | Oxley | Buttabone | Gregory |
| Bebrue | Gregory | Cajildry | Oxley |
| Beelban | Oxley | Carual | Oxley |
| Beemunnel | Ewenmar | Cashmere | Clyde |
| Belar | Gregory | Clements | Clyde |
| Beleringar | Oxley | Collemburrawang | Ewenmar |
| Bibbejibbery | Gregory | Collyburl | Gregory |
| Billabulla | Gregory | Cookandoon | Oxley |
| Boro | Oxley | Coradgerie | Ewenmar |
| Bouka Bouka | Clyde | Cowal | Clyde |
| Bourbah | Ewenmar | Cox | Clyde |
| Bourbah | Ewenmar | Cremorne | Oxley |
| Buckinguy | Gregory | Curtis | Oxley |
| | | Derri Derri | Clyde |

| | | | |
|--------------|---------|-----------------|---------|
| Dooran | Oxley | Merunda | Clyde |
| Dreewa | Gregory | Meryon | Ewenmar |
| Driel | Ewenmar | Mount Foster | Gregory |
| Dryburgh | Gregory | Mullengudgery | Oxley |
| Duffity | Gregory | Mumblebone | Gregory |
| Egelabra | Oxley | Mumbrabah | Oxley |
| Eilginbah | Oxley | Mundawah | Clyde |
| Elengerah | Oxley | Narrar | Oxley |
| Enaweena | Gregory | Narromine | Oxley |
| Esperance | Clyde | Nevertire | Oxley |
| Eulamoga | Gregory | Ninia | Gregory |
| Ganalgang | Oxley | Noonbah | Gregory |
| Gangarry | Clyde | Northcote | Gregory |
| Gardiner | Gregory | Pentagon | Gregory |
| Garfield | Oxley | Pullingarwarina | Gregory |
| Garule | Oxley | Ridge | Clyde |
| Geerigan | Gregory | Rutledge | Oxley |
| Geralgumbone | Gregory | Sandridge | Gregory |
| Gerwa | Gregory | Stanhope | Gregory |
| Gidgerah | Clyde | Tabratong | Oxley |
| Gilgoen | Gregory | Tenandra | Ewenmar |
| Gilgoen | Gregory | Terangan | Oxley |
| Ginghet | Clyde | Terooble | Oxley |
| Gobabla | Oxley | The Mole | Gregory |
| Gobollion | Clyde | Thuara | Clyde |
| Goolagoola | Gregory | Tongamba | Gregory |
| Gooribun | Gregory | Trowan | Oxley |
| Gradgery | Gregory | Umangla | Ewenmar |
| Grahway | Gregory | Urobula | Ewenmar |
| Gralwin | Clyde | Warien | Oxley |
| Gunningba | Oxley | Warren | Oxley |
| Haddon Rig | Gregory | Warrigal | Gregory |
| Healy | Ewenmar | Waughandry | Gregory |
| Holybon | Gregory | Weenculling | Gregory |
| Inlega | Gregory | Wemabung | Ewenmar |
| Killendoon | Ewenmar | Willi Culling | Clyde |
| Lawson | Oxley | Willie | Gregory |
| Mara | Gregory | Wingebar | Gregory |
| Marbella | Gregory | Womboin | Clyde |
| Marebone | Gregory | Wonbobbie | Ewenmar |
| Marthaguy | Gregory | Woolagoola | Gregory |
| Mellerstain | Gregory | Woolartha | Oxley |
| Melrose | Gregory | Wullamgambone | Gregory |
| Merrigal | Ewenmar | Wundabungay | Gregory |
| Merrimba | Gregory | Yarea | Clyde |
| Merrinele | Gregory | Yarrowell | Gregory |

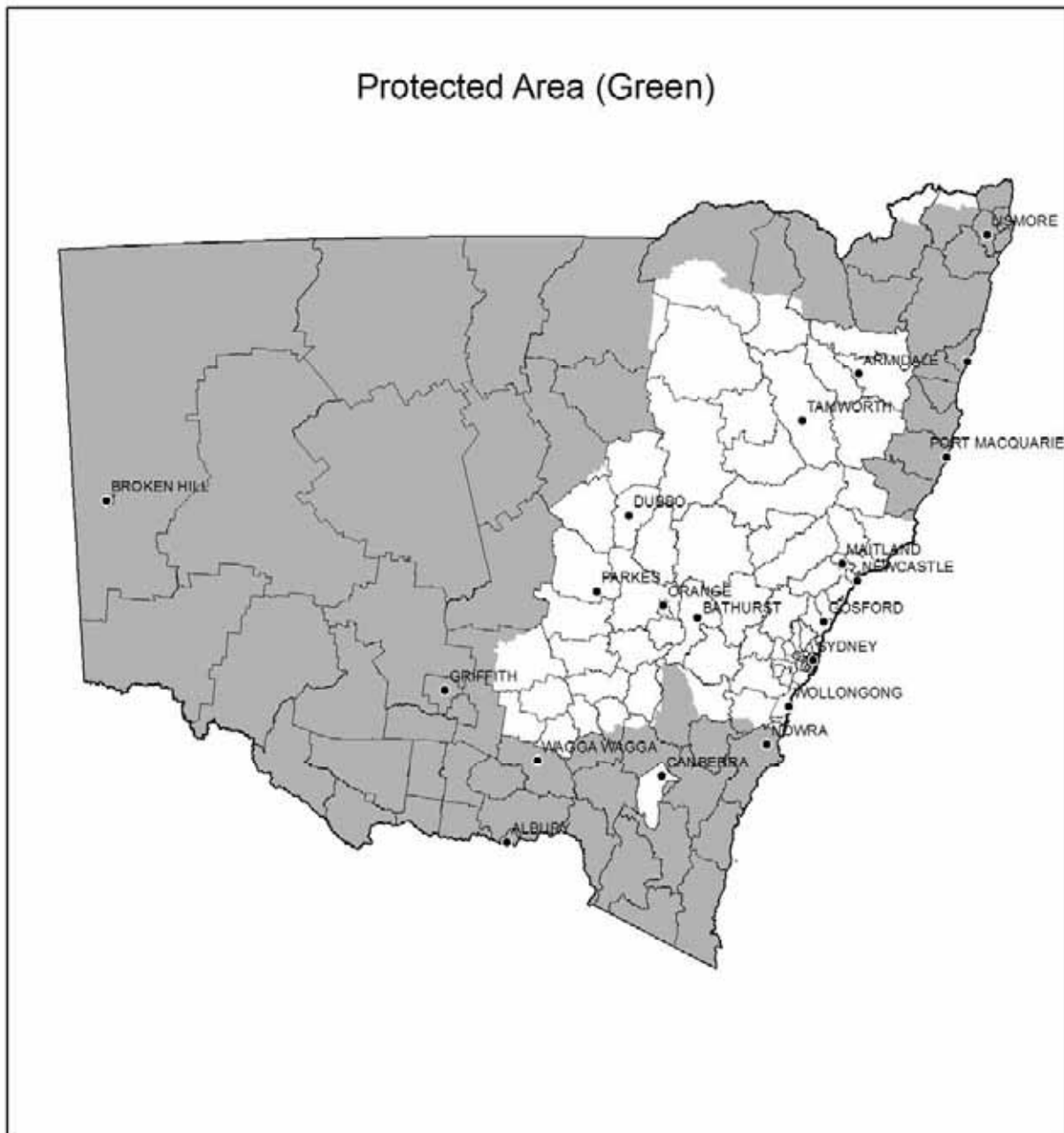
16. those parts of the following Parishes located within the local government area administered by the Wingecarribee Shire Council;

| Parish Name | County Name |
|-------------|-------------|
| Bumballa | Camden |
| Bundanoon | Camden |
| Caoura | Camden |

| | |
|---------------|--------|
| Murrimba | Camden |
| Sutton Forest | Camden |
| Wingello | Camden |

17. those parts of the following Parishes located within the local government area administered by the Yass Valley Council;

| Parish name | County name | | |
|--------------------|--------------------|---------------|--------|
| Collector | Argyle | Dixon | King |
| Clive | Bucclench | Jerrawa | King |
| Weejasper | Bucclench | Lerida | King |
| West Goodradigbee | Bucclench | Manton | King |
| Cavan | Cowley | Mundoonen | King |
| Coree | Cowley | Nelanglo | King |
| East Goodradigbee | Cowley | Yass | King |
| Micalong | Cowley | Bedulluck | Murray |
| Mullion | Cowley | Boambolo | Murray |
| Narranggullen | Cowley | Bywong | Murray |
| Pabral | Cowley | Ginninderra | Murray |
| Taemas | Cowley | Goorooyarroo | Murray |
| Umburra | Cowley | Gundaroo | Murray |
| Urayarra | Cowley | Hume | Murray |
| Birrema | Harden | Jeir | Murray |
| Bookham | Harden | Lake George | Murray |
| Bowning | Harden | Murrumbateman | Murray |
| Childowla | Harden | Nanima | Murray |
| Coppabella | Harden | Purrorumba | Murray |
| Mylora | Harden | Talagandra | Murray |
| Talmo | Harden | Toual | Murray |
| Woolgarlo | Harden | Wallaroo | Murray |
| Bango | King | Warroo | Murray |
| Derringullen | King | Weetangera | Murray |



SCHEDULE 2

Authorised Movement of Horses

1. (a) Except as provided for in paragraph (b), movement of horses within the Protected Area (Green) is authorised **only if** a Travelling Horse Statement is duly completed and any movement is in accordance with the conditions listed on the Travelling Horse Statement.

- (b) A Travelling Horse Statement is not required for a horse moving to, from or on a Travelling Stock Reserve in accordance with a Stock Permit issued under section 101 of the Rural Lands Protection Act 1998.

2. Movement of horses into the Protected Area (Green) from within NSW or out of the Protected Area (Green) is authorised **only if** that movement is in accordance with an authorisation issued by an inspector under the Act or a permit issued pursuant to section 24 of the Act;
3. Movement of horses into the Protected Area (Green) from outside NSW is authorised **only if**:
 - a. a Travelling Horse Statement is duly completed and any movement is in accordance with the conditions listed on the Travelling Horse Statement; or
 - b. that movement is in accordance with an authorisation issued by an inspector under the Act.

SCHEDULE 3

Authorised Movement of Animal Products from Horses

1. Movement of animal products from horses within the Protected Area (Green) is authorised.
2. Movement of animal products from horses out of the Protected Area (Green) is authorised only if the movement is in accordance with a permit issued pursuant to section 24 of the Act.
3. Movement of animal products from horses into the Protected Area (Green) is authorised **only if**:
 - a. that movement is in accordance with a permit issued pursuant to section 24 of the Act; or
 - b. the animal product being moved is specified below and moved in accordance with the conditions specified below:

All animal products from horses that are:

- (a) blood, urine, swabs or other diagnostic samples from horses that are:
 - (i) taken directly to a diagnostic laboratory in a manner approved under Australian Standards for the secure transport of biological material, and
 - (ii) either held or disposed of in a manner approved under Australian Standards for the secure disposal of biological material.

SCHEDULE 4

Authorised Events

The holding of an Event is authorised **only if**:

1. The proposed Event is registered with the Department of Primary Industries at least 48 hours prior to the Event taking place, by completing an Event Registration Form available at www.dpi.nsw.gov.au/equine-influenza/permits.

2. The Travelling Horse Statement identification number for all horses attending the Event is given to the Event organiser(s) on arrival at the Event location.
3. The Travelling Horse Statement identification number for all horses attending the Event is forwarded to the Department of Primary Industries by the Event organiser(s) within 24 hours of the Event taking place by completing the Event Attendance Form available at www.dpi.nsw.gov.au/equine-influenza/permits.
4. None of the horses at an Event originates from within a 10km radius of any premises or place quarantined pursuant to section 35 of the Act in relation to the exotic disease Equine influenza.

Interpretation

In this Control Order, if any part of any premises is located partly within the Protected Area (Green) and partly within the Restricted Area (Amber) the whole of those premises is taken to be located in the Restricted Area (Amber).

Definitions

In this Control Order:

Control Area means the control area declared, pursuant to section 21 of the Act, by the Order made by the Chief Veterinary Officer, as the Minister's delegate under section 67 of the Act, on 25 August 2007.

Event means any market, fair, sale, parade, race meeting, recreational activity, competition or other gathering of 10 or more horses, or any number of horses from 3 or more properties and where the horses are moved to the event and back to their premises of origin within 5 days.

horses means horses, mules, donkeys and other animals in the Equidae family.

premises includes a parcel of land, or several parcels of land which:

- (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
- (ii) constitute or are worked as a single property

irrespective of whether those parcels are held under the same title or different titles or titles of different kinds.

Protected Area (Green) means that part of the Control Area known as the Protected Area (Green) which has been specified in Schedule 1 of this Control Order.

Restricted Area means any restricted area which has been declared or may be declared, pursuant to section 15 of the Act, in relation to the exotic disease Equine influenza.

Travelling Horse Statement means the document titled "Exotic Diseases of Animals Act 1991 - Travelling Horse Statement" available from the Department of Primary Industries and at www.dpi.nsw.gov.au/equine-influenza/permits.

Travelling Horse Statement identification number means the unique number situated on the top right corner of a Travelling Horse Statement.

Unincorporated area means such part of the land within the Western Division of the State as is not within a local government area.

Western Division means the Western Division as defined by the *Crown Lands Consolidation Act 1913* immediately before its repeal (subject to any regulations made under section 4(3) of the *Crown Lands Act 1989* that affect the boundary between the Western Division and the Eastern and Central Division).

Dated: 4 December 2007

PAUL HOHN ANDERSON
INSPECTOR

BRUCE MORGAN CHRISTIE
CHIEF VETERINARY OFFICER
with the powers the Minister has delegated to
me under section 67 of the
Exotic Diseases of Animals Act 1991

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

DUBBO CITY COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which Road Trains may be used.

MARK RILEY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)
Date: 27 November 2007

SCHEDULE

1. Citation

This Notice may be cited as the Dubbo City Council Road Train Repeal Notice No. 2/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General Notice for the Operation of Road Trains 2005 is amended by omitting the following from that Notice:

| <i>Type</i> | <i>Road</i> | <i>Starting point</i> | <i>Finishing point</i> |
|-------------|--------------|-----------------------|--|
| RT | Purvis Lane, | Newell Highway | 280 metres to the eastern side of the railway crossing |

ROAD TRANSPORT (GENERAL) ACT 2005

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

LISMORE CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

PAUL G. O'SULLIVAN,
General Manager,
Lismore City Council
(by delegation from the Minister for Roads)
Date: 11 September 2007.

SCHEDULE

1. Citation

This Notice may be cited as Lismore City Council 4.6 Metre High Vehicle Route Notice No. 1/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2007 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

| <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|------------------|-----------------------|------------------------|
| Tatham Road | Rogerson Road | Bruxner Highway |
| Rogerson Road | Tatham Road | Coraki Road |
| Tatham Road | Bruxner Highway | Shire boundary |
| Frame Road | Tatham Road | Rogerson Road |

| | | |
|------------------------|---------------------|------------------------|
| Flood Reserve Road | Rogerson Road | Poole Road |
| Coraki Road | Ferris Lane | Walsh Lane |
| Goswell Road | Coraki Road | End of road |
| Oakland Road | Wyrallah Road | Shire boundary |
| Yeagerton Road | Sway Bay Road | End of road |
| Tuckurimba Road | Swan Bay Road | Paff Lane |
| Leslie Lane | Wyrallah Road | Tickle Lane |
| Mason Road | Mathieson Lane | Tucki Road |
| Mathieson Lane | Wyrallah Road | Mason Road |
| Wyrallah Road | Mathieson Lane | Buckendoon School Lane |
| Old Swan Bay Road | Oakland Road | Swan Bay Road |
| Swan Bay Road | Wyrallah Road | Tuckurimba Road |
| Sheehan Road | Tuckurimba Road | Wyrallah Road |
| McBrien Road | Sheehan Road | End of road |
| Paff Lane | Tuckurimba Road | Maxwell Lane |
| Maxwell Lane | Paff Lane | Wyrallah Road |
| McCaughey Road | Wyrallah Road | End of road |
| Tuckean Island Road | Wyrallah Road | Hoare Lane |
| Hoare Lane | Tuckean Island Road | Broadwater Road |
| Dungarubba Road | Tuckean Island Road | Stibbard Lane |
| Stibbard Lane | Dungarubba Road | Broadwater Road |
| Broadwater Road | Wyrallah Road | River |
| Plenkovich Road | Broadwater Road | End of road |
| Bagotville Road | Roadwater Road | Shire boundary |
| Banks Lane | Broadwater Road | End of road |
| Kilgin Road | Broadwater Road | Bank Street |
| Bank Street | Kilgin Road | Court Street |
| Court Street | Bank Street | Forest Road |
| Forest Road | Court Street | Buckendoon School Lane |
| Buckendoon School Lane | Wyrallah Road | End of lane |
| Thomson Lane | Wyrallah Road | Campbell Lane |
| Williams Lane | Wyrallah Road | End of road |

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority pursuant to Clause 29 of the Road Transport (Mass, Loading and Access) Regulation 2005, do, by this Notice, exempt gas powered ultra low floor buses from the total mass limit specified in Clause 6 (b), of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005, the vehicles described in Part 2 of the Schedule subject to any condition or requirement set out in that Schedule.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

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

This Notice may be cited as the Class 3 Gas Powered Ultra Low Floor Bus Mass Limit Exemption Notice 2007.

1.2 Commencement

This Notice takes effect from the date of publication in the NSW Government Gazette.

1.3 Effect

This Notice remains in force until 31 December 2012 unless it is amended or repealed earlier or until an incremental pricing arrangement becomes available.

1.4 Interpretation

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

1.4.2 Notes do not form part of this Notice.

PART 2 – APPLICATION**2.1 Application**

2.1.1 This Notice applies to gas powered ultra low floor buses,

- (a) That do not exceed 6-tonne mass on the front axle
- (b) That do not exceed 11-tonne mass on the rear axle
- (c) That do not exceed 16,650 tonne total mass when loaded.

PART 3 – OPERATION AND TRAVEL REQUIREMENTS**3.1 Mass Limits**

3.1.1. The sum of the mass on the axle groups on the vehicle to which this Notice applies may exceed the total mass limit for an ultra-low floor bus specified in Schedule 1 Clause 6 (b) of the Regulation by up to 650kg.

PART 4 – NOTICE NOT REQUIRED TO BE CARRIED

A copy of this Notice is not required to be carried in the driving compartment of a vehicle, operating under this Notice.

PART 5 – DEFINITIONS

“Ultra-low floor bus” means a bus that:

- (a) is equipped with a stairless entry, and
- (b) is designed to be accessible by wheelchairs, and
- (c) is licensed to carry standing passengers

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority Road Train Notice No. 2/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> | <i>Conditions</i> |
|-------------|-----------------|------------------|------------------------|--|---|
| RT | H17 | Newell Highway | Abattoirs Road, Forbes | Back Yamma Road (approx. 8 km north of Forbes) | No access between 7.30am to 9.00am and 3.30pm to 5.00pm on school days. |

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Division 3 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, in pursuance to the Road Transport (Mass, Loading and Access) Regulation 2005, make the Notice set forth hereunder.

LES WIELINGA
Chief Executive
Roads and Traffic Authority

AMENDMENTS

The General Class 1 Oversize (Agricultural Vehicle) Notice, published in Government Gazette No. 98 at pages 5463 – 5508, which was gazetted on 27 July 2007, is amended:

(a) Add the matter "...1.6 Notice to be Carried.....4" to the Index on page 1 following 1.5 Interpretation.

(b) Add the matter:

1.6 Notice to Be Carried

A copy of this Notice must be carried in the driving compartment whenever operating as an oversize agricultural vehicle or agricultural combination and must be produced to a police officer or an authorised officer when requested.

(c) Omit the matter "...8.5 tonnes..." from the Note following Table 1 and add the matter "...3.5 tonnes..."

(d) Add the matter:

2.3.3 (c) This Notice does not permit overmass vehicle operation. If a vehicle is overmass, a specific permit issued by the Roads and Traffic Authority is required to travel on roads in NSW.

(e) Omit the matter "(5.5 for augers and conveyors)" from the second and third lines of Table 2.

(f) Add the matter "...oversize" [agricultural machine or combination...] to Clause 3.1 (d).

(g) Add the matter "...and Devices" to Clause 4.2.

(h) Omit the matter "...of the load..." from Clause 4.3.1 (b) (ii) and add the matter "...of the projection..."

- (i) Omit "...; and" from the end of Clause 4.3.1 (b) (ii).
- (j) Omit the matter "iii. a warning light if the vehicle or combination is wider than 2.5 metres or longer than 22 metres." from Clause 4.3.1 (b).
- (k) Add the matter "When two pilot vehicles accompany an oversize vehicle, one pilot vehicle must travel in front of the oversize vehicle and the other must travel behind the oversize vehicle." to the end of Clause 5.3.2.
- (l) Add the matter "...when Clause 6.1.5 applies." to the end of Clause 6.1.3.
- (m) Add the matter "...and including..." after the matter "The area bounded by..." to Clause 6.1.5 (a) (i).
- (n) Add the matter "...when Clause 6.2.4 applies." to the end of Clause 6.2.3.
- (o) Add the matter "...when Clause 6.3.4 applies." to the end of Clause 6.3.3 (a).
- (p) Omit the matter "...This zone covers the area bounded by the Pacific Ocean and the North Channel of the Hunter River to the Pacific Highway at Hexham, then west along the New England Highway (HW9) to Weakleys Drive Thornton, then south along Weakleys Drive to the Sydney-Newcastle Freeway (F3) at Beresfield, then along the F3 Freeway, through the intersection of the F3 Freeway and Palmers Road to the crossing of MR217 at Dora Creek, then Dora Creek and Lake Macquarie to the Pacific Ocean, crossing the Pacific Highway at Swansea Bridge..." from 6.4 Newcastle Metropolitan Zone and add the matter "...This zone covers the area bounded by and including the named roads, the Pacific Ocean and the North Channel of the Hunter River, then north from Stockton bridge along Nelson Bay Road (MR108) to Williamtown, then west along Cabbage Tree Road (MR302) to Masonite Road near Tomago, then along Masonite Road to the Pacific Highway (HW10) at Heatherbrae, then south along the Pacific Highway (HW10) to Hexham, then west along the New England Highway (HW9) to Weakleys Drive Thornton, then south along Weakleys Drive to the Sydney-Newcastle Freeway (F3) at Beresfield, then along the F3 Freeway, through the intersection of the F3 Freeway and Palmers Road to the crossing of MR217 at Dora Creek, then Dora Creek and Lake Macquarie to the Pacific Ocean, crossing the Pacific Highway at Swansea Bridge..."
- (q) Omit the map at 6.4 titled Newcastle Metropolitan Zone and insert the following diagram titled Newcastle Metropolitan Zone.



- (r) Add the matter "...when Clause 6.4.5 applies." to the end of Clause 6.4.4.
- (s) Omit the matter "...via Edward, Charles and Dalgarno Streets" from Part 7 – Northwest, Coonabarabran and add the matter "...via Edwards Street, Namoi Street and Saleyards Road for northbound travel, and Saleyards Road, Namoi Street and Edwards Street for southbound travel"
- (t) Omit the matter "...MR84 from Binalong to Wallendbeen..." under the heading SOUTHWEST on page 41 and add the matter "...Burley Griffin Way from Binalong to Stockinbingal..."
- (u) Add the matter "...Cootamundra Police Station Ph: (02) 6942 0099 Fax: (02) 6942 0011..." after the details for Harden Police Station on page 41.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Division 3 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, in pursuance to the Road Transport (Mass, Loading and Access) Regulation 2005, make the Notice set forth hereunder.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

AMENDMENTS

The General Class 1 Oversize (Special-Purpose Vehicle) Notice, published in Government Gazette No. 98 at pages 5554 – 5597, which was gazetted on 27 July 2007, is amended:

- (a) Add the matter "...1.6 Notice to be Carried.....4" to the Index on page 1 following 1.5 Interpretation.
(b) Add the matter to Part 1: Preliminary: "...

1.6 Notice to Be Carried

A copy of this Notice must be carried in the driving compartment whenever operating as an oversize special-purpose vehicle or special-purpose vehicle combination and must be produced to a police officer or an authorised officer when requested.

- (c) Add the following matter to Table 1:

| | | | |
|-------------------------------------|------|------|-----|
| Special-purpose vehicle combination | 4.3m | 2.5m | 19m |
|-------------------------------------|------|------|-----|

- (d) Omit the matter "...8.5 tonnes..." from the Note following Table 1 and add the matter "...3.5 tonnes..."
(e) Add the matter:
2.3.3 (c) This Notice does not permit overmass vehicle operation. If a vehicle is overmass, a specific permit issued by the Roads and Traffic Authority is required to travel on roads in NSW.
(f) Add the matter "...centre of..." before the matter "steering wheel" in column 5 of Table 2.
(g) Add the matter "...Vehicle..." after the matter "...Special-Purpose...", and omit the matter "...1998..." and add the matter "...2004..." from second last line of point 1. of the Notes following Table 2.
(h) Add the matter "5. 'S' means the distance from the point of articulation to the foremost extremity of the rear overhang." to the Notes following Table 2.
(i) Omit the matter "...in front of the body..." from Clause 4.1.8 (a) and add the matter "...from the front or rear of the body..." to Clause 4.1.8 (a).
(j) Add the matter:
4.1.8 (c) Rear marker plates complying with ADR 45/01 must be displayed at the rearmost part of the body of a special-purpose vehicle.
(k) Omit the matter "...clauses 4.4.1 and 4.4.2..." from the Note following Clause 4.2 and add the matter "...clauses 4.3.1 and 4.3.2..."
(l) Omit the matter "During night travel:" from Clause 4.4 and add the matter
4.4.1 Delineator requirements
(m) Add the matter to Clause 4.4:
4.4.2 Delineator specifications
A delineator must:
i. be at least 300mm long and at least 300mm wide; and
ii. comply with Class 1 or 2 of Australian Standard AS 1906 'Retro-reflective Materials and Devices for Road Traffic Control Purposes'.
(n) Add the matter "...and including..." after the matter "The area bounded by..." to Clause 6.1.5 (a) (i).
(o) Omit the matter "...This zone covers the area bounded by the Pacific Ocean and the North Channel of the Hunter River to the Pacific Highway at Hexham, then west along the New England Highway (HW9) to Weakleys Drive Thornton, then south along Weakleys Drive to the Sydney-Newcastle Freeway (F3) at Beresfield, then along the F3 Freeway, through the intersection of the F3 Freeway and Palmers Road to the crossing of MR217 at Dora Creek, then Dora Creek and Lake Macquarie to the Pacific Ocean, crossing the Pacific Highway at Swansea Bridge..." from 6.4 Newcastle Metropolitan Zone and add the matter "...This zone covers the area bounded by and including the named roads, the Pacific Ocean and the North Channel of the Hunter River, then north from Stockton bridge along Nelson Bay Road (MR108) to Williamtown, then west along Cabbage Tree Road (MR302) to Masonite Road near Tomago, then along Masonite Road to the Pacific Highway (HW10) at Heatherbrae, then south along the Pacific Highway (HW10) to Hexham, then west along the New England Highway (HW9) to Weakleys Drive

Thornton, then south along Weakleys Drive to the Sydney-Newcastle Freeway (F3) at Beresfield, then along the F3 Freeway, through the intersection of the F3 Freeway and Palmers Road to the crossing of MR217 at Dora Creek, then Dora Creek and Lake Macquarie to the Pacific Ocean, crossing the Pacific Highway at Swansea Bridge...

- (p) Omit the map at 6.4 titled Newcastle Metropolitan Zone and insert the following diagram titled Newcastle Metropolitan Zone.



- (q) Omit the matter "...Metropolitan zone..." from Clause 6.4.2 (a) and add the matter "...Inner zone..."
- (r) Omit the matter "...Newcastle area west of..." from Clause 6.4.2 (b) and add the matter "...Newcastle Metropolitan zone outside..."
- (s) Omit the matter "...via Edward, Charles and Dalgarno Streets" from Part 7 – Northwest, Coonabarabran and add the matter "...via Edwards Street, Namoi Street and Saleyards Road for northbound travel, and Saleyards Road, Namoi Street and Edward Street for southbound travel"
- (t) Omit the matter "...MR84 from Binalong to Wallendbeen..." under the heading SOUTHWEST on page 39 and add the matter "...Burley Griffin Way from Binalong to Stockinbingal..."
- (u) Add the matter "...Cootamundra Police Station Ph: (02) 6942 0099 Fax: (02) 6942 0011..." after the details for Harden Police Station on page 39.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Division 3 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, in pursuance to the Road Transport (Mass, Loading and Access) Regulation 2005, make the Notice set forth hereunder.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

AMENDMENTS

The General Class 1 Oversize (Load-Carrying Vehicle) Notice, published in Government Gazette No. 98 at pages 5509 – 5553, which was gazetted on 27 July 2007, is amended:

- (a) Add the matter "...1.6 Notice to be Carried.....4" to the Index on page 1 following 1.5 Interpretation.

- (b) Add the matter:

1.6 Notice to Be Carried

A copy of this Notice must be carried in the driving compartment whenever operating as an oversize load-carrying vehicle or load-carrying vehicle combination and must be produced to a police officer or an authorised officer when requested.

- (c) Omit the matter "Where a vehicle is..." from Clause 2.3.1 and add the matter "Where a vehicle or ..."

- (d) Omit the matter "...8.5 tonnes..." from the Note following Table 1 and add the matter "...3.5 tonnes..."
- (e) Add the matter:
- 2.3.3 (c) This Notice does not permit overmass vehicle operation. If a vehicle is overmass, a specific permit issued by the Roads and Traffic Authority is required to travel on roads in NSW.
- (f) Add the matter "...carrying an indivisible item,..." after the matter "...up to 4.6 metres high..." to Clause 2.3.4
- (g) Omit the matter "...500mm wide..." from Clause 4.4.1 (a) and add the matter "...500mm thick..."
- (h) Omit the matter "During night travel:" from Clause 4.5.1.
- (i) Add the matter "...and including..." after the matter "The area bounded by..." to Clause 6.1.5 (a) (i).
- (j) Omit the matter "...This zone covers the area bounded by the Pacific Ocean and the North Channel of the Hunter River to the Pacific Highway at Hexham, then west along the New England Highway (HW9) to Weakleys Drive Thornton, then south along Weakleys Drive to the Sydney-Newcastle Freeway (F3) at Beresfield, then along the F3 Freeway, through the intersection of the F3 Freeway and Palmers Road to the crossing of MR217 at Dora Creek, then Dora Creek and Lake Macquarie to the Pacific Ocean, crossing the Pacific Highway at Swansea Bridge..." from 6.4 Newcastle Metropolitan Zone and add the matter "...This zone covers the area bounded by and including the named roads, the Pacific Ocean and the North Channel of the Hunter River, then north from Stockton bridge along Nelson Bay Road (MR108) to Williamstown, then west along Cabbage Tree Road (MR302) to Masonite Road near Tomago, then along Masonite Road to the Pacific Highway (HW10) at Heatherbrae, then south along the Pacific Highway (HW10) to Hexham, then west along the New England Highway (HW9) to Weakleys Drive Thornton, then south along Weakleys Drive to the Sydney-Newcastle Freeway (F3) at Beresfield, then along the F3 Freeway, through the intersection of the F3 Freeway and Palmers Road to the crossing of MR217 at Dora Creek, then Dora Creek and Lake Macquarie to the Pacific Ocean, crossing the Pacific Highway at Swansea Bridge..."
- (k) Omit the map at 6.4 titled Newcastle Metropolitan Zone and insert the following diagram titled Newcastle Metropolitan Zone.



- (l) Omit the matter "...Metropolitan zone..." from Clause 6.4.2 (a) and add the matter "...Inner zone..."
- (m) Omit the matter "...Newcastle area west of..." from Clause 6.4.2 (b) and add the matter "...Newcastle Metropolitan zone outside..."
- (n) Omit the matter "...via Edward, Charles and Dalgarno Streets" from Part 7 – Northwest, Coonabarabran and add the matter "...via Edwards Street, Namoi Street and Saleyards Road for northbound travel, and Saleyards Road, Namoi Street and Edward Street for southbound travel"
- (o) Omit the matter "...MR84 from Binalong to Wallendbeen..." under the heading SOUTHWEST on page 40 and add the matter "...Burley Griffin Way from Binalong to Stockinbingal..."
- (p) Add the matter "...Cootamundra Police Station Ph: (02) 6942 0099 Fax: (02) 6942 0011..." after the details for Harden Police Station on page 40.

ROADS ACT 1993

Order - Sections 46, 48, 54 and 67

Woollahra Municipal and Waverley Council Areas

Dedication of Land as Public Road and Declaration as a Freeway of Syd Einfield Drive at Bondi Junction and Woollahra

I, the Minister for Roads, pursuant to Sections 46, 48, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedule 1 under;
2. declare to be a main road the said public road described in Schedule 1 and the public road described in Schedule 2 under;
3. declare to be a freeway the said main road described in Schedules 1 and 2;
4. declare that access to the said freeway is restricted; and
5. specify in Schedule 3 under, the points along the freeway at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS****SCHEDULE 1**

ALL those pieces or parcels of land situated in the Waverley Council area, Parish of Alexandria and County of Cumberland shown as:

Lots 5 to 9 inclusive Deposited Plan 261678;

Lots 14 to 17 inclusive Deposited Plan 260116;

Lot 2 Deposited Plan 583228;

Lots 4 and 6 Deposited Plan 262916;

Lots 4 and 6 Deposited Plan 262917;

Lot 2 Deposited Plan 624085; and

Lots 11, 12, 13 and 15 Deposited Plan 262918.

The above Lots are all shown in RTA Plan 0172 499 AC 0186.

SCHEDULE 2

ALL that piece or parcel of public road situated in the Woollahra Municipal Council area, Parish of Alexandria and County of Cumberland shown as:

Lot 10 Deposited Plan 261678

The above Lot is shown in RTA Plan 0172 499 AC 0186.

ALSO all those pieces or parcels of public road situated in the Waverley Council area, Parish of Alexandria and County of Cumberland shown as:

Lots 11 to 14 inclusive Deposited Plan 261678;

Lots 3 and 5 Deposited Plan 262916;

Lots 5 and 7 Deposited Plan 262917;

Lot 3 Deposited Plan 624085; and

Lots 14, 19 and 20 Deposited Plan 262918.

The above Lots are all shown in RTA Plan 0172 499 AC 0186.

SCHEDULE 3

Between the points A and B and between the points C and D shown on RTA Plan 0172 499 AC 0186.

(RTA Papers F7/499.16 Pt 8)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Adelong
in the Tumut 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 Tumut Shire Council area, Parish of Adelong and County of Wynyard, shown as Lot 41 Deposited Plan 1097351.

(RTA Papers: 4/439.1102)

ROADS ACT 1993

Order – Section 257

ERRATUM

THE Roads and Traffic Authority of New South Wales by this order under Section 257 of the Roads Act 1993 corrects an error in the notice published in Government Gazette No 175 of 30 November 2007 on pages 8748 and 8749 under the heading “Notice of Compulsory Acquisition and Dedication as Public Road of Land at Wickham in the Newcastle City Council area” by deleting the land description shown below from Schedule 1 of the said notice and inserting this land description into Schedule 2 of the said notice:

“Lots 62 and 63 Deposited Plan 1086794, being parts of the land in Deed of Conveyance No 862 Book 3553;

Lot 64 Deposited Plan 1086794, being part of the land in Deed of Conveyance No 464 Book 3345;

Lot 65 Deposited Plan 1086794, being part of the land in Deed of Conveyance No 122 Book 1910;”

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

(RTA Papers FPP 7M1828; RO 325.1536)

ROADS ACT 1993

Order - Section 31

Fixing or Varying of Levels of part of Main Road No 92
(Braidwood Road) in the Local Government areas of
Shoalhaven City & Palerang

THE Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of a part of Main Road No 92 – Braidwood Road from Bulee to Nerriga (44.2km to 53km west of Hames Road Nowra), as shown on Roads and Traffic Authority plan No 0092 404 RC 2731.

R Watson
Project Services Manager
Roads and Traffic Authority of New South Wales
Level 4, 90 Crown Street
Wollongong NSW 2500

(RTA Papers FPP 7M4031 & 7M4032; RO 404.1371)

Department of Water and Energy

WATER ACT 1912

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

Barry Ian GRENENGER for a pump on the Bega River being Part Lot 10, DP 1113733, Parish of Kameruka, County of Auckland, for stock and domestic purposes and the irrigation of 5.0 hectares (ryegrass) (new license) (permanent transfer of 8.0 megalitres from 10SL56677) (exempt from the Bega River catchment embargo (Ref:10SL56785) (GA2:502435)

Any inquiries regarding the above should be directed to the undersigned (phone: (02) 4429 4442).

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

WAYNE RYAN,
Natural Resource Project Officer,
South Coast Region,

Department of Water and Energy,
PO Box 309,
Nowra NSW 2541

WATER ACT 1912

AN APPLICATION for a license under Part 5 of the Water Act, 1912, as amended, has been received as follows;

Murrumbidgee Valley

WANTABADGERY STATION PTY LIMITED for a bore on Lot 4 DP 751430, Parish of Wantabadgery, County of Clarendon for a water supply for irrigation purposes (25 hectares – Cereals, Lucerne, Summer Crops). The application complies with the Mid Murrumbidgee Groundwater Zone Embargo. New License. Reference 40BL191723. GA2:532446.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 10th January 2007 as prescribed by the Act.

S.F. WEBB,
Licensing Manager
Licensing South

Department of Water and Energy
P.O. Box 156, LEETON NSW 2705

WATER ACT 1912

THE Local Land Board for the Land District of Bega will re-sit at 10.00am on Tuesday, 11 December 2007 at the Bega RSL Club, Committee Room 2, 158 Auckland Street, Bega and publicly inquire as to the desirability of granting the application for an Authority under Part 2 of the Water Act 1912 by J. IMISON & Others for a weir and diversion pipe on an unnamed watercourse on Part Lot 244, DP 750220, Parish of Mumbulla, County of Auckland for the conservation of water for stock and domestic purposes (new authority) (Ref: 10SA002536) (GA2:502437)

WAYNE RYAN,
Natural Resource Project Officer,
Compliance and Licensing Unit,

Department of Water and Energy,
PO Box 309,
Nowra NSW 2541

Other Notices

APRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given of the making of a Vocational Training Order for the recognised traineeship vocation of Information Technology.

The Order specifies a number of matters in relation to the required training for this vocation, including the term/s of training, competency outcomes and course/s of study to be undertaken.

The Order will take effect from the date of publication in the Gazette.

A copy of the Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

| | |
|--------------------------------------|---|
| After noon, Wednesday, 16 April 2008 | Police Patrol Districts of Maclean, Yamba and Iluka within the Clarence Valley Council area |
| After noon, Monday, 21 April 2008 | Bogan Shire Council area |
| Wednesday, 23 April 2008 | Gilgandra Shire Council area |
| Wednesday, 30 April 2008 | Coonamble Shire Council area |
| After noon, Thursday, 8 May 2008 | Kempsey Shire Council area |
| After noon, Friday, 23 May 2008 | Towns of Aberdeen, Blandford, Bunnan, Ellerston, Gundy, Moonan Brook, Moonan Flat, Murrurundi, Parkville, Scone, Rouchel, Timor and Wingen within the Upper Hunter Shire Council area |

BANKS AND BANK HOLIDAYS ACT 1912

Notice

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 19 (3) of the Banks and Bank Holidays Act 1912, appoint the special days and parts of special days specified in Column 1 of the Schedule to be observed as public holidays and public half-holidays (as the case may be) in those parts of New South Wales specified in Column 2 of that Schedule opposite each such special day or part of a special day.

Dated at Sydney, this 5th day of December, 2007.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | | |
|--------------------------------------|--|---|---|
| After noon, Friday, 15 February 2008 | Walcha Council area | After noon, Wednesday, 16 July 2008 | City of Grafton within the Clarence Valley Council area |
| Friday, 15 February 2008 | That part of the County of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrowa and Wallawa, situated within the Shoalhaven City Council area | After noon, Thursday, 17 July 2008 | Coffs Harbour City Council area |
| After noon, Monday, 17 March 2008 | Armidale Dumaresq Council area | After noon, Thursday, 7 August 2008 | Town of Trundle within the Parkes Shire Council area |
| After noon, Friday, 4 April 2008 | Muswellbrook Shire Council area | After noon, Wednesday, 13 August 2008 | Town of Peak Hill within the Parkes Shire Council area |
| After noon, Wednesday, 9 April 2008 | Kempsey Shire Council area | Wednesday, 20 August 2008 | Town of Parkes within the Parkes Shire Council area |
| After noon, Friday, 11 April 2008 | Albury City Council area | After noon, Tuesday, 26 August 2008 | West Wyalong/Wyalong Town |
| Tuesday, 15 April 2008 | That portion of the township of Yeoval which is in the Cabonne Council area | After noon, Wednesday, 3 September 2008 | Improvement District and the Police Patrol District of Tallimba within the Bland Shire Council area |
| | | After noon, Friday, 5 September 2008 | Forbes Shire Council area |
| | | After noon, Thursday, 11 September 2008 | Ballina Shire Council area |
| | | After noon, Thursday, 25 September 2008 | Lismore City Council area |
| | | After noon, Tuesday, 30 September 2008 | Young Shire Council area |
| | | After noon, Thursday, 16 October 2008 | Lismore City Council area |
| | | After noon, Thursday, 30 October 2008 | City of Grafton within the Clarence Valley Council area |
| | | After noon, Tuesday, 4 November 2008 | Muswellbrook Shire Council area |

CONTAMINATED LAND MANAGEMENT ACT 1997

Section 15

Declaration of investigation area

Declaration Number 15043; Area Number 3245

THE Environment Protection Authority (EPA) declares the following land to be an investigation area under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

This declaration applies to Lot 1, DP 660815 and Lot 2, DP 655610 located at 455 The Kingsway, Miranda NSW 2228, in the local government area of Sutherland Shire Council. A site plan is attached to this declaration.

2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with the following substances ("the contaminants"):

- Petroleum Hydrocarbons including benzene, toluene, ethyl benzene and xylene (BTEX); and
- Naphthalene and Methyl-t-butyl ether.

In particular the EPA has found that these substances have migrated off-site.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in section 9 of the Act and for the following reasons has determined that it has reasonable grounds to believe that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- High concentrations of contaminants in groundwater exceed human health and ecological guideline criteria;
- Contaminants have migrated, and potentially continue to migrate, off-site;
- The groundwater plume is potentially presenting a vapour risk to down gradient residential dwellings, and an OH&S risk to service workers on Port Hacking Road; and
- The groundwater contamination has adversely affected the quality of the local groundwater and the contamination may pose a risk to human health if groundwater was to be extracted.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the site and any person may submit a voluntary investigation proposal for the site to the EPA. If the proposal satisfies the requirements of section 19 of the Act, the EPA may agree not to issue an investigation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue an investigation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites,
Department of Environment and Climate Change,
PO Box A290,
Sydney South NSW 1232
or faxed to (02) 9995 5930

by not later than 15 January 2008 (six weeks from sign off)

NIALL JOHNSTON,
A/Manager Contaminated Sites,
Department of Environment and Climate Change

Date: 30 November 2007.

NOTE:

Investigation order may follow

If investigation of the site or part of the site is required, the EPA may issue an investigation order under section 17 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this investigation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

DRUG AND ALCOHOL TREATMENT ACT 2007

Declaration of Treatment Centre

I, Professor Debora Picone AM, Director-General of the NSW Department of Health, in pursuance of section 8 of the Drug and Alcohol Treatment Act 2007, do hereby declare the Centre for Addiction Medicine of Nepean Hospital to be a treatment centre for the purposes of the Drug and Alcohol Treatment Act 2007.

This declaration is to take effect on and from the date of proclamation of the Drug and Alcohol Treatment Act 2007.

Signed this, 22nd day of November 2007.

Professor DEBORA PICONE, AM,
Director General

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 Clause 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 23/11/2007 – 31/10/2012

- Private land identified as Lot 221, DP 7176865.

Approved by Game Council of NSW, 23 November 2007.

BRIAN BOYLE,
Chief Executive Officer,
For and on behalf of the Game Council of NSW

GEOGRAPHICAL NAMES ACT 1966

Notice of Name Change for an Address Locality Name in
the Clarence Valley Local Government Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name Woodford for an address locality in the Clarence Valley Local Government Area and in its place assigned the name Woodford Island.

The position and extent for these features are recorded in the Geographical Names Register of New South Wales which can be viewed on the Boards internet site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name listed hereunder.

| | |
|----------------|-------------------------------|
| Assigned Name: | Denis Kevans Bushland Gardens |
| Designation: | Reserve |
| L.G.A.: | Blue Mountains City Council |
| Parish: | Jamison |
| County: | Cook |
| L.P.I. Map: | Katoomba |
| 1:100,000 Map: | Katoomba 8930 |
| Reference: | GNB 5147 |

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au

WARWICK WATKINS,
Chairperson

Geographical Names Board
P O Box 143
Bathurst NSW

Ph. 1800 025 700

GEOGRAPHICAL NAMES ACT 1966

Erratum

THE notice in NSW Government Gazette of 28 May 1999 Folio 3755, that refers to the assignment of a geographical name Beecroft Gunnery Range as an historical locality on the Beecroft Peninsula at Jervis Bay is in error. The correct name should be Beecroft Weapons Range. This notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board
P O Box 143
Bathurst 2795

LOCAL GOVERNMENT ACT 1993

Milton-Ulladulla Sewerage Augmentation

Vesting of land and easements in Shoalhaven City Council

THE Minister for Water Utilities of the State of New South Wales, declares that the land and easements described in the Schedule hereto, which were acquired for the purpose of the Milton-Ulladulla Sewerage Augmentation Scheme are vested in Shoalhaven City Council.

NATHAN REES, M. P.,
Minister for Water Utilities

SCHEDULE

Land

Lot 11 in Deposited Plan 1062928.

Interest in Land

Easement created by Dealing registered number AC 740636 in the Office of Land and Property Information NSW. DoC Reference 365

MOTOR ACCIDENTS COMPENSATION ACT 1999

Motor Accidents Compensation Regulation 2005

Clause 4 (2) –Notice of replacement AMA List

PURSUANT to the provisions of clause 4(2) of the Motor Accidents Compensation Regulation 2005, notice is given that the document called the List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2007 is recognised as the AMA List and replaces the document called the List of Medical Services & Fees published by the Australian Medical Association and dated 1 November 2006.

This notice is to take effect on and from 7 December 2007.

Motor Accidents Authority

Sydney 29th day of November 2007.

DAVID BOWEN,
General Manager

NATIONAL PARKS AND WILDLIFE ACT 1974

Barrington Tops and Mount Royal National Parks and
Barrington Tops State Conservation Area

Plan of Management

A draft plan of management for the above parks has been prepared and is on public exhibition until 31 March 2008. Copies of the plan are available free of charge from the locations:

- NPWS Barrington Tops Area Office, 59 Church Street, Gloucester.
- Visitor Information Centre and Public Library, 27 Denison Street, Gloucester.
- Gloucester Council, 89 King Street, Gloucester.
- NPWS Upper Hunter Area Office, 137 Kelly Street, Scone.
- Upper Hunter Shire Council, 130 Liverpool Street, Scone.
- Scone Library, 214 Kelly Street, Scone.
- Aberdeen Library, Moray St, Aberdeen.
- Muswellbrook Council, 157 Maitland Street, Muswellbrook.
- Muswellbrook Library, 126 Bridge Street, Muswellbrook.
- Singleton Library, Queen Street, Singleton.
- Singleton Council, Corner Queen Street & Civic Avenue, Singleton.
- Dungog Library, Mackay Street, Dungog.
- Dungog Council, 198 Dowling Street, Dungog.
- NPWS Bulga Office, Level 1, 2156 Putty Road, Bulga.
- Great Lakes Council (Stroud District Office), Cowper Street, Stroud.
- NPWS Hunter Region Office, Level 1, 12B Teramby Road, Nelson Bay.
- NPWS Central Coast Hunter Range Region Office, Level 3, 36-38, 207 Albany Street North, Gosford.
- Department of Environment and Climate Change NSW, 59-61 Goulburn Street, Sydney.

Written submissions on the plan must be received by The Planner, Barrington Tops and Mount Royal, NPWS, Locked Bag 99, Nelson Bay Delivery Centre NSW 2315 by 31 March 2008.

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

Notice of Reservation of a National Park

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Nattai National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 21st day of November 2007.

MARIE BASHIR,
Governor

By Her Excellency's Command,

PHIL KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

GOD SAVE THE QUEEN

SCHEDULE

Land District – Goulburn; LGA – Wingecarribee

County Camden, Parish Bullio, 41.18 hectares, being Lot 2 in Deposited Plan 1100282. NPWS/05/13469.

NATIONAL PARKS AND WILDLIFE ACT 1974

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition

THE Minister for Climate Change, Environment and Water, with the approval of Her Excellency the Governor, declares that the leasehold estate in 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 National Parks and Wildlife Act 1974.

The leasehold estate is, on publication of this notice, vested in the Minister administering the National Parks and Wildlife Act 1974.

PHIL KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

SCHEDULE

All that piece or parcel of land situated in the Local Government Area of Upper Hunter, County of Bligh, Parish of Lorimer, containing an area of 226.9 hectares, comprising the leasehold estate in Lot 2, DP 1117865 (Crown Lease 1948/12 Mudgee). NPWS: FIL 06/2214

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Crowdy Bay National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 21st day of November 2007.

MARIE BASHIR,
Governor

By Her Excellency's Command,

PHIL KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

GOD SAVE THE QUEEN

SCHEDULE

Land District – Taree; LGA – Hastings and Greater Taree

County Macquarie, Parishes Camden Haven and Stewart, about 21 hectares, being Closed Road notified in the *NSW Government Gazette* dated 27 March 1997, folio 1739 and strip of land, 20.12 wide, within Lots 36 and 90, DP 754405, shown in plan R30210-1603. Papers: NPWS/1992/P/8560.

**PARENTS AND CITIZENS ASSOCIATIONS
INCORPORATION ACT 1976**

Incorporation of Parents and Citizens Associations

THE following associations are hereby incorporated under the Parents and Citizens Associations Incorporation Act 1976.

1. Valley View Public School
2. Camden Haven High School
3. Wamberral Primary School
4. Bletchington Public School

JOHN DELLA BOSCA, M.L.C.,
Minister for Education and Training

PIPELINES ACT 1967

Notification of Vesting of Lands and Easements

Colongra Gas Pipeline

Pipeline Licence No. 33

I, IAN MICHAEL MACDONALD, Minister for Energy, pursuant to the provisions of sections 21 and 61 of the Pipelines Act 1967, hereby declare that the land and easements over the lands described in Schedule 1 hereto are vested in Delta Electricity (ABN 67 139 819 645) for the purposes of and incidental to the construction and operation of a pipeline subject to the restrictions as to user set out in Schedule 2 hereto.

Dated this twenty-ninth day of November 2007.

IAN MACDONALD, M.L.C.,
Minister for Energy

SCHEDULE 1

Lands Acquired or Affected by Easements for Pipeline

All those pieces or parcels of land described as Deposited Plans DP 1118119 and DP 1118125 and Memorandum Number AD 564148 lodged and registered at the Sydney office of Land and Property Information NSW.

SCHEDULE 2

Restrictions as to User

Without affecting the generality of any requirement imposed by the Pipelines Act 1967 or regulations thereunder, the owner or occupier of land over which there is an easement for pipeline must not within the easement, except with the prior consent in writing of the person in whom the easement is vested:

- (a) Excavate (including blasting), drill or dig.
- (b) Erect, place or permit to be erected or placed any building, structure (including fence posts), plant, apparatus or equipment, earthworks, utility services or other improvements whether permanent or temporary on, over or under the land.

- (c) Alter or disturb existing levels, contours or gradients.
- (d) Plant or cultivate any tree within 3 metres of the pipeline or any apparatus or works.
- (e) Place on or use any part of the land for the transport, carriage or support of any heavy object, vehicle or implement, which could in any way cause or be likely to cause damage to the pipeline.
- (f) Undertake any other activity that represents a danger to the pipeline or is a danger to the operation of the pipeline or its apparatus or works including signs, vent pipes and cathodic protection systems including anode beds and electrolysis test points.

PIPELINES ACT 1967

Instrument of Grant of Pipeline Licence

Licence No. 33

DELTA ELECTRICITY (ABN 67 139 819 645), having its registered office at Level 12, 201 Sussex Street, Sydney, NSW 2000 has applied in accordance with the provisions of section 12 of the Pipelines Act 1967 (hereinafter called “the Act”) and Pipeline Regulation 2005 (hereinafter called “the Regulation”) for a Licence to operate a pipeline to convey natural gas between an offtake at Bushells Ridge on the Sydney to Newcastle Gas Pipeline (Pipeline Licence No.7) and the Colongra Gas Turbines (hereinafter called Licence No. 33), and has agreed at Annexure A to accept the Licence and the provisions and conditions attached thereto.

This application complies with the provisions of the Act and Regulation and therefore I, Ian Macdonald MLC Minister for Energy, do grant Licence No. 33 effective from my signing of this Licence.

The lands affected by the pipeline licence area are indicated on Deposited Plan Nos DP 1118119, DP 1118125 and Memorandum No. AD 564148 including associated instruments, lodged and registered at the Sydney office of Land and Property Information NSW, Department of Lands.

This Licence is granted subject to the requirements of and conditions set forth in Annexure B.

Signed at Sydney, New South Wales this twenty-ninth day of November 2007.

IAN MACDONALD, M.L.C.,
Minister for Energy

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 171 (1), Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Dr Peter Paul KENDALL of Level 9, 183 Macquarie Street, Sydney NSW prohibiting him, until further notice, as a medical practitioner from having possession of and supplying drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation.

This order is to take effect on and from 30 November 2007.

Department of Health, New South Wales
Sydney, 27 November 2007

Professor DEBORA PICONE, AM,
Director-General

SYDNEY WATER ACT 1994

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

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

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

Dated at Sydney this 29th day of August 2007.

Signed for Sydney Water Corporation by its Attorneys:
JEFFREY FRANCIS
ROSS ROLAND WYNN

who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 323 Book 4465 under the Authority of which this instrument has been executed.

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Baulkham Hills, Parish of Castle Hill, County of Cumberland, and State of New South Wales, being Part Lot 47 in Deposited Plan 224917 defined as Lot 1 in Deposited Plan 1087783, having an area of 5030 square metres, said to be owned by Nick Building Co Pty Limited.

SCHEDULE 2

Easement to Drain Water created pursuant to Section 88B of the Conveyancing Act, 1919 by DP 224917. [Sydney Water reference: 2005/03106F]

SYDNEY WATER ACT 1994

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

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

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

Dated at Sydney this 29th day of August 2007.

Signed for Sydney Water Corporation by its Attorneys:
JEFFREY FRANCIS
ROSS ROLAND WYNN

who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 323 Book 4465 under the Authority of which this instrument has been executed.

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Baulkham Hills, Parish of Castle Hill, County of Cumberland, and State of New South Wales, being Part Lot 57 in Deposited Plan 224917 defined as Lot 1 in Deposited Plan 1109254, having an area of 8735 square metres, said to be owned by Joseph Leslie DAVIES and Irene DAVIES. [Sydney Water reference: 2005/04083F]

SYDNEY WATER ACT 1994

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

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

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

Dated at Sydney this 29th day of August 2007.

Signed for Sydney Water Corporation by its Attorneys:
JEFFREY FRANCIS
ROSS ROLAND WYNN

who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 323 Book 4465 under the Authority of which this instrument has been executed.

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Baulkham Hills, Parish of Castle Hill, County of Cumberland, and State of New South Wales, being Part Lot 10 in Deposited Plan 215650 defined as Lot 1 in Deposited Plan 1102728, having an area of 1.042 Hectares, said to be owned by Alchin & Long Holdings Pty Limited and C.C. & A.E. McKinnon Pty Limited. [Sydney Water reference: 2005/10914F]

**THREATENED SPECIES CONSERVATION
ACT 1995**

NSW SCIENTIFIC COMMITTEE

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.

Endangered Population (Part 2 of Schedule 1)

Long-nosed Bandicoot *Perameles nasuta* Geoffroy 1804 population in inner western Sydney

Endangered Ecological Community (Part 3 of Schedule 1)

White Gum Moist Forest in the NSW North Coast Bioregion

Any person may make a written submission regarding these Preliminary Determinations. Send submissions to: Scientific Committee, PO Box 1967, Hurstville NSW 1481. Attention Suzanne Chate. Submissions must be received by 1 February 2008.

Copies of the 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 1481. Tel: (02) 9585 6940 or Fax (02) 9585 6606 or in person at the Department of Environment and Climate Change 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.

Professor LESLEY HUGHES,
Chairperson

SCHEDULE 1

Water Sources

All aquifers or parts of aquifers underlying the land within the area of Blue Mountains City Council.

SCHEDULE 2

Water Restrictions

1. The taking of water pursuant to basic landholder rights under section 52 of the Water Management Act 2000 from the water sources defined in Schedule 1 for the following purposes is prohibited:
 - (a) hosing of hard surfaces; and
 - (b) for use in sprinklers or other watering systems.
2. The restrictions in paragraph 1 apply only to landholdings supplied by reticulated water supply.

WATER MANAGEMENT ACT 2000

Order under section 323

Temporary Water Restrictions –

Groundwater Extraction for Domestic Purposes

All Aquifers or Parts of Aquifers Underlying
Blue Mountains City Council Local Government Area

PURSUANT to section 323 of the Water Management Act 2000, I, PHIL KOPERBERG, M.P., Minister for Climate Change, Environment and Water, on being satisfied that it is necessary in the public interest to do so because of water shortage, do by this Order direct that the taking of water pursuant to basic landholder rights under s52 of the Water Management Act 2000 from those water sources listed in Schedule 1 of this Order is restricted as set out in the Schedule 2 of this Order.

This Order takes effect on the date it is first broadcast and will continue until 31 December 2008 unless it is repealed by Order before that date.

Dated at Sydney this 29th day of November 2007.

PHIL KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

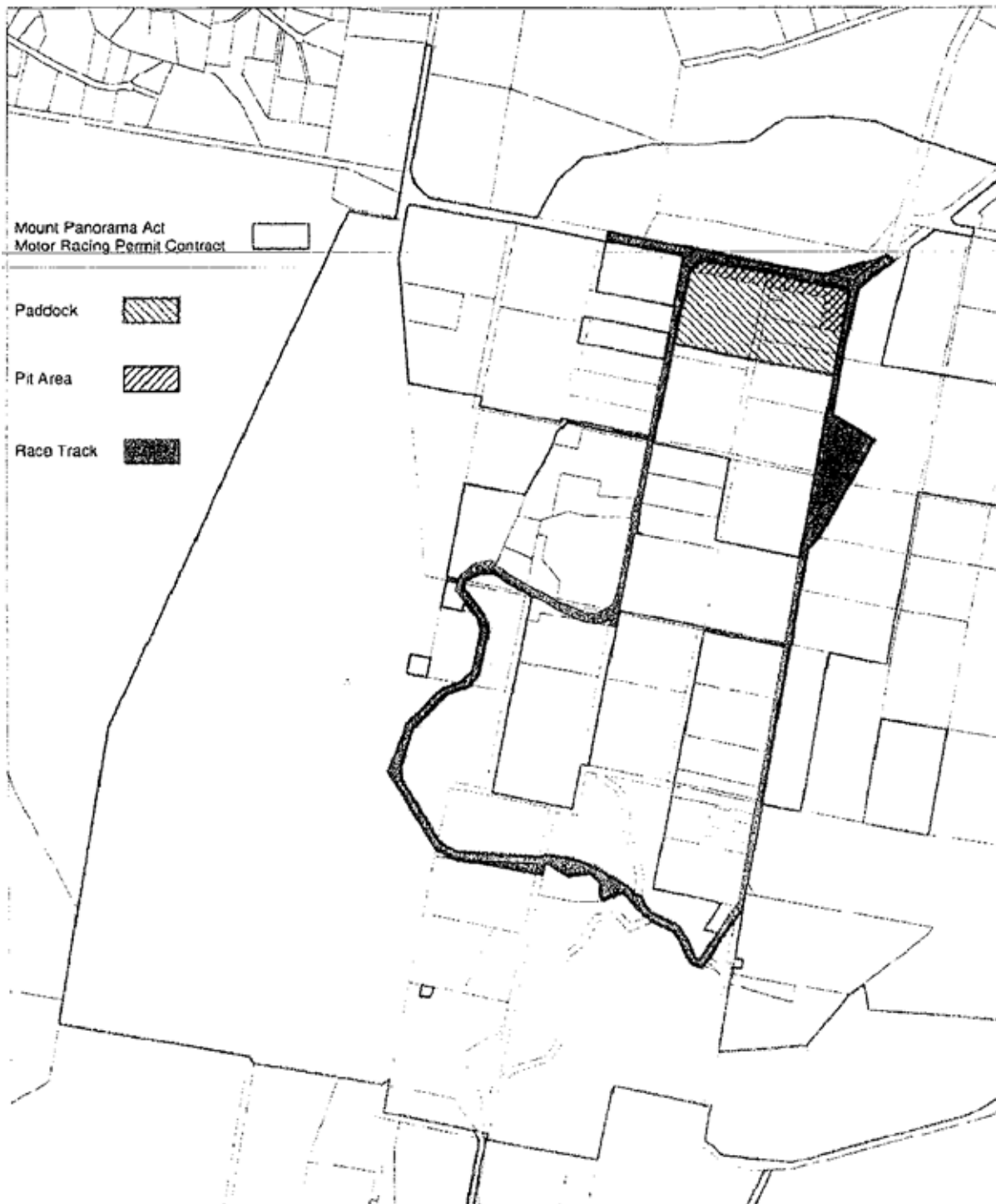
MOUNT PANORAMA MOTOR RACING ACT 1989

Conduct of Motor Racing and Associated Events
Mount Panorama

IN pursuance of the provisions of section 4 of the Mount Panorama Motor Racing Act 1989, I declare that the lands, as shown by hatching on the diagram hereunder, shall constitute the Mount Panorama Circuit for the purpose of motor racing, practice and associated events during the period 12 December to 16 December 2007, both dates inclusive.

GRAHAM WEST, M.P.,
Minister for Gaming and Racing
and Minister for Sport and Recreation

BATHURST REGIONAL COUNCIL
Mt Panorama Circuit
Trackcorp Event
December 2007



GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7(1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

Assigned Name: Pylon South
Designation: Trig. Station
L.G.A.: City of Sydney
Parish: St Philip
County: Cumberland
L.P.I.Map: Parramatta River
100,000 Map: Sydney 9130

Assigned Name: Pylon North
Designation: Trig. Station
L.G.A.: North Sydney
Parish: Willoughby
County: Cumberland
L.P.I.Map: Parramatta River
100,000 Map: Sydney 9130

Assigned Name: Jetty Beach
Designation: Beach
L.G.A.: Coffs Harbour City
Parish: Coff
County: Fitzroy
L.P.I.Map: Coffs Harbour
100,000 Map: Coffs Harbour 9537

Assigned Name: Plutus Reef
Designation: Reef
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Gorilla Cave
Designation: Cave
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Echo Hill
Designation: Hill
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Cathedral
Designation: Cave
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Ellesons Rift
Designation: Inlet
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Devils Gorge
Designation: Inlet
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Flat Rock
Designation: Point
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Smugglers Cavern
Designation: Inlet
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Devils Cavern
Designation: Inlet
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Beecroft Hill
Designation: Hill
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Devils Hole
Designation: Hole
L.G.A.: Shoalhaven City Council
Parish: Beecroft
County: St Vincent
L.P.I.Map: Currarong
100,000 Map: Jervis Bay 9027

Assigned Name: Three Graves
 Designation: Point
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Crocodile Cave
 Designation: Cave
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Thunderbird Wall
 Designation: Cliff
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Windjammer Wall
 Designation: Cliff
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Fish Rock
 Designation: Rock
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Outer Tubes
 Designation: Historic Site
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: The Planks
 Designation: Historic Site
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Gardeners Gully
 Designation: Gully
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: The Docks
 Designation: Point
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Inner Tubes
 Designation: Historic Site
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Fishermans Beach
 Designation: Beach
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Little Target Beach
 Designation: Beach
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Silica Cove
 Designation: Cove
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

Assigned Name: Duck Hole
 Designation: Waterhole
 L.G.A.: Shoalhaven City Council
 Parish: Beecroft
 County: St Vincent
 L.P.I.Map: Currarong
 100,000 Map: Jervis Bay 9027

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

Geographical Names Board
 PO Box 143, Bathurst NSW 2795

WARWICK WATKINS,
 Chairperson

PESTICIDES ACT 1999**Pesticide Control Order Under Section 38****Name**

1. This Order is to be known as the Pesticide Control (1080 Liquid Concentrate) Order 2007.

Commencement

2. This Order commences on 7 December 2007.

Authority for Order

3. This Order is made by the Environment Protection Authority under Part 4 of the Pesticides Act 1999 with the approval of the Minister for Climate Change, Environment and Water.

Objects

4. The objects of this Order are to: –
 - (a) Authorise those persons described in condition 8 to use 1080 liquid concentrate products registered for use in NSW.
 - (b) Specify the manner in which 1080 liquid concentrate products may be used in NSW.
 - (c) Revoke Pesticide Control (ACTA 1080 Concentrate) Order 2006.

Background*Restricted chemical products/restricted pesticides*

5. A chemical product that contains sodium fluoroacetate (1080) has been declared to be a “restricted chemical product” under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations.

Section 94 of the Agvet Code provides that “A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction”.

In NSW section 4 of the Pesticides Act provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

Application

6. This Order authorises the use of a 1080 liquid concentrate product, subject to conditions as specified in this Order.

Definitions

7. In this Order -

1080 bait material means any of the NSW bait type materials specified on an approved label of a 1080 liquid concentrate product that can be used to control either wild dogs, foxes, rabbits or feral pigs.

1080 liquid concentrate product means any registered liquid concentrate product that contains 1080 as its only active constituent, has been registered and approved by the APVMA, by way of label instruction, for use in NSW. It specifically includes the products "ACTA 1080 Concentrate" and "PAKS 1080 Concentrate".

ACTA 1080 Concentrate means the registered agricultural chemical product ACTA 1080 Concentrate (APVMA Product Registration Number 57956) that has an active constituent comprising 30 grams of sodium fluoroacetate (1080) per litre of product.

Agvet Code means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

APVMA means the Agricultural Pesticides and Veterinary Medicines Authority established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

Authorised control officer means a person who: –

- (a) holds a current:
 - (i) certificate of completion issued by NSW Department of Primary Industries (NSW DPI) for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW DPI); or
 - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is currently employed by a Rural Lands Protection Board, NSW DPI, Wild Dog Destruction Board, Department of Environment and Climate Change (NSW), or other NSW public authority.

Habitation means a dwelling house or some other accommodation that is occupied by people and is located on private, crown or public land. It includes but is not limited to domestic dwelling houses, hospitals, shops, schools, pre-schools, kindergartens, childcare and community health care centres, factories, nursing homes, public halls, caravan parks and designated camping areas on private, crown or public land. It does not include any caravan, mobile home, vehicle, tent or other structure that is used for the purpose of camping outside a designated camping area. A designated camping area means any council regulated or privately operated camping and/or caravan area, or any area that is signposted as a camping area on land reserved under part 4 of the *National Parks and Wildlife Act 1974*.

PAKS 1080 Concentrate means the registered agricultural chemical product PAKS 1080 Concentrate (APVMA Product Registration Number 61299) that has an active constituent comprising 30 grams of sodium fluoroacetate (1080) per litre of product.

Public Authority has the same meaning as under the *Pesticides Act 1999* (NSW).

Registered training provider means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

Use has the same meaning as defined under the *Pesticides Act 1999* and includes possession.

Persons authorised

8. (1) Only the following persons are authorised to use, subject to condition 9, 1080 liquid concentrate products: –
- (a) Authorised Control Officers
- (2) Only the following persons are authorised to use, subject to condition 9, 1080 bait material:-
- (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
 - (b) Any person who has obtained 1080 bait material, from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the 1080 bait material is to be used.

Conditions on the use of 1080 liquid concentrates

9. Persons using 1080 liquid concentrate or 1080 bait material must use the products in accordance with the relevant schedule attached to this order. The schedules are as follows:
- (a) for control of wild dogs persons must comply with schedule 1;
 - (b) for control of foxes persons must comply with schedule 2;
 - (c) for control of feral pigs persons must comply with schedule 3;
 - (d) for control of rabbits persons must comply with schedule 4.

Notes

Words used in this Order have the same meaning as in the Pesticides Act 1999.

A person must not contravene this Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

Note for users of the ACTA 1080 Concentrate and PAKS 1080 Concentrate products – These product labels have incomplete instructions on the conditions that currently exist for use of 1080 in NSW, especially in regards to public notification requirements, emergency baiting procedures, erection and placement of 1080 poisoning notices, 1080 wild dog baiting requirements on small and large properties, aerial baiting and distance requirements from human habitations. Users of 1080 liquid concentrate products and 1080 bait material must therefore comply with the provisions of this Order (section 39(3) of the Pesticides Act 1999).

*LISA CORBYN
Director – General of the
Department of Environment and
Climate Change (on behalf of the
Environment Protection Authority)*

*VERITY FIRTH, M.P.
Minister Assisting the Minister for Climate Change,
Environment and Water (Environment)*

Schedule 1

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT MATERIAL FOR CONTROL OF WILD DOGS IN RURAL AND BUSHLAND AREAS

1080 WILD DOG BAIT AND REQUIREMENTS FOR POSSESSION

- 1.1 Persons can use only boneless red meat, offal (tongue, kidney and liver) and manufactured sausages for the production of 1080 wild dog bait. Each red meat bait must weigh approximately 250 grams prior to any drying process. Persons preparing 1080 wild dog baits must follow NSW wild dog bait preparation instructions on the 1080 liquid concentrate approved label. All 1080 bait material must be injected with 0.2ml of the 1080 liquid concentrate product.

It is compulsory in NSW to use the Blue 1080 liquid concentrate in the preparation of all 1080 wild dog baits unless baits are to be laid in habitats occupied by the Satin Bower Bird. In these situations, the baits are to be prepared using the Green 1080 liquid concentrate.

- 1.2 Bait material prepared as per condition 1.1 will henceforth be referred to as "1080 wild dog bait".
- 1.3 Each person whom takes possession of 1080 wild dog baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding (or their authorised agent or manager) must complete and provide to the Authorised Control Officer who supplies the 1080 wild dog baits, a separate indemnity form in respect to each property or holding on which 1080 wild dog baits are to be used.
- 1.5 An Authorised Control Officer must issue 1080 wild dog baits only to the owner, manager or occupier of the land on which the 1080 wild dog baits are to be used ("landholder"), their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 1.6 All persons receiving 1080 wild dog baits from an Authorised Control Officer may only temporarily possess and store 1080 wild dog baits. 1080 wild dog baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 wild dog bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 wild dog bait should be used as soon as possible and must be used within 7 days.

DIRECTIONS FOR USE - GENERAL RESTRICTIONS

- 2.1 A person must not place the 1080 wild dog baits in a position accessible to children, livestock, domestic animals or pets.
- 2.2 A person must not feed 1080 wild dog baits to wild or domestic birds.
- 2.3 A person must not apply 1080 wild dog baits to, or in, crops.
- 2.4 A person must not allow 1080 wild dog baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 wild dog baits are not to be used for any other purpose and must be disposed of by burning or deep burial.
- 2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1 metre deep disposal pit on the property where the 1080 wild dog baits were used.

2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Protection of the Environment Operations (Control of Burning) Regulation 2000*. Persons using 1080 wild dog baits and wishing to dispose of bait packaging are subject to the following conditions:

1. The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Department of Environment and Conservation (DEC).
2. The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.
3. The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
4. The open fire burning must not be carried out on a day subject to a no-burn notice declared by the DEC under provisions of the *Protection of the Environment Operations Act 1997*.
5. The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 wild dog baits or used containers.
- 2.7 1080 wild dog baits must be kept and stored in the labelled plastic bag which is supplied by Rural Lands Protection Boards and is identical in wording to that shown in **attachment 1**.
- 2.8 At the end of a ground baiting program a person who has received 1080 wild dog baits must make a reasonable effort to ensure that all untaken baits at baiting locations are collected and removed. All collected and unused 1080 wild dog baits must be disposed of, as soon as possible on the property where the 1080 wild dog baits were used by burial in a disposal pit and be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).

DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

- 3.1. The minimum distances for the laying of 1080 wild dog baits have been set to minimise the risk to people and to non-target animals. 1080 wild dog baits must not be laid where they can be washed into or contaminate surface or ground waters. 1080 wild dog baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.
- 3.2 **Property Boundary:**
- 3.2.1 **Ground Baiting:** No 1080 wild dog baits shall be laid within 5 metres from any property boundary.
- 3.2.2 **Aerial Baiting:** No 1080 wild dog baits shall be laid within 10 metres from any property boundary by helicopter or 100 metres by fixed winged aircraft (Western Division only).

- 3.3 **Habitation:**
- 3.3.1 **Ground Baiting:** No 1080 wild dog baits shall be laid within 500 metres of a habitation.
- 3.3.2 **Aerial Baiting:** No 1080 wild dog baits shall be laid within 500 metres of a habitation by helicopter or 1000 metres by a fixed wing aircraft (Western Division only).
- 3.4 **Domestic Water Supply:**
- 3.4.1 **Ground Baiting:** No 1080 wild dog baits shall be laid within 10 metres of a domestic water supply.
- 3.4.2 **Aerial Baiting:** No 1080 wild dog baits shall be laid within 20 metres of a domestic water supply by helicopter or (in Western Division only) 100 metres by a fixed winged aircraft.

PUBLIC NOTIFICATION

- 4.1 A person shall not lay any 1080 wild dog baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 wild dog baits. This notice must be given to the occupier, manager or authorised agent of every property which has a boundary within one kilometre of a baiting location ("notification").
- 4.2 The notification can be given by telephone or in person or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, personal contact or mail, or the number of neighbours is more than 25, then notification by advertisement in a local newspaper is permissible.
- 4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification otherwise further notification of intended baiting is required.

EMERGENCY BAITING (ground application only)

- 5.1 A person whose stock or poultry are being mauled, killed or harassed may undertake emergency baiting. This is the only occasion where the normal 3 day public notice period is not required for ground baiting. Up to fifty (50) 1080 wild dog baits may be laid during emergency baiting with the approval of an Authorised Control Officer. The landholder must however, notify anyone, whose property boundary lies within one kilometre of a baiting location, immediately before laying the 1080 wild dog baits.
- 5.2 While persons are exempt in this instance from the 3 day neighbour notification requirement as prescribed in condition 5.1, they are not exempt from any other condition which applies to the ground use of 1080 wild dog baits.

1080 POISONING NOTICES

- 6.1 In every situation where a person lays 1080 wild dog baits they must erect notices before 1080 poisoning operations commence on a property. This also applies before emergency baiting can begin.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the baiting area; and
- (iii) At regular intervals along all public thoroughfares which border or pass through the baited area.

- 6.2 The notices may be obtained from the Rural Lands Protection Board, and must specify that wild dogs are being poisoned, and the date the 1080 wild dog baits are first laid or the dates between which baits will be laid.
- 6.3 Under the regulations of the Pesticides Act 1999 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

GROUND BAITING

- 7.1 A person who lays 1080 wild dog baits must:
- (i) Not lay more than one 1080 wild dog bait per 250 metres of trail or 16 baits per 100 hectares; and
 - (ii) Not lay more than fifty (50) 1080 wild dog baits on any one property or holding unless the baiting program is planned in conjunction with an Authorised Control Officer; and
 - (iii) Lay the 1080 wild dog baits in such a way that any untaken 1080 wild dog baits can be found readily and destroyed in accordance with condition 2.8.
- 7.2 1080 wild dog baits should be buried in a shallow hole dug with a mattock or similar instrument and cover with earth. If practical, tie 1080 wild dog baits to a fence with a cord and mark the burial spot.
- 7.3 Wild dogs generally follow established trails which are usually associated with fence lines or geographical features. Lay 1080 wild dog baits at regular intervals along these trails and at sites of recent attacks on stock.
- 7.4 There is no need to free feed.
- 7.5 Where a person lays 1080 wild dog baits on a property of less than 100ha, the person must check the 1080 wild dog baits not later than the 3rd night after the 1080 wild dog baits have been laid, and must collect and destroy all untaken 1080 wild dog baits before the 7th night after the 1080 wild dog baits were laid. All untaken 1080 wild dog baits are to be disposed of in accordance with condition 2.8. This does not preclude replacement baiting for longer than 7 nights where 1080 wild dog baits continue to be taken.

AERIAL BAITING

- 8.1 Aerial baiting should be restricted to areas where ground control is impractical or where stock losses are continuing at high levels despite the use of other control methods. Approval for every aerial baiting program must be obtained from the Director-General for the NSW Department of Primary Industries (NSW DPI) or his or her delegate. Aerial baiting must be organised through Wild Dog Control Associations, the Wild Dog Destruction Board or Rural Lands Protection Boards. All programs involving aerial application of 1080 wild dog baits must comply with the guidelines contained in the Vertebrate Pest Control Manual and require careful planning and consultation. Your local Rural Lands Protection Board has full details.
NOTE: Only red meat or manufactured sausage baits are to be used for aerial baiting.
- 8.2 A person must not drop more than ten 1080 wild dog baits per kilometre on lands reserved under the *National Parks and Wildlife Act 1974*. Elsewhere, a person can drop baits in accordance with aerial baiting rates specified in the NSW 1080 code of practice.

RISK TO DOMESTIC ANIMALS

- 9.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, neighbours should be advised to tie up or muzzle dogs during poisoning operations and if paddocks have to be mustered after poisoning.
- 9.2 1080 wild dog baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an authorised control officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

RISK TO ENVIRONMENT AND WILDLIFE

- 10.1 Routine agricultural activities are exempt from provisions of the *Threatened Species Conservation Act 1995 (TSC Act)*. Application of 1080 wild dog baits does not constitute an activity under the *Environment Planning and Assessment Act 1979 (EP&A Act)*.
- 10.2 Do not contaminate streams, rivers or waterways with 1080 wild dog baits or plastic bags that have held 1080 wild dog baits.
- 10.3 To the extent where possible, time baiting programs when non-target species are least active or least susceptible. 1080 baits for canid (dog and fox) control may pose a risk to carnivorous native animals.
- 10.4 To the extent where possible, recover carcasses of animals poisoned by 1080 wild dog baits and bury in accordance with the disposal instructions for 1080 wild dog baits in condition 2.8.

ATTACHMENT 1

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING OR USING

1080 POISONED BAIT

ACTIVE CONSTITUENT: mg* of SODIUM FLUOROACETATE (1080) per bait

FOR THE CONTROL OF WILD DOGS OR FOXES

RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN AUTHORISED PERSON

NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION.

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear elbow-length PVC or nitrile gloves. If product on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash PVC gloves and contaminated clothing.

FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126. Urgent hospital treatment is likely to be needed. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS:

Remove all livestock from baited area. Dogs are highly susceptible to the bait. Ensure all domestic and farm dogs are restrained during the baiting program.

PROTECTION OF WILDLIFE, FISH, CRUSTACEANS AND ENVIRONMENT:

Do not contaminate dams, streams, rivers or waterways with bait or this plastic bag.

TRANSPORT, STORAGE AND DISPOSAL:

This bait must be kept inside a secure location, away from food, children and domestic animals after procuring bait from an Authorised Control Officer. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from an Authorised Control Officer. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait must not be used for any other purpose. Dispose of this plastic bag in a local authority landfill. If no landfill is available bury this plastic bag along with any unused baits on the property that the baits were used in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and be clear of waterways (permanent or ephemeral), desirable vegetation and tree roots. Burning of this plastic bag is permitted but only in accordance with provisions stated in Pesticide Control (ACTA 1080 Concentrate) Order 2006.

MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

* Wild dog baits contain 6mg of 1080 per bait. Fox baits contain 3mg of 1080 per bait

RURAL LANDS PROTECTION BOARDS

KG NET

Schedule 2

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT MATERIAL FOR CONTROL OF FOXES IN RURAL AND BUSHLAND AREAS

1080 FOX BAIT AND REQUIREMENTS FOR POSSESSION

- 1.1 Persons can use only fowl heads, chicken wingettes, boneless red meat, offal (tongue, kidney and liver), fowl egg, and manufactured sausages for the production of 1080 fox bait. Each bait except fowl heads, fowl eggs and chicken wingettes must weigh approximately 100 grams prior to any drying process. Persons preparing 1080 fox baits must follow NSW fox bait preparation instructions on the 1080 liquid concentrate approved label. All bait material must be injected with 0.1ml of the 1080 liquid concentrate product.

It is compulsory in NSW to use the Blue 1080 liquid concentrate in the preparation of all 1080 fox baits unless baits are to be laid in habitats occupied by the Satin Bower Bird. In these situations, the baits are to be prepared using the Green 1080 liquid concentrate.

- 1.2 Bait material prepared as per condition 1.1 will henceforth be referred to as "1080 fox bait".
- 1.3 Each person who takes possession of 1080 fox baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding (or their authorised agent or manager) must complete and provide to the Authorised Control Officer who supplies the 1080 fox baits, a separate indemnity form in respect to each property or holding on which 1080 fox baits are to be used.
- 1.5 An Authorised Control Officer must issue 1080 fox baits only to the owner, manager or occupier of the land on which the 1080 fox baits are to be used ("landholder"), their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 1.6 All persons receiving 1080 fox baits from an Authorised Control Officer may only temporarily possess and store 1080 fox baits. 1080 fox baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 fox bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 fox bait should be used as soon as possible and must be used within 7 days.

DIRECTIONS FOR USE - GENERAL RESTRICTIONS

- 2.1 A person must not place the 1080 fox baits in a position accessible to children, livestock, or domestic animals or pets.
- 2.2 A person must not feed 1080 fox baits to wild or domestic birds.
- 2.3 A person must not apply 1080 fox baits to, or in, crops.
- 2.4 A person must not allow 1080 fox baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 fox baits are not to be used for any other purpose and must be disposed of by burning or deep burial.

2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically

marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1metre deep disposal pit on the property where the 1080 fox baits were used.

2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Protection of the Environment (Control of Burning) Regulation 2000*. Persons using 1080 fox baits and wishing to dispose of bait packaging are subject to the following conditions:

1. The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Department of Environment and Conservation (DEC).
2. The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.
3. The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
4. The open fire burning must not be carried out on a day subject to a no-burn notice declared by the DEC under provisions of the *Protection of the Environment Operations Act 1997*.
5. The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 fox baits or used containers.
- 2.7 1080 fox bait must be kept and stored in the labelled plastic bag which is supplied by Rural Lands Protection Boards and is identical in wording to that shown in **attachment 1**.
- 2.8 At the end of a ground baiting program a person who has received 1080 fox baits must make a reasonable effort to ensure that all untaken baits at baiting locations are collected and removed. All collected and uneaten 1080 fox baits must be disposed of, as soon as possible on the property where the 1080 fox baits were used by burial in a disposal pit and be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).
- 2.9 Continuous and ongoing baiting may be necessary in some instances to reduce the impacts of fox predation on native fauna. Such programs may be undertaken only if the risk to non-target species is low (see also 9. Risk to Domestic Animals).

DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

- 3.1. The minimum distances for the laying of 1080 fox baits have been set to minimise the risk to people and to non-target animals. 1080 fox baits must not be laid where they can be washed into or contaminate surface or groundwater. 1080 fox baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.
- 3.2 **Property Boundary:**
- 3.2.1 Ground Baiting: No 1080 fox baits shall be laid within 5 metres from any property boundary.
- 3.2.2 Aerial Baiting: No 1080 fox baits shall be laid within 10 metres from any property boundary by helicopter or 100 metres by fixed winged aircraft.

- 3.3 **Habitation:** No 1080 fox baits shall be laid within 150 metres of a habitation.

1080 fox baits can be laid at distances between 150 and 500 metres from a habitation if the baiting program is planned in conjunction with an Authorised Control Officer that would normally distribute baits for that area. Such programs must include strategies for minimising risk to non-target animals. Where 1080 fox baits are to be applied on private land, the Authorised Control Officer must give written approval. Where 1080 fox baits are to be applied to land administered by a public authority, the relevant regional manager of the public authority must give written approval. The Authorised Control Officer must also do a risk assessment in accordance with the provisions of the NSW 1080 Code of Practice. Where an assessment determines that the risk is significant then a default distance of 500 metres from a habitation applies.

An exemption is permitted where a group of adjoining landholders all agree in writing to use or allow the use of 1080 fox baits as part of a coordinated fox control program. This coordinated fox control program cannot be implemented **UNLESS**:

- (i) **ALL** the landholders in the group are made fully aware of the problems associated with 1080 fox baits in closely settled areas; AND
- (ii) **EVERY** landholder in the group signs an agreement that they:
 - (a) have had the problems associated with use of 1080 fox baits in closely settled areas explained to them; and
 - (b) understand these problems; and
 - (c) waive in writing the distance restrictions from their dwelling; and
 - (d) agrees to allow implementation of the poisoning program; and
 - (e) accept all responsibility for any problems arising from the program; AND
- (iii) **ALL** the landholders of the outermost holdings of the group abide by all the requirements of this permit in relation to adjoining properties not covered by the group activity.

3.4 **Domestic Water Supply:**

- 3.4.1 Ground Baiting: No 1080 fox baits shall be laid within 10 metres of a domestic water supply.
- 3.4.2 Aerial baiting: No 1080 fox baits shall be laid within 20 metres of a domestic water Supply by helicopter or 100 metres by a fixed winged aircraft.

PUBLIC NOTIFICATION

- 4.1 A person shall not lay any 1080 fox baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 fox baits. This notice must be given to the occupier, manager or authorised agent of every property which has a boundary within one kilometre of a baiting location ("notification").
- 4.2 The notification can be given by telephone or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, personal contact or mail, or the number of neighbours is more than 25, then notification by advertisement in a local newspaper is permissible.
- 4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification otherwise further notification of intended baiting is required.
- 4.4 Where baiting programs are continuous and ongoing (in accordance with condition 2.9) notification must be undertaken at intervals no greater than 6 months.

EMERGENCY BAITING (Ground application only)

- 5.1 A person whose stock or poultry are being mauled, killed or harassed may undertake emergency baiting. This is the only occasion where the normal 3 day public notice period is

not required. Up to fifty (50) 1080 fox baits may be laid during emergency baiting with approval from an Authorised Control Officer. The landholder must however, notify anyone, whose property boundary lies within one kilometre of a baiting location immediately before laying the 1080 fox baits.

- 5.2 While persons are exempt in this instance from the 3 day neighbour notification requirement as prescribed in condition 5.1, they are not exempt from any other condition which applies to the ground use of 1080 fox baits.

1080 POISONING NOTICES

- 6.1 In every situation where a person lays 1080 fox baits, they must erect notices immediately before 1080 poisoning operations commence on a property. This also applies before emergency baiting can begin.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the baiting area; and
- (ii) At regular intervals along all public thoroughfares which border or pass through the baited area.

- 6.2 The Notices may be obtained from the Rural Lands Protection Board, and must specify that foxes are being poisoned, and the date the 1080 fox baits are first laid or the dates between which 1080 fox baits will be laid.

- 6.3 Under the regulations of the Pesticides Act 1999 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

GROUND BAITING

- 7.1 A person who lays 1080 fox baits must:
- (i) Not lay more than one 1080 fox bait per 100 metres of trail or one bait per hectare; and
 - (ii) Not lay more than fifty (50) 1080 fox baits on any one property or holding unless the baiting program is planned in conjunction with an Authorised Control Officer; and
 - (iii) Lay the 1080 fox baits in such a way that any untaken 1080 fox baits can be found readily and destroyed in accordance with condition 2.8.

- 7.2 1080 fox baits should be buried in a shallow hole dug with a mattock or similar instrument and cover with earth. If practical, tie 1080 fox baits to a fence with a cord and mark the burial spot.

- 7.3 There is no need to free feed.

- 7.4 Where a person lays 1080 fox baits on a property of less than 100ha, the person must check the 1080 fox baits not later than the 3rd night after the 1080 fox baits have been laid, and must collect and destroy all untaken 1080 fox baits before the 7th night after the 1080 fox baits were laid. All untaken 1080 fox baits are to be disposed of in accordance with condition 2.8. This does not preclude replacement baiting for longer than 7 nights where 1080 fox baits continue to be taken.

AERIAL BAITING

- 8.1 Aerial baiting for fox control can be done only in NSW National Parks or Reserves where it is necessary for the protection of threatened species. Specific approval for aerial baiting of foxes must be obtained from the Director of the relevant DEC Parks and Wildlife Division regional branch. All programs involving aerial application of 1080 fox baits must comply with the

guidelines contained in the NSW DPI Vertebrate Pest Control Manual and require careful planning and consultation.

NOTE: Only red meat or manufactured sausage baits can be used. Restrictions on bait spacing are as for ground baiting.

RISK TO DOMESTIC ANIMALS

- 9.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, neighbours should be advised to tie up or muzzle dogs during poisoning operations.
- 9.2 1080 fox baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer or a regional manager of a public authority (see condition 3.3). Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

RISK TO ENVIRONMENT AND WILDLIFE

- 10.1 Routine agricultural activities are exempt from provisions of the *Threatened Species Conservation Act 1995 (TSC Act)*. Application of 1080 fox baits does not constitute an activity under the *Environment Planning and Assessment Act 1979 (EP&A Act)*.
- 10.2 Do not contaminate streams, rivers or waterways with 1080 fox baits or plastic bags that have held 1080 fox baits.
- 10.3 To the extent where possible, time baiting programs when non-target species are least active or least susceptible. 1080 baits for canid (dog and fox) control may pose a risk to carnivorous native animals.
- 10.4 To the extent where possible, recover carcasses of animals poisoned by 1080 fox baits and bury in accordance with the disposal instructions for 1080 fox baits in condition 2.8.

ATTACHMENT 1

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING OR USING

1080 POISONED BAIT

ACTIVE CONSTITUENT: mg* of SODIUM FLUOROACETATE (1080) per bait

FOR THE CONTROL OF WILD DOGS OR FOXES

RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN AUTHORISED PERSON

NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION.

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear elbow-length PVC or nitrile gloves. If product on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash PVC gloves and contaminated clothing.

FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126. Urgent hospital treatment is likely to be needed. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS:

Remove all livestock from baited area. Dogs are highly susceptible to the bait. Ensure all domestic and farm dogs are restrained during the baiting program.

PROTECTION OF WILDLIFE, FISH, CRUSTACEANS AND ENVIRONMENT:

Do not contaminate dams, streams, rivers or waterways with bait or this plastic bag.

TRANSPORT, STORAGE AND DISPOSAL:

This bait must be kept inside a secure location, away from food, children and domestic animals after procuring bait from an Authorised Control Officer. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from an Authorised Control Officer. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait must not be used for any other purpose. Dispose of this plastic bag in a local authority landfill. If no landfill is available bury this plastic bag along with any unused baits on the property that the baits were used in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and be clear of waterways (permanent or ephemeral), desirable vegetation and tree roots. Burning of this plastic bag is permitted but only in accordance with provisions stated in Pesticide Control (ACTA 1080 Concentrate) Order 2006.

MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

* Wild dog baits contain 6mg of 1080 per bait. Fox baits contain 3mg of 1080 per bait

RURAL LANDS PROTECTION BOARDS

KG NET

Schedule 3

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT MATERIAL FOR CONTROL OF FERAL PIGS IN RURAL AND BUSHLAND AREAS

1080 FERAL PIG BAIT AND REQUIREMENTS FOR POSSESSION

- 1.1 Persons can use only grain and manufactured pellets for the production of 1080 feral pig bait. Persons preparing 1080 feral pig baits must follow NSW feral pig bait preparation instructions on the 1080 liquid concentrate approved label. Grain bait material must be mixed at the rate of 10 to 15ml of 1080 liquid Concentrate product per kilogram of grain. Manufactured pellets must be mixed at the rate of 16ml of 1080 liquid concentrate product per kilogram of pellets.

It is compulsory in NSW to use the Blue 1080 liquid concentrate in the preparation of all 1080 feral pig baits unless baits are to be laid in habitats occupied by the Satin Bower Bird. In these situations, the baits are to be prepared using the Green 1080 liquid concentrate.

- 1.2 Bait material prepared as per condition 1.1 will henceforth be referred to as “1080 feral pig bait”.
- 1.3 Each person who takes possession of 1080 feral pig baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding (or their authorised agent or manager) must complete and provide to the Authorised Control Officer who supplies the 1080 feral pig baits, a separate indemnity form in respect to each property or holding on which 1080 feral pig baits are to be used.
- 1.5 An Authorised Control Officer must issue 1080 feral pig baits only to the owner, manager or occupier of the land on which the 1080 feral pig baits are to be used (“landholder”), their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 1.6 All persons receiving 1080 feral pig baits from an Authorised Control Officer may only temporarily possess and store 1080 feral pig baits. 1080 feral pig baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 feral pig bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 feral pig bait should be used as soon as possible and must be used within 7 days.

DIRECTIONS FOR USE - GENERAL RESTRICTIONS

- 2.1 A person must not place 1080 feral pig baits in a position accessible to children, livestock, domestic animals or pets.
- 2.2 A person must not feed 1080 feral pig baits to wild or domestic birds.
- 2.3 A person must not apply 1080 feral pig baits to, or in, crops.
- 2.4 A person must not allow 1080 feral pig baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 feral pig baits are not to be used for any other purpose and must be disposed of by burning or deep burial. .

2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must

be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1 metre deep disposal pit on the property where the 1080 feral pig baits were used.

2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Protection of the Environment (Control of Burning) Regulation 2000*. Persons using 1080 feral pig baits and wishing to dispose of bait packaging are subject to the following conditions:

- 1 The amount of bait packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Department of Environment and Conservation (DEC).
- 2 The burning of the bait packaging must be carried out at least 500 metres from any human habitation.
- 3 The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
- 4 The open fire burning must not be carried out on a day subject to a no-burn notice declared by the DEC under provisions of the *Protection of the Environment Operations Act 1997*.
- 5 The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 feral pig baits or used containers.
- 2.7 1080 feral pig bait must be kept and stored in the labelled plastic bag which is supplied by the Rural Lands Protection Boards and is identical in wording to that shown in **attachment 1**.
- 2.8 At the end of a ground baiting program a person who has received 1080 feral pig baits should ensure to the extent which is practical, all untaken baits at baiting locations are collected and removed. All collected and unused 1080 feral pig baits must be disposed of, as soon as possible on the property where the 1080 feral pig baits were used by burial in a disposal pit and be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).
- 2.9 Continuous and ongoing baiting may be necessary in some instances to reduce the impact of feral pigs in environmentally sensitive areas. Such programs may be undertaken only if the risk to non-target species is low (see also Risk to Domestic Animals and Risk to Environment and Wildlife).

DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

- 3.1. The minimum distances for the laying of 1080 feral pig baits have been set to minimise the risk to people and to non-target animals. 1080 feral pig baits must not be laid where they can be washed into or contaminate surface or groundwater. 1080 feral pig baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.
- 3.2 **Property Boundary:** No 1080 feral pig baits shall be laid within 5 metres from any property boundary
- 3.3 **Habitation:** No 1080 feral pig baits shall be laid within 500 metres of a habitation

- 3.4 **Domestic Water Supply:** No 1080 feral pig baits shall be laid within 100 metres of a domestic water supply. Large water storage facilities such as Eucumbene, Wyangala and Chaffey dams can be ground baited to within 10 metres of the waterline.
- 3.5 **Public Roads:** No 1080 feral pig baits shall be laid within 200 metres of a public road.

PUBLIC NOTIFICATION

- 4.1 A person shall not lay any 1080 feral pig baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 feral pig baits. This notice must be given to the occupier, manager or authorised agent of every property which has a boundary within one kilometre of a baiting location ("notification").
- 4.2. The notification can be given by telephone or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, personal contact or mail, or the number of neighbours is more than 25, then notification by advertisement in a local newspaper is permissible.
- 4.3 Baiting must begin within 7 days of notification and must be completed within 14 days of notification. Further notification is required for use of 1080 feral pig baits beyond this 14 day period.

1080 feral pig baits must not be laid on more than 3 consecutive days. Adequate free feeding should minimise the number of pigs that remain after this 3 day baiting period. Further free feeding in accordance with condition 6.2 can be undertaken to determine the amount of bait material required to control any remaining pigs. This amount of 1080 feral pig baits may then be laid for no more than 3 consecutive days. The total number of days on which 1080 feral pig baits are laid must not exceed 6 days during any 14 day notification period

1080 POISONING NOTICES

- 5.1 In every situation where a person lays 1080 feral pig baits they must erect notices immediately before 1080 poisoning operations commence on a property.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the baiting area; and
 - (ii) At regular intervals along all public thoroughfares which border or pass through the baited area.
- 5.2 The notices may be obtained from the Rural Lands Protection Board, and must specify that feral pigs are being poisoned, and the date the 1080 feral pig baits are first laid or the dates between which 1080 feral pig baits will be laid.
- 5.3 Under the regulations of the Pesticides Act 1999 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

FERAL PIG CONTROL WITH 1080 FERAL PIG BAITS

- 6.1 A person who lays 1080 feral pig baits must:
- (i) Only apply an amount of 1080 feral pig bait consistent with the final consumption of free feed (see Vertebrate Pest Control Manual); and
 - (ii) Lay the baits in such a way that any uneaten 1080 feral pig baits can be readily found and destroyed.
- 6.2 **Free feeding:**
Free feeding is compulsory.

For maximum control and to avoid using an excessive amount of 1080 feral pig bait, all pigs must be encouraged to feed on the 1080 feral pig baits. It is therefore essential to first attract pigs with a number of free feeds of unpoisoned bait. Unpoisoned bait must be laid for at least 3 nights before laying any 1080 feral pig baits. This period may need to be extended for up to 2 weeks to ensure all feral pigs in the area are feeding on the bait. The amount of free feed must be adjusted each time until only a small amount of the bait is left.

6.3 Bait selection and placement:

Poisoned grain and manufactured pellets (1080 feral pig bait) may only be used in bait stations and must not be used in trails. A bait station is defined as a fenced enclosure /enclosure that excludes livestock and contains a shallow hole to hold bait material.

1080 feral pig baits must not be used for more than three consecutive days. Any bait still left on the ground must then be collected and buried in a disposal pit in accordance with condition 2.8. If necessary, free feeding may be started again to determine if any pigs remain.

RISK TO DOMESTIC ANIMALS

- 7.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, neighbours should be advised to tie up or muzzle dogs during poisoning operations. Where practicable, remove carcasses from the control area and dispose of by burial as specified in condition 2.8.
- 7.2 1080 feral pig baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

RISK TO ENVIRONMENT AND WILDLIFE

- 8.2 Routine agricultural activities are exempt from provisions of the Threatened Species Conservation Act 1995 (TSC Act). Application of 1080 feral pig baits does not constitute an activity under the *Environment Planning and Assessment Act 1979 (EP&A Act)*.
- 8.3 Do not contaminate streams, rivers or waterways with 1080 feral pig baits or plastic bags that have held 1080 feral pig baits.
- 8.4 Time baiting programs when non-target species are least active or least susceptible.
- 8.5 To the extent where possible, recover carcasses of animals poisoned by 1080 feral pig baits and bury in accordance with the disposal instructions for 1080 feral pig baits in condition 2.8.

ATTACHMENT 1

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING OR USING

1080 POISONED BAIT

ACTIVE CONSTITUENT: **grams* of SODIUM FLUOROACETATE (1080) per kg
of bait material**

FOR THE CONTROL OF RABBITS OR FERAL PIGS

RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN AUTHORISED PERSON

NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION.

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear elbow-length PVC or nitrile gloves. If product on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash PVC gloves and contaminated clothing.

FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126. Urgent hospital treatment is likely to be needed. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS:

Remove all livestock from baited area. Dogs are highly susceptible to the bait or possibly from secondary poisoning (consuming carcasses of animals poisoned by 1080). Ensure all domestic and farm dogs are restrained during the baiting program.

PROTECTION OF WILDLIFE, FISH, CRUSTACEANS AND ENVIRONMENT:

Do not contaminate dams, streams, rivers or waterways with bait or this plastic bag.

TRANSPORT, STORAGE AND DISPOSAL:

This bait must be kept inside a secure location, away from food, children and domestic animals after procuring bait from an Authorised Control Officer. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from an Authorised Control Officer. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait must not be used for any other purpose. Dispose of this plastic bag in a local authority landfill. If no landfill is available bury this plastic bag along with any unused baits on the property that the baits were used in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and be clear of waterways (permanent or ephemeral), desirable vegetation and tree roots. Burning of this plastic bag is permitted but only in accordance with provisions stated in Pesticide Control (ACTA 1080 Concentrate) Order 2006.

MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

*** Rabbits:**

One kilogram of carrots contains 0.18g of 1080; one kilogram of oats contains 0.36g of 1080; one kilogram of pellets contains 0.45g of 1080

Feral Pigs:

one kilogram of grain contains 0.3- 0.45g of 1080; one kilogram of pellets contains 0.48g of 1080

RURAL LANDS PROTECTION BOARDS

KG NET

Schedule 4

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT MATERIAL FOR CONTROL OF RABBITS IN RURAL AND BUSHLAND AREAS

1080 RABBIT BAIT AND REQUIREMENTS FOR POSSESSION

- 1.1 Persons can use only oats, manufactured pellets and carrots for the production of 1080 rabbit bait. Carrots must be diced into pieces approximately 2 centimetres by 2 centimetres in size or 5 grams in weight. Persons preparing 1080 rabbit baits must follow NSW rabbit bait preparation instructions on the 1080 liquid concentrate approved label. Oat bait material must be mixed at the rate of 12ml of 1080 liquid concentrate product per kilogram of oats. Manufactured pellets must be mixed at the rate of 15ml of 1080 liquid concentrate product per kilogram of pellets. Carrot bait material must be mixed at the rate of 6ml of 1080 liquid concentrate product per kilogram of carrots.

It is compulsory in NSW to use the Blue 1080 liquid concentrate in the preparation of all 1080 rabbit baits unless baits are to be laid in habitats occupied by the Satin Bower Bird. In these situations, the baits are to be prepared using the Green 1080 liquid concentrate.

- 1.2 Bait material prepared as per condition 1.1 will henceforth be referred to as "1080 rabbit baits".
- 1.3 Each person who takes possession of 1080 rabbit baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding (or their authorised agent or manager) must complete and provide to the Authorised Control Officer who supplies the 1080 rabbit baits, a separate indemnity form in respect to each property or holding on which 1080 rabbit baits are to be used.
- 1.5 An Authorised Control Officer must issue 1080 rabbit baits only to the owner, manager or occupier of the land on which the 1080 rabbit baits are to be used ("landholder"), their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 1.6 All persons receiving 1080 rabbit baits from an Authorised Control Officer may only temporarily possess and store 1080 rabbit baits. 1080 rabbit baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 rabbit bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 rabbit bait should be used as soon as possible and must be used within 7 days.

DIRECTIONS FOR USE - GENERAL RESTRICTIONS

- 2.1 A person must not place 1080 rabbit baits in a position accessible to children, livestock, domestic animals or pets.
- 2.2 A person must not feed 1080 rabbit baits to wild or domestic birds.
- 2.3 A person must not apply 1080 rabbit baits to, or in, crops.
- 2.4 A person must not allow 1080 rabbit baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 rabbit baits are not to be used for any other purpose and must be disposed of by burning or deep burial. .
- 2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1 metre deep disposal pit on the property where the 1080 rabbit baits were used.

2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Protection of the Environment (Control of Burning) Regulation 2000*. Persons using 1080 rabbit baits and wishing to dispose of bait packaging are subject to the following conditions:

- 1 The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Department of Environment and Conservation (DEC).
- 2 The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.
- 3 The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
- 4 The open fire burning must not be carried out on a day subject to a no-burn notice declared by the DEC under provisions of the *Protection of the Environment Operations Act 1997*.
- 5 The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 rabbit baits or used containers.
- 2.7 1080 rabbit bait must be kept and stored in the labelled plastic bag which is supplied by the rural lands protection boards and is identical in wording to that shown in **attachment 1**.
- 2.8 At the end of a ground baiting program a person who has received 1080 rabbit baits should ensure that, to the extent which is practical, all untaken baits at baiting locations are collected and removed. This does not apply in the case of 1080 rabbit baits being applied by aircraft or broad scale broadcasting. All collected and unused 1080 rabbit baits must be disposed of, as soon as possible on the property where the 1080 rabbit baits were used by burial in a disposal pit and be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).

DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

- 3.1. The minimum distances for the laying of 1080 rabbit baits have been set to minimise the risk to people and to non-target animals. 1080 rabbit baits must not be laid where they can be washed into or contaminate surface or ground waters. 1080 rabbit baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.
- 3.2 **Property Boundary:**
- 3.2.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 5 metres from any property boundary.
- 3.2.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 100 metres from any property boundary by helicopter or fixed winged aircraft, except where a group of adjoining landholders all agree in writing to use 1080 rabbit baits as

part of a coordinated rabbit control program under the conditions set out in 3.3.1.

3.3 **Habitation:**

3.3.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 500 metres of a habitation.

An exemption is permitted where a group of adjoining landholders all agree in writing to use or allow the use of 1080 rabbit baits as part of a coordinated rabbit control program. This coordinated rabbit control program cannot be implemented **UNLESS:**

- (i) **ALL** the landholders in the group are made fully aware of the problems associated with 1080 rabbit baits in closely settled areas; AND
- (ii) **EVERY** landholder in a group signs an agreement that they:
 - (a) have had the problems associated with 1080 rabbit baits in closely settled areas explained to them; and
 - (b) understand these problems; and
 - (c) waive in writing the distance restrictions from their dwelling; and
 - (d) agrees to allow the implementation of the poisoning program; and
 - (e) accept all responsibility for any problems arising from the program; AND
- (iii) **ALL** the landholders of the outermost holdings of the group abide by all the requirements of this permit in relation to adjoining properties not covered by the group activity.

3.3.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 500 metres of a habitation by helicopter or by a fixed wing aircraft.

An exception is permitted where a group of adjoining landholders all agree in writing to allow 1080 rabbit baits to be laid by aircraft on their properties as part of a coordinated rabbit control program, under the conditions set out in 3.3.1.

3.4 **Domestic Water Supply:**

3.4.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 100 metres of a domestic water supply. Large water storage facilities such as Eucumbene, Wyangala and Chaffey dams can be ground baited to within 10 metres of the waterline.

3.4.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 200 metres of a domestic water supply by helicopter or a fixed winged aircraft.

PUBLIC NOTIFICATION

4.1 A person shall not lay any 1080 rabbit baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 rabbit baits. This notice must be given to the occupier, manager or authorised agent of every property which has a boundary within one kilometre of a baiting location ("notification").

4.2 The notification can be given by telephone or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, personal contact or mail, or the number of neighbours is more than 25, then notification by advertisement in a local newspaper is permissible.

4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification, otherwise further notification of intended baiting is required.

1080 POISONING NOTICES

5.1 In every situation where 1080 rabbit baits are laid the person must erect notices immediately before 1080 poisoning operations commence on a property.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the baiting area; and
- (ii) At regular intervals along all public thoroughfares which border or pass through the baited area.

- 5.2 The notices may be obtained from the Rural Lands Protection Board, and must specify that rabbits are being poisoned, and the date the 1080 rabbit baits are first laid or the dates between which 1080 rabbit baits will be laid.
- 5.3 Under the regulations of the Pesticides Act 1999 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

RABBIT CONTROL WITH 1080 RABBIT BAITS

- 6.1 A person who lays 1080 rabbit baits must:
- (i) Not use disproportionate amounts of 1080 rabbit baits. The amount of bait must be consistent with the final consumption of free feed as described in the poisoning section of the NSW DPI Vertebrate Pest Control Manual; and
 - (ii) Lay the baits in such a way that any uneaten 1080 rabbit baits can be readily found and destroyed. This does not apply in the case of 1080 rabbit baits being applied by aircraft or broad scale broadcasting.

- 6.2 ***When to poison:***
Rabbit poisoning programs are inefficient if carried out during the breeding season, when rabbit movements are much more limited and consequently, they are less likely to find the bait. Also, kittens over 17 days old can survive even if the mother is poisoned and subsequent breeding by these survivors can cause rapid regrowth of the population.

- 6.3 ***Free feeding:***
Free feeding is compulsory: For maximum control and reduce the risk to non-target species avoid using an excessive amount of 1080 rabbit bait. It is essential to attract rabbits with a number of free feeds of unpoisoned bait. Three free feeds must be used to provide the greatest chance of success. Two free feeds may only be used when specifically recommended by an Authorised Control Officer. Each free feed must be laid at intervals of not less than two days. The amount of free feed needs to be adjusted each time until only a small amount of bait is left. Depending on the level of infestation, the first free feed may range from 4 to 20 kg/km but is usually 4 to 8kg/km for trailing or 4 to 15kg/ha for broadcasting.

- 6.4 ***Bait selection and placement:***

Poisoned oats (1080 rabbit bait) must only be used in trails. Poisoned carrot (1080 rabbit bait) can be broadcast or used in trails. Only poisoned carrot (1080 rabbit baits) can be used in aerial applications.

1080 rabbit baits must be laid at the following intervals after the last free feed:

- (i) Trailing - minimum of 2 days; or
- (ii) Broadcasting - 3 to 5 days.

- 6.5 ***Aerial baiting of rabbits in Water Catchment Areas:***
No aerial baiting for rabbit control can be carried out in the immediate catchment of water storage areas without approval from the Director General of NSW DPI or delegate and the Director General or Chief Executive Officer (CEO) of any government Department or Authority responsible for managing the respective catchment. Consult your Rural Lands Protection Board and refer to the Vertebrate Pest Control Manual for further details.

RISK TO DOMESTIC ANIMALS

- 7.1 Precautions must be taken in closely settled areas to avoid poisoning domestic pets. As 1080 is particularly lethal to domestic dogs, neighbours should be advised to tie up or muzzle dogs during poisoning operations. Carcasses of poisoned rabbits can constitute a serious risk to dogs and where practicable, remove carcasses from the control area and dispose of by burial as specified in condition 2.8.
- 7.2 **CAUTION: Remove all livestock from baited areas.**
- 7.3 1080 rabbit baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

RISK TO ENVIRONMENT AND WILDLIFE

- 8.1 Routine agricultural activities are effectively exempt from provisions of the *Threatened Species Conservation Act 1995* (TSC Act). Application of 1080 rabbit baits does not constitute an activity under the *Environment Planning and Assessment Act 1979* (EP&A Act).
- 8.2 Do not contaminate streams, rivers or waterways with 1080 rabbit baits or plastic bags that have held 1080 rabbit baits.
- 8.3 Time baiting programs when non-target species are least active or least susceptible
- 8.4 To the extent where possible, recover carcasses of animals poisoned by 1080 rabbit baits and bury in accordance with the disposal instructions for 1080 rabbit baits in condition 2.8.

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

ALBURY CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ALBURY CITY COUNCIL declares, with the approval of Her Excellency the Governor, that the interest in land described in the schedule below, excluding 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 purpose of a public road. Dated at Albury, 29 November 2007. LESLIE GEORGE TOMICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640.

SCHEDULE

Lot 3008, DP 1079333.

[3672]

ALBURY CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ALBURY CITY COUNCIL declares, with the approval of Her Excellency the Governor, that the interest in land described in the schedule below, excluding 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 purpose of an easement to drain sewage. Dated at Albury, 29 November 2007. LESLIE GEORGE TOMICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640.

SCHEDULE

E1, DP 1079333.

[3673]

BATHURST REGIONAL COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE BATHURST REGIONAL COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for water supply purposes.

Dated at Bathurst this 20th day of September 2007.

DAVID SHERLEY,
General Manager

SCHEDULE

Lot 4 in Deposited Plan 1105771.

[3674]

BREWARRINA SHIRE COUNCIL

Roads Act 1993

Road (General) Regulation 2000

Renaming of Public Roads

NOTICE is hereby given that Council at its meeting of 23 November 2007, resolved to rename the roads hereunder.

Current Name

New Name

Kahmoo Dunsandle

Dunsandle Road

Collerina

Twin Rivers Road

Weilmoringle Road

West Culgoa Road

Collewaroy Cumborah Road

Kia Ora Road

Boomi Billybingbone Road

Billybingbone Road

All other road names remain unchanged. GLENN SCHUIL, Acting General Manager, Brewarrina Shire Council, Shire Office, 57 Bathurst Street, Brewarrina NSW 2839.

[3675]

COFFS HARBOUR CITY COUNCIL

Naming of Bridge

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named the bridge as follows:

Location

New Name

Road bridge on Hogbin Drive
over Coffs Creek

Bangalor Bridge

STEPHEN SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450.

[3676]

GLOUCESTER SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

GLOUCESTER SHIRE COUNCIL hereby gives notice pursuant to Section 10 of the Roads Act 1993, that the land detailed in the schedule hereto is public road.

Dated 5 December 2007.

N. S. McLEOD, General Manager, Gloucester Shire Council, PO Box 11, Gloucester, NSW 2422.

Schedule

All those pieces and parcels of land situated at Manchester Road Gloucester in the Parish of Fitzroy, County of Gloucester being Lots 1, 4, 5, 6, 8, 10, 11, 13, 14, 17, 18 and 19 DP 843525.

[3677]

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.

The notice published by Great Lakes Council in the *Government Gazette* No. 192 on 29 December 2006, folio 2866 requires amending.

The road name "Lillipilli Close" was described as being located 700m west of Washpool Creek Road/Moxeys Road intersection. As Moxeys Road is not an official Council road name, it is now clarified that Lillipilli Close is located 700m west of the intersection of Washpool Creek Road with Washpool Road, Booral.

This erratum now amends that error. [3678]

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.

| <i>Description</i> | <i>Name</i> |
|---|-----------------------------|
| The existing road that runs south off Booral-Washpool Road, Booral which has been referred to as Washpool Creek/Moxeys Road is, according to Council's records, officially named Washpool Creek Road, Booral. Moxeys Road is not an official Council road name, it does not appear on topographical maps and there is no signage indicating this road name. | Washpool Creek Road, Booral |

[3679]

GREATER TAREE CITY COUNCIL

Roads Act 1993
Roads (General) Regulation 2000
Part 2 – Roads, Division 2 – Naming of Roads

NOTICE is hereby given that Greater Taree City Council, in pursuance of the above act and regulations, has named the following road:

- Waitpinga Court, Redhead.

GERARD JOSE, General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430.

[3680]

SHOALHAVEN CITY COUNCIL

Local Government Act 1993
Land Acquisition (Just Terms Compensation) Act 1991
Notice of Compulsory Acquisition of Land

SHOALHAVEN CITY 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 those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of a landfill site and recycling centre.

Dated at Nowra this 5th day of December 2007.

RUSSELL PIGG,
General Manager

SCHEDULE

Lot 1, DP 1104402.

[3681]

PORT STEPHENS COUNCIL

Roads Act 1993 Section 162 (1)
Road Naming

PURSUANT to section 162 (1) Council has assigned the road names as described below:

| Descriptions | |
|---|---|
| AT MEDOWIE – Council file – PSC2006-0250 Parish Stowell, County Gloucester Being two new roads within the Pacific Dunes Estate at Medowie. Known as The Links Estate as per Council subdivision plan DP 280006. | AUGUSTA PLACE (private access) CHAMPIONSHIP DRIVE |
| AT HEATHERBRAE – Council file – PSC2007-3341 Parish Eldon, County Gloucester Being two new roads northwards off Masonite Road into the new Industrial Estate as per Council subdivision plan DP 1092660. | CAMFIELD DRIVE ORTON CLOSE |
| AT HEATHERBRAE – Council file – PSC2007-3341 Parish Eldon, County Gloucester Being two new roads southwards off Masonite Road. As shown in subdivision plan DP 1035298 (Archibald) and Community Plan DP 270478 (Clayton) | ARCHIBALD PLACE CLAYTON ROAD (private access) |
| AT TOMAGO – Council file – PSC2007-3343 Parish Stockton, County Gloucester Being two new roads off Old Punt Road at Tomago. Part of Hunter Industrial Park as per subdivision plan DP 270494. | KENNINGTON DRIVE ABBOT LANE |
| AT NELSON BAY – Council file – PSC2007-3342 Parish Tomaree, County Gloucester Being four new roads within new subdivision know as Lagoon Estate off Dowling Street. As shown in Community plan DP 270468. | LAGOONS CIRCUIT COVENTRY PLACE ALIDA CLOSE LAMANDRA CRESCENT |

AT TANILBA BAY – Council file – DIGGERS DRIVE
PSC2007-2365
Parish Stockton, County Gloucester
Being road linking both sections of
Diggers Drive as shown in
DP 1109520.

AT MEDOWIE – Council file – SUNNINGDALE
PSC2007-2365 CIRCUIT
Parish Stowell, County Gloucester
Being the road linking both section
of Sunningdale Circuit as shown in
DP 280007.

Council contact Cliff Johnson, telephone (02) 4980 0265.
P. GESLING, General Manager, Port Stephens Council, PO
Box 42, Raymond Terrace NSW 2324.

[3682]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 162

Road Renaming

NOTICE is hereby given that Port Macquarie-Hastings Council has allocated new names to the roads as described in the Schedule below. BERNARD SMITH, General Manager, Port Macquarie-Hastings Council, PO Box 84, Port Macquarie NSW 2444.

SCHEDULE

| <i>Old Name</i> | <i>New Name</i> |
|---|-----------------|
| Hindman Street, Port Macquarie between Gordon Street and Kooloonbung Close | Ocean Drive |
| Unnamed road comprising the Port Macquarie Ring Road between Kooloonbung Close and Greenmeadows Drive | Ocean Drive |
| Unnamed road linking Port Macquarie Ring Road to Koala Street | Koala Street |
| Ocean Drive between Koala Street and the Hockey Fields | Hockey Place |
| Gumnut Lane, Port Macquarie north of Correa Crescent | Meadow Lane |
| Unnamed road off Pappinbarra Road Left Arm, Upper Pappinbarra | Berekovens Road |

[3683]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that in accordance with section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated to the public as road. BERNARD SMITH, General Manager, Port Macquarie-Hastings Council, PO Box 84, Port Macquarie NSW 2444.

SCHEDULE

Lot 62, Deposited Plan 874058, Parish and County Macquarie and situate in Hastings River Drive, Port Macquarie.

[3684]

PORT STEPHENS COUNCIL

Roads Act 1993

Road Dedication

NOTICE is hereby given that pursuant to section 10 Road Act 1993 Council hereby dedicates, as public road, the Council owned lands as set out in the schedule below.

SCHEDULE

Lot 1, DP 1100101; Lot 2, DP 1100101; Lot 3, DP 1100101; Lot 6, DP 1100101; Lot 7, DP 1100101.

P. GESLING, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324. [3685]

UPPER LACHLAN SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land.

THE UPPER LACHLAN SHIRE COUNCIL declares, with the approval of Her Excellency the Governor that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of a public road. Dated at Crookwell, 5 December 2007. JOHN K. BELL, General Manager, Upper Lachlan Shire Council, PO Box 10, Crookwell NSW 2583.

SCHEDULE

Lot 5, DP 1108111. [3686]

WALGETT SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

WALGETT 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 emergency service purposes.

Dated at Walgett this 3rd day of December 2007.

EMMA DARCY,
Acting General Manager

SCHEDULE

Lot 10 DP 1106756. [3687]

WYONG SHIRE COUNCIL

Coastal Protection Act 1979, Section 55H

Gazettal and Commencement of a Coastal Zone Management Plan

WYONG SHIRE COUNCIL, with the approval of the Minister for Climate Change, Environment and Water, has finalised and adopted the Tuggerah Lakes Estuary Management Plan as

a coastal zone management plan in accordance with Section 55 of the Coastal Protection Act 1979.

The Tuggerah Lakes Estuary Management Plan will help protect Wyong Shire's lakes and waterways. The Plan contains projects to help restore parts of the estuary and encourage people back to the lakes.

The Plan will remain in force until such time as it is amended or repealed by a coastal zone management plan that replaces it.

The Plan may be viewed at Wyong Shire Council's Civic Centre, 16 Hely Street, Wyong NSW 2259 or at <http://www.wyong.nsw.gov.au>. K. YATES, General Manager, Council Chambers, PO Box 20, Wyong NSW 2259. [3688]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOSIE ELIZABETH WILSON late of Mermaid Waters in the State of Queensland, who died on 7 April 2007, must send particulars of his/her claim to the Executor C/-Mercuri & Co, Solicitors, PO Box 719, Rozelle NSW 2039 within one (1) calendar month from publication of this notice. After that time the Executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in Queensland on 10 August 2007 and resealed in New South Wales on 16 November 2007. MERCURI & CO, Solicitors, PO Box 719, Rozelle NSW 2039 (DX 21014 Drummoyne). [3689]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN FLINDT ORFORD late of 1/20 Illawarra Street, Allawah in the state of New South Wales, retired person, who died on 22 July 2007, must send particulars of his/her claim to the Executrices Robin Ethel Orford and Fiona Maree Pascoe C/- Piper Alderman, Solicitors, Level 23 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 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 Executrices have notice. Probate was granted in New South Wales on 12 October 2007. PIPER ALDERMAN, Solicitors, Level 23 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, tel.: 9253 9911. [3690]

COMPANY NOTICES

NOTICE of final meeting of members.—W CUPITT PTY LIMITED, ACN 000 037 301 (in voluntary liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the abovenamed company will be held at the offices of W Cupitt Pty Limited at 20 Victor Avenue, Narrawallee, NSW 2539, on 31st day of December 2007 to receive the liquidator's account showing how the winding up has been conducted and the property of the company has been disposed of and to hear any explanations that may be given by the liquidator. Dated this 30th day of November 2007. GRIFFITH R. CUPITT, Liquidator, C/- Gillespies (Southern Highlands) Pty Ltd, Suite 5, 20 Bundaroo Street, Bowral, NSW 2576, tel.: 4861 2205. [3691]

NOTICE of voluntary liquidation section 491 (2)—Corporations Act 2001.—MA & MC FERRIS PTY LTD (in liquidation) ACN 001 137 444.—Notice is hereby given that at a meeting of Shareholders of the abovenamed company duly convened and held on 5 December 2007 it was resolved that the company be wound up voluntarily as a members voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire and by ordinary resolution that Brent Antony Perkins be appointed liquidator. Dated: 5 December 2007. BRENT ANTONY PERKINS, Liquidator, Box 29, Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000, fax: (02) 4923 4040. [3692]

NOTICE of members' final meeting – WOLLONGONG DIAGNOSTICS PTY LIMITED, ACN 001467 447 (in liquidation) - Notice is hereby given that in terms of section 509 of the Corporation Law a final general meeting of the company will be held at the offices of the Liquidator, Level 7, 30 Clarence Street, Sydney, on 21 January 2008, at 10.00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the property of the company was disposed. BRIAN PETER WISE, Liquidator, c.o. Watson Erskine & Co., Level 7, 30 Clarence Street, Sydney NSW 2000, tel.: (02) 9262 5777. [3693]

OTHER NOTICES

INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement Towradg
INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Huntingwood this 21st day of November 2007.

ALAN FLETT,
General Manager,
Network Asset Operations,
Integral Energy Australia,
51 Huntingwood Drive,
Huntingwood NSW 2148

SCHEDULE 1

The interest in land is an easement for underground cables on the terms set out in Memorandum 9262885 and an easement for padmount substation on the terms in Memorandum 9262886, such memoranda being filed at the Land Titles Office.

For the purposes of the compulsory acquisition, "lot burdened" in Memoranda 9262885 and 9262886 means Lot 1, DP 863756.

SCHEDULE 2

All that piece or parcel of land at Towradgi in the City of Wollongong, County of Camden, Parish of Woonona, being the site of the proposed easement for underground cables 1 wide ("A") and the site of the proposed easement for padmount substation 2.75 wide ("B") within Lot 1, DP 863756 as shown in DP 1108906. [3694]