



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 68**  
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## LEGISLATION

### Proclamations



New South Wales

## Commencement Proclamation

under the

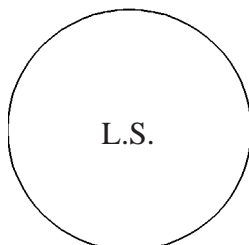
National Parks and Wildlife (Adjustment of Areas) Act 2001 No 49

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *National Parks and Wildlife (Adjustment of Areas) Act 2001*, do, by this my Proclamation, appoint 18 May 2007 as the day on which that Act in its application to so much of Schedule 1 as relates to Myall Lakes National Park commences.

Signed and sealed at Sydney, this 16th day of May 2007.

By Her Excellency's Command,



L.S.

PHILIP KOPERBERG, M.P.,  
Minister for the Climate Change,  
Environment and Water

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the *National Parks and Wildlife (Adjustment of Areas) Act 2001 (the Act)* in its application to so much of Schedule 1 to the Act as relates to Myall Lakes National Park. Schedule 1 to the Act contains a description of land forming part of Myall Lakes National Park. The Act operates to revoke the reservation under the *National Parks and Wildlife Act 1974* of that land as part of that National Park and to vest it (subject to existing native title rights and interests) in the Minister administering the Act.



New South Wales

## Proclamation

under the

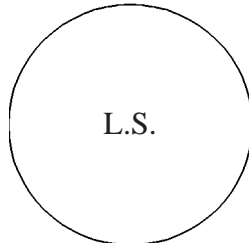
Public Finance and Audit Act 1983

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 45B of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend that Act as set out in Schedule 1.

Signed and sealed at Sydney, this 9th day of May 2007.

By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,  
Treasurer

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to amend Schedule 3 (Departments) to the *Public Finance and Audit Act 1983* as a consequence of the changes to Departments made by the *Public Sector Employment and Management (General) Order 2007*.

Proclamation

Schedule 1 Amendments

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## Schedule 1 Amendments

### [1] Schedule 3 Departments

Omit from Columns 1 and 2 the following matter:

Cabinet Office	Director-General of the Office
Department of Energy, Utilities and Sustainability	Director-General of the Department
Department of Environment and Conservation	Director-General of the Department
Department of Natural Resources	Director-General of the Department
NSWbusinesslink	Managing Director, NSWbusinesslink
Premier's Department	Director-General of the Department

### [2] Schedule 3

Insert in Columns 1 and 2 in alphabetical order of Departments:

Department of Environment and Climate Change	Director-General of the Department
Department of Premier and Cabinet	Director-General of the Department
Department of Water and Energy	Director-General of the Department



New South Wales

## Proclamation

under the

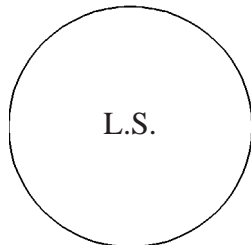
Sporting Venues Management Act 2002

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 section 9 of the *Sporting Venues Management Act 2002*, do, by this my Proclamation, amend Schedule 1 to that Act in the manner set out in Schedule 1 to this Proclamation.

Signed and sealed at Sydney, this 16th day of May 2007.

By Her Excellency's Command,



GRAHAM WEST, M.P.,  
Minister for Sport and Recreation

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to amend Schedule 1 to the *Sporting Venues Management Act 2002* to include certain land so that it will become part of the corporate lands in respect of which the corporation sole constituted under that Act exercises functions.

This Proclamation is made under section 9 of the *Sporting Venues Management Act 2002*.

Proclamation

Schedule 1 Amendments to Schedule 1 to Sporting Venues Management Act 2002

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## Schedule 1 Amendments to Schedule 1 to Sporting Venues Management Act 2002

### [1] Schedule 1 Land vested in Corporation

Insert after “(Sections 3 and 9)”:

Column 1	Column 2
Description of land	Interests etc subject to which land vested

### [2] Schedule 1

Insert at the end of the Schedule:

Jindabyne Sport and Recreation Centre—being Lot 101, DP 1019527	Land vested subject to any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land was included in this Schedule.
Narrabeen Sport and Recreation Centre—being Lots 862, 863, 865, 866, 871, 873, 875, 876, 877, 878, 879 and 887, DP 752038, Lot 1, DP 74818 and Lot 1, DP 525492	Land vested subject to any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land was included in this Schedule.
Borambola Sport and Recreation Centre—being Lots 107 and 114, DP 757218	Land vested subject to any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land was included in this Schedule.
Broken Bay/Little Wobby Sport and Recreation Centre—being Lot 19, Section A, DP 2746, Lot 1, DP 518407, Lots 53, 59, 61, 62 and 63, DP 755251, Lots 1, 2, 3, 4, 5, 6 and 129, DP 7841 and Lots 1, 2, 3 and 4, DP 795352	Land vested subject to any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land was included in this Schedule.

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# Regulations

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New South Wales

## Criminal Procedure Amendment Regulation 2007

under the

Criminal Procedure Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

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

### Explanatory note

The *Criminal Procedure Regulation 2005* provides for the issuing of penalty notices by police officers for certain offences. The scheme was introduced for a trial period in certain areas of New South Wales and the trial period was recently extended until 31 December 2007. The object of this Regulation is to amend that Regulation to provide that the limitations relating to the areas in which those penalty notices may be issued are also extended until 31 December 2007.

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power) and 343.

Clause 1 Criminal Procedure Amendment Regulation 2007

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## **Criminal Procedure Amendment Regulation 2007**

under the

Criminal Procedure Act 1986

### **1 Name of Regulation**

This Regulation is the *Criminal Procedure Amendment Regulation 2007*.

### **2 Amendment of Criminal Procedure Regulation 2005**

The *Criminal Procedure Regulation 2005* is amended by omitting the matter “30 April 2007” from clause 11 and by inserting instead the matter “31 December 2007”.



New South Wales

# Road Transport (Driver Licensing) Amendment (School Zones) Regulation 2007

under the

Road Transport (Driver Licensing) Act 1998

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

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to apply demerit points to certain offences, and increase the demerit points already applying to certain offences, if they are committed in operating school zones.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 14, 15 and 19 (the general regulation-making power).



Clause 1            Road Transport (Driver Licensing) Amendment (School Zones)  
                         Regulation 2007

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## **Road Transport (Driver Licensing) Amendment (School Zones) Regulation 2007**

under the

Road Transport (Driver Licensing) Act 1998

### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (School Zones) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 21 May 2007.

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

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

Road Transport (Driver Licensing) Amendment (School Zones)  
Regulation 2007

Amendments

Schedule 1

## Schedule 1 Amendments

(Clause 3)

### [1] Schedule 1 National schedule of demerit point offences

Omit the matter in Columns 1, 2, 3 and 4 under the heading *Australian Road Rules*.

Insert instead:

Rule 20 (except in school zone)	Exceeding speed limit:		
	(a) where the speed limit is exceeded by more than 45km/h	6	12
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8
	(c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h	3	6
	(d) where the speed limit is exceeded by not more than 15km/h	3	6
Rule 20 (in school zone)	Exceeding speed limit:		
	(a) where the speed limit is exceeded by more than 45km/h	7	14
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5	10
	(c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h	4	8
	(d) where the speed limit is exceeded by not more than 15km/h	4	8
Rule 27, 28, 29, 31, 32, 33 or 43	Turning improperly	2	2

Road Transport (Driver Licensing) Amendment (School Zones)  
Regulation 2007

Schedule 1 Amendments

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Rule 37, 39, 40, 41 or 42 (except in school zone)	Make unlawful U-turn	2	2
Rule 37, 39, 40, 41 or 42 (in school zone)	Make unlawful U-turn	3	3
Rule 38 or 64 (except in school zone)	Failing to give way	3	3
Rule 38 or 64 (in school zone)	Failing to give way	4	4
Rule 46 (1) or 48 (1), but only in the circumstances referred to in rule 46 (3) or 48 (3) respectively	Not give proper signal when driving out from side of road	2	2
Rule 46 (1) or 48 (1) (but only in the circumstances referred to in rule 46 (2) or 48 (2) respectively), 53, 112, 113, 117 or 118 (1)	Changing direction or stopping without signalling	2	2
Rule 56 or 59, but only at traffic lights other than traffic lights at toll booths or in school zones	Disobeying traffic light	3	3
Rule 56 or 59, but only at traffic lights in school zones, other than traffic lights at toll booths	Disobeying traffic light	4	4
Rule 57, 60, 61 or 63 (2) (except at level crossing or in school zone)	Disobeying traffic light	3	3
Rule 57, 60, 61 or 63 (2) (in school zone but not at level crossing)	Disobeying traffic light	4	4
Rule 66 (except at level crossing) or Part 17	Disobeying traffic light	3	3

Road Transport (Driver Licensing) Amendment (School Zones)  
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Amendments

Schedule 1

Rule 62 or 63 (3) (except in school zone)	Failing to give way	3	3
Rule 62 or 63 (3) (in school zone)	Failing to give way	4	4
Rule 65 (2) (a), 80 or 81 (2) (except in school zone)	Failing to stop or give way at pedestrian, children's or level crossing	3	3
Rule 65 (2) (a), 80 or 81 (2) (in school zone)	Failing to stop or give way at pedestrian, children's or level crossing	4	4
Rule 65 (2) (b) (except in school zone)	Obstruct pedestrian—flashing yellow light	3	3
Rule 65 (2) (b) (in school zone)	Obstruct pedestrian—flashing yellow light	4	4
Rule 65 (2) (c) (except in school zone)	Overtake/pass vehicle—flashing yellow light	3	3
Rule 65 (2) (c) (in school zone)	Overtake/pass vehicle—flashing yellow light	4	4
Rule 67, 68, 69, 71 or 101 (except in school zone)	Disobeying stop (including hand-held stop) or give way sign or line	3	3
Rule 67, 68, 69, 71 or 101 (in school zone)	Disobeying stop (including hand-held stop) or give way sign or line	4	4
Rule 70 (except in school zone)	Disobey give way sign on bridge/narrow road	3	3
Rule 70 (in school zone)	Disobey give way sign on bridge/narrow road	4	4
Rule 72 (1), 73, 74, 75, 84, 87, 114, 148 or 149	Failing to give way	3	3
Rule 76 (1)	Drive into path of approaching tram	3	3
Rule 76 (2)	Not move out of path of approaching tram	3	3
Rule 77 (1)	Driver in left lane/traffic line not give way to bus	3	3
Rule 78 (1)	Move into path of police or emergency vehicle	3	3
Rule 78 (2)	Not move out of path of police or emergency vehicle	3	3

Road Transport (Driver Licensing) Amendment (School Zones)  
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Schedule 1 Amendments

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Rule 79 (1)	Not give way to police or emergency vehicle	3	3
Rule 81 (1) (except in school zone)	Approach pedestrian crossing too quickly to stop safely if necessary	3	3
Rule 81 (1) (in school zone)	Approach pedestrian crossing too quickly to stop safely if necessary	4	4
Rule 82 (except in school zone)	Overtake or pass vehicle—children's or pedestrian crossing	3	3
Rule 82 (in school zone)	Overtake or pass vehicle—children's or pedestrian crossing	4	4
Rule 83	Not give way to pedestrian in shared zone	3	3
Rule 85	Not give way to vehicle in/entering turning lane	3	3
Rule 86 (1)	Not give way to vehicle (median turning bay)	3	3
Rule 88, 89, 90 or 91	Disobey traffic sign	2	2
Rule 93, 94 or 143	Overtake/pass vehicle contrary to sign	2	2
Rule 115	Not drive to left of central traffic island in the roundabout	2	2
Rule 121 or 122	Failing to stop or give way at level crossing	3	3
Rule 123 (a)	Enter a level crossing when warning lights or bells operating	3	3
Rule 123 (b)	Enter a level crossing when gate, boom or barrier is closed, opening or closing	3	3
Rule 123 (c)	Enter a level crossing when a train or tram is on or entering the crossing	3	3
Rule 123 (d)	Enter a level crossing when a train or tram is approaching the crossing	3	3
Rule 123 (e)	Enter a level crossing when crossing or road beyond is blocked	3	3
Rule 126	Following too closely	3	3
Rule 129	Not drive far left side of road	2	2
Rule 130, 131, 132 or 135	Failing to keep left	3	3
Rule 140	Overtake vehicle when unsafe	3	3

Road Transport (Driver Licensing) Amendment (School Zones)  
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Schedule 1

Rule 141	Overtake to left of vehicle	2	2
Rule 142 (1)	Overtake to right of vehicle turning right/making U-turn	3	3
Rule 144	Fail to keep safe distance when overtaking	3	3
Rule 152	Disobey overhead lane control device	3	3
Rule 162, 163 or 164	Unlawfully driving past safety zone or stopped tram or failing to give way to pedestrian crossing near stopped tram	2	2
Rule 218	Failure to dip headlights	1	1
Rule 219	Use lights to dazzle another road user	1	1
Rule 264	Driver not wearing seat belt (no unrestrained passengers)	3	6
Rule 266	Driving with unrestrained passengers under the age of 16 years	3	6
Rule 270 (1) (a)	Ride motor bike without helmet (rider alone)	3	6
Rule 288 (4) (except in school zone)	Driver not give way to user/animal on path	3	3
Rule 288 (4) (in school zone)	Driver not give way to user/animal on path	4	4
Rule 289 (2) (except in school zone)	Driver not give way to road user/animal on nature strip	3	3
Rule 289 (2) (in school zone)	Driver not give way to road user/animal on nature strip	4	4
Rule 304	Fail to obey police direction	3	3

**[2] Schedule 2 Additional demerit point offences**

Omit the matter in Columns 1, 2, 3 and 4 under the heading *Australian Road Rules*.

Insert instead:

Rule 46 (1) or 48 (1), but only in the circumstances referred to in rule 46 (4) or 48 (4) respectively	Not stop change of direction signal after change	2	2
Rule 51	Operate indicator light unlawfully	2	2

Road Transport (Driver Licensing) Amendment (School Zones)  
Regulation 2007

Schedule 1 Amendments

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Rule 92 (1)	Disobey traffic sign/road marking at intersection	2	2
Rule 95 (1)	Drive in emergency stopping lane	2	2
Rule 96 (1)	Stop on area marked with keep clear marking	2	2
Rule 97 (1)	Disobey road access sign	2	2
Rule 98 (1)	Disobey one-way sign	2	2
Rule 99	Disobey keep left/right sign	2	2
Rule 100	Disobey no entry sign	2	2
Rule 108	Disobey trucks and buses low gear sign	3	3
Rule 111 (1), 116 or 118 (2)	Drive contrary to roundabout rules	2	2
Rule 124	Fail to leave a level crossing	3	3
Rule 127	Long vehicle following other long vehicle too closely, otherwise than where following long vehicle is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	3	3
Rule 127	Long vehicle following other long vehicle too closely, where following long vehicle is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 136	Drive wrong way on one-way service road	3	3
Rule 137	Drive on dividing strip	2	2
Rule 138 (1)	Drive on/over continuous line near painted island	2	2
Rule 145	Increase speed while being overtaken	3	3

Road Transport (Driver Licensing) Amendment (School Zones)  
Regulation 2007

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Schedule 1

Rule 146	Not drive within single marked lane or line of traffic, otherwise than where vehicle not driven within single marked lane or line of traffic is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	2	2
Rule 146	Not drive within single marked lane or line of traffic, where vehicle not driven within single marked lane or line of traffic is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 147	Cross continuous line separating marked lanes, otherwise than where vehicle crossing line is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	2	2
Rule 147	Cross continuous line separating marked lanes, where vehicle crossing line is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 150	Drive on/over continuous white edge line, where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 150	Drive on/over continuous white edge line, where vehicle driven is: (a) not a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	2	2
Rule 150	Drive on/over continuous white edge line, where vehicle driven is not in a Safe-T-Cam zone	2	2
Rule 154	Drive in bus lane	3	3



Road Transport (Driver Licensing) Amendment (School Zones)  
Regulation 2007

Schedule 1 Amendments

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Rule 157	Drive in truck lane	3	3
Rule 159	Bus or truck driver fail to drive in bus lane or in truck lane where required	3	3
Rule 167 (in school zone)	Disobey no stopping sign	2	2
Rule 168 (1) (in school zone)	Disobey no parking sign	2	2
Rule 171 (1) (except in school zone)	Stop on/near children's crossing	1	1
Rule 171 (1) (in school zone)	Stop on/near children's crossing	2	2
Rule 172 (1) (except in school zone)	Stop on/near pedestrian crossing	1	1
Rule 172 (1) (in school zone)	Stop on/near pedestrian crossing	2	2
Rule 173 (1) (except in school zone)	Stop on/near marked foot crossing	1	1
Rule 173 (1) (in school zone)	Stop on/near marked foot crossing	2	2
Rule 175 (1)	Stop on/near level crossing	1	1
Rule 183 (1) (in school zone)	Stop in bus zone	2	2
Rule 189 (1) (in school zone)	Double park	2	2
Rule 195 (1) (in school zone)	Stop at/near bus stop	2	2
Rule 197 (1) (in school zone)	Stop on path/strip in built-up area	2	2
Rule 198 (2) (in school zone)	Stop on/across driveway/other access to/from adjacent land	2	2
Rule 268 (3)	Part of body outside vehicle window/door (driver)	3	3
Rule 268 (4)	Drive with part of passenger's body outside window/door	3	3
Rule 270 (1) (a) and (b)	Ride motor bike without helmet and with one passenger only not wearing helmet	6	12

Road Transport (Driver Licensing) Amendment (School Zones)  
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Amendments Schedule 1

Amendments			
Rule 270 (1) (a) and (b)	Ride motor bike without helmet and with 2 or more passengers not wearing helmets	9	18
Rule 270 (1) (b)	Ride motor bike with one passenger not wearing helmet	3	6
Rule 270 (1) (b)	Ride motor bike with 2 or more passengers not wearing helmets	6	12
Rule 271 (1) (a)	Not sit astride on motor bike rider's seat	3	3
Rule 271 (4)	Unauthorised carriage of pillion passenger on motor bike or motor trike	3	3
Rule 271 (5)	Exceed number of passengers in motor bike side car	3	3
Rule 287	Not stop and supply required particulars at scene of crash	3	3
Rule 288 (1) (except in school zone)	Drive on path	3	3
Rule 288 (1) (in school zone)	Drive on path	4	4
Rule 289 (1) (except in school zone)	Drive on nature strip	3	3
Rule 289 (1) (in school zone)	Drive on nature strip	4	4
Rule 290 (except in school zone)	Drive on traffic island	3	3
Rule 290 (in school zone)	Drive on traffic island	4	4
Rule 291	Start or drive a vehicle causing unnecessary noise or smoke	3	3
Rule 292 (a)	Drive/tow vehicle with unsecured load	3	3
Rule 292 (b)	Drive/tow vehicle with load causing instability	3	3
Rule 292 (c)	Drive/tow vehicle with overhanging load	3	3
Rule 293 (2)	Not remove/have removed any thing fallen/put upon road	3	3
Rule 294 (1)	Tow without appropriate control of towed vehicle	3	3
Rule 294 (2) (a)	Tow without control of trailer	3	3

Road Transport (Driver Licensing) Amendment (School Zones)  
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Schedule 1 Amendments

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Rule 294 (2) (b)	Tow trailer when unsafe	3	3
Rule 295 (1) and (2)	Not keep required distance (towing with towline)	2	2
Rule 295 (1) and (3)	Not keep required distance (towing with towline—motor bike)	2	2
Rule 295 (1), (4) and (5) (a)	Warning material not correct shape/length	2	2
Rule 295 (1), (4) and (5) (b)	Warning material not in correct position	2	2
Rule 295 (1), (4) and (5) (c)	Warning material not visible	2	2
Rule 296 (1) (except in school zone)	Not reverse vehicle safely	2	2
Rule 296 (1) (in school zone)	Not reverse vehicle safely	3	3
Rule 297 (except in school zone)	Not have proper control of vehicle	3	3
Rule 297 (in school zone)	Not have proper control of vehicle	4	4
Rule 298	Tow trailer with person in/on trailer	3	3
Rule 299 (1) (a) (except in school zone)	Drive vehicle with TV/VDU image visible	3	3
Rule 299 (1) (a) (in school zone)	Drive vehicle with TV/VDU image visible	4	4
Rule 300 (except in school zone)	Use hand-held mobile phone while driving	3	3
Rule 300 (in school zone)	Use hand-held mobile phone while driving	4	4

Road Transport (Driver Licensing) Amendment (School Zones)  
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Amendments

Schedule 1

**[3] Schedule 2**

Omit the matter relating to clause 38 (1), (5) or (6) or 39 in Columns 1, 2, 3 and 4 under the heading *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead:

Clause 38 (1), (5) or (6) (except in school zone)	Exceeding speed limit:		
	(a)	where the speed limit is exceeded by more than 45km/h	6 12
	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4 8
	(c)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h	3 6
Clause 38 (1), (5) or (6) (in school zone)	Exceeding speed limit:		
	(a)	where the speed limit is exceeded by more than 45km/h	7 14
	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	5 10
	(c)	where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h	4 8
Clause 39	Exceeding speed limit:		
	(a)	where the speed limit is exceeded by more than 45km/h	6 12

Road Transport (Driver Licensing) Amendment (School Zones)  
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Schedule 1 Amendments

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- (b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h 4 8
  - (c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h 3 6
  - (d) where the speed limit is exceeded by not more than 15km/h 3 6

[4] Dictionary

Insert in alphabetical order:

*school zone* means a school zone (as defined in rule 23 of the *Australian Road Rules*), but only during any period in which the speed limit indicated by a school zone sign has effect, as referred to in clause 13 of Schedule 1 to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.



New South Wales

## Road Transport (General) Amendment (School Zones) Regulation 2007

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

### Explanatory note

The object of this Regulation is to amend the *Road Transport (General) Regulation 2005* to increase the “on the spot” penalties applying to certain offences if they are committed in operating school zones.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power) and 183.

Clause 1 Road Transport (General) Amendment (School Zones) Regulation 2007

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## **Road Transport (General) Amendment (School Zones) Regulation 2007**

under the

Road Transport (General) Act 2005

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) Amendment (School Zones) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 21 May 2007.

### **3 Amendment of Road Transport (General) Regulation 2005**

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

Road Transport (General) Amendment (School Zones) Regulation 2007

Amendments

Schedule 1

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

*school zone* means a school zone (as defined in rule 23 (2) of the *Australian Road Rules*), but only during any period in which the speed limit indicated by a school zone sign has effect, as referred to in clause 13 of Schedule 1 to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

### [2] Clause 41 Penalty levels

Omit the matter relating to *Level 15*. Insert instead:

*Level 15* means a penalty of \$1,750.

*Level 16* means a penalty of \$2,409.

*Level 17* means a penalty of \$2,700.

### [3] Schedule 3 Penalty notice offences

Omit the matter in Columns 1, 2 and 3 under the heading *Australian Road Rules*.

Insert instead:

Rule 20:

- |       |   |         |          |
|-------|---|---------|----------|
| (a)   | in the case of a class A motor vehicle and otherwise than in school zone:                         |         |          |
| (i)   | driven at a speed of not more than 15 km/h above the speed limit applicable                       | Class 1 | Level 2  |
| (ii)  | driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 5  |
| (iii) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9  |
| (iv)  | driven at a speed of more than 45 km/h above the speed limit applicable                           | Class 1 | Level 14 |
| (b)   | in the case of a class B motor vehicle and otherwise than in school zone:                         |         |          |
| (i)   | driven at a speed of not more than 15 km/h above the speed limit applicable                       | Class 1 | Level 5  |



## Road Transport (General) Amendment (School Zones) Regulation 2007

## Schedule 1 Amendments

- 
- |          |   |         |          |
|----------|---|---------|----------|
| (ii)     | driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6  |
| (iii)    | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9  |
| (iv)     | driven at a speed of more than 45 km/h above the speed limit applicable                           | Class 1 | Level 14 |
| (c)      | in the case of a class C motor vehicle and otherwise than in school zone:                         |         |          |
| (i)      | driven at a speed of not more than 15 km/h above the speed limit applicable                       | Class 1 | Level 5  |
| (ii)     | driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6  |
| (iii)    | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 11 |
| (iv)     | driven at a speed of more than 45 km/h above the speed limit applicable                           | Class 1 | Level 16 |
| Rule 20: |   |         |          |
| (a)      | in the case of a class A motor vehicle and in school zone:  |         |          |
| (i)      | driven at a speed of not more than 15 km/h above the speed limit applicable                       | Class 1 | Level 3  |
| (ii)     | driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6  |
| (iii)    | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 10 |
| (iv)     | driven at a speed of more than 45 km/h above the speed limit applicable                           | Class 1 | Level 15 |
| (b)      | in the case of a class B motor vehicle and in school zone:  |         |          |
| (i)      | driven at a speed of not more than 15 km/h above the speed limit applicable                       | Class 1 | Level 6  |
| (ii)     | driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 7  |

## Road Transport (General) Amendment (School Zones) Regulation 2007

## Amendments

## Schedule 1

(iii)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 10
(iv)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
(c)	in the case of a class C motor vehicle and in school zone:		
(i)	driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
(ii)	driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
(iii)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 12
(iv)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 17
	Rule 27 (1); Rule 28 (1); Rule 29; Rule 31; Rule 32 (1); Rule 33 (1) and (2); Rule 33 (1) and (3); Rule 88; Rule 89; Rule 90; Rule 91; Rule 92 (1); Rule 98 (1); Rule 99; Rule 100:		
(a)	in relation to the use of a motor vehicle	Class 1	Level 4
(b)	in relation to the use of any other vehicle	Class 1	Level 1
	Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, otherwise than in school zone	Class 1	Level 4
	Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, in school zone	Class 1	Level 5
	Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71 (1), Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299 (1), Rule 300, otherwise than in school zone	Class 1	Level 5
	Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71 (1), Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299 (1), Rule 300, in school zone	Class 1	Level 6
	Rule 43; Rule 93 (1); Rule 94; Rule 95 (1); Rule 96 (1); Rule 97 (1); Rule 111; Rule 115 (1); Rule 116; Rule 125 (1); Rule 128; Rule 143; Rule 155 (1); Rule 156 (1); Rule 295 (1) and (2); Rule 295 (1) and (3)	Class 1	Level 4

## Road Transport (General) Amendment (School Zones) Regulation 2007

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Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53; Rule 102 (1); Rule 105; Rule 107; Rule 112; Rule 113; Rule 117; Rule 118 (1); Rule 118 (2); Rule 141 (1); Rule 153 (1); Rule 162 (1); Rule 163 (1); Rule 164 (1); Rule 222 (2); Rule 295 (1), (4) and (5) (a); Rule 295 (1), (4) and (5) (b); Rule 295 (1), (4) and (5) (c)	Class 1	Level 3
Rule 56 (1), in relation to the use of a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 56 (1), in relation to the use of a motor vehicle in school zone	Class 1	Level 7
Rule 56 (1), in relation to the use of a motor vehicle at toll booth	Class 1	Level 3
Rule 56 (1), in relation to the use of a vehicle not being a motor vehicle	Class 1	Level 1
Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to the use of a motor vehicle otherwise than in school zone	Class 1	Level 6
Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to the use of a motor vehicle in school zone	Class 1	Level 7
Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to the use of a vehicle not being a motor vehicle	Class 1	Level 1
Rule 57, Rule 60, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), otherwise than in school zone	Class 1	Level 6
Rule 57, Rule 60, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), in school zone	Class 1	Level 7
Rule 59 (1), in relation to the use of a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 59 (1), in relation to the use of a motor vehicle in school zone	Class 1	Level 7
Rule 59 (1), in relation to the use of a motor vehicle at toll booth	Class 1	Level 3
Rule 59 (1), in relation to the use of a vehicle not being a motor vehicle	Class 1	Level 1
Rule 66; Rule 78 (1); Rule 78 (2); Rule 79 (1); Rule 121; Rule 122; Rule 123; Rule 124; Rule 126; Rule 152; Rule 274; Rule 275; Rule 277; Rule 279; Rule 281; Rule 282; Rule 284; Rule 286; Rule 294	Class 1	Level 6

## Road Transport (General) Amendment (School Zones) Regulation 2007

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Rule 72 (1); Rule 73 (1); Rule 74 (1); Rule 75 (1); Rule 76 (1); Rule 76 (2); Rule 77 (1); Rule 84 (1) (a); Rule 84 (1) (b); Rule 85; Rule 86 (1); Rule 87; Rule 108 (1); Rule 114; Rule 136; Rule 140; Rule 142 (1); Rule 144; Rule 145; Rule 148; Rule 149; Rule 154 (1); Rule 157 (1); Rule 159 (1); Rule 224; Rule 264 (1); Rule 265 (1); Rule 266 (1); Rule 268; Rule 269 (1); Rule 269 (3); Rule 269 (4); Rule 270 (1) (a); Rule 270 (2); Rule 271 (1) (a); Rule 271 (2) (a); Rule 271 (2) (a) and (3); Rule 271 (4); Rule 271 (5); Rule 287; Rule 298	Class 1	Level 5
Rule 83:		
(a) in relation to the use of a motor vehicle	Class 1	Level 6
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 103	Class 1, 2, 14	Level 4
Rule 104:		
(a) in relation to any length of road other than the length of road referred to in paragraph (b)	Class 1, 2, 14	Level 3
(b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge	Class 1, 2, 14	Level 14
Rule 106	Class 1, 2, 14	Level 3
Rule 119; Rule 141 (2); Rule 151; Rule 223; Rule 228; Rule 229; Rule 230 (1); Rule 231 (1); Rule 232 (1); Rule 232 (3); Rule 232 (4); Rule 233; Rule 234; Rule 235; Rule 236; Rule 237 (1); Rule 238; Rule 239; Rule 240; Rule 241; Rule 242 (1); Rule 243; Rule 244; Rule 245; Rule 246; Rule 247 (1); Rule 248; Rule 249; Rule 250; Rule 251; Rule 252 (1); Rule 253; Rule 254; Rule 255; Rule 256; Rule 257 (1); Rule 258; Rule 259; Rule 260; Rule 261 (1); Rule 262; Rule 301; Rule 302; Rule 303	Class 1	Level 1
Rule 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 6
Rule 129 (1); Rule 137 (1); Rule 138 (1):		
(a) in relation to the use of a motor vehicle	Class 1	Level 4
(b) in relation to the use of any other vehicle	Class 1	Level 1

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## Road Transport (General) Amendment (School Zones) Regulation 2007

## Schedule 1 Amendments

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Rule 130; Rule 131; Rule 132; Rule 135 (1):		
(a) in relation to the use of a motor vehicle	Class 1	Level 5
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 4
Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 4
Rule 160; Rule 161; Rule 212; Rule 213 (2); Rule 215; Rule 216; Rule 217 (1); Rule 218; Rule 219; Rule 221; Rule 271 (1) (b); Rule 271 (1) (c); Rule 271 (2) (b); Rule 271 (2) (b) and (3); Rule 272; Rule 296 (2)	Class 1	Level 2
Rule 167, in relation to a sign bearing the words "no stopping" and otherwise than in school zone	Class 1, 12, 16	Level 4
Rule 167, in relation to a sign bearing the words "no stopping" and in school zone	Class 1, 12, 16	Level 5
Rule 167, in relation to a sign bearing the words "no standing"	Class 1, 12, 16	Level 2
Rule 168 (1), otherwise than in school zone	Class 1, 12, 16	Level 2
Rule 168 (1), in school zone	Class 1, 12, 16	Level 3
Rule 169; Rule 170; Rule 176 (1); Rule 177 (1); Rule 178; Rule 187	Class 1, 12, 16	Level 4
Rule 171 (1), Rule 172 (1), Rule 173 (1), otherwise than in school zone	Class 1, 12	Level 5
Rule 171 (1), Rule 172 (1), Rule 173 (1), in school zone	Class 1, 12	Level 6
Rule 174 (2); Rule 175 (1)	Class 1, 12	Level 5
Rule 179; Rule 180 (1); Rule 181 (1); Rule 190 (1); Rule 208 (1) and (2)	Class 1, 12	Level 3
Rule 182 (1); Rule 196 (1)	Class 1, 4, 12	Level 3

## Road Transport (General) Amendment (School Zones) Regulation 2007

## Amendments

## Schedule 1

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Rule 183 (1), otherwise than in school zone	Class 1, 3, 4, 12	Level 4
Rule 183 (1), in school zone	Class 1, 3, 4, 12	Level 5
Rule 184 (1), in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 3, 4, 12	Level 3
Rule 184 (1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 3, 4, 12	Level 2
Rule 185 (1); Rule 186 (1)	Class 1, 4, 12	Level 2
Rule 188; Rule 193 (1); Rule 194 (1); Rule 198 (1); Rule 199 (1); Rule 200; Rule 201; Rule 202; Rule 205; Rule 208 (1) and (3); Rule 208 (1) and (4); Rule 208 (1) and (5); Rule 208 (1) and (7); Rule 208 (1) and (8); Rule 209 (2); Rule 210 (1); Rule 211	Class 1, 12	Level 2
Rule 189, otherwise than in school zone	Class 1, 12	Level 4
Rule 189, in school zone	Class 1, 12	Level 5
Rule 191; Rule 192	Class 1, 12, 16	Level 3
Rule 195 (1), otherwise than in school zone	Class 1, 4, 12	Level 4
Rule 195 (1), in school zone	Class 1, 4, 12	Level 5
Rule 197 (1), Rule 198 (2), otherwise than in school zone	Class 1, 12	Level 2
Rule 197 (1), Rule 198 (2), in school zone	Class 1, 12	Level 3
Rule 203 (1)	Class 1, 12	Level 7
Rule 208 (1) and (6)	Class 1, 12	Level 4
Rule 220 (1)	Class 1, 2, 12	Level 2
Rule 226; Rule 227	Class 1, 2	Level 2
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 8
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 13
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 5

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## Road Transport (General) Amendment (School Zones) Regulation 2007

## Schedule 1 Amendments

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Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 8
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 12
Rule 291	Class 1, 2	Level 5
Rule 292 (a); Rule 292 (b)	Class 1, 2, 12	Level 6
Rule 292 (c)	Class 1, 2	Level 6
Rule 293 (2)	Class 1, 2, 16	Level 6
Rule 296 (1), otherwise than in school zone	Class 1	Level 3
Rule 296 (1), in school zone	Class 1	Level 4
Rule 304 (1)	Class 1, 16	Level 5

**[4] Schedule 3**

Omit the matter relating to clause 38 in Columns 1, 2 and 3 under the heading *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead:

Clause 38 (1):

- (a) in the case of a class B motor vehicle and otherwise than in school zone:
- |   |         |          |
|---|---------|----------|
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable                         | Class 1 | Level 5  |
| (ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable  | Class 1 | Level 6  |
| (iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9  |
| (iv) driven at a speed of more than 45 km/h above the speed limit applicable                            | Class 1 | Level 14 |
- (b) in the case of a class C motor vehicle and otherwise than in school zone:
- |   |         |         |
|---|---------|---------|
| (i) driven at a speed of not more than 15 km/h above the speed limit applicable | Class 1 | Level 5 |
|---|---------|---------|

## Road Transport (General) Amendment (School Zones) Regulation 2007

## Amendments

## Schedule 1

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(ii)	driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 11
(iv)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 16
Clause 38 (1):			
(a)	in the case of a class B motor vehicle and in school zone:		
(i)	driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
(ii)	driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
(iii)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 10
(iv)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
(b)	in the case of a class C motor vehicle and in school zone:		
(i)	driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
(ii)	driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
(iii)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 12
(iv)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 17
Clause 38 (4), Clause 38 (5), Clause 38 (6), otherwise than in school zone:			
(a)	in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 2

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## Road Transport (General) Amendment (School Zones) Regulation 2007

## Schedule 1 Amendments

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(b)	in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 5
(c)	in the case of a vehicle driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(d)	in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
Clause 38 (4), Clause 38 (5), Clause 38 (6), in school zone:			
(a)	in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 3
(b)	in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(c)	in the case of a vehicle driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 10
(d)	in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15

**[5] Schedule 3**

Omit "Level 15" in Column 3 of the matter relating to clause 40 (1) under the heading *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead "Level 16".

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## Orders

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New South Wales

# Public Sector Employment and Management (Transport and Population Data Centre) 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 16th day of May 2007.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,  
Premier

Clause 1            Public Sector Employment and Management (Transport and Population Data Centre) Order 2007

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## **Public Sector Employment and Management (Transport and Population Data Centre) Order 2007**

under the

Public Sector Employment and Management Act 2002

### **1 Name of Order**

This Order is the *Public Sector Employment and Management (Transport and Population Data Centre) Order 2007*.

### **2 Commencement**

This Order commences on 18 May 2007.

### **3 Transfer of branch from Department of Planning to Ministry of Transport**

- (1) The group of staff in the Department of Planning who are employed in connection with the Transport and Population Data Centre (except such staff who, in the opinion of the Director-General of the Department of Premier and Cabinet, are principally involved in population data analysis) are removed from the Department of Planning and added to the Ministry of Transport.
- (2) A reference in any Act or statutory instrument, or any other instrument, or any contract or agreement, to the Department of Planning (in relation to the group of staff removed from that Department under subclause (1)) is to be construed as a reference to the Ministry of Transport.

# OFFICIAL NOTICES

## Appointments

### BOXING AND WRESTLING CONTROL ACT 1986

Department of the Arts, Sport and Recreation

Appointment of Member to the Boxing Authority of  
New South Wales

I recommend for the approval of Her Excellency the Governor, with the advice of the Executive Council that pursuant to Section 4(4)(b) of the *Boxing and Wrestling Control Act 1986*, Superintendent Peter Williams be appointed to the office of Member of the Boxing Authority of NSW (being a member of the Police Service of or above the rank of Inspector nominated by the Commissioner of Police) for a term of office from the date of the Governor's approval until 19 May 2009.

GRAHAM WEST, M.P.,  
Minister for Gaming and Racing  
Minister for Sport and Recreation

2. pursuant to Clause 4(4)(a) of the *Boxing and Wrestling Control Act 1986*, Mr Terence Hartmann be re-appointed Chairperson of the Authority for the above term.
3. pursuant to Section 4(4)(c) of the *Boxing and Wrestling Control Act 1986*, Dr Justin Paoloni be re-appointed to the office of Member of the Boxing Authority of NSW (a medical practitioner nominated by the Australian Sports Medicine Federation, New South Wales Branch) for the above term.

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#### Schedule

Mr Terence Hartmann  
Dr Justin Paoloni  
Mr David Grainger  
Mr William Males  
Mr Robert Hunter  
Mr John McDougall

GRAHAM WEST, M.P.,  
Minister for Gaming and Racing  
Minister for Sport and Recreation

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### BOXING AND WRESTLING CONTROL ACT 1986

Department of the Arts, Sport and Recreation

Re-appointment of Members of the Boxing Authority of  
New South Wales and Nomination of Chairperson

I recommend for the approval of Her Excellency the Governor, with the advice of the Executive Council that:

1. pursuant to Clause 3 Schedule 1 of the *Boxing and Wrestling Control Act 1986*, the persons named in the Schedule hereto be re-appointed to the office of Member of the Boxing Authority of NSW for a term of office commencing on 20 May 2007 and terminating on 19 May 2009.

## 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 Roads

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

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

#### Descriptions

*Land District – Armidale; LGA – Armidale Dumaresq*

Roads closed: Lots 1 and 2, DP 1112271 at Thalgarrah, Parish Hillgrove, County Sandon. File No.: AE06 H 39.

Note: On closing, the lands within Lots 1 and 2, DP 1112271 remains vested in the State of New South Wales as Crown Land.

*Land District – Inverell; LGA – Inverell*

Road closed: Lot 1, DP 1112269 at Myall Creek, Parish Delungra, County Murchison. File No.: AE05 H 255.

Note: On closing, the lands within Lot 1, DP 1112269 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) 6841 5200      Fax: (02) 6841 5231**

#### ROADS ACT 1993

Order

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown 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 ceases to be a Crown road.

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

#### SCHEDULE 1

The Crown public road north of Lot 512, DP 1000313; north of Lots 355 and 356, DP 755434 and approximately 220 metres north of Lot 354, DP 755434, Parish of Guntawang, County of Phillip.

#### SCHEDULE 2

Road Authority: Mid-Western Shire Council.

File No.: W396976.

Council's Reference: GG P1077011.

### GOULBURN OFFICE

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

**Phone: (02) 4828 6725      Fax: (02) 4828 6730**

#### RESERVATION OF CROWN LAND

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

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

#### SCHEDULE

##### *Column 1*

Land District: Goulburn  
Local Government Area:  
Goulburn Mulwaree Council  
Locality: Kingsdale  
Lot 7004, DP 750054 #,  
Parish Wayo, County Argyle  
Area: About 7900m<sup>2</sup>  
File Reference: GB81 H 265

##### *Column 2*

Reserve No. 1013468  
Public Purpose: Future  
public requirements

Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.

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

**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>
Tait Graeme Bedlington (re-appointment) Bonnie Mary Tasker (new member) Richard Walter Standfield (re-appointment) Rodney David Hyland (re-appointment) Amy Jean Standfield (re-appointment) William Donald Croft (re-appointment) Wayne Robert SOMERVILLE (re-appointment)	Toonumbar Public Recreation Reserve Trust	Reserve No. 87153 Public Purpose: Public recreation Notified: 24 April 1969 File Reference: GF81 R 354
For a term commencing the date of this notice and expiring 10 May 2012.		

**APPOINTMENT OF CORPORATION TO MANAGE  
RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Nambucca Shire Council	Nambucca River Foreshore Reserve Trust	Reserve No. 88151 Public Purpose: Preservation of native flora, public recreation, public baths Notified: 26 February 1971 File Reference: GF93 R 3/1

**ESTABLISHMENT OF RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Nambucca River Foreshore Reserve Trust	Reserve No. 88151 Public Purpose: Preservation of native flora, public recreation, public baths Notified: 26 February 1971 File Reference: GF93 R 3/1

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

PURSUANT to section 117 of the Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified 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>
Geoff FIRKIN	Corindi Beach Caravan Park Reserve Trust	Reserve No. 55008 Public Purpose: Public Recreation The whole being Lot 7021, DP 1056259 and Part Lot 143, DP 752820, excludes that part shown by hatching on diagram of approximately 1400 square metres adjacent to Pacific Street.

For a term commencing  
1 July 2007 and expiring  
30 January 2008.



**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 reserves 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>
Crown Lands Reserve Trust.	Reserve for Police purposes. Part reserve being Allotment 6, section 9, DP 758084. Notified: 24 December 1861. File No.: GF04 R 31.

**HAY OFFICE**

**126 Lachlan Street (PO Box 182), Hay NSW 2711**

**Phone: (02) 6993 1306 Fax: (02) 6993 1135**

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

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

Description

*Land District – Hillston; L.G.A. – Carrathool*

Lot 1 of DP 1107947, Parish of South Marowie, County of Nicholson. File No.: HY99 H 108

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



## MAITLAND OFFICE

Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323

Phone: (02) 4937 9300 Fax: (02) 4934 2252

## AUTHORISATION OF ADDITIONAL PURPOSE

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

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

## SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Community Purposes	Reserve No. 87882 Public Purpose: Bush Fire Brigade Notified: 7 August 1970
File Ref: MD98 R 17	

## REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 (1) 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: Gosford Local Government Area: Gosford Reserve No: 78162 Public Purpose: Public recreation File Reference: MD04 H 221	Part within Lot 1, DP 1081952, formerly Lot 7018, DP 755227 Parish: Gosford County: Northumberland
Note: Revocation of this Reserve is the final action in the granting of Lease 369711 to Gosford Sailing Club Ltd]	

## REVOCATION OF APPOINTMENT OF RESERVE TRUST

PURSUANT to section 92 (3) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedule hereunder, as trustee of the reserve specified opposite thereto in Column 2 of the Schedule, is revoked 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. 87894 for the public purpose of public recreation, notified in <i>Government Gazette</i> of 17 August 1973, folio 3524	That part comprising Lots 24, 25, 26, 27, 28, 38, 39, 40 and 41, DP 241179 File No. MD81 R 90(5)

## REVOCATION FOR RESERVATION OF CROWN LAND

PURSUANT to section 90 (1) 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 Local Government Area: Muswellbrook Locality: Liddell Reserve No: 87894 Purpose: Public Recreation Notified: 17 August, 1973	The part being within: Lots 24, 25, 26, 27, 28, 38, 39, 40 and 41, DP 241179 Parish: Savoy County: Durham File No.: MD81 R 90(5)

## REVOCATION FOR RESERVATION OF CROWN LAND

PURSUANT to section 90 (1) 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 Local Government Area: Port Stephens Locality: Fenninghams Island Reserve No.: 83917 Public Purpose: For future public requirements Notified: 20 July 1962 File Reference: MD06 H 290	That part being within: Lot 4, DP 1024882 Lot 5, DP 1024882 Parish: Tomaree County: Gloucester Area: 1.955 hectares

## REVOCATION FOR RESERVATION OF CROWN LAND

PURSUANT to section 90 (1) 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 Local Government Area: Port Stephens Locality: Fenninghams Island Reserve No.: 96 Public Purpose: For access Notified: 6 December 1880 File Reference: MD06 H 290	That part being within: Lot 4, DP 1024882 Lot 5, DP 1024882 Parish: Tomaree County: Gloucester Area: 1.955 hectares



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

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed and the road ceases to be 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

*Land District – Kiama; LGA – Kiama*

Lot 63, DP 1095779 at Kiama, Parish Kiama and County Camden, NA05 H 244.

Note: On closing, the land remains vested in Kiama Council as "Operational land" (ST0310).

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

PURSUANT to the provisions of the Commons Management Act 1989, the undermentioned persons were elected, as the trust board of the Common hereinafter particularised and will hold office from 19 May 2007, until the next trust board general election.

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

St Albans Common

Kate HUGHES (President),  
Chris O'GRADY (Secretary),  
Bob BOLIN (Treasurer),  
Robert STERNBECK and Kelvin THOMPSON.

File No.: MN81 R 18/2.

**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, M.L.C.,  
Minister for Lands

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Chinamans Beach (R500316) Reserve Trust.	Dedication No.: 500316. Public Purpose: Public recreation. Notified: 19 September 1906. File No.: MN94 R 123/2.

**REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to section 90(1) of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedules hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedules

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

**SCHEDULE 1**

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan. Council: Warringah. Parish: Manly Cove. County: Cumberland. Location: Davidson. Reserve No.: 1011448. Purpose: For future public requirements. Date of Notification: 31 March 2006. File No.: MN05 H 316.	Part Reserve 1011448 being the whole of Lots 1 and 2, section 170, DP 244166 and Lots 3001 and 3002, DP 1109906.

**SCHEDULE 2**

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan. Council: Hornsby. Parish: South Colah. County: Cumberland. Location: Mt Ku-ring-gai. Reserve: 80773 and 86895. Purpose: For future public requirements. Date of Notification: 20 June 1958 and 4 October 1968, respectively. File No.: MN06 H 308.	The whole of Reserve 80773 and 86895 being the whole of Lot 100, DP 1109905.

**SCHEDULE 3**

<i>Column 1</i>	<i>Column 2</i>
Land District: Windsor. Council: Hawkesbury. Parish: Merroo. County: Cook. Location: Kurrajong. Reserve No.: 87961. Purpose: For future public requirements. Date of Notification: 9 October 1970. File No.: MN06 H 248.	The whole of Reserve 87961 being the whole of Lot 110, DP 751658.

**TAMWORTH OFFICE****25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****ROADS ACT 1993****ORDER**

Transfer of Crown Road to Council

IN pursuance of provisions of section 151, Roads Act 1993, The Crown public roads specified in Schedule 1 are 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 roads specified in Schedule 1 cease to be Crown public road.

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

**SCHEDULE 1**

*Parish – Bloomfield; County – Inglis  
Land District – Tamworth;  
L.G.A. – Tamworth Regional Council*

Crown public road of 20.115 metres wide and described as separating Lot 3, DP 817679 from Lot 170, DP 753832.

**SCHEDULE 2**

Roads Authority: Tamworth Regional Council  
File No.: TH05 H 346

**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 opposite thereto in Column 2 of the Schedule.

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

**SCHEDULE***Column 1*

All Crown Land in the Eastern and Central Divisions of the State that is not within a reserve or part of any holding.

Purpose: Future public requirements  
Notified: 31 March 2006  
File No.: LANDS06/138

*Column 2*

Part Reserve 1011448, being Lot 125, DP 705070, Parish of Bullimball, County of Parry, with an area 8300m<sup>2</sup>  
File No.: TH06 H 177

**TAREE OFFICE****98 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6591 3500 Fax: (02) 6552 2816****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 294, DP 43110, Parish Tuncurry, County Gloucester File: TE06 R 30

**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*

Forster Tuncurry Golf Course (R96486)  
Reserve Trust

*Column 2*

Reserve No.: 96486  
Public Purpose: Public recreation  
Notified: 3 December 1982  
File: TE83 R 9

**WAGGA WAGGA OFFICE****Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed, the road 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

*Parish – Killimicat; County – Buccleuch  
Land District – Tumut; Shire – Tumut*

Road Closed: Lot 1 in DP 1107944 at Killimicat. File No.: WA05 H 122

Note: On closing, the land within Lots 1 in DP 1107944 remains vested in the State of New South Wales as Crown land.

**WESTERN DIVISION OFFICE****45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830****Phone: (02) 6883 3000 Fax: (02) 6883 3099****APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE**

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

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

## SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Louth Tennis Club Reserve Trust	Reserve No. 82814 Public Purpose: Tennis Courts Notified: 23 September 1960 File Ref.: WL86 R 21/2

**ERRATUM**

IN the notification appearing in the *Government Gazette* of 4th May 2007, Folio 2606 under the heading Notification of Closing of a Road, the Lot number for the road should have read 71.

**ERRATUM**

IN the notification appearing in the *Government Gazette* of 4th May 2007, Folio 2600 under the heading Granting of a Western Lands Lease, the Deposited Plan No. for Western Lands Lease 14824 should have read 1076808.

**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, M.L.C.,  
Minister for Lands

## SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Mourquong Water Supply Reserve Trust	Reserve No. 74306 Public Purpose: Water supply Notified: 13 July 1951 File Ref.: WL03 R 26/1

## Department of Water and Energy

### WATER ACT 1912

APPLICATIONS under part 2, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

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

#### *Macquarie River Valley*

PATRICK CHRISTOPHER AND GAIL DOROTHY WHITE for a dam and a pump on an Unnamed Watercourse, Lot 27, DP 755121, Parish of Obley, County of Narromine for conservation and water supply for stock and domestic purpose (new licence) (80SL96268).

CHRISTOPHER DAMIEN STAR AND BELINDA JANE HARRIS for a pump on the Castlereagh River, Lots 1, 8 and 23, DP 754201, Parish of Dahomey and Lot 4, DP 734356, Parish of Nugal, both County of Leichhardt for water supply for stock and domestic purposes and irrigation of 80 hectares (fodder crops) (replacing existing entitlement by way of permanent transfer) (80SL96266).

Application for a new authority for Joint Water Supply under section 20 for works within a proclaimed (declared) area as generally described hereunder has been received from:

MARK MCLAUGHLIN AND OTHERS for a pump on Peppers Creek, Part Lot 195, DP 753052 (Reserve 75724), Parish of Rockley, County of Georgiana for water supply for domestic purposes (replacing existing licence) (80SA10639).

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

Applications under part 8, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

An application for an approval of a controlled work under section 167, for works within a proclaimed (declared) local area as generally described hereunder have been received from:

#### *Unregulated Darling River Valley*

BACK O'BOURKE FRUITS PTY LTD (Receiver and Manager Appointed) for a proposed storage on the Darling River floodplain, Lots 20, 21 and 22, DP 753574, Parish of Pera, County of Gunderbooka for water conservation (in lieu of advertisement dated 19 May 1997) (80CW809610).

Written objections to the applications specifying grounds of how your interests may be affected may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Office at Dubbo, by 14 June 2007.

Any enquiries regarding the above should be directed to:

Richard Wheatley,  
A/Senior Natural Resource Officer (Licensing North),  
Department of Water and Energy  
PO Box 717, Dubbo NSW 2830  
Phone: (02) 6841 7414,  
Fax: (02) 6884 0096

GA2: 310234

### WATER ACT 1912

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

John HARPLEY for a pump on the Pages River on part Lot 701, DP 1024807, Parish of Murulla, County of Brisbane for water supply for domestic purposes (exempt from current 22BA embargo) 20SL061721

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

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication. Please forward all written objections to the Department of Water and Energy, PO Box 2213, Dangar NSW 2309.

HEMANTHA DE SILVA,  
Senior Licensing Officer,  
Coastal North

**SURVEY AND DRAFTING  
DIRECTIONS  
FOR MINE SURVEYORS  
2007  
(NSW – COAL)**

Note: These Directions are for coal mines in New South Wales. Refer to the document entitled *Survey and Drafting Directions for Mining Surveyors*, published in December 2001 by the Department of Mineral Resources, in respect to mining surveys carried out for the purposes of the *Mines Inspection Act 1901* and the *Mine Health and Safety Act 2004*

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SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)

**SURVEY AND DRAFTING  
DIRECTIONS  
FOR  
MINE SURVEYORS  
(NSW - COAL)**

**Issued by the Surveyor-General on the advice of the Board of Surveying and Spatial Information pursuant to clause 4 of the Surveying Regulation 2006**

This Direction replaces the *Survey and Drafting Directions for Mine Surveyors Issued Pursuant to Part 7, Clause 64, Of the Coal Mines (General) Regulation 1999* published in March 2000.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)**

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS**

**CONTENTS**

- 1. GENERAL**
- 2. DEFINITIONS**
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- 4. MINE WORKINGS PLAN (MWP)**
- 5. MINE WORKINGS SPATIAL INFORMATION**
- 6. CLOSING PLANS**
- 7. SUPPLY OF MINE WORKINGS PLAN AND MINE RECORD TRACING**
- 8. OTHER PLANS REQUIRED**
- 9. STANDARDS FOR THE PREPARATION OF MINE WORKINGS DIGITAL THEMES**



**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****1. GENERAL****1.1 Authorisation**

The surveys, plans and digital data standards detailed in these Directions are required by the Surveying Act 2002 and clause 4 of the Surveying Regulation 2006. Specifically the Mine Workings Plan (MWP) is required to be kept in satisfaction of Clause 138 of the Coal Mine Health and Safety Regulation 2006 *Survey and Plan Arrangements*.

**1.2 Preparation**

These Directions provide principally for the conduct of surveys and preparation of plans for coal mines in New South Wales. They provide guidance for preparation of the Hard Copy and the digital recording, storage and preparation of the Mine Workings Plan and Mine Workings Spatial Information for the whole of the mine. They also provide some guidance to the preparation of other plans based on the Mine Workings Spatial Information that are required by the Coal Mine Health and Safety Regulation 2006 and various Departmental guidelines. In particular preparation of plans required in support of various applications that may be required from time to time for the conduct of coal mining operations in New South Wales.

**1.3 Compilation**

- 1.3.1 The Mine Workings Plan and Mine Workings Spatial Information shall be surveyed and compiled on the Map Grid of Australia 1994 (MGA94) based on the Geocentric Datum of Australia 1994 (GDA94) values. The Mine Workings Plan shall be sectionalised into sheets as a best fit for individual Collieries. In determining the best fit for the sheet layout the surveyor should be mindful of the need to provide for expansion of the mine and to fit with adjoining mine workings. If in doubt the surveyor should consult with the Department and with neighbouring mines.
- 1.3.2 The Surveyor-General may request of the Department copies of all or any Mine Workings Spatial Information to be lodged with the Central Plan Register in accordance with the Surveying Act 2002.
- 1.3.3 Where old workings exist it shall be assumed, for the purpose of marking the Mine Workings Plan, that they constitute a danger until the contrary is proven. In this situation, all plans should be regarded with suspicion until their accuracy has been verified. Reasonable effort should be made to obtain all existing information about old workings and, once obtained, to ensure that they are recorded on the Mine Workings Plan in accordance with these Directions.

**Note.** Clause 28 of the Regulation prescribes for the purposes of section 32 of the Act hazards arising from inrush into underground parts of a coal operation as a major hazard to which subdivision 2 of Division 2 of Part 5 of the Act applies. Clause 33 of the Regulation prescribes for the purposes of section 36 of the Act contents of an inrush management plan. Clause 49 of the Regulation prescribes working within an inrush control zone as a high risk activity to which Subdivision 6 of Division 2 of Part 5 of the Act applies.

**1.4 Transfer to MGA94**

- 1.4.1 When Seam Workings Sheets or Void Sheets of the Mine Workings Plan are being prepared to comply with these Directions and the workings of any part of the Mine were completed prior to 31st March 2000, it shall be acceptable to draw an outline of such



**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)**

workings and to endorse the new sheet(s) to refer to any previously prepared Record Tracing held by the Department for detail.

1.4.2 Unless otherwise specified in writing by the Chief Inspector, should the workings on a Seam Workings Sheet or Void Sheet prepared under the direction of the Chief Inspector, other than in accordance with these Directions, become active in an area previously shown in outline, then the relevant workings shall be reproduced in full on the Seam Workings Sheet or Void Sheet of the Mine Workings Plan in accordance with these Directions.

1.4.3 Nothing shall prevent the transfer of Mine workings in full to the Mine Workings Plan.

**1.5 Symbols**

The technical symbols, sign conventions and definitions for strata to be shown on the Mine Workings Plan and the Mine Workings Spatial Information shall be in accordance with these Directions, and shall conform to those illustrated in the Australian Standard for Mine Plans – Preparation and Symbols (AS-4368), the Australian Standard for Geological Symbols (AS-2916). If a symbol is not provided for in AS4368 or AS2916 the Mining Surveyor may create a suitable symbol to be also shown in the legend.

**1.6 Duties of a Mining Surveyor**

A mining surveyor must ensure that:

- (a) any variation of the coal operation workings from a mine workings plan of which the surveyor becomes aware, or
  - (b) any interference with or obstruction to the performance of his or her functions, or
  - (c) any doubt about the accuracy of any plans,
- is brought to the attention of the relevant operator.

**Note:** Clause 143 of the Regulation prescribes this requirement.

**1.7 Liability of a Mining Surveyor**

The liability of a Mining Surveyor in complying with these Directions for a Mine shall be limited to the period of time of nomination as the Mining Surveyor for that Mine.

**Note.** Subdivision 3 of Division 2 of Part 5 of the Act applies to the Management Structure for a Coal Operation.

**2. DEFINITIONS**

In these Directions the following words and terms have the meanings indicated:

**Abandoned**

A Mine or a Seam shall be deemed to be Abandoned where the workings of the Mine or Seam, as the case may be, have been Discontinued and there is no Care and Maintenance in place.

**Note.** Clause 64 and paragraph 2 of Schedule 1 of the Regulation provide further information regarding abandonment.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****Attribute:**

A database field attached to a feature object in a theme used to describe spatial data and is also known as “object data”.

**Australian Height Datum (AHD)**

AHD is the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**Bench Marks**

Marks established at or in a Mine from which the levels (heights) of the Mine workings are determined.

**Borehole**

A Borehole includes any hole (whether vertical, horizontal, inclined, or a combination of these), that may affect the safety of the Mine, drilled for: -

- (a) exploration,
- (b) gas drainage,
- (c) outburst relief,
- (d) Services (e.g. power, water and other services)
- (e) or any other purpose,

but does not include blast holes or shallow holes from the Working Section that do not intersect another Seam.

**Borehole Plan**

A plan or plans prepared in accordance with these Directions as an addition to the Mine Workings Plan where density of boreholes affects the clarity of the Mine Workings Plan.

**BOSSI**

Board of Surveying and Spatial Information as Constituted by the Surveying Act 2002 No 83.

**Care and Maintenance**

Discontinued Mine workings are said to be under Care and Maintenance where mining is suspended and when the Mine workings are maintained in a generally safe and accessible condition so as to allow for recommencement of mining activities without sterilisation of reserves.

**Note.** Clause 64 (1)(b) of the Regulation provides further information.

**Certification**

A written statement or a schedule signed by the Registered Mining Surveyor attesting that the surveying procedures and plan preparation for the period certified, have been carried out pursuant to the standards required by these Directions, the Surveying Regulation 2006, the Act and the Regulation.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****Chief Inspector**

Chief Inspector of Coal Mines, New South Wales Department of Primary Industries, Mineral Resources. The same meaning as defined in the Act.

**Control Surveys**

Substantially marked surveys completed in accordance with ICSM SP1, developed from a Mine Baseline to define the direction and position of the workings of a Mine.

**Department**

New South Wales Department of Primary Industries, Mineral Resources (DPI,MR).

**Director-General**

Director-General of the Department. The same meaning as defined in the Act.

**Discontinued (Discontinuance, refer to clause 64(1)(b) of the Regulation)**

Any discontinuance of all work at the coal operation (where mining is suspended but the operation is kept on a care and maintenance basis),

**Note.** Clause 64 (1)(b) of the Regulation provides further information.

**Escape and Rescue Plan**

Plan required by clause 47 of the Regulation.

**Endorsement**

A notation created, initialled and dated by the certifying Mining Surveyor, drawing attention to any aspect of the compilation of the Mine Workings Plan or Mine Workings Spatial Information that is considered necessary or informative that may or may not be a requirement under these Directions or any legislation.

**ESRI Geodatabase**

A Database created through *ESRI ArcGIS* software containing digital themes and their attribute information, allowing access to large volumes of geographic data. (See **SECTION 9** of these Directions)

**Feature Type**

Description on how spatial data should be defined, for example, a point, line, or polygon.

**Fire Fighting Plan**

Plan required by clause 48 of the Regulation.

**Geocentric Datum of Australia (GDA)**

Datum surface approximating the shape of the earth's surface that was adopted by the Inter-Governmental Committee for Surveying and Mapping in May 1990.

**Note.** The datum surface is described in a notice published by the Surveyor-General in NSW Government Gazette No 88 of 8 August 1997 and designated in that notice as "The Geocentric Datum of Australia (GDA)".

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****Hard Copy**

In regard to paragraphs 3.1.8, 3.4.2, 7.2.1 and 7.2.2 of these Directions Hard Copy means plans prepared on 0.4mm/72 Micron double matt transparent drafting film with permanent inks, for all other cases coated paper Hard Copy with durable inks is acceptable. Whenever Hard Copy plans are submitted to the Director-General they shall be backed-up in PDF (Portable Document Format) on CD-R which shall accompany any such plans submitted.

**Height Datum**

All levels shown on the Mine Workings Plan, and all other plans prepared under these Directions, shall be reduced to Australian Height Datum (AHD).

**ICSM SP1**

The Inter-Governmental Committee on Surveying and Mapping Special Publication 1 "Standards and Practices for Control Surveys".

**Inrush**

Under the provisions of clause 28 of the Regulation, hazards arising from inrush into underground parts of the coal operations is a prescribed major hazard for the purposes of section 32 of the Act to which Subdivision 2 of Division 2 of Part 5 of the Act applies.

**Integrated Survey Grid and Co-ordinate System (ISG)**

A system of co-ordinate surveys previously used for the State of New South Wales. This grid is a Transverse Mercator projection of the Australian National Spheroid of 1966.

**Map Grid of Australia 1994 (MGA94)**

Has the same meaning as defined in the Surveying Regulation 2006.

**Metadata:**

"Information about data" and is used to inform the user of the lineage, accuracy and limitations that may exist within the data. The aim of metadata is to enable the end-user to work with the data with a known level of confidence.

**Mine**

Has the same meaning as defined in the Coal Mine Health and Safety Act 2002 No 129.

**Mine Baseline**

A permanently marked survey line established as part of the State Survey Control Network.

**Mine Record Tracing (MRT)**

Any certified Hard Copy of the Mine Workings Plan (MWP) submitted to the Department by a Registered Mining Surveyor.

**Note.** Clause 139 of the Regulation requires mine record tracings to be sent to the Director-General in accordance with these Directions.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****Mine Workings Plan (MWP)**

The plan required to be kept under Clause 138 of the Regulation *Survey and Plan Arrangements* to accurately show the position of the Mine workings and compiled in accordance with these Directions.

**Mine Workings Digital Themes**

Any spatial data that is required to be compiled in the mapping area of the Mine Workings Plan (i.e. Seam Workings Sheets or Void Sheets) or is required to be submitted, as Mine Workings Spatial Information under these Directions. Compilation of the digital themes will be in accordance with Part 9 of these Directions. See also *ESRI Geodatabase*.

**Mine Workings Spatial Information**

Digital files containing Mine Workings Plan data in the form of digital themes prepared in accordance with these Directions.

**Mines Rescue Plan**

See Escape and Rescue Plan.

**Mining Surveyor (Mine Surveyor)**

The person registered as a Mining Surveyor under the Surveying Act 2002 No. 83. A mining surveyor in accordance with Part 4, Division 6 of the Regulation. A Mining Surveyor nominated under Section 37 of the Act.

**Potential Sources of Inrush**

Potential sources of inrush include tidal waters, impounded waters, rivers, streams, dams, reservoirs, aquifers, unconsolidated surface deposits, adjacent Mine workings, bulk sample locations or other natural or man made feature whether the same or of a different kind which, if disturbed by mining operations, may put the Mine or persons at the Mine at risk. This definition includes any material that flows when wet or flammable or noxious gases.

**Note.** Clause 33 of the Regulation provides further information.

**Precision**

Coordinate precision refers to the mathematical exactness of a coordinate and is based on the possible number of significant digits that can be stored for each coordinate.

**Reporting Period**

The Reporting Period shall be:-

- For supply of the Mine Workings Spatial Information to the Director-General as a Digital file in accordance with paragraph 5.3.1 – Three (3) monthly,
- For supply of a copy of the Mine Workings Record Plan in Hard Copy to the Director-General (the Mine Record Tracing) – Six (6) monthly.

**Seam Workings Plan**

A compilation of Mine Workings Spatial Information and other digital themes that when combined show the Mine workings for a Seam of an underground Mine, necessary for the Mine Workings Plan.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****Seam Workings Sheet**

The sectionalised sheets, derived from the *Seam Workings Plan*, formatted for the mapping area of the Mine Workings Plan sheets, that when re-combined, cover the total area worked in an underground Mine. (See Void Sheet for open cut Mines)

**Seam**

Any coal bearing stratum or combination thereof mined as a discrete entity. Refer to the Department for correct naming of coal seams.

**Secondary Surveys**

A survey based on Control Surveys or Subsidiary Surveys utilised by the Mining Surveyor to accurately locate all of the workings of the Mine that are not included in Control Surveys or Subsidiary Surveys.

**Subsidiary Survey**

A survey based on Control Surveys to develop the workings of a Mine or to locate the position of the workings of a Mine.

**Supervision**

When a survey is carried out in accordance with these Directions the Mining Surveyor must exercise such personal oversight and direction of the work as is necessary to ensure that the Mining Surveyor has the knowledge to certify all aspects of the survey and that the survey has been carried out in accordance with sound professional practice and these Directions.

**Surface Plan**

The Plan prepared in accordance with these Directions showing surface features, infrastructure and services subject to Mine operations, whether open cut or underground, and includes coal preparation and handling facilities located on a Mine site.

**Note.** Clause 138 of the Regulation sets out this requirement.

**Survey Records**

For the purpose of these Directions, survey records shall be taken to mean any plan, survey or spatial information required under these Directions and includes field books, level books, co-ordinate books, calculations and any other note books, sheets or plans used for recording relevant survey data, all survey observations, and compilations whether recorded or stored in written, photographic, digital or electronic form.

**Surveyor-General**

Has the same meaning as defined in the Surveying Act 2002 No 83.

**the Act**

means the Coal Mine Health and Safety Act 2002 No 129.

**the Regulation**

means the Coal Mine Health and Safety Regulation 2006.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****Underground Baseline**

A permanently marked survey line established in underground workings from which underground surveys are developed. The Underground Baseline shall be connected by Control Survey to the Mine Baseline.

**Ventilation Plan**

Plan prepared in accordance with these Directions showing all ventilation appliances and airflow.

**Note.** Clause 138 of the Regulation sets out this requirement.

**Void Plan**

A compilation of Mine Workings Spatial Information and other digital themes that when combined show the position of all excavations, ramps, disturbed areas and highwall mining within an open cut Mine, necessary for the Mine Workings Plan.

**Void Sheets**

The sectionalised sheets derived from the Void Plan, formatted for the mapping area of the Mine Workings Plan sheets, that when re-combined, cover the total area worked in an open cut Mine.

**Working Section**

The Seam or part of a seam that is normally mined in an underground or open cut Mine and which may include out of seam strata.

**3. SURVEY PROCEDURES****3.1 Origin of Co-ordinates**

- 3.1.1 All surface and underground surveys made and carried out in accordance with these Directions shall be calculated and plotted by using the Map Grid of Australia (MGA94).
- 3.1.2 All surveys are to originate from the Mine Baseline or may originate from any other mark included in the State Survey Control Network having a standard of accuracy consistent with that of the Mine Baseline.
- 3.1.3 The horizontal survey of the Mine Baseline should be planned and surveyed to Class "B" standards of accuracy as defined in ICSM SP1. The geometry of the network should be consistent with this standard of accuracy.
- 3.1.4 Each end of the Mine Baseline should be assigned an AHD Reduced Level surveyed to ICSM SP1 Class "LD" spirit levelling or Class "B" from Trigonometric or GPS heighting.
- 3.1.5 At each end of the Mine Baseline there shall also be established a reference mark of durable nature connected by bearing and distance to the baseline permanent marks.
- 3.1.6 Should the position or co-ordinate values of the Mine Baseline change, this information shall be reported in accordance with the Surveying Regulation 2006, Clause 41.



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- 3.1.7 Surface Baseline terminals shall be approved Permanent Marks as described in Surveyor-Generals Direction No1.
- 3.1.8 Where Permanent Marks are placed for a Baseline, a Hard Copy plan and an electronic record with digital survey data shall be forwarded to the Director-General who in turn shall forward the information to the Surveyor-General for approval to be included in the State Control Network.
- 3.1.9 The Mine Baseline shall not be less than 250 metres in length

**3.2 Underground Baseline**

- 3.2.1 Each underground Mine shall have established a baseline in the underground workings of each seam. The Underground Baseline shall be in a suitable position and of at least 250 metres in length or as long as practicable. The terminal marks shall be stable and durable. Underground Baseline details shall be recorded on the Mine Workings Plan.
- 3.2.2 Sufficient subsidiary baselines shall be established by control survey to confirm orientation of the Mine workings. The baseline details shall be recorded on the Mine Workings Plan

**3.3 Control Surveys and Subsidiary Surveys**

- 3.3.1 Accuracy: Each control survey and subsidiary survey must be planned and surveyed to ensure these surveys satisfy the conditions to achieve a standard of accuracy as prescribed in ICSM, SP1 to achieve Class D or better. All control surveys and subsidiary surveys observed survey data must be analysed to ensure all control surveys and subsidiary surveys achieve a standard of accuracy as prescribed in ICSM SP1 to a minimum standard of Class D. When calculating compliance to ICSM SP1 Class D via the formula  $r = c(d + 0.2)$  this Direction specifically defines  $d$  as the following:

*d = distance to any station in km, with a minimum value of 1(km).*

- 3.3.2 Marking: Each control survey station shall be adequately referenced and substantially marked. As far as practicable the marks shall be placed in a position least likely to be disturbed.
- 3.3.3 Secondary surveys shall be employed by the Mining Surveyor where necessary to accurately locate all of the Mine workings on the Mine Workings Plan to within 1mm at 1:2000 Scale. Such surveys shall be completed to the highest appropriate standards of accuracy.

**3.4 Correlation of Surface and Underground Surveys**

- 3.4.1 Correlation between surface and underground surveys shall be consistent with a Class D survey as prescribed in ICSM SP1.
- 3.4.2 In correlation of surface and underground surveys where methods other than direct traverse are employed for azimuth or co-ordinate transfer, the surveys shall be shown on a plan separate from the Mine Workings Plan and shall disclose the special survey



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methods employed. The plan shall be submitted to the Director-General and the Mining Surveyor shall certify that the survey shown on the plan is accurate and meets the requirements of these Directions.

**3.5 Levelling Surveys****3.5.1 Order of accuracy of benchmarks:**

Such levelling shall be completed to ICSM SP1 Class "LD" or Class "B" standards of accuracy.

**3.5.2 Accuracy of Mine workings:**

Such levelling shall be completed to ICSM SP1 Class LE standard of accuracy or to within 0.1 metre. Where vertical measurement is necessary for transference of the value of the surface bench mark to a nominated underground bench mark, the maximum permissible error should not exceed 0.05 metre.

**3.6 Survey Records and Supply of Survey Information**

3.6.1 Systematic and reasonable care shall be taken by the Mining Surveyor for the safe preservation of all survey records required under these Directions.

3.6.2 Survey records for each of the following purposes shall be kept at the survey office for the Mine:-

- (a) control surveys
- (b) subsidiary surveys
- (c) secondary surveys
- (d) levelling surveys
- (e) surface movement and subsidence surveys

3.6.3 Such survey records shall be maintained manually on either field book or other stable material, electronic text or image or other means not visually perceptible without the aid of a machine or other device. Where a machine or other device is required to access the stored data the Mining Surveyor shall ensure the data is regularly updated to a media and format that is currently available.

3.6.4 Survey records are to be permanently recorded and maintained in accordance with ISCM SP1 and these Directions.

- (a) All survey books shall be maintained in good order and shall have the following description clearly and permanently marked on the cover and inside title page:
  - (i) the Mine name,
  - (ii) for underground mines, the seam name, and (RT) catalogue number to which the book refers,
  - (iii) consecutive index number

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- (b) The following procedures shall be adopted for entries into survey books:
- (i) all survey observations and measurements shall be recorded at the time of survey;
  - (ii) in the event of alteration of a mistake there shall be no erasure. The erroneous entry should be struck through and the correction written above;
  - (iii) the datum line of the survey and the azimuth adopted shall be clearly indicated;
  - (iv) lengths shall be entered at the time they are measured. Where appropriate, corrections shall be noted and the lengths deduced therefrom shall be clearly indicated;
  - (v) bearing and distance from reference marks must be clearly shown;
  - (vi) reference marks and Bench Marks placed by the surveyor shall be so noted and the positions and descriptions thereof shall be shown by a sketch in the appropriate book;
  - (vii) lines remeasured shall be so specified and original distances and bearings shown;
  - (viii) The Mining Surveyor shall sign the field book that the work shown therein was performed by him or under his supervision and indicate the date on which the work was performed.

3.6.5 Where surveys are recorded in electronic form the information to be recorded shall be consistent with that required for survey books (see 3.6.4 (b)). A complete and separate duplicate of such records shall be preserved on paper or disc or other permanent electronic medium. Where a machine or other device is required to access the stored data the Mining Surveyor shall ensure the data is regularly updated to a media and format that is currently available

3.6.6 The nominated Mining Surveyor of any Mine, upon the request of the Chief Inspector, shall make available, in a format specified by the Chief Inspector all or any survey records or certified copies thereof.

3.6.7 Upon Discontinuance of a Mine all survey records relevant to the preparation of the Mine Workings Plan shall be prepared by the Mining Surveyor for submission to the Department. On abandonment these records shall be submitted to the Department for retention unless otherwise directed in writing by the Chief Inspector.

**3.7 Requirements where workings are to become inaccessible**

3.7.1 Before any part of the workings of a Mine becomes inaccessible, where reasonable, practical and safe to do so, the position of all points of the workings shall be established from a control, subsidiary, or secondary survey.

3.7.2 Sufficient levels shall be taken to enable contours of the floor of the working section to be calculated and shown on the Mine Workings Plan. (see 3.5.2)

3.7.3 Where inaccessible workings are not surveyed in accordance with these Directions, the Mining Surveyor may draw upon any available resources of the Mine to best locate the

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inaccessible workings for the purpose of completion of the Mine Workings Plan, with suitable Endorsement.

### **3.8 Surface Movement and Subsidence**

- 3.8.1 Where the Chief Inspector directs, surveys are to be undertaken to record surface movement, including subsidence induced by mining.
- 3.8.2 Such surveys shall be carried out in accordance with the standards set out in these Directions, or as otherwise directed by the Chief Inspector.
- 3.8.3 Such surveys shall be carried out under the supervision of, and certified by, a Registered Mining Surveyor.
- 3.8.4 All subsidence survey data including field notes is to be kept at the Mine in accordance with Clause 3.6 of these Directions.

### **3.9 Survey of Boreholes**

Boreholes are to be identified by unique name or number and are to be shown on the Mine Workings Plan. Collar and/or commencement locations of Boreholes, are to be established from a control or subsidiary survey, with both MGA coordinates and AHD levels in accordance with these Directions. The following information will also be recorded, wherever possible, whether from direct survey or other source (i.e.: drillers log, geophysical survey): -

- (a) total length (or depth);
- (b) inclination (or declination), and
- (c) plan projection (bearing or azimuth) when other than near vertical.

In regard to MRD or STIS holes, the Mining Surveyor shall satisfy himself that the holes are accurately recorded and represented on the Mine Workings Plan with regard to mine safety.

## **4. MINE WORKINGS PLAN**

### **4.1 General**

#### **4.1.1 Direction**

The Mine Workings Plan (MWP) shall be prepared by or under the direct supervision of the nominated Mining Surveyor within three months of commencement of the Coal Operation or such other time as the Chief Inspector may direct by notice in writing served on the Operator of the Mine.

#### **4.1.2 Updating the Mine Workings Plan**

Except where the Mine is considered Discontinued or Abandoned the Mine Workings Plan must be updated at the end of each Reporting Period. Sufficient surveys must be undertaken to ensure that the mine workings or voids are accurately represented on the Mine Workings Plan in accordance with these Directions.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****4.1.3 Composition**

- (a) The Mine Workings Plan is prepared from the Seam Workings Sheet information and other layout data required under these Directions. It is compiled by digital methods and produced in Hard Copy and electronic form for presentation, supply, and archiving.
- (b) The Mine Workings Plan shall comprise sheets for each Seam Workings Sheet or Void Sheet, and other layout data, for the whole of the Mine as required by these Directions.
- (c) In the case of an underground Mine, a Mine Workings Plan shall be compiled on the Seam Workings Sheets for each Seam being worked.
- (d) In the case of an open cut Mine, the Mine Workings Plan shall be compiled on the Void Sheets.
- (e) The Mine Workings Plan sheets shall be AO size International Standards Organisation and may be orientated in either portrait or landscape direction. A standard (recommended) layout is available from the Department.

**4.1.4 Presentation and Archiving – Hard Copy**

- (a) A Hard Copy of the Mine Workings Plan should be produced on stable paper or other stable and durable material depending on the requirements of these Directions.
- (b) The Hard Copy will comprise all sheets on which workings have occurred.

**4.2 Seam Workings Plans and Void Plans**

- (a) The underground Mine workings or open cut voids shall be mapped on Seam Workings Plans or Void Plans, respectively, for the whole of the Mine workings area of a Mine.
- (b) The Seam Workings Plans and Void Plans shall be compiled from the Mine Workings Spatial Information and other digital themes as necessary to truly represent the survey of the mine as required by these Directions.

**4.3 Seam Workings Sheets and Void Sheets**

- (a) The Seam Workings Sheets and Void Sheets shall be compiled from the Seam Workings Plan and Void Plan, respectively, at a reduction ratio of 1:4000 with sufficient sheets to cover the extent of the Mine workings and necessary adjacent workings. In the case where such a scale limits the clarity, sheets at a reduction ratio of 1:2000 may be used.
- (b) The Seam Working Sheets and the Void Sheets shall be sized to fit the mapping area of the Mine Workings Plan sheets. The mapping area will be 750 mm x 625 mm with grid lines at 125 mm x 125 mm intervals.
- (c) Full lines are to be shown for the Map Grid of Australia commencing at the lower left corner of the mapping area. The extremities of each grid line shall be annotated with the grid value.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****4.4 Preparation of Mine Workings Plan**

## 4.4.1 Mine Workings Spatial Information.

For the preparation of the Mine Workings Spatial Information the following, unless otherwise required by these Directions, shall be compiled, as a minimum information in the form of digital themes, for each Seam Workings Plan or Void Plan.

## 4.4.1.1 Themes – General (NB: polygons are preferred see Table 9.2)

- (a) **Adjacent Mine Workings** - an outline of all workings in any seam in any direction within 100 metres of the current seam being worked.
- (b) **Adjacent Seam Workings** - all Mine workings (including other mines) in the seam being mined within 100 metres of the current workings.
- (c) **Barriers and Restricted Zones**
- (d) **Borehole Locations**
- (e) **Boundary Control Marks**
- (f) **Cadastral Parcels** - (State if LPI DCDB is used).
- (g) **Colliery Holding Boundary**
- (h) **County Boundary**
- (i) **Emplacement Areas**
- (j) **Grid Lines**
- (k) **Highwall Mining/ Auger Mining**
- (l) **Coal Operation Boundary** – as nominated by the colliery holder in accordance with clause 7(1)(b) of the Regulation.
- (m) **Mining Approvals/ Acceptances** (extent to be shown in red)
- (n) **Mining Lease Boundaries.**
- (o) **Parish Boundaries**
- (p) **Potential Sources of Inrush** (to be shown outlined in green)
- (q) **Prescribed Dams**
- (r) **Survey Control Stations** including Bench Marks
- (s) **Surveyed Geofeatures** - all known outcrops, subcrops, faults, dykes, cinder belts, and other significant dislocations to the seam, as surveyed.

## 4.4.1.2 Themes – Underground Mines (Seam Workings Plans)

- (a) **First workings**
- (b) **Mine Underground Access** - mine shafts, staple shafts, adits, and drifts
- (c) **Second workings**
- (d) **Date Lines** (dashed) indicating the extent of workings for each survey Reporting Period
- (e) **Mine Workings Outline** – an outline of the Mine workings.

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- (f) **Underground Auger Areas**
- (g) **Working Section Floor Contours** (as calculated from spot heights and shown in blue)

## 4.4.1.3 Themes – Open Cut Mines (Void Plans)

- (a) **Void Contour**
- (b) **Void detail area**
- (c) **Void detail line**

## 4.4.2 Mine Workings Plan layout information

## 4.4.2.1 In the sheet heading area:-

- (a) The name of the Mine.
- (b) The Mine Workings Plan Catalogue Number (RT catalogue number).
- (c) The Parish and County names.
- (d) The LPI 1:25000 sheet map identification name(s) and number(s).
- (e) The name of the Seam or Seams being represented.
- (f) The name of other seams known to have been worked in that sheet area, together with the RT catalogue number for those workings (see 4.10).
- (g) The number of the sheet and the number of sheets that make up the coal operation.

## 4.4.2.2 In the map surround area:-

- (a) The reduction ratio and a graphical (bar) scale together with a statement that all measurements are in metres,
- (b) A north point indicating grid north,
- (c) A schedule of symbols used on the particular sheet,
- (d) A sheet index showing:-
  - (i) All the sheets necessary to cover the colliery holding
  - (ii) The number of each sheet
  - (iii) An outline of the Colliery Holding
  - (iv) The particular sheet shown by a heavy outline
  - (v) Outline of Mine workings
- (e) For underground Mines, a section of the seam identifying the Working Section appropriately symbolised, named and the section location identified by coordinates. Additional sections may be shown if the Seam thickness or

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Working Section varies significantly or the Seam is affected by intrusions, sills or stone bands,

- (f) A section of the stratum from the surface to the basal seam, appropriately symbolised, seams named and section location identified by coordinates,
- (g) A schedule of Endorsements made by the Mining Surveyor,
- (h) A schedule of second working, barrier penetration or open cut approvals granted by the Minister, Mining Operations Plans (MOP's) accepted by the Department.
- (i) A statement or schedule certifying the accuracy of the sheet, including:
  - (i) The name and signature of the certifying Mining Surveyor
  - (ii) The certifying surveyor's Registration Number
  - (iii) The date of Certification
- (j) The origin of levels and the grid bearing and terminal survey stations of the Mine Baseline or survey control marks used for surveys within the sheet,
- (k) For underground Mines, a schedule or schedules of survey marks and Bench Marks containing their identification, coordinates and height,
- (l) For underground Mines, a schedule of shafts, drifts, Boreholes, staple shafts and bins, with coordinates and heights of the commencing and finishing locations.
- (m) A schedule of Boreholes showing coordinates and heights of the collar or starting location together with the general direction, inclination and length.

**4.4.2.3 In the mapping area**

The Mine Workings Digital Themes and sufficient detail in the form of annotation to identify the characteristics of type, name, dislocation or status should be shown together with the following detail:-

- (a) For underground Mines panel names and sufficient heading and cut through numbers (or letters) to identify the numbering system.
- (b) The position of all Boreholes within that sheet or
  - (i) Where it is not practical to show all Boreholes on the seam workings sheet, a separate "Borehole Plan", which shall become part of the Mine Workings Plan, shall be produced as an overlay.
  - (ii) a reference on the Seam Workings Sheet is required to indicate the existence of any Borehole Plan sheet.
  - (iii) All Boreholes should be identified as to type and name and their current status (e.g. open, sealed, capped).
  - (iv) Where Boreholes are drilled in adjacent strata sufficient reduced levels should be shown to indicate their position.
  - (v) Any Borehole that is removed by the mining process or is in the void is not required to be shown. Remnant stubs of these holes, however, which may present a hazard to future mining operations, must be shown.



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- (c) The date and the initial of the Mining Surveyor in the location corresponding to the position of the workings or void at the end of the survey Reporting Period in the format provided by AS4368.
- (d) For underground Mines, contour lines of the floor of the working section are to be at each one (1) metre, two (2) metre or five (5) metre interval whichever predominantly provides contour representation on the Seam Workings Sheet.
- (e) Outline of limits of highwall mining and augering. The maximum extent of this mining in the seam is to be shown and identified. Approximate levels into the extremity of highwall mining and augering are to be shown every fifty (50) metres.
- (f) The position of:-
  - (i) the top water level of any dam containment prescribed under The Dams Safety Act, 1978
  - (ii) the restricted zone of the prescribed dam as notified under The Dams Safety Act, 1978
- (g) Emplacement areas.
- (h) The position of any barriers, protective pillars or restrictive zones to be left in the seam pursuant to:-
  - (i) the provisions of the Coal Mine Health and Safety Act, 2002,
  - (ii) any leases in force granted or deemed to have been granted under the Mining Act, 1992
  - (iii) a condition of any approval, consent direction or concurrence given in accordance with the provision of the aforesaid Acts or Leases.
- (i) Coal operation boundaries with corner co-ordinate values annotated  
Note: Coal operation as nominated by the colliery holder in accordance with clause 7(1)(b) of the Regulation.
- (j) Cadastral information in background line type.
- (k) For open cut Mines Contour lines at five (5) metre vertical intervals of the void.

**4.5 Additional Information**

- 4.5.1 Nothing in these Directions shall prevent the inclusion of any additional information on the Mine Workings Plan providing it is shown in a manner consistent with these Directions.
- 4.5.2 The Mining Surveyor shall show on the Mine Workings Plan any additional information as directed in writing by the Chief Inspector.
- 4.5.3 Any additional information discovered by or indicated to the Mining Surveyor which may present a hazard either to the Mine, adjacent mines or persons in those mines should be recorded on the Mine Workings Plan.



**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****4.6 Endorsement**

Where any information shown on the Mine Workings Plan is considered to be in doubt or any other information that the Mining Surveyor considers requires Endorsement, the Mine Workings Plan shall be suitably endorsed.

**4.7 Old Workings/Surveys**

Where old surveys or old workings are converted to GDA 94/MGA94 such conversion shall be suitably endorsed on the Mine Workings Plan.

**4.8 Certification**

- 4.8.1 The Hard Copy of the Mine Workings Plan shall be certified by the Mining Surveyor in the Certification of Accuracy schedule after the most recent Reporting Period has been charted.
- 4.8.2 The Mining Surveyor shall, by signing and dating the Certification of Accuracy schedule declare for that Reporting Period that: -
- (a) the Mine Workings Plan has been prepared in accordance with these Directions, and,
  - (b) the surveys shown on the Mine Workings Plan have been completed to an accuracy as prescribed in these Directions.

**4.9 Certification History**

The Mine Workings Plan shall have recorded digitally in the Certification of Accuracy schedule the certification details for each Reporting Period.

**4.10 Catalogue Number**

The Department's Record Tracing cataloguing system shall continue for each Mine according to a unique number identification system prefixed by the letters 'RT'. This unique number is to be clearly identified on the Mine Workings Plan or any copy thereof.

**5. MINE WORKINGS SPATIAL INFORMATION**

This section refers to the preparation, composition and supply of the Mine Workings Spatial Information as a digital file.

**5.1 Preparation**

- 5.1.1 The Mine Workings Spatial Information shall be prepared by or under the supervision of the Mining Surveyor.
- 5.1.2 The Mine Workings Digital Themes shall be prepared to the standards required by **Section 9** of these Directions.
- 5.1.3 All Mine Workings Digital Themes shall be kept at the survey office for the Mine.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****5.2 Composition**

The Mine Workings Spatial Information shall be digital files of the Mine Workings Digital Themes for the whole of the Mine. Digital files may be in 2D or 3D format that are compatible with the Departments ESRI GEODATABASE.

**5.3 Supply**

- 5.3.1 The Digital File shall be supplied on a CD-R (Compact Disc – Read only) and shall be submitted to the Director-General at the end of each Reporting Period to coincide with the preparation of the Hard Copy to be kept at the mine.
- 5.3.2 The following Mine Workings Digital Themes are the minimum number of themes to be supplied, as appropriate to each Mine:-
- (a) Coal Operation Boundary
  - (b) Date Lines
  - (c) First Workings
  - (d) Second workings
  - (e) Highwall/Auger mining
  - (f) Mining Lease boundaries
  - (g) Mine Underground Access
  - (h) Mine Workings Outline
  - (i) Underground Auger Areas
  - (j) Void Contours
  - (k) Void detail
  - (l) Working Section Floor Contours
- 5.3.3 The Surveyor-General may from time to time vary or amend the requirements for the lodgement of Digital Mine Workings Spatial Information or require additional Mine Workings Digital themes to be supplied.
- 5.3.4 The following information will be recorded on the label of the CD-R with a permanent marking pen:
- (a) The name of the Coal Operation
  - (b) The RT catalogue number for the associated MWP
  - (c) The name and signature of the certifying Mining Surveyor
  - (d) The certifying Mining Surveyor's Registration Number
  - (e) The date of Certification

**5.4 Certification**

The Mining Surveyor shall, by signing and dating the CD-R, declare that the Mine Workings Digital Themes contained on the CD-R, were used in the preparation of the Mine Working Record Plan for that Reporting Period.

**6. CLOSING PLANS****6.1 Authorisation**

Clauses 64(1)(b) and (c) of the Regulation as required by section 79 of the Act.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****6.2 Discontinuance**

Where a Mine or Seam therein has not been worked for a period of 2 months the owner of the Mine shall have the Mine Workings Plan charted and shall send a copy to the Chief Inspector in accordance with these Directions.

**6.3 Charting for Discontinuance**

These procedures are to be followed in the case of the discontinuance of a Mine or Seam:-

- 6.3.1 The Mine Workings Plan shall be charted, dated and signed by the Mining Surveyor to the date of discontinuance. The Mining Surveyor shall place a broken line around the extent of the workings, which shall be dated and initialled.
- 6.3.2 The note "Charted to date of Discontinuance" is to be shown in the "Schedule of Certification of Accuracy" above the date and the Mining Surveyor's signature.

**6.4 Cessation of Duties of the Mining Surveyor**

- 6.4.1 Upon permanent cessation of duties of the nominated Mining Surveyor the Mine Workings Plan shall be charted, dated and signed by the Mining Surveyor. The Mining Surveyor shall show the date of the workings at the time of cessation in a similar manner to that of the normal survey Reporting Period.
- 6.4.2 The note 'Charted to date of Cessation of duties of the Mining Surveyor' is to be shown in the 'Schedule of Accuracy' above the date and the Mining Surveyor's signature.
- 6.4.3 The Mining Surveyor shall by signing and dating the Certification of Accuracy schedule declare for that period from the last Reporting Period until the date of cessation of duty that:
  - (a) The Mine Workings Plan has been prepared in accordance with these Directions; and
  - (b) The surveys shown on the Mine Workings Plan have been completed to an accuracy prescribed in these Directions.

**6.5 Replacement of Operator**

- 6.5.1 When an operator is to cease to operate a coal operation and is to be replaced by another operator, the outgoing operator must update the mine workings plan and provide the updated plan to the incoming operator.

**Note.** Clause 140 of the Regulation sets out this requirement.

**7. SUPPLY OF MINE WORKINGS PLAN AND MINE RECORD TRACING****7.1 Period Supply**

- (a) The Mine Record Tracing (a Certified copy of the Mine Workings Plan) shall be supplied to the Director-General in Hard Copy form for each Reporting Period (within 1 month of the end of each Reporting Period).

Note: Clause 139 of the Regulation sets out this requirement .

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)**

- (b) The Mining Surveyor shall advise the Director-General that the Mine Record Tracing has been sent from the Mine and by what means of transport.
- (c) The Director-General shall advise the Mining Surveyor within 7 days of receipt that the Mine Record Tracing has been received.
- (d) Hard Copies of the Mine Record Tracing shall be kept safe and secure by the Director-General and made available for examination as required.  
Note: Clause 141 of the Regulation sets out this requirement.
- (e) The Mining Surveyor shall archive the current copy as Hard Copy, plotfile, or electronic image.

**7.2 Supply on Discontinuance and Abandonment**

- 7.2.1 Where a Mine or Seam has been Discontinued, the Mine Workings Plan shall after charting be supplied to the Director-General, in Hard Copy form, within one (1) month of such discontinuance, unless otherwise advised by the Director-General
- 7.2.2 Where a Mine or Seam has been Abandoned, the Mine Workings Plan shall after charting be supplied to the Director-General, in Hard Copy form, within one (1) month of such abandonment, unless otherwise advised by the Director-General
- 7.2.3 After the Director-General is satisfied that the charting requirements have been met the Mine Workings Plan, the Mine Workings Spatial Information and all survey records required to be kept under these Directions, are to be forwarded, by a date specified by the Director-General, to the Department for preservation

**7.3 Supply on Cessation of Duties of a Mining Surveyor**

At the time of cessation of duties, and after Certification has taken place, the Mining Surveyor shall produce, a Hard Copy of the Mine Workings Plan and a copy of the Mine Workings Spatial Information on CD-R for retention at the office for the Mine.

The outgoing Mining Surveyor, with the consent of the Mine owner, should take a Hard Copy of the sheets for his own record.

The incoming Mining Surveyor should make a Hard Copy of the sheets for a record of commencement of work.

**7.4 Exemption**

Under special circumstances, the operator of a Mine may apply to the Director-General for an exemption from the requirement to supply the Mine Workings Plan or Mine Record Tracing in accordance with these Directions. In granting exemption the Director-General may direct in writing any other requirement for the supply of the Mine Workings Plan.

**7.5 Extension of Time**

The Director-General may, should the circumstances so warrant, grant an extension of time for the preparation of the Mine Workings Plan and supply of the Mine Record Tracing.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****8. OTHER PLANS REQUIRED**

Nothing shall prevent the Mining Surveyor from combining one or more of the following plans provided legibility of the combined plan is retained. All such plans should be prepared generally in accordance with these Directions and should be certified and endorsed, as required, by the Mining Surveyor or appropriate mine official as described in paragraph 8.13 of these Directions.

**8.1 Plans required under clause 88 of the Regulation**

Clause 88 of the regulation requires plans to be lodged as part of the written report for Minister's approval for all mining methods other than the bord and pillar system in underground coal mines. These plans should be prepared in accordance with the current guidance notes. Plans prepared under the guidance notes shall be prepared in accordance with the standards required by these Directions. All such plans will be Certified by the Mining Surveyor and suitably Endorsed where necessary.

**Note.** The Department publishes guidance notes for applications under clause 88 of the Regulation and the Subsidence Management Plan process.

**8.2 Subsidence Management Plans**

These plans are required by Mining Lease conditions and are prepared in accordance with the Departments guideline. Plans prepared under the guideline shall be prepared in accordance with the standards required by these Directions. All such plans will be Certified by the Mining Surveyor and suitably Endorsed where necessary.

**Note.** The Department publishes guidance notes for applications under clause 88 of the Regulation and the Subsidence Management Plan process.

**8.3 Plans Required for Approval for Highwall/ Auger Mining**

These plans should be prepared in accordance with the Departments guideline and generally in accordance with the standards required by these Directions. All such plans will be Certified by the Mining Surveyor and suitably Endorsed where necessary.

**Note.** The Department publishes guidance notes for highwall mining applications.

**8.4 Ventilation Plan (Underground Mines)**

The ventilation plan shall be compiled generally in accordance with these Directions at a scale of not less than 1:5000. Ventilation appliances will be symbolised in accordance with AS 4368.

The plan shall show stoppings, trapdoors, regulators, seals, prepared seal sites, overcasts, air crossings, ventilation doors, the direction and nature of ventilation, auxiliary fans, booster fans and air reading stations with air quantity, in relation to the mine workings. The plan will also show the locations of fixed gas monitoring plant as required by clause 18(1)(a) of the Regulation (Monitoring Arrangements).

A legend will be shown on the plan depicting symbols used together with a graphical representation of the scale.

This plan is to be updated monthly.

**Note.** Clause 138 of the Regulation (Survey and Plan Arrangements) includes provision in paragraph (1)(ii) for a ventilation plan for underground mines.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****8.5 Fire Fighting Plan (Underground Mines)**

A Fire fighting Plan is to be prepared for all underground parts of an operation. The Fire fighting Plan shall be compiled generally in accordance with these Directions at a scale not less than 1:10,000. Fire fighting appliances will be symbolised in accordance with AS 4368.

The plan shall show positions in which pipe mains, hydrants, isolation valves, fire substations and fire depots are situated. This plan will also show the position of stoppings, trapdoors, regulators, seals, prepared seal sites, overcasts, air crossings, ventilation doors, belt conveyors, main electric supply cables, fixed electrical apparatus, high voltage cables and switchgear, telephones and the direction of ventilation in the roadways.

The plan is to be updated in accordance with the Regulation, not greater than three monthly.

**Note.** Clause 48 of the Regulation sets out this requirement.

**8.6 Escape and Rescue Plan (Underground Operations)**

The Escape and Rescue Plan shall be compiled generally in accordance with these Directions at a scale not less than 1:10,000. Symbols used will be in accordance with AS 4368 and AS2916. This plan shall show main roads, the means of egress from each part of the Mine to the surface, all self escape systems and all underground telephone stations, in relation to the mine workings. This plan shall also show main access roads, the means of egress from each part of the Mine to the surface, all self escape systems, the positions of First Aid Stations, underground telephone stations, belt conveyors, any gas drainage mains and branches, known falls, accumulations of water, stowage identified as non-passable. The plan shall also show any information from the fire fighting plan and the ventilation plan or any additional information identified as necessary for the dealing with an emergency at the operation. The plan is to be displayed and updated in accordance with the Regulation, not greater than three monthly.

**Note.** In accordance with the clause 47 of the Regulation, an Escape and Rescue Plan is to be prepared for all underground parts of an operation.

**8.7 Emergency Management System**

A plan shall be kept at the Mine for the purpose of an emergency management system as determined by the Mine. The plan may be a duplicate of another plan or a compilation of more than one plan. The emergency plan shall be compiled generally in accordance with these Directions and produced in Hard Copy at a suitable scale

This plan shall be kept up-to-date.

**Note.** Section 47(1) of Subdivision 5 of Division 2 of Part 5 of the Act prescribes this requirement.

**8.8 Surface Plan**

A surface plan is to be kept at the Mine. The Surface plan shall be of a scale of not less than 1:4000 and shall cover the areas where mining operations have been or are being carried out and construction zones as required by clause 87 of the Regulation. Symbols used will be in accordance with AS 4368. Topography may be shown if it adds to the interpretation of the plan. Compilation shall be generally in accordance with these Directions and the plan may be maintained as spatial information.

In the case of an Underground Mine, the Surface Plan shall show all streets, roads, reservoirs, swamps, water bodies, unconsolidated surface deposits, railways, main pipelines and any other



## SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)

feature whether of the same or of a different kind which, if disturbed by mining operations, is likely to cause damage to or danger in the Mine.

In the case of an Open Cut Mine, the Surface Plan shall show all streets, roads, reservoirs, swamps, water bodies and any other permanent feature whether of the same or of a different kind which, if disturbed by mining operations, is likely to cause damage to or danger in the open cut workings.

This plan shall be updated as often as it becomes necessary.

**Note.** Clause 138 of the Regulation sets out this requirement.

### 8.9 Site Services Plan (Underground and Open Cut Mines)

The site services plan shall be at a suitable scale. Symbols used will be in accordance with AS 4368. Compilation shall be generally in accordance with these Directions and the plan may be maintained as spatial information.

This plan should show only surface improvements and infrastructure that are part of the Mine, including but not limited to: buildings including administration, bathhouse and workshops, mine access points (portals, shafts, ramps); mine access roads including parking areas; coal preparation plants and stockpiles; power reticulation including sub stations; water reticulation; compressors and compressed air reticulation; gas reticulation; sewer mains, treatment plants and transpiration areas; telephone and other communications lines; magazines including buffer zones; fire fighting equipment including fire stations, hydrants, extinguishers, depots; hazardous materials locations; dams and surface drainage; , Boreholes which can be used for gas testing, and any information which may assist in the case of an emergency. Topography may be shown if it adds to the clarity and understanding of the plan.

This plan shall be updated as often as it becomes necessary.

### 8.10 Emplacement Areas

Section 100 of the Act requires the approval of the Minister prior to establishment of any emplacement area. Plans prepared in support of any such application to the Minister shall be prepared in accordance with the current guidance note and comply with the standards required by these Directions. The plan shall be certified and suitably endorsed by a Registered Mining Surveyor.

**Note.** The MREMP process captures ongoing management of emplacement areas

### 8.11 Mining Rehabilitation and Environmental Management Process (MREMP)

The MREMP guidelines are published by the Department and include both the Mining Operations Plan (MOP) guideline and the Annual Environmental Management Report (AEMR) guideline. Plans prepared under these guidelines shall be prepared in accordance with the standards required by these Directions. All such plans will be Certified by the Mining Surveyor and suitably Endorsed where necessary.

### 8.12 Plan Standards - General

Any plan (including, where appropriate, plans subject to these Directions) required to be drafted by the Mining Surveyor for purposes of the Mine, should be prepared in accordance with the relevant Australian Standard -in particular, but not limited to, AS 4368 and AS 2916.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****8.13 Declaration**

A plan referred to in Section 8 of these Directions shall have an appropriate area on the plan allocated for Certification by the manager of mining engineering and/or Mining Surveyor as appropriate for information on that plan. Such Certification shall indicate the origin of the information and that the information shown on the plan is truly represented.

**9. STANDARDS FOR THE PREPARATION OF MINE WORKINGS DIGITAL THEMES****9.1 General**

These Directions require that the Mine Workings Plan be prepared using the Mine Workings Digital Themes as described in Section 4.4 of these Directions.

The aim of this Section 9 is to provide standard methods for the construction and preparation of the Mine Workings Digital Themes. This section identifies how each theme should be represented graphically and the attribute information that should be included to describe each featured object in the theme.

This section also identifies other supporting information that is required to be submitted to the Director-General on the CD-R as provided for in Section 5.2 of these Directions.

The Department also requires digital data submission for other reporting requirements. Many of the Mine Workings Digital Themes required by these Directions are common with those other reports. The provisions of this Section 9 in these Directions will assist in the preparation of digital data in support of such requirements for Subsidence Management Plans, Mining Operations Plans, Annual Environmental Management Reports and periodic geological reporting.

**9.2 Theme Attribute Names and Definitions**

**Table 9.2** identifies attribute names and definitions that must be used for all Mine Workings Digital Themes.

Attribute names are not to exceed ten characters in length. All theme names and attribute names can be in either title case or lowercase, and individual attribute values may be expressed in upper or lower case. Underscores must be used to join multiple words as gaps are not permissible. Attribute names and format must be consistent with those shown in **Table 9.2**.

**9.3 Theme Attribute Allocation and Feature Type**

All objects in a theme must have attributes attached and be of the same feature type (e.g. point, line, or polygon). Each theme required is listed in **Table 9.3** with corresponding attributes and feature types that must be used to represent the theme spatially.

In some instances a Mine Workings Digital Theme may need to be represented by more than one theme. For example, Borehole Locations would normally be points for vertical boreholes and lines for horizontal or inclined boreholes. Where multiple shapes are to be used to represent a theme, and a separate theme is created, attribute fields must be consistent with that particular Mine Workings Digital Theme.



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### 9.4 Theme Attribute Categories

Mine Workings Digital Themes attributes are divided into three categories. The attribute categories are as follows and the attribute names for each category are identified in **Table 9.3**.

- 9.4.1 Core attributes** are those attributes that are common to all the themes and include such attributes as mine name, RT number (catalogue number), date the theme data was charted to, and the person charting the theme data to the Mine Workings Plan.
- 9.4.2 Additional attributes** are those attributes that are unique to a particular theme or maybe common to several themes. Attributes that are common to several themes may include seam name, type of workings and when the workings were driven or mined.
- 9.4.3 Metadata attributes** are attributes that are required to be attached to the themes only when they are written to the CD-R for submission to the Director-General in accordance with these Directions. These attributes include the theme name, the identifying name of the CD-R from which the theme originates, the file name of the theme on the CD-R, the date on which the CD-R was provided to the Department and the name of the Mining Surveyor providing the CD-R.

### 9.5 Attribute Values

It is required, where possible, to use standard attribute values. This will allow the Department and other users of the themes to develop standard enquiries through their GIS software. Values for all attributes are required to be attached for all objects in the theme.

All themes are to be prepared using the database format specified in **Table 9.2**. Numbers with decimal values should be stored as floating number. All other numbers should be stored as integers or characters.

### 9.6 File Format

All Mine Workings Digital Themes that are to be submitted to the Director-General in accordance with these Directions shall be submitted as ESRI shapefiles (.shp).

### 9.7 Date

Date attributes are to be in database format 'character' and be in the form "dd/mm/yyyy" where date of workings are accurately known, general format "month year" (May 2006) or as a time period (1950-2000 or pre 2000) when the charted period cannot be accurately shown.

### 9.8 File Naming Convention

**Table 9.8** identifies the specific filename that must be used for each Mine Workings Digital Theme that is to be written to the CD-R for submission to the Director-General in accordance with these Directions.

**SURVEY AND DRAFTING DIRECTIONS FOR MINE SURVEYORS 2007 (NSW - COAL)****9.9 Metadata Statements**

A metadata statement for the Mine Workings Digital Themes must be included and written onto the CD-R when it is submitted to the Director-General in accordance with these Directions. The metadata statement must be in Adobe Acrobat (.pdf) format and in the form identified in **Table 9.9**. Metadata statements must be given a filename indicating mine name, RT number and date.

The metadata statement should include information such as version date, custodian name, coordinate system, accuracy, potential limitations for data use, definitions of any codes used within the dataset and any other information about the data that is not evident in the attributes attached to the theme.

The completed metadata statement must be disseminated with the dataset that it describes. It may be one document sectionalised for each Mine Working Digital Theme or a separate document for each theme. Where two or more themes or a group of themes have the same metadata, a single metadata statement may be prepared that clearly lists all themes relating to the statement.

**9.10 Precision**

Spatial themes should be provided in the best available precision.

**9.11 Seam abbreviations**

The Department maintains a list of official seam name abbreviations. Dataset seam names must be consistent with this list.

**9.12 Preparation of Additional Themes**

In the event that additional themes are to be submitted with those required by these Directions the attributes, the attribute names and formats should be consistent with this Section 9 of the Directions.

**9.13 Preparation of Additional Attributes**

In the event that additional attributes are required for a theme, the attributes and their formats should be developed consistent with this Section 9 of the Directions.

Mining Surveyors are encouraged to create additional attributes that will assist in the preparation and supply of the Hard Copy and in support of safe mining operations.

Table 9.2 (Continued)  
Theme Attribute Names and Definitions

Attribute Name	Description	Database Format	Max Length	Input Value	Example	Options List
Accuracy	Class of survey	Character	50	Chartor determined		
Adj_RT_No	MWP Catalogue Number for the adjacent mine relating to the feature	Character	10	Chartor determined	RT76	
Adjustment	reference to adjustment file	Character	20	Chartor determined		
App_date	Date of approval or acceptance	Character	10	Chartor determined		
App_id	Name of approval	Character	30	Chartor determined		
App_type	Type of approval	Character	30	Chartor determined		
Azimuth	Not used if borehole is vertical	Character	20	Chartor determined		
Barr_date	Date the barrier originated	Character	10	Chartor determined	23/05/1974	
Barr_type	Type of barrier	Character	100	Chartor determined	Colliery holding	
Bdy_name	Name of the coal operation boundary	Character	50	Chartor determined		
Bdy_type	Type of boundary	Character	50	Chartor determined		
Bhole_diam	Borehole diameter in millimetres	Character	10	Chartor determined		
Bhole_name	Name of borehole	Character	20	Chartor determined		
Caution	Warning on use of theme	Character	254	Compulsory and must be in the form described in the options list.	This theme should not be read in isolation. It is one of many themes that comprise the Mine Workings Plan. The Mine Record Tracing held by the Director-General is the true record of the mine workings.	
Chart_date	Date the feature was inserted into the theme	Character	10	Chartor determined	30/11/2005	

Table 9.2 (Continued)  
Theme Attribute Names and Definitions

Attribute Name	Description	Database Format	Max Length	Input Value	Example	Options List
Chartor	Surveyor inserting the feature into the theme	Character	50	Chartor determined	Joe Bloggs	
Code_no	AS 4368 code number	Character	20	Chartor determined		
Collar_rl	Height of the collar of the borehole (AHD)	Character	20	Chartor determined		
Cont_type	Contour type	Character	30	Select from Options List		Seam floor, Void floor
County_id	Name of county	Character	50	Chartor determined		
Dam_name	Name of prescribed dam	Character	100	Chartor determined		
Date_work	Date of workings	Character	10	Chartor determined	30/11/2005	
Dept_file	Department file number	Character	20	Chartor determined		
Depth	Total depth or length of the borehole (metres)	Character	10	Chartor determined		
Descript	Description of feature and/or theme.	Character	100	Chartor determined		
Dip	Overall dip of the feature	Character	10	Chartor determined		
Direction	Direction expressed as a bearing and in decimal degrees	Character	20	Chartor determined		
Disk_name	CD-R identifier	Character	50	Provider determined		
Displace	Displacement of Fault (metres) and direction of Down Throw (dec. degrees)	Character	20	Chartor determined		
Eastings	Eastings in MGA 94	Floating Integer	10.3	Chartor determined		

Table 9.2 (Continued)  
Theme Attribute Names and Definitions

Attribute Name	Description	Database Format	Max Length	Input Value	Example	Options List
Emplc_id	Emplacement area name	Character	50	Chartor determined		
Emplc_type	Emplacement area type	Character	50	Chartor determined		
End_date	End date of approval - if applicable	Character	10	Chartor determined		
Endorse	Feature status	Character	300	Chartor determined		
Entry_dim	Diameter or width by height of entry (metres)	Character	20	Chartor determined		
Entry_name	Name of entry	Character	50	Chartor determined		Drift portal, Shaft, Tunnel, Ventilation shaft - Upcast, Ventilation Shaft - Downcast, Adit, other
Entry_type	Type of entry	Character	50	Select from Options List		
Feat_type	Type of geological feature	Character	50	Chartor determined		
Field_note	Reference to Field Book	Character	50	Chartor determined		
File_date	CD-R date	Character	10	Provider determined		
File_name	Theme file name	Character	50	Provider determined		
Finish_rl	Height of the finish of the borehole (AHD)	Character	20	Chartor determined		
Grid_value	Easting or northing value of the grid line	Character	20	Chartor determined		
Height	Height (AHD)	Character	20	Chartor determined		
Holding	Colliery holding name	Character	50	Chartor determined		
Initials	Surveyor's initials	Character	10	Chartor determined		

Table 9.2 (Continued)  
Theme Attribute Names and Definitions

Attribute Name	Description	Database Format	Max Length	Input Value	Example	Options List
Inrush_id	Name to identify inrush control zone	Character	100	Chartor determined		
Inrush_type	Inrush risk type	Character	100	Chartor determined		
Land_tag	Cadastral parcel identifier - LPI format	Character	50	Chartor determined		
Mark_id	Boundary corner mark identifier	Character	20	Chartor determined		
Mark_type	Type of boundary corner mark	Character	50	Chartor determined		
Mine_name	Name of the coal operation relating to the MWP	Character	50	Chartor determined	Acme Colliery	
Northing	Northing in MGA 94	Floating Integer	11.3	Chartor determined		
Parish_id	Name of Parish	Character	50	Chartor determined		
Plan_catno	Survey plan catalogue	Character	20	Chartor determined		
Plantype	Type of cadastral parcel - LPI format	Integer	10	Select from Options List		Refer to LPI metadata accompanying DCDB.
Portion_no	Mining portion	Character	30	Chartor determined		
Pres_date	Date that dam was prescribed	Character	10	Chartor determined		
Provider	Mining Surveyor signing the CD-R	Character	50	Provider determined		
RT_No	RT Number (MWP Catalogue Number)	Character	10	Chartor determined	RT123	
Seam_name	Name of the seam relating to the feature	Character	30	Select from DPI,MR list	Bayswater	

Table 9.2 (Continued)  
Theme Attribute Names and Definitions

Attribute Name	Description	Database Format	Max Length	Input Value	Example	Options List
Source	Feature status	Character	50	Select from Options List		Mine survey, Other survey, Digitised, CAD drawn, Calculated, Coordinate entry, Mine records, Department records, Mining lease, Planning Approval, Mining Approval, other
Station_id	Name of survey station	Character	20	Chartor determined		
Status	Feature status	Character	50	Select from Options List		Working, Discontinued, Abandoned, Current, Final, Destroyed, In progress, Temporary, Sealed, Open, Adopted by mine, Adopted by DPI,MR, Flooded, Indicated, Inferred
Surv_date	date of survey	Character	10	Chartor determined		
Theme_name	MWDT name	Character	50	Provider determined		
Title_name	Mining lease identifier	Character	30	Chartor determined		
Type	Type of control station	Character	50	Chartor determined		
Width	Width of feature	Character	20	Chartor determined		
Work	Type of mine workings	Character	50	Select from Options List	First workings	First workings, Second workings, Workings outline, Void detail, Void outline, Adjacent workings outline, Adjacent first workings, Adjacent second workings, Surface highwall workings, Surface auger workings, Underground auger workings

Table 9.3 (Continued)  
Theme Attribute Allocation and Feature Type

Theme Name	Sub Theme	Feature Type	Attribute Category		
			* Core Attributes	** Metadata Attributes	
* Core Attributes are: Mine_name, RT_No, Chart_date, Status, Source, Endorse, Chartor and Descript					
** Metadata Attributes are: Theme_name, Disk_name, File_name, File_date, Caution and Provider					
Adjacent Mine Workings	Partial Outline	Line	All	Seam_name, Work	All
	Full Outline	Polygon			
Adjacent Seam Workings	First Workings	Line	All	Seam_name, Work	All
	Second Workings	Polygon			
Barriers & Restricted Zones		Polygon	All	Seam_name, DPI,MR_file, Barr_type, Barr_Date	All
		Polygon			
Borehole Locations	Vertical Boreholes	Point	All	Seam_name, Easting, Northing, Azimuth, Bhole_date, Bhole_name, Code_no, Collar_rl, Finish_rl, Depth,	All
	Horizontal/Incline d Boreholes	Line			
Boundary Control Marks		Point	All	Easting, Northing, Mark_id, Mark_type	All
Cadastral Parcels		Polygon	All	Land_tag, Plan_type	All
Colliery Holding Boundary		Polygon	All	Seam_name, Holding	All
County Boundary		Polygon	All	County_id	All
Date lines		Polygon	All	Seam_name, Date_work, Initials	All



**Table 9.3 (Continued)**  
**Theme Attribute Allocation and Feature Type**

Theme Name	Sub Theme	Feature Type	Attribute Category		** Metadata Attributes
			* Core Attributes	Additional Attributes	
Emplacement Areas		Polygon	All	Emplc_id, Emplc_type	All
First Workings		Line	All	Seam_name, Date_Work, Work,	All
Grid Lines		Line	All	Grid_value	All
Highwall/Auger Mining		Polygon	All	Seam_name, Date_Work, Work	All
Mine Boundary		Polygon	All	Seam_name, Holding	All
Mining Approvals		Polygon	All	Seam_name, DMR_file, App_id, App_type, App_date, End_date	All
Mining Lease Boundaries		Polygon	All	Seam_name, Holding, Portion_no, Title_name, Plan_catno	All
Mine Underground Access		Polygon	All	Seam_name, Easting, Northing, Azimuth, Dip, Entry_type	All
Mine Workings Outline	Workings extents	Polygon	All	Seam_name,	All
	Void extents				
Parish Boundaries		Polygon	All	Parish_id, Bdy_type	All
Potential Sources of Inrush		Polygon	All	Seam_name, Inrush_id, Inrush_type	All
Prescribed Dams		Polygon	All	Dam_name, Pres_date, Bdy_type	All
Survey Control Stations		Point	All	Seam_name, Easting, Northing, Height, Station_id, Type, Field_note, Adjustment, Surv_date	All

Table 9.3 (Continued)  
Theme Attribute Allocation and Feature Type

Theme Name	Sub Theme	Feature Type	Attribute Category		** Metadata Attributes
			* Core Attributes	Additional Attributes	
Second Workings		Polygon	All	Seam_name, Date_Work, Work, Initials	All
Surveyed Geofeatures		Line	All	Seam_name, Azimuth, Feat_id, Feat_type, Code_no, Direction, Displacement, Width	All
		Polygon	All	Seam_name, Azimuth, Feat_id, Feat_type, Code_no, Direction, Displacement, Width	All
Underground Auger Areas		Polygon	All	Seam_name, Date_work, Work, Initials	All
Void Contours		Line	All	Height	All
Void Detail		Polygon	All	Date_Work, Work, Initials	All
		Line			
Working Section Floor Contours		Line	All	Seam_name, Height	All

\* Core Attributes are: Mine\_name, RT\_No, Chart\_date, Status, Source, Endorse, Chartor and Descript

\*\* Metadata Attributes are: Theme\_name, Disk\_name, File\_name, File\_date, Caution and Provider

**Table 9.8 (Continued)**  
**File Naming Convention**

<b>Theme name</b>	<b>Filename definition</b>	<b>Example</b>
Adjacent Mine Workings	adjmine_ <i>[RT number]</i> _ <i>[Chart_date]</i>	adjmine_rt701_March2006 (outline - adjacent mines in all other seams)
Adjacent Seam workings	adjseam1_ <i>[RT number]</i> _ <i>[Chart_date]</i> adjseam2_ <i>[RT number]</i> _ <i>[Chart_date]</i>	adjseam1_rt701_March2006 (1st workings for adjacent mines in same seam as RT701) adjseam2_rt701_March2006 (2nd workings for adjacent mines in same seam as RT701)
Barriers & Restricted Zones	barrier_ <i>[RT number]</i> _ <i>[Chart_date]</i>	barrier_rt701_March2006
Borehole Locations	boreholes_vert_ <i>[RT number]</i> _ <i>[Chart_date]</i> boreholes_horiz_ <i>[RT number]</i> _ <i>[Chart_date]</i>	boreholes_vert_rt701_March2006 boreholes_horiz_rt701_March2006
Boundary Control Marks	bdy_control_ <i>[RT number]</i> _ <i>[Chart_date]</i>	bdy_control_rt701_March2006
Cadastral Parcels	lcl_cadastre_ <i>[RT number]</i> _ <i>[Chart_date]</i>	lcl_cadastre_rt701_March2006
Colliery Holding Boundary	holding_ <i>[RT number]</i> _ <i>[Chart_date]</i>	holdingrt701_March2006
County Boundary	county_ <i>[RT number]</i> _ <i>[Chart_date]</i>	county_rt701_March2006
Date lines	dateline_ <i>[RT number]</i> _ <i>[Chart_date]</i>	dateline_rt701_March2006
Emplacement Areas	emplacement_ <i>[RT number]</i> _ <i>[Chart_date]</i>	emplacement_rt701_March2006
First Workings	work1_ <i>[RT number]</i> _ <i>[Chart_date]</i>	work1_rt701_March2006
Grid Lines	grid_ <i>[MGA zone]</i> _ <i>[RT number]</i> _ <i>[Chart_date]</i>	grid_m56_rt701_March2006
Highwall/ Auger Mining	highwall_auger_ <i>[RT number]</i> _ <i>[Chart_date]</i>	highwall_auger_rt701_March2006
Mine Boundary	mine_bdy_ <i>[RT number]</i> _ <i>[Chart_date]</i>	mine_bdy_rt701_March2006
Mining Approvals	mining_approval_ <i>[RT number]</i> _ <i>[Chart_date]</i>	mining_approval_rt701_March2006

Table 9.8 (Continued)  
File Naming Convention

Theme name	Filename definition	Example
Mining Lease Boundaries	title_[RT number]_[Chart_date]	title_rt701_March2006
Mine Underground Access	minfra_[RT number]_[Chart_date]	minfra_rt701_March2006
Mine Workings Outline underground	extents_[RT number]_[Chart_date]	extents_rt701_March2006
Mine Workings Outline open cut	extents_void_[RT number]_[Chart_date]	extents_void_rt701_March2006
Parish Boundaries	parish_[RT number]_[Chart_date]	parish_rt701_March2006
Potential Sources of Inrush	pot_inrush_[RT number]_[Chart_date]	pot_inrush_rt701_March2006
Prescribed Dams	dam_[RT number]_[Chart_date]	dam_rt701_March2006
Survey Control Stations	survey_[RT number]_[Chart_date]	survey_rt701_March2006
Surveyed Geofeatures	geology_[RT number]_[Chart_date]	geology_rt701_March2006
	geology_area_[RT number]_[Chart_date]	geology_area_rt701_March2006
Second Workings	work2_[RT number]_[Chart_date]	work2_rt701_March2006
Underground Auger Areas	UG_auger_[RT number]_[Chart_date]	UG_auger_rt701_March2006
Void Contours	void_cont_[RT number]_[Chart_date]	void_cont_rt701_March2006
Void Detail	void_detail_area_[RT number]_[Chart_date]	void_detail_area_rt701_March2006
	void_detail_lines_[RT number]_[Chart_date]	void_detail_lines_rt701_March2006
Working Section Floor Contours	contour_[RT number]_[Chart_date]	contour_rt701_March2006

**Table 9.9 (Continued)**  
**Metadata Statement**

<b>Category</b>	<b>Element</b>	<b>Definition</b>
<b>Theme</b>	Theme name (user input)	Theme file name. (user input)
<b>Features</b>	Feature Type	Point, line or closed polygon. (user input)
<b>Department Reference</b>	MWP Catalogue Number	Mine Workings Plan catalogue number. (user input)
<b>Custodian</b>	Mine Operator	Corporation or individual person that operates the mine. (user input)
	Mine Name and Address	The name and postal address of the mine. (user input)
<b>Description</b>	Abstract	Brief summary description of the content of the theme. (user input)
<b>Data Currency</b>	Date of First Version	When the theme was first created. (user input)
	Date of this Version	Date of this version of the theme. (user input)
<b>Theme Status</b>	Progress	The status of the process of theme creation. (user input)
	Maintenance and update frequency	Frequency of changes or additions made to the theme. (user input)
<b>Access</b>	Stored data format	The format in which the theme is stored by the Mine Surveyor. (user input)
	Available format type	The format in which the theme is available. (user input)
	Access constraints	Restrictions or legal prerequisites that may apply to the access and use of the theme including licensing, liability, and copyright. (user input)
<b>Data Quality</b>	Lineage	A brief history of the source or production the theme. (user input)
Data Quality (Cont'd)	Accuracy Statement	A brief assessment of the closeness of the location of objects in the theme in relation to their true position on the Earth.

**Table 9.9 (Continued)**  
**Metadata Statement**

Category	Element	Definition
	Accuracy Attribute	<p>A ranking that best determines the positional accuracy for a particular feature in the theme.</p> <p>1: Error ellipse no greater than 100mm            2: 100mm - 500mm            3: 500mm - 2m            4: 2m - 10m            5: Greater than 10m</p>
	Logical Consistency	A brief description of the degree of adherence of logical rules of data structure, attribution, and relationships. (user input)
	Completeness	An assessment of the extent and range in regard to completeness of coverage, attributions and verification. (user input)
<b>Attributes (All)</b>	<b>Attributes attached to each feature object in the theme.</b>	<b>List each attribute attached as a data field to the features in the theme.</b>
<b>Core Attributes (Attributes that are attached to all Mine Workings Digital Themes)</b>	Mine_name	Name of the colliery relating to the Mine Workings Plan.
	RT_No	Department Catalogue Number
	Chart_date	The date the feature object was recorded on the Mine Workings Plan.
	Status	The status of the feature object in the Mine Workings Plan.
	Source	Where the feature object was sourced from.
	Endorse	Reference to a field book or other appropriate notation
	Chartor	Person recording feature object onto the Mine Workings Plan.
	Descript	Description of feature object.
	Seam_name	Seam that was mined or relates to the feature object.
	Date_work	Date the workings were driven or extracted.

**Table 9.9 (Continued)  
Metadata Statement**

Category	Element	Definition
<p>be common to other themes) (Examples only – see Table 9.2)</p>	<p>Work</p>	<p>Type of mine workings.</p>
<p><b>Metadata Attributes</b> (Attributes that are attached to all Mine Workings Digital Themes at the time of submission to the Department)</p>	<p>Theme_name Disk_name File_name File_Date Provider Caution</p>	<p>The name of the theme. The name of the CD-R submitted for the Reporting Period. Theme file name. The date the theme was supplied to the Department. Surveyor providing the theme to the Department. Warning as to use of the theme.</p>
<p><b>Miscellaneous</b></p>	<p>No. of features: Source Pathname: Application Environment:</p>	<p>Number of individual features, for example, 500 boreholes Data location. This not required for submission but may support internal data management . Development environment.</p>
<p><b>Projection:</b></p>	<p>Name : Zone: Units : Datum: Ellipsoid:</p>	<p>Map Grid Australia (MGA 94) MGA [zone] (user input) Metres Geocentric Datum of Australia 1994 (GDA94) GRS80</p>
<p><b>Metadata date</b></p>	<p>Metadata date</p>	<p>Date on which the metadata record was created or modified. (user input)</p>

## Department of Primary Industries

### FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Aquaculture) Regulation 2002

Notification under Clause 33 (4)

Proposed Auction of Aquaculture Leases in  
the Hastings River

THE NSW Department of Primary Industries will auction twenty four (24) areas of public water land in the Hastings River, for the purpose of oyster farming.

<i>Former lease number</i>	<i>Approximate size (area in hectares)</i>	<i>Location</i>	<i>GIS survey</i>
OL57/127	0.3568	Maria River	Draft location plan
OL57/128	0.5356	Maria River	Draft location plan
OL59/147	0.2009	Kings Point	Approved GIS plan
OL59/177	0.2546	Limeburners Creek	Approved GIS plan
OL62/057	0.1654	Kings Point	Approved GIS plan
OL67/358	0.5550	Maria River	Draft location plan
OL69/391	0.4586	Maria River	Draft location plan
OL69/412	0.3854	Limeburners Creek	Approved GIS plan
OL69/441	1.7565	Big Bay	Approved GIS plan
OL70/126	0.4701	Maria River	Draft location plan
OL70/228	0.7000	Limeburners Creek	Approved GIS plan
OL70/181	0.9230	Big Bay	Approved GIS plan
OL70/249	0.7495	Hastings River	Draft location plan
OL70/372	0.3219	Maria River	Draft location plan
OL71/004	0.3809	Big Bay	Approved GIS plan
OL72/138	0.7249	Maria River	Draft location plan
OL73/297	0.7981	Big Bay	Approved GIS plan
OL73/309	0.8980	Maria River	Draft location plan
OL73/366	0.1857	Big Bay	Approved GIS plan
OL75/026	0.3090	Big Bay	Approved GIS plan
OL75/256	0.1503	Big Bay	Approved GIS plan
OL83/104*	0.2372	Limeburners Creek	Draft location plan
OL84/131	0.4674	Big Bay	Approved GIS plan
OL84/170	0.5108	Hastings River	Draft location plan

\* Lease previously applied for, advertised and expression of interest received by NSW DPI.

The areas will be auctioned at Westport Bowling Club, Port Macquarie on Tuesday, 5 June 2007. The auction will commence at 10 am (registration at 9 am). Any lease granted as a result of the auction will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit as prescribed under the Fisheries Management Act 1994, including payment of prescribed annual fees and charges. Tenure of a lease will be up to 15 years. Leases will be auctioned "as is" condition, any existing improvements have not been valued and will become the responsibility of the leaseholder. Further details and information package are available by contacting the local Fisheries Officer on (02) 6581 4084 or the Aquaculture Administration Section, Port Stephens Fisheries Centre on (02) 4982 1232.

BILL TALBOT,  
Director,  
Fisheries Conservation and Aquaculture,  
NSW Department of Primary Industries

### FISHERIES MANAGEMENT ACT 1994

Instrument of Appointment to Share Appeal Panel

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 83 of the Fisheries Management Act 1994, appoint the persons named in Column 1 of the Schedule below as members of the Share Appeal Panel for the fishery listed in Column 2 of the Schedule in the position described in Column 3 of the Schedule, from the date hereof until 31 January 2008.

#### SCHEDULE

<i>Column 1 Name</i>	<i>Column 2 Share managed Fishery</i>	<i>Column 3 Position</i>
Mr John Hertzberg	Estuary General Share Management Fishery	Chairperson
Mr George Skoutarides	Estuary General Share Management Fishery	Industry representative
Dr Veronica Silberschneider	Estuary General Share Management Fishery	Nominee of the Director-General
Mr John Hertzberg	Ocean Hauling Share Management Fishery	Chairperson
Mr George Skoutarides	Ocean Hauling Share Management Fishery	Industry representative
Dr Veronica Silberschneider	Ocean Hauling Share Management Fishery	Nominee of the Director-General
Mr John Hertzberg	Ocean Trap and Line Share Management Fishery	Chairperson
Mr John Gallagher	Ocean Trap and Line Share Management Fishery	Industry representative
Dr Veronica Silberschneider	Ocean Trap and Line Share Management Fishery	Nominee of the Director-General
Mr John Hertzberg	Ocean Trawl Share Management Fishery	Chairperson
Mr John Gallagher	Ocean Trawl Share Management Fishery	Industry representative
Dr Veronica Silberschneider	Ocean Trawl Share Management Fishery	Nominee of the Director-General

Dated this 23rd day of April 2007.

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

### PLANT DISEASES ACT 1924

#### Erratum

IN *New South Wales Government Gazette* No. 66, dated 11 May 2007, on Folio 2714, one notice appeared under the heading Plant Diseases Act 1924 with the incorrect date of 26th day of 2007. This should have been 26th day of April 2007. This erratum amends that error.



**RURAL ASSISTANCE ACT 1989**

Appointment of Acting Chief Executive  
NSW Rural Assistance Authority

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 11 of the Rural Assistance Act 1989, appoint Mr Alan COUTTS as Chief Executive of the New South Wales Rural Assistance Authority for a term of five years until 20 May 2012.

Dated this 1st day of May 2007.

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

**MINERAL RESOURCES**

NOTICE is given that the following applications have been received:

**EXPLORATION LICENCE APPLICATIONS**

(07-213)

No. 3108, DAVID HOBBY AND BELINDA MAREE HOBBY, area of 3 units, for Group 1, dated 9 May 2007. (Orange Mining Division).

(07-214)

No. 3109, NEA KAMENI PTY LTD (ACN 009 282 875), area of 100 units, for Group 6, dated 10 May 2007. (Armidale Mining Division).

(07-215)

No. 3110, PLATSEARCH NL (ACN 003 254 395), area of 71 units, for Group 1, dated 10 May 2007. (Broken Hill Mining Division).

(07-216)

No. 3111, PLATSEARCH NL (ACN 003 254 395), area of 72 units, for Group 1, dated 10 May 2007. (Broken Hill Mining Division).

(07-217)

No. 3112, PLATSEARCH NL (ACN 003 254 395), area of 82 units, for Group 1, dated 10 May 2007. (Broken Hill Mining Division).

(07-218)

No. 3113, DAVID SUTTON AND ANTHONY HARGREAVES, area of 142 units, for Group 1, dated 10 May 2007. (Wagga Wagga Mining Division).

(07-219)

No. 3114, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 29 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-220)

No. 3115, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 23 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-221)

No. 3116, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 25 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-222)

No. 3117, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 25 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-223)

No. 3118, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 100 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-224)

No. 3119, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 49 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-225)

No. 3120, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 80 units, for Group 1, dated 14 May 2007. (Sydney Mining Division).

(07-226)

No. 3121, PLATSEARCH NL (ACN 003 254 395), area of 72 units, for Group 1, dated 14 May 2007. (Broken Hill Mining Division).

(07-227)

No. 3122, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 69 units, for Group 1, dated 15 May 2007. (Wagga Wagga Mining Division).

(07-228)

No. 3123, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 48 units, for Group 1, dated 15 May 2007. (Wagga Wagga Mining Division).

(07-229)

No. 3124, GEOINFORMATICS EXPLORATION AUSTRALIA PTY LIMITED (ACN 009 249 585), area of 82 units, for Group 1, dated 15 May 2007. (Orange Mining Division).

(07-230)

No. 3125, BELLAMEL RESOURCES PTY LTD (ACN 120 922 161), area of 25 units, for Group 1, dated 15 May 2007. (Cobar Mining Division).

(07-231)

No. 3126, CRYSTAL MINERALS PTY LTD (ACN 121 287 563), area of 62 units, for Group 1, dated 16 May 2007. (Cobar Mining Division).

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

NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATIONS**

(06-107)

No. 2687, now Exploration Licence No. 6759, OROYA MINING LIMITED (ACN 009 146 794), County of Beresford, Map Sheet (8725), area of 96 units, for Group 1, dated 30 April 2007, for a term until 30 April 2009.

(06-238)

No. 2756, now Exploration Licence No. 6749, IRONBARK GOLD LIMITED (ACN 118 751 027), Counties of Bligh, Lincoln and Wellington, Map Sheet (8732, 8733), area of 129 units, for Group 1, dated 16 April 2007, for a term until 16 April 2009.

(06-4078)

No. 2783, now Exploration Licence No. 6749, IRONBARK GOLD LIMITED (ACN 118 751 027), County of Bligh, Map Sheet (8732, 8733), area of 129 units, for Group 1, dated 16 April 2007, for a term until 16 April 2009.

(06-4090)

No. 2796, now Exploration Licence No. 6763, DAVID CHARLES PRENDERGAST, Counties of Rankin and Werunda, Map Sheet (7734), area of 4 units, for Group 2, dated 30 April 2007, for a term until 30 April 2009.

(06-4092)

No. 2798, now Exploration Licence No. 6751, BELLAMEL RESOURCES PTY LTD (ACN 120 922 161), Counties of Cowper, Robinson and Yanda, Map Sheet (8035, 8135), area of 100 units, for Group 1, dated 17 April 2007, for a term until 17 April 2009.

(06-4122)

No. 2828, now Exploration Licence No. 6771, SILVER MINES LIMITED (ACN 107 452 942), County of Clive, Map Sheet (9239), area of 25 units, for Group 1, dated 9 May 2007, for a term until 9 May 2009.

(06-4124)

No. 2830, now Exploration Licence No. 6772, SILVER MINES LIMITED (ACN 107 452 942), Counties of Arrawatta and Gough, Map Sheet (9138, 9139, 9238, 9239), area of 35 units, for Group 1, dated 8 May 2007, for a term until 8 May 2009.

(06-4127)

No. 2833, now Exploration Licence No. 6748, CULLEN EXPLORATION PTY LIMITED (ACN 077 371 165), Counties of Blaxland and Dowling, Map Sheet (8131, 8231), area of 26 units, for Group 1, dated 16 April 2007, for a term until 16 April 2009.

(06-4133)

No. 2839, now Exploration Licence No. 6775, WOLF MINERALS LIMITED (ACN 121 831 472), Counties of Mitchell and Wynyard, Map Sheet (8326, 8327), area of 36 units, for Group 1, dated 8 May 2007, for a term until 8 May 2009.

(06-4134)

No. 2840, now Exploration Licence No. 6752, DAVID CHARLES PRENDERGAST, County of Kennedy, Map Sheet (8332), area of 4 units, for Group 1, dated 17 April 2007, for a term until 17 April 2009.

(06-4136)

No. 2842, now Exploration Licence No. 6775, WOLF MINERALS LIMITED (ACN 121 831 472), Counties of Mitchell and Wynyard, Map Sheet (8326, 8327), area of 36 units, for Group 1, dated 8 May 2007, for a term until 8 May 2009.

(06-4140)

No. 2846, now Exploration Licence No. 6771, SILVER MINES LIMITED (ACN 107 452 942), County of Clive, Map Sheet (9239), area of 25 units, for Group 1, dated 9 May 2007, for a term until 9 May 2009.

(06-4141)

No. 2847, now Exploration Licence No. 6773, MATILDA MINERALS LIMITED (ACN 103 651 538), County of White, Map Sheet (8836, 8837), area of 80 units, for Group 10, dated 8 May 2007, for a term until 8 May 2009.

(06-4147)

No. 2850, now Exploration Licence No. 6727, COMPASS RESOURCES N.L. (ACN 010 536 820), Counties of Killara and Landsborough, Map Sheet (7636, 7736, 7836), area of 179 units, for Group 1, dated 5 March 2007, for a term until 5 March 2009.

(06-4150)

No. 2853, now Exploration Licence No. 6753, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Blaxland, Map Sheet (8132), area of 100 units, for Group 1, dated 17 April 2007, for a term until 17 April 2009.

(06-4152)

No. 2855, now Exploration Licence No. 6754, KANIMBLAN MINES PTY LTD (ACN 094 205 133), Counties of Roxburgh and Wellington, Map Sheet (8831), area of 68 units, for Group 1, dated 17 April 2007, for a term until 17 April 2009.

(06-4153)

No. 2856, now Exploration Licence No. 6749, IRONBARK GOLD LIMITED (ACN 118 751 027), Counties of Bligh and Lincoln, Map Sheet (8732, 8733), area of 129 units, for Group 1, dated 16 April 2007, for a term until 16 April 2009.

(06-4161)

No. 2864, now Exploration Licence No. 6755, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Blaxland, Map Sheet (8032), area of 6 units, for Group 1, dated 17 April 2007, for a term until 17 April 2009.

(06-4176)

No. 2880, now Exploration Licence No. 6728, MINCOR COPPER PTY LTD (ACN 120 024 777), Counties of Flinders, Kennedy and Oxley, Map Sheet (8333, 8334), area of 159 units, for Group 1, dated 5 March 2007, for a term until 5 March 2009.

(06-4187)

No. 2891, now Exploration Licence No. 6769, RANGOTT MINERAL EXPLORATION PTY LIMITED, Counties of Blaxland and Dowling, Map Sheet (8131), area of 41 units, for Group 1, dated 7 May 2007, for a term until 7 May 2009.

(06-4195)

No. 2899, now Exploration Licence No. 6756, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), Counties of Cunningham and Kennedy, Map Sheet (8432), area of 88 units, for Group 1, dated 17 April 2007, for a term until 17 April 2009.

(06-4214)

No. 2918, now Exploration Licence No. 6766, PLATSEARCH NL (ACN 003 254 395), County of Fitzgerald, Map Sheet (7536, 7537), area of 63 units, for Group 1, dated 30 April 2007, for a term until 30 April 2009.

(06-7055)

No. 2924, now Exploration Licence No. 6767, IRONBARK ZINC PTY LTD (ACN 121 040 408), County of Georgiana, Map Sheet (8729), area of 13 units, for Group 1, dated 1 May 2007, for a term until 1 May 2009.

(06-7096)

No. 2964, now Exploration Licence No. 6770, TRIAKO RESOURCES LIMITED (ACN 008 498 119), Counties of Blaxland and Mouramba, Map Sheet (8032, 8033, 8133), area of 90 units, for Group 1, dated 7 May 2007, for a term until 7 May 2009. As a result of the grant of this title, Exploration Licence No. 6156 and Exploration Licence No. 6395 have ceased to have effect.

(07-75)

No. 2975, now Exploration Licence No. 6774, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7134), area of 13 units, for Group 1, dated 8 May 2007, for a term until 8 May 2009.

(07-103)

No. 3000, now Exploration Licence No. 6768, NEW SOUTH RESOURCES LIMITED (ACN 119557416), County of Clarendon, Map Sheet (8428), area of 14 units, for Group 1, dated 2 May 2007, for a term until 2 May 2009.

#### MINING LEASE APPLICATION

(06-5726)

Singleton No. 284, now Mining Lease No. 1595 (Act 1992), RESOURCE PACIFIC LIMITED (ACN 106 177 708), Parish of Liddell, County of Durham, Map Sheet (9133-3-S), area of 37.07 hectares, for the purpose of dam and dumping or depositing mine residues or tailings, dated 4 May 2007, for a term until 4 May 2028. As a result of the grant of this title, Authorisation No. 385 has partly ceased to have effect.

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

NOTICE is given that the following applications have been withdrawn:

#### ASSESSMENT LEASE APPLICATIONS

(04-1093)

No. 37, SPECIALTY COAL PTY LTD (ACN 87095226181), Parish of Stanhope, County of Durham. Withdrawal took effect on 11 May 2007.

(04-1094)

No. 38, SPECIALTY COAL PTY LTD (ACN 87095226181), Withdrawal took effect on 11 May 2007.

#### EXPLORATION LICENCE APPLICATION

(07-216)

No. 3111, PLATSEARCH NL (ACN 003 254 395), County of Farnell and County of Yungnulgra, Map Sheet (7135, 7136, 7435). Withdrawal took effect on 14 May 2007.

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

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

(C92-0349)

Authorisation No. 460, CENTENNIAL SPRINGVALE PTY LIMITED (ACN 052 096 812) AND SPRINGVALE SK KORES PTY LIMITED (ACN 051 015 402), area of 1105 hectares. Application for renewal received 10 May 2007.

(06-3543)

Exploration Licence No. 2033, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 42 units. Application for renewal received 9 May 2007.

(T98-1037)

Exploration Licence No. 5491, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), area of 19 units. Application for renewal received 10 May 2007.

(T02-0434)

Exploration Licence No. 6089, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 46 units. Application for renewal received 9 May 2007.

(T03-0008)

Exploration Licence No. 6091, LFB RESOURCES NL (ACN 073 478 574), area of 15 units. Application for renewal received 9 May 2007.

(04-537)

Exploration Licence No. 6426, AURICULA MINES PTY LIMITED (ACN 108 362 027), area of 24 units. Application for renewal received 10 May 2007.

(05-161)

Exploration Licence No. 6430, PEREGRINE MINERAL SANDS N.L. (ACN 009 307 591), area of 58 units. Application for renewal received 9 May 2007.

(04-640)

Exploration Licence No. 6432, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), area of 8 units. Application for renewal received 9 May 2007.

(T01-0368)

Mining Purposes Lease No. 269 (Act 1973), JEREMY RODERICK LOMAX, area of 5.04 hectares. Application for renewal received 9 May 2007.

(T01-0026)

Mining Purposes Lease No. 282 (Act 1973), MALCOLM DONALD HOLLAND, area of 1.466 hectares. Application for renewal received 9 May 2007.

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

#### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T03-0899)

Exploration Licence No. 6311, AUGUR RESOURCES LTD (ACN 106 879 690), County of Gordon, Map Sheet (8632), area of 49 units, for a further term until 26 September 2008. Renewal effective on and from 27 April 2007.

(T03-0902)

Exploration Licence No. 6312, AUGUR RESOURCES LTD (ACN 106 879 690), County of Kennedy, Map Sheet (8332, 8432), area of 46 units, for a further term until 26 September 2008. Renewal effective on and from 27 April 2007.

(04-534)

Exploration Licence No. 6328, CLANCY EXPLORATION LIMITED (ACN 105 578 756), County of Lincoln, Map Sheet (8633, 8733), area of 14 units, for a further term until 24 October 2008. Renewal effective on and from 18 April 2007.

(T03-0978)

Exploration Licence No. 6338, AUGUR RESOURCES LTD (ACN 106 879 690), County of Flinders, Map Sheet (8134, 8234), area of 94 units, for a further term until 8 November 2007. Renewal effective on and from 26 April 2007.

(04-544)

Exploration Licence No. 6372, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Clarendon and Wynyard, Map Sheet (8427, 8428, 8527), area of 41 units, for a further term until 1 February 2008. Renewal effective on and from 14 May 2007.

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

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#### CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T03-0078)

Exploration Licence No. 6141, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Clyde, County of Cowper, County of Gunderbooka and County of Narran, Map Sheet (8137, 8138, 8238), area of 113 units. Cancellation took effect on 27 March 2007.

(T03-0119)

Exploration Licence No. 6163, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Flinders, Map Sheet (8233), area of 4 units. Cancellation took effect on 27 March 2007.

(04-522)

Exploration Licence No. 6418, ROBUST RESOURCES PTY LIMITED (ACN 106 964 881), County of Gipps, Map Sheet (8330, 8331, 8430, 8431), area of 100 units. Cancellation took effect on 27 April 2007.

(05-304)

Exploration Licence No. 6546, MINING EXPLORATION PTY LTD (ACN 113 513 321), County of Gordon, Map Sheet (8632, 8633), area of 12 units. Cancellation took effect on 7 April 2007.

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

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#### TRANSFERS

(06-102)

Exploration Licence No. 6592, formerly held by MINCOR RESOURCES NL (ACN 072 745 692) has been transferred to MINCOR COPPER PTY LTD (ACN 120 024 777). The transfer was registered on 11 May 2007.

(06-232)

Exploration Licence No. 6656, formerly held by MINCOR RESOURCES NL (ACN 072 745 692) has been transferred to MINCOR COPPER PTY LTD (ACN 120 024 777). The transfer was registered on 11 May 2007.

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



## Roads and Traffic Authority

### ROAD TRANSPORT (GENERAL) ACT 2005

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

GUNDAGAI SHIRE COUNCIL in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

G. A. J. TICKNER,  
General Manager,  
Gundagai Council  
(by delegation from the Minister for Roads)  
14 March 2007

#### SCHEDULE

**1. Citation**

This Notice may be cited as Gundagai Shire Council 4.6 Metre High Vehicle Route Notice No. 01/2007.

**2. Commencement**

This Notice takes effect from 14 March 2007.

**3. Effect**

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

**4. Application**

This Notice applies to those 4.6 Metre High Vehicle 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>
	000	West Street	Hume Highway	Sheridan Street	
	000	Sheridan Street	West Street	Hume Highway	
	000	William Street	West Street	Charlotte Street	

### ROAD TRANSPORT (GENERAL) ACT 2005

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

PORT STEPHENS COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PETER GESLING,  
General Manager,  
Port Stephens Council  
(by delegation from the Minister for Roads)  
4 May 2007

#### SCHEDULE

**1. Citation**

This Notice may be cited as the Port Stephens Council 25 Metre B-Double Notice No. 01/2007.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 30 November 2007 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25		Wighton Street, Seaham	Clarence Town Road	Harvey's Chicken Farm	

## Other Notices

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

#### Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Gas Industry Operations.

#### Citation

The order is cited as the Gas Industry Operations Order.

#### Order

A summary of the Order is given below.

#### (a) Term of Training

##### (i) Full-time

Training shall be given for a nominal term of 12 months for the Certificate II, 24 months for the Certificate III and 36 months for Certificate IV or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

##### (ii) Part-time

##### (iii) School based traineeships

In the case of school based part-time traineeships, trainees will undertake a minimum of 100 days on-the-job training across a twenty-four (24 month) period within which trainees shall be required to demonstrate competencies relevant to the Vocational Training Order.

While at school, training may extend to sixty (60) months where the Higher School Certificate is being delivered over a five (5) year period.

Students may work full-time during school vacations and/or weekends. They are not required to attend on-the-job and/or off-the-job training for more than one (1) day per week during examination periods or exam preparation periods.

##### (iii) Non school based traineeships

The nominal term for a part-time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44	Not Allowable			
17	14	28	42	Not Allowable			
18	14	27	41	Not Allowable			
19	13	26	39	Not Allowable			
20	13	25	38	Not Allowable			
21	12	24	36	48	Not Allowable		
22	12	23	35	46	Not Allowable		
23	11	22	33	44	55	Not Allowable	
24	11	21	32	42	53	Not Allowable	
25	10	20	30	40	50	60	Not Allowable
26	10	19	29	38	48	57	Not Allowable
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

#### (b) Competency Outcomes

Trainees will be trained in and achieve competence in the units of competence specified Gas Industry Training Package (Revised) UEG06.

#### (c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

- Certificate II in Utilities Industry Operations UEG20106
- Certificate III in Gas Industry Operations UEG30106
- Certificate IV in Gas Industry Operations UEG40106

#### Availability for Inspection

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

### ASSOCIATIONS INCORPORATION ACT 1984

#### Transfer of Incorporation Pursuant to Section 48 (4)

TAKE notice that the company "Sydney West Advanced Pelvic Surgery Research Foundation Limited" formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act

1984 as "SYDNEY WEST ADVANCED PELVIC SURGERY RESEARCH FOUNDATION INCORPORATED" effective 15 May 2007.

KERRI GRANT,  
Manager, Legal,  
Delegate of Commissioner,  
Office of Fair Trading

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#### ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48 (4)

TAKE notice that the company "Racing Sports Club of NSW Ltd" formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act 1984 as "RACING SPORTS CLUB INCORPORATED" effective 15 May 2007.

KERRI GRANT,  
Manager, Legal,  
Delegate of Commissioner,  
Office of Fair Trading

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#### EDUCATION ACT 1990

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land  
for Public School

THE Minister for Education and Training, with the approval of Her Excellency the Governor, declares by delegate that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Education Act 1990.

Dated at Sydney, this twentieth day of December 2006.

CARMEL MARY TEBBUTT, M.P.,  
Minister for Education and Training

#### SCHEDULE

All that piece or parcel of land situate in the Local Government Area of Camden, Parish of Narellan and County of Cumberland, containing an area of 17,643 square metres or thereabouts and being part Lots 1 and 3, Deposited Plan 1096138.

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#### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the name listed hereunder as a geographical name.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice, write to the Secretary of the Board with that comment.

Proposed Name: Allan Fairhall Reserve  
Designation: Reserve  
L.G.A.: Dungog Shire Council  
Parish: Houghton  
County: Durham  
L.P.I. Map: Paterson  
1:100,000 Map: Newcastle 9232  
Reference: GNB 5185

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](http://www.gnb.nsw.gov.au)

WARWICK WATKINS,  
Chairperson

Geographical Names Board,  
PO Box 143,  
Bathurst NSW 2795

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#### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act, 1966, the Geographical Names Board proposes to assign the name:

"*Didthul*" as an indigenous dual name for a mountain situated in the Morton National Park west of Ulladulla which is already named and known as "Pigeon House". Both names will be entered into the Geographical Names Register as dual names and neither name will have precedence over the other.

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](http://www.gnb.nsw.gov.au)

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice, write to the Secretary of the Board with that comment. GNB 5133.

WARWICK WATKINS,  
Chairman

Geographical Names Board of NSW,  
Panorama Avenue,  
Bathurst NSW 2795

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#### LOCAL GOVERNMENT ACT 1993

Notice under section 566 (3)

I, the Hon Paul Lynch MP, Minister for Local Government, in pursuance of section 566 (3) of the Local Government Act 1993, do by this notice specify that for the period 1 July 2007 to 30 June 2008, both inclusive, the maximum rate of interest that may be set by a council in respect of rates and charges that remain unpaid after they become due and payable shall be 10 per cent per annum.

Dated this 10th day of May 2007.

Hon PAUL LYNCH, M.P.,  
Minister for Local Government

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#### MENTAL HEALTH ACT 1990

Order under section 208

I, Robert D. McGregor, A.M., A/Director-General of the NSW Department of Health, in pursuance of section 208 of the Mental Health Act 1990, do hereby declare the Mental Health Intensive Care Unit, Hornsby Ku-ring-gai Hospital, to be a hospital for the purposes of the Mental Health Act 1990.

Signed, this 10th day of May 2007.

ROBERT D. MCGREGOR, A.M.,  
A/Director-General

**PARLIAMENTARY REMUNERATION ACT 1989**

PURSUANT to section 11 (2) of the Parliamentary Remuneration Act 1989, I direct that the date for completion by the Parliamentary Remuneration Tribunal of the 2007 Annual Determination of the additional entitlements of Members of the Parliament of New South Wales be extended to on or before 31 August 2007.

Dated: 14 May 2007.

(Justice) F. L. WRIGHT,  
President,  
Industrial Relations Commission of New South Wales

**POISONS AND THERAPEUTIC GOODS ACT 1966**

## Restoration of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002, a direction has been issued that the order prohibiting Dr PAUL DAVIES of 13 Beryl Street, Tweed Heads NSW 2485 from supplying or having possession of 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, for the purpose of his profession as a medical practitioner, shall cease to operate from 16 May 2007.

Sydney, 8 May 2007.

ROBERT D. MCGREGOR, A.M.,  
A/Director-General,  
Department of Health, New South Wales

**POISONS AND THERAPEUTIC GOODS ACT 1966**

## Restoration of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002, a direction has been issued that the order prohibiting Dr NEIL HALPIN of 294 Turton Road, New Lambton NSW 2305, from supplying or having possession of 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, for the purpose of his profession as a medical practitioner, shall cease to operate from 18 May 2007.

Sydney, 15 May 2007.

ROBERT MCGREGOR,  
Acting Director-General,  
Department of Health, New South Wales

**SYDNEY WATER ACT 1994**

## Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land and Easements at Maianbar in the Local Government Area of Sutherland Shire

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, that all of the estate and interests including native title interests if any in the land described in the First, Second and Third Schedules hereto is acquired and that the interest including to the extent necessary native title interests if any in the land described in the Forth and Fifth Schedules hereto are 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 thirteenth day of February 2007.

Signed for Sydney Water Corporation by its Attorneys

JEFFREY FRANCIS COLENZO  
KEVIN ANDREW HANLEY

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 Sutherland., Parish of Wattamolla, County of Cumberland and State of New South Wales, being that part of Lot 1, Deposited Plan 1047125 that was formerly part of Crown Reserve Road known as Karakarook Street and part of Lot 7002, DP 93561 (Crown Reserve No. 87990 for Public Recreation notified in NSW Government Gazette dated 30 October 1970).

**SCHEDULE 2**

All that piece or parcel of land in the Local Government Area of Sutherland., Parish of Wattamolla, County of Cumberland and State of New South Wales, being Lot 2, Deposited Plan 1047125, having an area of 40.82 m<sup>2</sup>.

**SCHEDULE 3**

All that piece or parcel of land in the Local Government Area of Sutherland., Parish of Wattamolla, County of Cumberland and State of New South Wales, being Lot 10, Deposited Plan 1047870, having an area of 292.9 m<sup>2</sup>.

**SCHEDULE 4**

Easement for Sewerage Purposes more fully described in Memorandum 7158328D lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all that piece or parcel of land being that part of Lot 9, DP 752065 (Crown Reserve No. 100104 for Access notified in NSW Government Gazette dated 22 June 1987) having an area of 931.3 m<sup>2</sup> in the Local Government Area of Sutherland, Parish of Wattamolla, County of Cumberland and State of New South Wales, being the land shown on Deposited Plan 1047870 as "(A) PROPOSED EASEMENT FOR SEWERAGE PURPOSES 3 WIDE".

**SCHEDULE 5**

Easement for Access, Electricity Purposes, Sewerage Purposes, Telecommunications Purposes and Water Supply Purposes more fully described in Memorandum 7158335G lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney all that piece or parcel of land being that part of Lot 9, DP 752065 (Crown Reserve No. 100104 for Access notified in NSW Government Gazette dated 22 June 1987) having an area of 427.9 m<sup>2</sup> in the Local Government Area of Sutherland, Parish of Wattamolla, County of Cumberland and State of New South Wales, being the land shown on Deposited Plan 1047870 as "(B) PROPOSED EASEMENT FOR ACCESS, ELECTRICITY PURPOSES, SEWERAGE PURPOSES, TELECOMMUNICATIONS PURPOSES AND WATER SUPPLY PURPOSES 6 WIDE".

[Sydney Water reference: 438655F0]



**TRANSPORT ADMINISTRATION ACT 1988**

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Stratum Leasehold  
for the Purposes of the Transport Infrastructure  
Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the lease interest described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988 being for rail facilities in connection with the North Sydney Station Upgrade.

Dated this 8th day of May 2007.

CHRIS LOCK,  
Chief Executive Officer

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**SCHEDULE**

All that part of Leasehold Estate registered in Certificate of Title Volume 8650, Folio 52 situate at North Sydney in the Local Government Area of North Sydney, Parish of Willoughby, County of Cumberland and State of New South Wales being that part of Lot 100 affecting Lot 10 in Deposited Plan 852152 and shown coloured yellow in plan registered number 30266P.ACQU.DWG/5 in the office of the Transport Infrastructure Development Corporation said to be in the possession of the Trust Company of Australia.

TIDC Reference: 194375v2.

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**TRANSPORT ADMINISTRATION ACT 1988**

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land for the  
Purposes of Rail Infrastructure Corporation

THE Rail Infrastructure Corporation, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Rail Infrastructure Corporation, as authorised by the Transport Administration Act 1988.

Dated this ninth day of May 2007.

BRUCE FARRAR,  
Chief Executive Officer

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**SCHEDULE**

All those parcels of land situated at Parkes in the Local Government Area of Parkes, Parish of Parkes, County of Ashburnham and State of New South Wales, being identified as Lot 1 on Deposited Plan 1055510, Lot 1 on Deposited Plan 1031976 and Lots 3 and 4 on Deposited Plan 881462 and having areas of 7,245 square metres, 1,652 square metres, 9,916 square metres and 882 square metres or thereabouts respectively (total 19,695 square metres) and said to be in the possession of the Crown.

Rail Infrastructure Corporation Reference: 004980.



**PRACTICE NOTE**  
**CLASS 1 DEVELOPMENT APPEALS**

**Commencement**

1. This practice note commences on 14 May 2007.

**Application of Practice Note**

2. This practice note applies to appeals under ss 97 and 98, and applications under ss 96, 96AA and 96A of the *Environmental Planning and Assessment Act* 1979 in Class 1 of the Court's jurisdiction ("development appeals"). This practice note is to be known as *Practice Note – Class 1 Development Appeals*.

**Purpose of Practice Note**

3. The purpose of this practice note is to set out case management procedures for the just, quick and cheap resolution of development appeals.

**Responsibility of parties, legal practitioners and agents**

4. It is the responsibility of each party, their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the real issues in the proceedings. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such resolution. In that event, the party is to notify other parties of the proposed alternative regime as soon as practicable and is to make available to the Court short minutes reflecting that alternative regime.

Parties are to ensure that all directions which they seek with respect to development appeals will assist in enabling such appeals to be dealt with at the hearing with as little formality and technicality, and with as much expedition, as the requirements of this Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of the *Land and Environment Court Act 1979*).

### **Before the first directions hearing**

5. Development appeal applications will usually be given a return date 28 days after the date on which they are filed. The first directions hearing will usually be before the Registrar. Development appeal applications are to be served within 7 days of filing.

Note: Parties may request from the Registry an earlier return date provided that they are able to serve the development appeal application as filed at least 21 days before the return date. Parties may otherwise file and serve a notice of motion for expedition of the proceedings if appropriate. Applications to extend the period for the return of the proceedings before the Registrar may be granted if the applicant demonstrates that service cannot be achieved within the time required. The Registrar may also extend the period if circumstances, such as public holidays, make it appropriate that a longer period be allowed for parties to take the action required by this practice note before or by the return of the proceedings.

6. Any plans of any development accompanying the development appeal application are to satisfy the requirements in **Schedule A**. If leave is granted by the Court to amend the plans, any amended plans are also to meet those requirements.
7. If the plans the subject of the determination of a consent authority in respect of which a development appeal application is to be made do not satisfy the requirements in Schedule A, the applicant, before lodging the development appeal application, may amend the plans without seeking leave of the Court, but only to the extent necessary to cause the plans to satisfy the requirements in Schedule A. Any other amendment is to be by leave of the Court.
8. The respondent consent authority is to file and serve a statement of facts and contentions in accordance with **Schedule B** before 4.00pm on the third last

working day before the first return of the proceedings unless the proceedings involve:

- (a) under ss 96, 96AA or 97 of the *Environmental Planning and Assessment Act 1979*, an appeal in respect of the imposition of conditions by an applicant for consent, or
  - (b) under s 98 of the *Environmental Planning and Assessment Act 1979*, an appeal by an objector to the application.
9. If the proceedings involve an appeal in respect of the imposition of conditions or an appeal by an objector, then the applicant for consent or objector is to file and serve a statement of facts and contentions in accordance with **Schedule C** before 4.00pm on the third last working day before the first return of the proceedings.
  10. If any party seeks to raise an issue of fact or law that it contends precludes the grant of consent or approval to the application, then the party raising that issue is to identify it in its statement of facts and contentions.
  11. On request, a respondent who is a public authority or public official is to provide the other party with access to the documents relevant to the development application or modification application and its decision (if any), within 14 days of the request.

#### **At the first directions hearing**

12. At the first direction hearing, the parties should expect that the usual directions set out in **Schedule D** will be made and should have either agreed or competing proposed short minutes to hand to the Court. In preparing these short minutes, parties may delete, amend or abridge any part of the usual directions to facilitate the just, quick and cheap resolution of the proceedings. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the proceedings. If alternative directions are proposed, the party seeking those directions is to notify the other party before the first

directions hearing and ensure that proposed short minutes are available to be handed to the Court.

13. The parties are to inform the Court if there is any reason for the proceedings not to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*. If proceedings are fixed for a preliminary conference, then the parties may request that the usual directions in Pt A of **Schedule D** be made, with the balance of the usual directions to be made at a second directions hearing.
14. If the parties do not satisfy the Court that there is a good reason the proceedings should not be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*, then, in the ordinary course, the proceedings will be fixed for a preliminary conference as follows:
  - (a) for short matters, before the Duty Commissioner on the next available Friday; or
  - (b) for other matters, within 14 days,  
subject to the availability of the Court.
15. To enable the balance of the usual directions to be made, the parties are to hand to the Court at the first directions hearing a completed information sheet in the form of **Schedule E**.

Note: This may be deferred until the second directions hearing if the matter is to be fixed for a preliminary conference.

16. Any party seeking to have an issue dealt with in advance of the merits of the development appeal must apply to do so by notice of motion and short affidavit in support setting out the reasons that make a separate hearing necessary. If possible, the notice of motion is to be returnable at the first directions hearing. In the ordinary course, all issues should be heard together unless an issue genuinely capable of separate determination is likely to be determinative of the appeal. If an order is made for a separate hearing:
  - (a) short matters (less than 2 hours) may be listed on the first available Friday before the Duty Judge or Duty Commissioner for issues of law or fact respectively; and

(b) other matters will be listed for hearing in the ordinary course, and the usual directions in **Schedule D** (Pt H) will apply.

Note: A Judge and Commissioner may be appointed to hear a matter to facilitate the objective of having all issues heard together.

17. In the ordinary course, proceedings will not be adjourned at the first directions hearing because a development appeal is against a deemed refusal of the application by a consent authority unless:

(a) the parties agree and satisfy the Court that there is a reasonable likelihood that the development appeal will be resolved on a date able to be identified, being a date not more than 4 weeks away; or

(b) the party seeking the adjournment otherwise satisfies the Court that not to adjourn the proceedings would result in an undue waste of resources.

18. Unless good reason is demonstrated, the parties are to be sufficiently prepared at the first directions hearing to assist the Court in making and to accept a timetable up to and including the hearing date. Legal practitioners and other representatives of the parties are to ensure they advise the parties of their obligation to be ready to agree to a timetable up to and including the hearing date and are to obtain full and timely instructions to ensure the parties comply with this obligation.

Note: The agreement of both parties to attend a preliminary conference usually will be accepted as a good reason to defer the making of a timetable up to and including the hearing until the second directions hearing.

19. Estimates of hearing length should be realistic having regard to the statements of facts and contentions.

20. Generally, development appeals should commence at 9.30am on site unless, in the particular circumstances of the case, it would be inappropriate to do so.

### **Short matters**

21. Parties may request short matters (less than 2 hours) to be fixed for hearing before a Duty Commissioner or Duty Judge on a Friday.

22. If the request is by consent, the parties may file the request with the Registry before the first return date. Parties will be notified if the hearing can be listed on a Friday before the first return date, in which event the first return date will be amended to be the hearing date.

### **Expedition**

23. Any party may seek expedition of a development application appeal by notice of motion, with a short affidavit in support setting out the reasons in support of expedition.

### **Breach of the Court's directions**

24. If there is any significant breach of the Court's directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-Court communication or fax to the Registrar, notify the Registrar of the breach. The Registrar may require the parties to attend before the Court if it is considered that the reasons for the breach are not adequately explained in that e-Court communication or facsimile or if the breach might materially affect the timetable. Parties are reminded that where the conduct of either party unnecessarily or unreasonably increases the number of appearances in Court, that party may be at risk of the making of a costs order against them.

### **Variation of timetables**

25. If proposed directions vary an existing timetable, they must include the vacation of any date for a directions hearings or mention or for the hearing of motions that can no longer be maintained.

### **Liberty to restore**

26. Parties have liberty to approach the Court without a notice of motion on three working days' notice or earlier if urgency requires. A party seeking to make urgent application should, if possible, make prior arrangement with, or give

appropriate notice to, any other party, and should send an e-Court communication or fax to the Registrar.

### **Amendments to applications and to statements of facts and contentions**

27. Subject to paragraph 7, an applicant for consent may not rely on an amended development appeal application including amended plans unless it first obtains the leave of the Court. Applicants for consent should ensure that their development appeal application is suitable for assessment at the hearing before commencing the development appeal, including ensuring plans satisfy the requirements in Schedule A. Multiple requests for leave to amend applications (including plans) cause unnecessary delay and cost for all parties and should be avoided.
28. If an applicant for consent wishes to amend its development appeal application, including by amended plans, the applicant is to consolidate all such amendments (to avoid multiple requests to amend) and apply for leave as soon as reasonably possible and usually no later than 10 days after the facts or circumstances which prompted the application for leave came to the attention of the applicant. Examples of such facts or circumstances are the receipt of a report of a parties' single expert or a joint report of parties' experts recommending modification of the proposed development, which recommendation the applicant wishes to adopt in whole or part.
29. Other than amendments sought during the hearing of the appeal, leave to rely on an amended development appeal application including amended plans is to be sought by notice of motion, accompanied by a short affidavit in support that:
  - (a) provides particulars sufficient to indicate the precise nature of the amendments proposed;
  - (b) identifies any amended plans by date and plan revision number;
  - (c) identifies the facts or circumstances which prompted the application for leave and when they came to the attention of the applicant;



- (d) identifies the respects in which the amendments lessen the environmental impact of the development and/or otherwise lead to an improved community outcome;
- (e) identifies why granting leave to amend the application would promote the just, quick and cheap resolution of the proceedings;
- (f) discloses if any additional documents (eg a BASIX certificate for the amended development) are required to support the amended application and, if so whether those documents have been, or are to be, obtained;
- (g) discloses the applicant's position on any additional costs that the consent authority may incur as a consequence of the amendment; and
- (h) identifies the potential impacts on the hearing dates and the applicant's position on the adjustments to the timetable that would enable the hearing dates to be maintained if possible.

If practicable, the affidavit should not exceed 3 pages in length (excluding annexures).

30. If leave to rely on an amended development appeal application is granted, the parties should expect that the Court will make the further usual directions in **Schedule F** and should hand either agreed or competing proposed short minutes to the Court, unless there is a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the proceedings. If alternative directions are proposed, the party seeking those directions is to notify the other party before the hearing of the application for leave and ensure that proposed short minutes are available to the Court.
31. Parties require leave of the Court to amend their statement of facts and contentions. Leave to do so consequential on an amended development appeal application may be assumed where leave to amend an application has been granted and will be subject to directions made at that time. In all other cases, leave is to be sought by notice of motion accompanied by a short affidavit in support explaining the reasons for leave being sought.

**Applications to vacate hearings and for adjournments**

32. Development appeals will not be adjourned generally. In particular, applicants for consent should generally be ready to proceed with their development appeal when it is commenced.
33. Development appeals usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
34. Applications to vacate hearing dates are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing date should be vacated.

**Application for final orders by consent of parties**

35. When there is agreement prior to the commencement of a hearing of development appeals involving a deemed refusal of the application by the consent authority, the Court will usually expect the consent authority to give effect to the agreement by itself granting consent or approval.
36. Any application for consent final orders in development appeals will be listed before the Court for determination. The parties will be required to present such evidence as is necessary to allow the Court to determine whether it is lawful and appropriate to grant the consent or approval having regard to the whole of the relevant circumstances, including the proposed conditions. The consent authority will be required to demonstrate that relevant statutory provisions have been complied with and that any objection by any person has been properly taken into account. Additionally, the consent authority will be required to demonstrate that it has given reasonable notice to all persons who objected to the proposal of the following:
  - (i) the content of the proposed orders (including the proposed conditions of consent);

- (ii) the date of the hearing by the Court to consider making the proposed consent orders; and
  - (iii) the opportunity for any such person to be heard,
- or that, in the circumstances of the case, notification is not necessary.

**Application for an easement under s 40 of the *Land and Environment Court Act 1979***

- 37. An application for an order under s 40 of *the Land and Environment Court Act 1979* can only be made “if the Court has determined to grant development consent on an appeal under s 97 of the *Environmental Planning and Assessment Act 1979*”.
- 38. It is inappropriate for parties to seek an order under s 40 of *the Land and Environment Court Act 1979* at the hearing of an appeal pursuant to s 97 of the *Environmental Planning and Assessment Act 1979*.
- 39. An application for an order under s 40 of *the Land and Environment Court Act 1979* is to be made in Class 3 of the Court’s jurisdiction and is subject to *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals*.

**Legal practitioners and agents of parties to be prepared**

- 40. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
- 41. Legal practitioners and agents for each party should communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and on preparation of short minutes recording the directions.

## Expert evidence

42. Parties are encouraged to consider whether expert evidence is genuinely necessary to resolve the issues in dispute in development appeals. Unnecessary expert evidence substantially increases the time and cost of appeals. Parties are encouraged to consider whether the proceedings can appropriately be fixed for hearing before a Commissioner or Commissioners with special knowledge and experience in relation to the issues in dispute.
43. Where expert evidence is necessary to be called in relation to an issue, the Court encourages parties to use a parties' single expert. The use of a parties' single expert in an appropriate case can reduce costs and ensure the Court has the benefit of evidence from a person who is not engaged by only one party. In determining whether a parties' single expert might be appropriate in a particular case, consideration should be given to:
- (a) the importance and complexity of the subject matter in dispute in the proceedings;
  - (b) the likely cost of obtaining expert evidence from a parties' single expert compared to the alternative of obtaining expert evidence from individual experts engaged by each of the parties;
  - (c) the proportionality of the cost in (b) to the importance and complexity of the subject matter in (a);
  - (d) whether the use of a parties' single expert in relation to an issue is reasonably likely either to narrow the scope of the issue or resolve the issue;
  - (e) the nature of the issue, including:
    - (i) whether the issue is capable of being answered in an objectively verifiable manner;
    - (ii) whether the issue involves the application of accepted criteria (such as Australian Standards) to ascertainable facts;

- (iii) whether the issue is likely to involve a genuine division of expert opinion on methodology, or schools of thought in the discipline; and
  - (iv) whether the issue relates to the adequacy or sufficiency of information provided in the development appeal application;
- (f) whether the evidence of the parties' single expert involves the provision of aids to assist in the assessment of a development appeal application (such as shadow diagrams, view lines or photo montages).
- (g) whether the parties' single expert would be required independently to obtain further information or to undertake monitoring, surveys or other means of obtaining data before being able to provide expert evidence;
- (h) whether the parties are prepared at the time to proceed to hearing on the basis of a parties' single expert report about the issue and no other expert evidence about that issue;
- (i) whether the integrity of expert evidence on the issue is likely to be enhanced by evidence being provided by a parties' single expert instead of by individual experts engaged by the parties; and
- (j) whether the Court is likely to be better assisted by expert evidence on the issue being provided by a parties' single expert instead of by individual experts engaged by the parties.
44. The Court will not usually accept the appointment of a parties' single expert if that expert is unable to provide a report within 5 weeks of receiving the brief or is unable to attend a hearing within a further 28 days thereafter.
45. The usual directions in **Schedule D** provide for a parties' single expert to file and serve one expert report only. Without leave of the Court, a parties' single expert is not to provide parties with preliminary reports or opinions.
- Note: Under Pt 31.41 of the Uniform Civil Procedure Rules a party may seek clarification of the report of a parties' single expert on one occasion only.
46. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any

matter the subject of instructions to the parties' single expert, without leave of the Court.

47. Where a parties' single expert has been appointed to give evidence in relation to any issue, the parties may not rely on any other expert evidence about that issue without leave. Any application for leave is to be made as soon as reasonably possible and usually no later than five days after receiving the report of the parties' single expert.
48. Leave is to be sought by notice of motion, with an affidavit in support explaining:
  - (a) the name, qualifications and expertise of the expert proposed to be called;
  - (b) the matters proposed to be addressed by the expert;
  - (c) the date on which the expert was first retained and the date or dates of any expert report the expert has already prepared;
  - (d) the reasons for the need to call an additional expert to give that evidence, rather than having the parties' single expert address the matters further or in cross examination;
  - (e) how calling the additional expert at all, or at the particular stage in the preparation of the proceedings, promotes the just, quick and cheap resolution of the proceedings; and
  - (f) the party's position in relation to any additional costs that might be caused by the calling of the expert.

If practicable, the affidavit should not exceed three pages in length (excluding annexures).

49. It is not the role of any expert to opine whether a development appeal should be upheld or dismissed. That is the role of the consent authority and, on appeal, the Court exercising the functions of the consent authority. Expert opinions in reports and joint reports are to deal with the contentions raised by the parties. Any other matter relevant to the expert's expertise, which the expert feels obliged to draw to the attention of the parties and the Court, may also be noted.

50. An expert (including a parties' single expert) and the expert's report are to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
51. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the litigation.
52. It is the responsibility of the parties to agree the remuneration to be paid to a parties' single expert. This includes making provision with respect to the amount of the expert's fees and the frequency with which the expert renders accounts. The Court will fix the remuneration of a parties' single expert only where the parties are unable to agree that remuneration.

Note: See Pt 31.45 of the Uniform Civil Procedure Rules.

53. Experts' reports are not to repeat matters in Part A Facts of the statements of facts and contentions. Wherever possible, an expert should state that Part A Facts has been adopted as correct. If this cannot be stated, the expert should identify the matters which are disputed and state his or her position in relation to those matters.
54. If experts are directed by the Court to confer, experts are to ensure that their joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
55. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
56. Where expert evidence from more than one expert in the same discipline is to be given in Court, the experts will give such evidence concurrently (subject to any order by the hearing Judge or Commissioner to the contrary).
57. If a party requires any expert for cross-examination, notice is to be given at least seven days before the hearing.

58. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

### **Costs and compliance**

59. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.
60. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be tendered. Unnecessary documents may attract adverse costs orders.
61. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

***The Honourable Justice Brian J Preston  
Chief Judge***

***30 April 2007***



## Schedule A

### Requirements for Plans

#### 1. General

- Plans should be drawn to an appropriate scale shown on the drawings.
- Plans should be drawn with clarity.
- Plans should indicate a north point.
- All plans shall be consistent with each other.

#### 2. Survey plans are to indicate:

- Existing buildings, structures and features of the site;
- Topography (spot levels, contours) including that of adjoining property where relevant;
- Natural drainage of the site;
- Any easements or rights of way;
- Significant existing vegetation, indicating its location on the site, type and spread;
- Location, height and use of any adjoining buildings or structures such as swimming pools; and
- Features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits.

#### 3. Site plans are to identify the location of the following:

- Proposed and existing buildings;
- Existing significant trees, indicating whether they will be retained or removed;
- Paved areas;
- Landscaped areas;
- Driveway entry and/or exit;
- Garbage storage areas;
- On-site detention tanks;
- Letter boxes;
- Private open spaces; and

- Where privacy is an issue in the proceedings, the location of windows of the adjoining property and the subject proposal.

**4. Floor plans are to indicate:**

- Room names, area and dimensions;
- The location of windows and doors;
- The levels of floors, terraces and the like to Australian Height Datum (AHD);
- Wall construction; and
- Spot levels of natural ground to AHD.

**5. Elevations are to indicate:**

- Elevations of all sides of the building or structure;
- Outline of existing buildings;
- Materials and finishes to be used in construction;
- Location of adjoining buildings showing address, height, setbacks and other relevant features;
- Proposed window size, sill height and location; and
- Height of eaves, ridge and floor levels to AHD.

**6. Sections are to indicate:**

- Appropriate number and location;
- Section line and location on plan;
- Room names;
- Adequate representation of ground level;
- Areas of cut and/or fill; and
- Height of levels to AHD.

**7. Landscape plans are to:**

- Be consistent with other plans tendered to the court with respect to the height, size and location of buildings;
- Indicate the location, species, height and spread of significant existing trees, indicating whether they will be retained or removed;

- Indicate the location of any additional planting to be carried out including species names, spread, height and other features; and
- Indicate the location of significant retaining walls or other structures.
- Indicate finished relative levels of all major surfaces.

**8. Overshadowing plans are to:**

- Be based on true north;
- Indicate the location and nature of existing and/or proposed fencing, with the shadows projected;
- Indicate horizontal and vertical impact, including any impact from any substantial wall;
- Provide a table of compliance and non-compliance with known criteria (such as a development control plan, a State environmental planning policy or Australian Model Code for Residential Development (AMCORD)); and
- Make appropriate allowance for the topography.

## Schedule B

### Requirements for statement of facts and contentions by respondent consent authority

1. The statement is to be as brief as reasonably possible.
2. The statement is to be divided into two parts – Part A Facts and Part B Contentions.
3. An authorised officer of the respondent consent authority is to sign and date the statement.
4. In Part A Facts, the respondent consent authority is to identify:
  - (a) **The proposal:** a brief description of the proposed development or modification of a development including any building, subdivision and/or land use and, where relevant, matters such as density, floor space ratio, setbacks and heights.
  - (b) **The site:** a description of the site including its dimensions, topography, vegetation and existing buildings.
  - (c) **The locality:** a description of the locality including the type and scale of existing surrounding development.
  - (d) **The statutory controls:** details of the applicable statutory instruments (State environmental planning policies, regional environmental plans, local environmental plans and development control plans) and the relevant provisions.
  - (e) **Actions of the respondent consent authority:** date of application, application number, details of any advertising process and its results, details of any consultation and its results, the decision of the respondent and the reasons for refusal.

Part A Facts is not to include matters of opinion.

5. In Part B Contentions the respondent consent authority is to identify each fact, matter and circumstance that the respondent contends require or should cause

the Court, in exercising the functions of the consent authority, to refuse the application or to impose certain conditions.

6. In Part B Contentions, the respondent consent authority is to:
  - (a) focus on issues genuinely in dispute;
  - (b) have a reasonable basis for its contentions;
  - (c) present its contentions clearly, succinctly and without repetition;
  - (d) where it contends that the application must be refused, identify the factual and/or legal basis for that contention. Any such contention is to be made at the beginning of Part B Contentions and is to be clearly identified as a contention that the application must be refused;
  - (e) where the respondent consent authority contends there is insufficient information to assess the application, list the information it contends is required;
  - (f) where it contends that a proposal does not comply with provisions, including development standards, of an environmental planning instrument or provisions of a development control plan, identify the standard or provision that is breached and quantify the extent of the non-compliance (if necessary, in a diagrammatic form), grouping together provisions dealing with the same aspect (for example, height or density);
  - (g) identify the nature and extent of each environmental impact relied upon to support any contention and, if practicable, quantify that impact; and
  - (h) identify any contentions that may be resolved by conditions of consent.

## Schedule C

### Requirements for statement of facts and contentions by applicant for consent or by objector

1. The statement is to be as brief as reasonably possible.
2. The statement is to be divided into two parts – Part A Facts and Part B Contentions.
3. The applicant for consent or the objector or its authorised officer is to sign and date the statement.
4. In Part A Facts, the applicant for consent or objector is to identify:
  - (a) the relevant development consent, including (if possible) the development application number and the date of determination;
  - (b) if an applicant for consent, the conditions appealed against;
  - (c) if an objector, the date(s) of their letter(s) of objection to the development application.

Part A Facts is not to include matters of opinion.

5. In Part B Contentions an applicant for consent or objector is to identify each fact, matter and circumstance that the applicant or objector contends require or should cause the Court, in exercising the functions of the consent authority, to grant or refuse the application or to impose certain conditions.
6. An applicant for consent or objector is to:
  - (a) focus its contentions on issues genuinely in dispute;
  - (b) have a reasonable basis for the contentions; and
  - (c) present its contentions clearly and succinctly.
7. An applicant for consent is to identify:
  - (a) each condition that the applicant contends should be deleted;
  - (b) each condition that the applicant contends should be amended and, for each such condition, the amendment sought and the reason for seeking the amendment;

8. In Part B Contentions, an objector is to:
  - (a) focus on issues genuinely in dispute;
  - (b) have a reasonable basis for the contentions;
  - (c) present contentions clearly, succinctly and without repetition;
  - (d) where the objector contends that the application must be refused, identify the factual and/or legal basis for that contention. Any such contention is to be made at the beginning of Part B Contentions and is to be clearly identified as a contention that the application must be refused;
  - (e) where the objector contends there is insufficient information to assess the application, list the information the objector contends is required;
  - (f) where the objector contends that a proposal does not comply with provisions, including development standards, of an environmental planning instrument or provisions of a development control plan, identify the standard or provision that is breached, quantify the extent of the non-compliance (if necessary, in a diagrammatic form), grouping together provisions dealing with the same aspect (for example, height or density);
  - (g) identify the nature and extent of each environmental impact relied upon to support any contention and, if practicable, quantify that impact; and
  - (h) identify any contentions that may be resolved by conditions of consent.

## Schedule D

### Usual directions at the first directions hearing for development appeal applications

Note: Strike through/amend as required.

**A. If the parties agree or the Court requires the proceedings to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act* 1979:**

1. The appeal is listed for a preliminary conference under s 34 of the *Land and Environment Court Act* 1979 on #.
2. The [respondent/applicant for consent or objector] is to file and serve its statements of facts and contentions in accordance with Schedule [B/C] of *Practice Note – Class 1 Development Appeals* by # [insert date having regard to date of preliminary conference].

Note: This direction may be unnecessary for short matters.

3. The [applicant for consent or objector/respondent] is to file and serve its statements of facts and contentions in reply in accordance with Schedule [B or C] of *Practice Note – Class 1 Development Appeals* by # [insert date having regard to date of preliminary conference]. This statement is not to repeat any facts not in dispute.

Note: This direction may be unnecessary for short matters.

4. The proceedings are listed for a second directions hearing on # [+ 14 days after the preliminary conference].
5. (a) Each party is to notify the other party and the Court in writing of the name of the experts upon which they propose to rely and the issues to be addressed by each expert or the name of any expert they propose to nominate as a parties' single expert by # [seven days after the preliminary conference].  
(b) If the parties agree or the Court requires a parties' single expert, the parties are to agree the identity and remuneration of the parties' single expert by # [no later than 11 days after the preliminary conference].



- (c) Failing agreement, the parties are to seek orders from the Court at the second directions hearing that the parties engage a named parties' single expert and to fix the remuneration of the parties' single expert. For that purpose, each party is to file and serve the names, CVs and fee estimates of three appropriately qualified experts at least three days before the second directions hearing.

Note: If the proceedings are resolved at the preliminary conference, these directions will not need to be followed.

6. If the proceedings are resolved after the preliminary conference, the parties are to notify the Court at least 48 hours before the date of the second directions hearing. If the proceedings have been resolved, the second directions hearing may be vacated.

**B.** If the parties do not agree or the Court does not requires the proceedings to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*:

1. The [respondent/applicant for consent or objector] is to file and serve its statements of facts and contentions in accordance with Schedule [B or C] of *Practice Note – Class 1 Development Appeals* by # [insert date having regard to date of preliminary conference].

Note: This direction may be unnecessary for short matters.

2. The [applicant for consent or objector/respondent] is to file and serve its statements of facts and contentions in reply in accordance with Schedule [B or C] of *Practice Note – Class 1 Development Appeals* by # [insert date having regard to date of preliminary conference]. This statement is not to repeat any facts not in dispute.

Note: This direction may be unnecessary for short matters.

Note: The usual directions in the following paragraphs are intended to operate on an issue-by-issue basis. It is the responsibility of the parties to consider the most appropriate combination of directions for the particular case having regard to the real issues requiring resolution.

The directions in Part G below should usually be made.

C. If the parties agree on or the Court requires the appointment of a parties' single expert to address any issue:

1. The Court notes the agreement between the parties to engage # [insert name] as a parties' single expert and that the parties have agreed the remuneration to be paid to that expert as being [insert details of remuneration].

Or, failing agreement about the identity and/or remuneration of the parties' single expert:

- 1A.
- (i) The parties are to agree on a parties' single expert and their remuneration and are to notify the Court of the expert's name and that the expert's remuneration has been agreed by # [+ 7 days of the first/second directions hearing].
  - (ii) Failing agreement, the parties are to file and serve the names, CVs and fee estimates of three appropriately qualified experts by # [+ 10 days of the first/second directions hearing]. The Court will make orders (iii) and (iv) below in Chambers and notify the parties accordingly.
  - (iii) The Court orders the parties to engage # [insert name] as a parties' single expert.
  - (iv) The Court fixes the remuneration of the parties' single expert at # [insert details of remuneration].
2. A parties' single expert is not to incur fees or disbursements additional to the remuneration agreed by the parties or fixed by the Court without written agreement of both parties or, absent such agreement, the leave of the Court.
3. The parties are to brief the parties' single expert with agreed instructions and an agreed bundle of documents by # [within 7 days of the first/second directions hearing].
4. The parties' single expert is to file and serve their expert report by # [within 6 weeks of the first/second directions hearing]. Without leave of the Court, the parties' single expert is not to provide the parties with a preliminary expert report or preliminary opinion.

5. The parties' single expert is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules, including the requirements for experts' reports.
6. If the Court has ordered that a parties' single expert address any issue, no expert report addressing the same issue other than the report of the parties' single expert may be relied upon at the hearing, without leave.

**D.** If the contentions are that there is insufficient information to assess the application, or any other circumstance makes it appropriate for one party to file and serve its evidence before the other, the following directions may be considered appropriate:

1. The [applicants'/respondents'] experts are to file and serve their individual expert reports by # [within + 28 days of the first/second directions hearing].
2. The [respondents'/applicants'] experts are to file and serve their individual expert reports by # [within + 6 weeks of the of the first/second directions hearing].
3. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report, which is to include any evidence in reply, by # [within + 8 weeks of the first/second directions hearing].

**E.** If the contentions do not involve inadequate information or any other circumstance does not make it appropriate for one party to file and serve its evidence before the other, the following directions may be considered appropriate:

1. The applicants' and respondents' experts are to file and serve their individual expert reports by # [within + 28 days of the first/second directions hearing].

2. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report, which is to include any evidence in reply, by # [within + 6 weeks of the first/second directions hearing].

**F.** If the parties agree or the Court requires that **any** experts may proceed directly to joint conferences and joint reports, without having prepared an individual expert report:

1. The parties are not to instruct experts on # [insert areas of expertise] to prepare individual expert reports.
2. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within + 28 days of the first/second directions hearing].
3. No expert reports, other than the joint reports, may be relied upon at the hearing, without leave.

**G.** For all matters:

1. The proceedings are fixed for hearing on # [in all cases as soon as reasonably possible and usually within + 12 weeks from the return date].
2. The hearing is to be [an on site hearing] or [a Court hearing] and is to commence [on site at 9.30am] or [in Court at 10.00am]. If the parties consider the site may be difficult to find, they are to file an agreed map showing the proposed location for the commencement of any hearing on site at 9.30am two working days before the hearing.

Note: If a matter is fixed for an on site hearing or is otherwise to involve substantial time or taking of evidence on site, the parties should ensure that appropriate facilities are available for that purpose, including a table and chairs and bathroom facilities, and that the hearing will be

- open to the public and will be able to be observed and heard by all persons attending the hearing.
3. Parties are to serve a copy of these directions, the statements of facts and contentions, Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on all experts upon whose evidence they propose to rely.
  4. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
  5. Experts are directed to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.
  6. Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
  7. A joint report is to identify the experts involved in its preparation, the date of their joint conferences, the matters they agreed about, the matters they disagreed about and reasons for agreement and disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
  8. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.

9. A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.
10. If any witness is required for cross-examination, notice is to be given at least seven days before the hearing.
11. A party who proposes to object to any part of an affidavit, statement or report is to file and serve notice of its objections, including the grounds in support, at least seven days before the hearing.
12. The respondent consent authority is to file and serve a bundle of documents by # [14 days before the hearing]. The bundle is to contain copies of relevant environmental planning instruments, relevant extracts from development control plans and policies, and documents evidencing the lodgement, processing and determination of the application by the consent authority, including all submissions from objectors, and the decision of the consent authority but is not to otherwise include copies of any documents annexed to the development appeal. Unnecessary copying and duplication of documents is to be avoided. The bundle is to be subdivided into relevant divisions, paginated and have a table of contents.
13. The respondent consent authority is to file and serve a notice of objectors who wish to give evidence in the hearing, of whom the consent authority is aware, by # [7 days before the hearing]. The notice is to identify the objector, their address, where they wish to give evidence (on site or in Court) and whether they made a written submission about the application (in which event, the notice is to provide the page number of that submission in the key bundle). If there is no submission, the respondent consent authority should, if possible, file and serve a short statement identifying the topics about which the objector wishes to give evidence.
14. The respondent consent authority is to file and serve draft conditions of consent (in both hard copy and electronic form) by # [14 days before the hearing].
15. The applicant for consent is to file and serve its draft conditions in response (in both hard copy and electronic form) by # [7 days before the hearing].

- 16 Parties are to notify promptly the Court if there is any material slippage in the timetable.
- 17 The parties have liberty to restore on three working days' notice.
- 18 At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge or commissioner directs otherwise.

**H. If issues of fact or law precluding the grant of consent are raised:**

**If necessary** [Strike through/amend as required]:

1. The parties are to file and serve any affidavits, reports or statements on which they wish to rely by # [within + 14 days of the first directions hearing].
2. The parties are to file and serve any affidavits, reports or statements in reply by # [within + 28 days of the first directions hearing].

Note: Directions 1 and 2 may be unnecessary depending on the nature of the issue raised.

3. The parties are to file an agreed bundle of documents by # [within + 5 weeks of the first directions hearing].
4. The party raising the issue is to file and serve an outline of submissions by # [two working days before the hearing].
5. The other party is to file and serve an outline of submissions by # [one working day before the hearing].
6. The issue is listed for hearing separately from any other issues in the proceedings on #.
7. Parties are to notify promptly the Court if there is any material slippage in the timetable.
8. The parties have liberty to restore on three working days' notice.

Or for small matters, where there is no requirement for affidavits, reports or statements, bundles of documents or outlines of submissions:

1. The issue is listed for hearing separately from any other issues in the proceedings before the [Duty Judge/Duty Commissioner] on # (usually a Friday).

Date: # [insert date]



## Schedule E

### Class 1 Development Appeals - Information Sheet

Parties:

Applicant:

Respondent(s):

Proceedings no:

#### **Part A: to be completed by applicants for consent or approval (as applicable)**

- |    |   |
|----|---|
| 1. | (a) Do the plans comply with Schedule A as relevant to the application? |
|    | (b) If not, in what respects do the plans not comply?                   |

#### **Part B: to be completed by all parties (as applicable)**

- |    |   |
|----|---|
| 2. | Is there any issue that the parties seek to be dealt with in advance of the merits of the appeal? If so, see paragraph 16 of <i>Practice Note – Class 1 Development Appeals</i> . |
|----|---|

- |    |   |
|----|---|
| 3. | Is there any reason for the proceedings not to be fixed for a preliminary conference under s 34 of the <i>Land and Environment Court Act 1979</i> ? If so, provide reasons [point form only]. |
|----|---|

4.	Is any expert evidence required? If so, nominate issues on which expert evidence is required and the areas of expertise.
Applicant:	
Respondent:	
5.	(a) Is any issue in the appeal appropriate for evidence by a parties' single expert agreed by the parties and if so, identify the issue.  (b) If parties' single experts are not appropriate, the reasons in support [point form only].
Applicant:	
Respondent:	
6.	If parties' single experts are agreed, set out below their name, charge rates, estimate of total fees and disbursements and available dates to prepare a report and appear at a hearing.
Name:	
Charge rates	
Estimate of total fees and disbursements	

Dates by which reports can be prepared:	
Available dates to appear at a hearing	
7.	Is sufficient information available or is it otherwise appropriate for any experts proposed to be called by parties to proceed directly to a joint conference and joint report, without preparing other reports? If so, identify the experts and areas of expertise. If not, provide the reasons in support [point form only].
8.	Are there any experts who should prepare an individual report before proceeding to a joint conference and joint report and, if so, identify the expert, the area of expertise and provide reasons supporting the report being necessary or appropriate [point form only]?
9.	Should a Commissioner or Commissioners with special knowledge and experience in particular disciplines hear the development appeal? If so, specify the relevant disciplines.
10.	If the appeal concerns land outside of the Sydney metropolitan region, should the development appeal be heard in the local area? If not, provide the reasons for not doing so [point form only].

11.	Is the appeal appropriate to be heard as an on site hearing under s 34A of the <i>Environmental Planning and Assessment Act 1979</i> ? If so, will adequate facilities be available? Will the hearing be able to be observed and heard by the public?
12.	Is there any reason that the hearing should not commence at 9.30am on site?
13.	Estimate of the length of hearing.
Applicant:	
Respondent:	
14.	Identify number and, if possible, names of lay witnesses.
Applicant:	
Respondent:	
15.	Identify hearing dates sought:
Applicant:	
Respondent:	

## Schedule F

### Usual directions where an applicant for consent seeks leave to rely on an amended application

Note: Strike through/amend as required.

1. The parties have leave to amend their statement of facts and contentions by [+ 14 days from the filing of the notice of motion or such longer period if the Court accepts that further notification/exhibition is required].

If leave is granted before evidence of any experts is filed:

- 2A. Such of the directions in Sch D as are appropriate should be made running from the date of leave being granted.

Or, if leave is granted after evidence of any experts has been filed and if the parties agree that it is appropriate or the Registrar orders:

- 2B. (i) Any parties' single expert is to file and serve a brief addendum to their expert report identifying any changes to their opinions by reason of the amendment by [+28 days from the grant of leave]; and  
(ii) Other experts are not to prepare further reports, but are to proceed to a joint conference and are to file and serve an addendum to their joint report by [+28 days from the grant of leave].
3. The hearing date of # is confirmed.

Date: # [insert date]



**Land and Environment  
Court**  
of New South Wales

**PRACTICE NOTE**

**CLASS 3 COMPENSATION CLAIMS**

**Commencement**

1. This practice note commences on 14 May 2007.

**Application of Practice Note**

2. This practice note applies to Class 3 claims for compensation by reason of the acquisition of land ("Class 3 Compensation Claims"). This practice note is to be known as *Practice Note – Class 3 Compensation Claims*.

**Purpose of Practice Note**

3. The purpose of this practice note is to set out the case management procedures for the just, quick and cheap resolution of Class 3 Compensation Claims.

**Responsibility of parties, legal practitioners and agents**

4. It is the responsibility of each party, their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the real issues in the proceedings. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such resolution. In that event, the party is to notify other parties of the

proposed alternative regime as soon as practicable and is to make available to the Court short minutes reflecting that alternative regime. Parties are to ensure that all directions which they seek with respect to Class 3 Compensation Claims will assist in enabling such claims to be dealt with at the hearing with as little formality and technicality, and with as much expedition, as the requirements of this Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of *the Land and Environment Court Act 1979*).

### **Class 3 compensation list**

5. There will be a Class 3 List which includes all new and existing Class 3 Compensation Claims. The Class 3 List will usually be managed in Court each Friday.
6. Unless there are interlocutory applications, a Class 3 Compensation Claim normally should appear in Court (before the hearing) on no more than four occasions as follows, of which the first three will be in the Friday list:
  - (a) at the **first directions hearing** when the “*Usual Directions at First Directions Hearing*” will usually be made in the form of **Schedule A**.
  - (b) at the **second directions hearing**, when the “*Usual Directions at Second Directions Hearing*” will usually be made in the form of **Schedule B**.
  - (c) at the **third directions hearing**, when usually, if the matter is ready or virtually ready for hearing, a hearing date will be fixed and the “*Usual Directions for Hearing*” will be made in the form of **Schedule C**. On this occasion parties or their legal practitioners will be expected to inform the Court that the matter is ready for hearing; or alternatively to inform the Court of any matters that need to be attended to for the matter to be ready for hearing; and whether there are any issues which may be suitable for preliminary

determination. The Court should be provided with a realistic estimate of the hearing time.

- (d) at the **pre-hearing mention** on the second Friday before the hearing commences, if possible before the hearing judge.
7. In addition to the directions in these usual orders, other directions may be given with a view to the just, quick and cheap disposal of the proceedings. However, directions relating to the provision of particulars, the filing of lists of documents and the administration of interrogatories will only be made upon demonstrated need being established.
  8. Any motion relating to a Class 3 Compensation Claim is to be made returnable on a Friday unless the circumstances are so urgent as to justify an earlier listing. Parties and legal practitioners should endeavour to arrange evidence so that, if practicable, the motion may be heard on the return date of the motion.
  9. Matters in a Friday list will be listed in blocks on a “*not before*” a specified time basis. Practitioners should check the daily court lists as published prior to attendance at Court on a Friday in order to determine the “*not before*” time that their matter is listed.

### **Expedition**

10. Any party may seek expedition of a Class 3 Compensation Claim by notice of motion, with a short affidavit in support setting out the reasons in support of expedition.

### **Breach of the Court’s directions**

11. If there is any significant breach of the Court’s directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-Court communication or fax to the Registrar, restore the matter to the next Friday list before the List Judge. The party in breach or a legal practitioner with knowledge of the reasons for the breach must serve an affidavit no later than 4:00pm on the preceding day (Thursday)



which identifies the breach, explains the reason or reasons for the breach and submits what directions should be made in consequence of the breach.

### **Variation of timetables**

12. If proposed directions vary an existing timetable, they must include the vacation of any date for a directions hearings or mention or for the hearing of motions that can no longer be maintained.

### **Liberty to restore**

13. Parties have general liberty to restore on a Friday on three working days' notice, or earlier if urgency requires it. A party seeking to do so should make prior arrangement with, or give appropriate notice to, any other party, and should send an e-Court communication or fax to the Registrar.

### **Amendments**

14. Parties require leave of the Court to amend their points of claim and points of defence.
15. Other than amendments sought during the hearing or where the other party consents, leave to amend is to be sought by notice of motion accompanied by a short affidavit in support explaining the reasons for leave being sought.

### **Applications to vacate hearings and for adjournments**

16. Class 3 Compensation Claims will not be adjourned generally.
17. Class 3 Compensation Claims usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to

comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.

18. Applications to vacate hearing dates are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing date should be vacated.

#### **Applications for final orders by consent**

19. If proceedings settle, it is necessary to have the Court make orders finalising the litigation, rather than filing terms with the registry.
20. If the parties have agreed to final orders by consent, they are to exercise the liberty to restore and are to file proposed consent orders signed by all parties before the return date pursuant to the liberty.
21. The representatives of the parties attending for the purpose of the making of final orders by consent must be familiar with the subject matter of the proceedings and have instructions sufficient to inform the Court about the terms of the proposed orders.

#### **Filing and service of evidence**

22. The former practice of filing evidence as case preparation occurs is to cease, with the exception of evidence in support of interlocutory applications.
23. Evidence to be relied upon at hearing is to be filed seven days before the pre-hearing mention, unless otherwise directed by the Court.
24. Evidence to be relied upon in support of interlocutory applications is to be filed and served on the other parties. Timetables for preparation of such applications should include provision for that process.

**Legal practitioners and agents of parties to be prepared**

25. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
26. Legal practitioners and agents for each party should communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and on preparation of short minutes recording the directions.

**Evidence for hearing**

27. Evidence for the hearing is to address all issues the subject of the proceedings. No issue will be separately determined unless the Court so orders.

**Expert evidence**

28. Where expert evidence is necessary to be called in relation to an issue, the Court encourages parties to use a parties' single expert. The use of a parties' single expert in an appropriate case can reduce costs and ensure the Court has the benefit of evidence from a person who is not engaged by only one party. In determining whether a parties' single expert might be appropriate in a particular case, consideration should be given to:
  - (a) the importance and complexity of the subject matter in dispute in the proceedings;
  - (b) the likely cost of obtaining expert evidence from a parties' single expert compared to the alternative of obtaining expert evidence from individual experts engaged by each of the parties;
  - (c) the proportionality of the cost in (b) to the importance and complexity of the subject matter in (a);

- (d) whether the use of a parties' single expert in relation to an issue is reasonably likely either to narrow the scope of the issue or resolve the issue;
  - (e) the nature of the issue, including:
    - (i) whether the issue is capable of being answered in an objectively verifiable manner;
    - (ii) whether the issue involves the application of accepted criteria (such as Australian Standards) to ascertainable facts; and
    - (iii) whether the issue is likely to involve a genuine division of expert opinion on methodology, or schools of thought in the discipline.
  - (f) whether the parties are prepared at the time to proceed to hearing on the basis of a parties' single expert report about the issue and no other expert evidence about that issue;
  - (g) whether the integrity of expert evidence on the issue is likely to be enhanced by evidence being provided by a parties' single expert instead of by individual experts engaged by the parties; and
  - (h) whether the Court is likely to be better assisted by expert evidence on the issue being provided by a parties' single expert instead of by individual experts engaged by the parties.
29. A parties' single expert is to file and serve one expert report only. Without leave of the Court, a parties' single expert is not to provide parties with preliminary reports or opinions.
- Note: Under Pt 31.41 of the Uniform Civil Procedure Rules a party may seek clarification of the report of a parties' single expert on one occasion only.
30. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
31. Where a parties' single expert has been appointed to give evidence in relation to any issue, the parties may not rely on any other expert

evidence about that issue without leave. Any application for leave is to be made as soon as reasonably possible and usually no later than five days after receiving the report of the parties' single expert.

32. Leave is to be sought by notice of motion, with an affidavit in support explaining:
- (a) the name, qualifications and expertise of the expert proposed to be called;
  - (b) the matters proposed to be addressed by the expert;
  - (c) the date on which the expert was first retained and the date or dates of any expert report the expert has already prepared;
  - (d) the reasons for the need to call an additional expert to give that evidence, rather than having the parties' single expert address the matters further or in cross examination;
  - (e) how calling the additional expert at all, or at the particular stage in the preparation of the proceedings, promotes the just, quick and cheap resolution of the proceedings; and
  - (f) the party's position in relation to any additional costs that might be caused by the calling of the expert.

If practicable, the affidavit should not exceed three pages in length (excluding annexures).

33. If there are large differences in the amount of compensation for which the parties or their experts contend, the Court may appoint a parties' single expert.
34. An expert (including a parties' single expert) and the expert's report are to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
35. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the litigation.

36. It is the responsibility of the parties to agree the remuneration to be paid to a parties' single expert. This includes making provision with respect to the amount of the expert's fees and the frequency with which the expert renders accounts. The Court will fix the remuneration of a parties' single expert only where the parties are unable to agree that remuneration.

Note: See Pt 31.45 of the Uniform Civil Procedure Rules.

37. If experts are directed by the Court to confer, experts are to ensure that any joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
38. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
39. Where expert evidence from more than one expert in the same discipline is to be given in Court, the experts will give such evidence concurrently (subject to any order by the hearing Judge or Commissioner to the contrary).
40. If a party requires any expert for cross-examination, notice is to be given at least seven days before the hearing.
41. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

### **Mediation, neutral evaluation and reference**

42. Consideration should be given prior to and throughout the course of the proceedings to whether the proceedings or any questions are appropriate for mediation or neutral evaluation or for reference to a referee.

43. It is expected that legal practitioners, or litigants if not legally represented, will be in a position to advise the Court at any directions hearing or mention:
- (a) whether the parties have attempted mediation or neutral evaluation; and
  - (b) whether the parties are willing to proceed to mediation or neutral evaluation at an appropriate time.
44. At a mediation or neutral evaluation, the parties are to ensure that a person who is able to make a decision as to whether the matter settles is present personally or by an authorised nominee.
45. Where questions are appropriate to be referred to a mediator or neutral evaluator or to a referee for inquiry and report, the parties should prepare proposed short minutes to be handed to the Court which:-
- (a) formulate the questions with precision; and
  - (b) state:-
    - (i) the name of an agreed mediator, neutral evaluator or referee or, if no agreement can be reached, the person each suggests;
    - (ii) the date on which the mediator, neutral evaluator or referee can commence the mediation, neutral evaluation or reference;
    - (iii) the expected duration of the mediation, neutral evaluation or reference; and
    - (iv) the anticipated date for finalisation of the mediation or neutral evaluation, or for delivery to the Court of the referee's report.
46. Proposed consent orders for amendment to the questions referred to a mediator, neutral evaluator or referee may be filed with the List Judge's Associate in writing and the List Judge may make such orders in Chambers. Any contested amendments and amendments in respect of which the List Judge wishes to hear the parties, will be heard on a Friday by the List Judge.

**Costs**

47. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.
48. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be tendered. Excessive documents may attract adverse costs orders.
49. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

***The Honourable Justice Brian J Preston  
Chief Judge***

***30 April 2007***



**SCHEDULE A****Class 3 Compensation Claims****Usual Directions at First Directions Hearing**

Note: Strike through/amend as required.

1. The applicant is to file and serve points of claim setting out the following matters by # [within 7 days of the first directions hearing]:
  - (a) the amount of compensation claimed;
  - (b) the components of the claim by reference to each relevant matter enumerated in section 55 of the *Land Acquisition (Just Terms Compensation) Act 1991*;
  - (c) the basis of the valuation in support of the claim; and
  - (d) particulars of comparable sales, if any, upon which the valuation was based.
2. The respondent is to file and serve points of defence in answer to each of the components of the applicant's claim and raising any matter relied upon to offset the claim by # [within 14 days of the first directions hearing].
3.
  - (a) Each party is to notify the other party and the Court in writing of the name of the experts upon which they propose to rely and the issues to be addressed by each expert or the name of any expert they propose to nominate as a parties' single expert by # [within 14 days of the first directions hearing].
  - (b) If the parties agree or the Court requires a parties' single expert, the parties are to agree the identity and remuneration of the parties' single expert by # [within 21 days of the first directions hearing].
  - (c) Failing agreement, the parties are to seek orders from the Court at the second directions hearing that the parties engage a named parties' single expert and to fix the remuneration of the parties' single expert. For that purpose, each party is to file and serve the

names, CVs and fee estimates of three appropriately qualified experts at least three days before the second directions hearing.

4. Before the second directions hearing, the parties are to confer to consider whether it is appropriate for the matter or individual issues to be referred to mediation, neutral evaluation or to a referee and are to inform the Court as to those issues at the second directions hearing.
5. The applicant is to serve all lay witness statements, including evidence with respect to disturbance claims, and a schedule of losses attributable to disturbance by # [within 14 days of the first directions hearing].
6. The respondent is to serve all lay witness statements, including evidence with respect to disturbance claims, and a schedule of its response to the applicant's schedule of losses attributable to disturbance by # [the day before the second directions hearing].
7. The proceedings are listed for a second directions hearing on # [28 days after the first directions hearing].
8. All evidence for the hearing other than reports is to be filed 7 days' before the pre-hearing mention, unless otherwise directed by the Court.

Note: The parties may seek all directions necessary for the matter to proceed to hearing at a single directions hearing. In that event, parties should consider seeking the additional directions in Schedules B and C below.

**SCHEDULE B****Class 3 Compensation Claims****Usual Directions at Second Directions Hearing**

Note: Strike through/amend as required.

Any appropriate directions in respect of mediation, neutral evaluation or appointment of a referee.

Note: The usual directions in these paragraphs are intended to operate on an issue-by-issue basis. It is the responsibility of the parties to consider the most appropriate combination of directions for the particular case having regard to the real issues requiring resolution.

The directions in Part E below should usually be made.

**A** **If the parties agree on or the Court requires the appointment of a parties' single expert to address any issue:**

1. The Court notes the agreement between the parties to engage # [insert name] as a parties' single expert and that the parties have agreed the remuneration to be paid to that expert as being [insert details of remuneration].

**Or, failing agreement about the identity and/or remuneration of the parties' single expert:**

- 1A.
  - (a) The Court orders the parties to engage # [insert name] as a parties' single expert.
  - (b) The Court fixes the remuneration of the parties' single expert at # [insert details of remuneration].
2. A parties' single expert is not to incur fees or disbursements additional to the remuneration agreed by the parties or fixed by the Court without written agreement of both parties or, absent such agreement, the leave of the Court.
3. The parties are to brief the parties' single expert with agreed instructions and an agreed bundle of documents by # [within 7 days of the second directions hearing].

4. The parties' single expert is to file and serve their expert report by # [within 6 weeks of the second directions hearing]. Without leave of the Court, the parties' single expert is not to provide the parties with a preliminary expert report or preliminary opinion.
5. The parties' single expert is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules, including the requirements for experts' reports.
6. If the Court has ordered that a parties' single expert address any issue, no expert report addressing the same issue other than the report of the parties' single expert may be relied upon at the hearing, without leave.

**B** **If the parties agree on or the Court requires reports of non-valuation experts to be served before reports of valuation experts:**

1. Individual reports of non-valuation experts are to be served by # [within 21 days of the second directions hearing].
2. Non-valuation experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report, which is to include any evidence in reply, by # [within 5 weeks of the second directions hearing].
3. The parties are to serve on the expert valuers a copy of all non-valuation expert reports, including joint reports, and lay witness statements as relevant to valuation issues by # [within 6 weeks of the second directions hearing].
4. Individual expert valuation reports are to be served by # [within 10 weeks of the second directions hearing].
5. Expert valuers are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure

Rules and are to file and serve their joint report by # [within 12 weeks of the second directions hearing].

6. The joint report is to include any evidence in reply. In preparing their joint report, expert valuers should consider the matters in **Annexure 1** to the *Usual Directions at Second Directions Hearing* insofar as relevant to matters agreed and not agreed.

**C. If the parties agree on or the Court requires reports of non-valuation experts not to be served before reports of valuation experts:**

1. The parties are to serve individual expert reports by # [within 28 days of the second directions hearing] and any expert reports in reply by # [within 6 weeks of the second directions hearing].

Note: A respondent may seek directions that the applicant serves their expert evidence first. In that event, the directions should be adjusted to enable the applicant to serve their expert reports usually within 28 days of the directions hearing, the respondent to serve its expert reports usually within 8 weeks of the directions hearing and the applicant to serve any expert reports in reply usually within 11 weeks of the directions hearing.

Parties should also consider whether it would be more appropriate for any evidence in reply to be dealt with through the joint conference process.

2. Experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within 8 weeks of the second directions hearing].

**D. If the parties agree or the Court requires that any experts may proceed directly to joint conferences and joint reports, without having prepared an individual expert report:**

1. The parties are not to instruct experts on # [insert areas of expertise] to prepare individual expert reports.

2. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within + 28 days of the second directions hearing].
3. No expert reports, other than the joint reports, may be relied upon at the hearing, without leave.

**E. For all matters:**

1. Parties are to serve a copy of these directions, the points of claim and points of defence, Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on all experts upon whose evidence they propose to rely.
2. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
3. Experts are directed to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.
4. Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.

5. A joint report is to identify the experts involved in its preparation, the date of their joint conferences, the matters they agreed about, the matters they disagreed about and reasons for agreement and disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
6. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
7. A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.
8. At the third directions hearing, the parties are to hand to the Court a summary, if possible on one page, of the valuation assessments of the subject land by each valuer. If the differences in valuation assessments are large, the parties are to confer beforehand as to whether it is appropriate to appoint a parties' single expert and, if so, are to agree that person's identity and remuneration and are to be prepared to address the Court on that issue at the third directions hearing
9. The parties have liberty to restore on three working days' notice.

Date: # [insert date]

**ANNEXURE 1****To Usual Directions at Second Directions Hearing**

In conferring and preparing their joint report, expert valuers should consider the issues set out below insofar as relevant to the matters agreed and not agreed.

1. Identify the method of valuation adopted including the primary method and any check method to be used.
2. Disclose full workings and calculations.
3. Identify comparable sales including:
  - (a) property address and title details of each comparable sale to be adopted by the Court;
  - (b) sale date;
  - (c) sale price absent any adjustments expressed as a total and as a \$ rate per sqm if relevant;
  - (d) sale price adjusted for any condition of sale expressed as a total and as a \$ rate per sqm where relevant;
  - (e) area of land of each comparable sale;
  - (f) zoning of each comparable sale at the relevant date;
  - (g) any other relevant planning controls applicable to the comparable sale as at the relevant date; and
  - (h) floor space area of any buildings on the comparable sales sites which may be relevant.
4. Confirm agreed matters.
5. Identify matters not agreed and give reasons for disagreement. Consider:
  - (a) highest and best use adopted for assessment of market value of land at the date of acquisition and the reasons;



- (b) alternative facts and assumptions which the Court may accept, including alternative facts and assumptions based on non valuation expert reports;
- (c) factors which should be taken into consideration in applying the comparable sale to the subject site including but not limited to time, location, site area, site configuration, conditions of sale; and
- (d) comparable sales which should be inspected by the Court.

Date: # [insert date]

**SCHEDULE C****Class 3 Compensation Matters****Usual Directions at Third Directions Hearing**

1. The hearing is fixed for # [state number] days commencing on the first available date after 21 days from today.
2. List the proceedings for a pre-hearing mention, if possible before the hearing judge, on the second last Friday before the commencement of the hearing.
3. The parties are to proceed forthwith to the Registrar to obtain the dates referred to in 1 and 2.
4. The parties are to confer and agree upon a schedule of the comparable sales to be inspected and upon a location map showing the subject site and comparable sales and the filing of that schedule and map by # [7 days before hearing].
5. If any witness is required for cross-examination, notice is to be given at least seven days before the hearing.
6. A party who proposes to object to any part of an affidavit, statement or report is to file and serve notice of its objections, including the grounds in support, at least seven days before the hearing.
7. The parties are to confer and prepare a bundle of copy documents on which the parties seek to rely. The bundle is to include a table of contents and be paginated. The bundle is not to include documents annexed or exhibited to an affidavit unless there are good reasons for it to do so. Unnecessary copying and duplication of documents is to be avoided. Any party objecting to the tender of a document within the bundle is to notify the other party of the objection and the grounds in support at least three working days before the bundle is to be filed. The documents subject to objection are to be included in the bundle, but the objection and grounds in support, as well as the party tendering the

document and the party objecting to the tender, are to be noted in the table of contents to the bundle. The bundle is to be filed at least seven days before the hearing.

8. By 4:00pm on the second last working day before the hearing the parties are to cause to be delivered to the hearing judge and served:
  - (a) an outline of submissions and issues for hearing;
  - (b) a list of authorities;
  - (c) a chronology of relevant events;
  - (d) where the number of persons who feature warrants it, a list of relevant characters; and
  - (e) a list of affidavits, statements and reports to be relied upon at the hearing setting out:
    - (i) in alphabetical order the name of the deponent or maker;
    - (ii) their dates; and
    - (iii) the role of the deponent or the maker.
9. Parties are to promptly notify the Court if there is any material slippage in the timetable.
10. Liberty to restore on three working days' notice.
11. At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge directs otherwise.

Date: # [insert date]



**Land and Environment  
Court**  
of New South Wales

**PRACTICE NOTE**

**CLASS 3 VALUATION OBJECTIONS**

**Commencement**

1. This practice note commences on 14 May 2007.

**Application of Practice Note**

2. This practice note applies to Class 3 proceedings, which are objections to valuations under s 37 of the *Valuation of Land Act* 1916. In this practice note, these proceedings are called “valuation objections”. This practice note is to be known as *Practice Note – Class 3 Valuation Objections*.

**Purpose of Practice Note**

3. The purpose of this practice note is to set out the case management procedures for the just, quick and cheap resolution of valuation objections.

**Responsibility of parties, legal practitioners and agents**

4. It is the responsibility of each party, their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the real issues in the proceedings. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such resolution. In that event, the party is to notify other parties of the proposed alternative regime as soon as practicable and is to make available to the Court short minutes reflecting that alternative regime. Parties are to ensure that all directions which they seek with respect to

valuation objections will assist in enabling such objections to be dealt with at the hearing with as little formality and technicality, and with as much expedition, as the requirements of this Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of *the Land and Environment Court Act 1979*).

### **Class 3 valuation objection list**

5. There will be a Class 3 List which includes all new and existing Class 3 valuation objections. The Class 3 List will usually be managed in Court each Friday.
6. Prior to hearing, unless there are interlocutory applications, a Class 3 valuation objection normally should appear in a Friday list on no more than two occasions, as follows:
  - (a) at the **first** directions hearing when the parties are to complete and hand to the Court the valuation objection information sheet in **Schedule A** and the *“Usual Directions at First Directions Hearing”* will usually be made in the form of **Schedule B**; and
  - (b) at the **second directions hearing**, when the *“Usual Directions at Second Directions Hearing”* will usually be made in the form of **Schedule C**.
7. In addition to the directions in these usual orders, other directions may be given with a view to the just, quick and cheap disposal of the proceedings. However, directions relating to the provision of particulars, the filing of lists of documents and the administration of interrogatories will only be made upon demonstrated need being established.
8. Any motion relating to a Class 3 valuation objection is to be made returnable on a Friday unless the circumstances are so urgent as to justify an earlier listing. Parties and legal practitioners should endeavour to arrange evidence so that, if practicable, the motion may be heard on the return date of the motion.
9. Matters in a Friday list will be listed in blocks on a *“not before”* a specified time basis. Practitioners should check the daily court lists as published prior to

attendance at Court on a Friday in order to determine the “*not before*” time that their matter is listed.

### **Before the first directions hearing**

10. If reasonably practicable, before the first directions hearing in the matter, the Valuer-General is to provide the applicant with access to documents within the possession, custody or control of the Valuer-General that were relevant to the Valuer-General’s consideration and determination of the valuation the subject of the objection. The Valuer-General is to provide the applicant with copies of such documents on request, provided that the applicant is willing to meet the reasonable copying costs of the Valuer-General.
11. If reasonably practicable, before the first directions hearing in the matter, and only if the applicant has not done so already, the applicant is to notify the Valuer-General of the valuation for which the applicant contends.
12. If reasonably practicable, before the first directions hearing in the matter, the applicant and the Valuer-General (or their authorised representatives) are either to:
  - (a) meet for the purpose of formal or informal mediation on a “without prejudice” basis for the purpose of determining whether the objection may be resolved; or
  - (b) confer in order to nominate a time for such a meeting to occur so that this time may be notified to the Court at the first directions hearing.

Note: Except with leave of the Court, parties will not be permitted to proceed to a hearing of valuation objections unless and until the parties have engaged in an informal or formal process of mediation to ascertain whether the valuation objection may be resolved other than by a hearing before the Court. Parties may proceed to a preliminary conference under s 34 of the *Land and Environment Court Act 1979* instead of mediation.

Where a party has made an offer of compromise to settle a valuation objection, and the matter proceeds to a Court hearing in which the Court determines the valuation objection by deciding the value of the subject site is (i) in the case of an offer of compromise by an applicant – a value equal to or less than the value in the offer of compromise, or (ii) in the case of the Valuer-General - a value equal to or greater than the value in the offer of compromise, the making of

the offer of compromise will be a circumstance relevant to the question whether it is fair and reasonable for an order for costs to be made in accordance with Part 16 Rule 4 of the *Land and Environment Court Rules 1996* (which provides that no order for the payment of costs will be made in proceedings to which this Rule applies unless the Court considers that the making of a costs order is, in the circumstances of the particular case, fair and reasonable).

13. If reasonably practicable, before the first directions hearing in the matter, the parties must confer and identify to each other whether they propose to rely on any expert evidence.

#### **At the first directions hearing**

14. At the first directions hearing (which will usually be on a Friday), the parties must notify the Court in writing of their compliance or otherwise with the requirements of paragraphs 11 to 14 of this practice note. The valuation objections information sheet (see **Schedule A**) is to be completed and filed at the first directions hearing for this purpose.
15. At the first directions hearing, the parties should expect that the usual directions set out in **Schedule B** will be made and should have either agreed or competing proposed short minutes to hand to the Court. In preparing these short minutes, parties may delete, amend or abridge any part of the usual directions to facilitate the just, quick and cheap resolution of the proceedings. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the proceedings. If alternative directions are proposed, the party seeking those directions is to notify the other party before the first return date of the valuation objection and ensure that proposed short minutes are available to be handed to the Court.
16. The parties are to inform the Court whether there is any reason for the proceedings not to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*.
17. If it is appropriate to fix the proceedings for a preliminary conference under s 34 of the *Land and Environment Court Act 1979* then, in the ordinary course, the proceedings will be fixed for a preliminary conference as follows:

- (a) for short matters, before the Duty Commissioner on the next available Friday; or
- (b) for other matters, within 14 days,  
subject to the availability of the Court.

### **At the second directions hearing**

18. At the second directions hearing (which will usually be on a Friday), the parties should expect that the “Usual Directions at Second Directions Hearing” will be made. Those directions are set out in **Schedule C**. Parties may suggest alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the valuation objection.

### **Short matters**

19. Parties may request short matters (less than 2 hours) to be fixed for hearing before a Duty Commissioner or Duty Judge on a Friday.
20. If the request is by consent, the parties may file the request with the Registry before the first return date. Parties will be notified if the hearing can be listed on a Friday before the first return date, in which event the first return date will be amended to be the hearing date.

### **Expedition**

21. Any party may seek expedition of a valuation objection by notice of motion, with a short affidavit in support setting out the reasons in support of expedition.

### **Breach of the Court’s directions**

22. If there is any significant breach of the Court’s directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-Court communication or fax to the Registrar, restore the matter to the next Friday list before the List Judge. The party in breach or a legal practitioner with



knowledge of the reasons for the breach must serve an affidavit no later than 4:00pm on the preceding day (Thursday) which identifies the breach, explains the reason or reasons for the breach and submits what directions should be made in consequence of the breach.

### **Variation of timetables**

23. If proposed directions vary an existing timetable, they must include the vacation of any date for a directions hearings or mention or for the hearing of motions that can no longer be maintained.

### **Liberty to restore**

24. Parties have general liberty to restore on a Friday on three working days' notice, or earlier if urgency requires it. A party seeking to do so should make prior arrangement with, or give appropriate notice to, any other party, and should send an e-Court communication or fax to the Registrar.

### **Applications to vacate hearings and for adjournments**

25. Class 3 valuation objections will not be adjourned generally.
26. Class 3 valuation objections usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
27. Applications to vacate hearing dates are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing date should be vacated.

### **Applications for final orders by consent**

28. If proceedings settle, it is necessary to have the Court make orders finalising the litigation, rather than filing terms with the registry.

29. If the parties have agreed to final orders by consent, they are to exercise the liberty to restore and are to file proposed consent orders signed by all parties before the return date pursuant to the liberty.
30. The representatives of the parties attending for the purpose of the making of final orders by consent must be familiar with the subject matter of the proceedings and have instructions sufficient to inform the Court about the terms of the proposed orders.

### **Legal practitioners and agents of parties to be prepared**

31. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
32. Legal practitioners and agents for each party should communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and on preparation of short minutes recording the directions.

### **Evidence for hearing**

33. Evidence for the hearing is to address all issues the subject of the proceedings. No issue will be separately determined unless the Court so orders.

### **Expert evidence**

34. Parties are encouraged to consider whether expert evidence is genuinely necessary to resolve the issues in dispute in development appeals. Unnecessary expert evidence substantially increases the time and cost of valuation objections.
35. Where expert evidence is necessary to be called in relation to an issue, the Court encourages parties to use a parties' single expert. The use of a parties' single expert in an appropriate case can reduce costs and ensure the Court has the benefit of evidence from a person who is not engaged by only one

party. In determining whether a parties' single expert might be appropriate in a particular case, consideration should be given to:

- (a) the importance and complexity of the subject matter in dispute in the proceedings;
- (b) the likely cost of obtaining expert evidence from a parties' single expert compared to the alternative of obtaining expert evidence from individual experts engaged by each of the parties;
- (c) the proportionality of the cost in (b) to the importance and complexity of the subject matter in (a);
- (d) whether the use of a parties' single expert in relation to an issue is reasonably likely either to narrow the scope of the issue or resolve the issue;
- (e) the nature of the issue, including:
  - (i) whether the issue is capable of being answered in an objectively verifiable manner;
  - (ii) whether the issue involves the application of accepted criteria (such as Australian Standards) to ascertainable facts; and
  - (iii) whether the issue is likely to involve a genuine division of expert opinion on methodology, or schools of thought in the discipline.
- (f) whether the parties' single expert would be required independently to obtain further information or to undertake monitoring, surveys or other means of obtaining data before being able to provide expert evidence;
- (g) whether the parties are prepared at the time to proceed to hearing on the basis of a parties' single expert report about the issue and no other expert evidence about that issue;
- (h) whether the integrity of expert evidence on the issue is likely to be enhanced by evidence being provided by a parties' single expert instead of by individual experts engaged by the parties; and
- (i) whether the Court is likely to be better assisted by expert evidence on the issue being provided by a parties' single expert instead of by individual experts engaged by the parties.

36. The Court will not usually accept the appointment of a parties' single expert if that expert is unable to provide a report within 5 weeks of receiving the brief or is unable to attend a hearing within a further 28 days thereafter.
37. The usual directions provide for a parties' single expert to file and serve one expert report only. Without leave of the Court, a parties' single expert is not to provide parties with preliminary reports or opinions.

Note: Under Pt 31.41 of the Uniform Civil Procedure Rules a party may seek clarification of the report of a parties' single expert on one occasion only.

38. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
39. Where a parties' single expert has been appointed to give evidence in relation to any issue, the parties may not rely on any other expert evidence about that issue without leave. Any application for leave is to be made as soon as reasonably possible and usually no later than five days after receiving the report of the parties' single expert.
40. Leave is to be sought by notice of motion, with an affidavit in support explaining:
  - (a) the name, qualifications and expertise of the expert proposed to be called;
  - (b) the matters proposed to be addressed by the expert;
  - (c) the date on which the expert was first retained and the date or dates of any expert report the expert has already prepared;
  - (d) the reasons for the need to call an additional expert to give that evidence, rather than having the parties' single expert address the matters further or in cross examination;
  - (e) how calling the additional expert at all, or at the particular stage in the preparation of the proceedings, promotes the just, quick and cheap resolution of the proceedings; and
  - (f) the party's position in relation to any additional costs that might be caused by the calling of the expert.

If practicable, the affidavit should not exceed three pages in length (excluding annexures).

41. It is not the role of any expert to opine whether a valuation objection should be upheld or dismissed. Expert opinions in reports and joint reports are to deal with the issues in dispute. Any other matter relevant to the expert's expertise, which the expert feels obliged to draw to the attention of the parties and the Court, may also be noted.
42. An expert (including a parties' single expert) and the expert's report are to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
43. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the litigation.
44. It is the responsibility of the parties to agree the remuneration to be paid to a parties' single expert. This includes making provision with respect to the amount of the expert's fees and the frequency with which the expert renders accounts. The Court will fix the remuneration of a parties' single expert only where the parties are unable to agree that remuneration.

Note: See Pt 31.45 of the Uniform Civil Procedure Rules.

45. Experts' reports are not to repeat matters in the statement of facts prepared by the Valuer-General. Wherever possible, an expert should state that the facts in the statement of facts have been adopted as correct. If this cannot be stated, the expert should identify the matters which are disputed and state his or her position in relation to those matters.
46. If experts are directed by the Court to confer, experts are to ensure that their joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
47. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.

48. Where expert evidence from more than one expert in the same discipline is to be given in Court, the experts will give such evidence concurrently (subject to any order by the hearing Judge or Commissioner to the contrary).
49. If a party requires any expert for cross-examination, notice is to be given at least seven days before the hearing.
50. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

### **Mediation, neutral evaluation and reference**

51. Throughout the course of the proceedings the parties should continue to consider whether the proceedings or any questions are appropriate for mediation or neutral evaluation or for reference to a referee. The fact that formal or informal mediation or a preliminary conference under s 34 of the *Land and Environment Court Act 1979* did not resolve the matter is not sufficient reason to disregard the potential for mediation to resolve the matter or narrow the issues in dispute.
52. At a mediation or neutral evaluation, the parties are to ensure that a person who is able to make a decision as to whether the matter settles is present personally or by an authorised nominee.
53. Where questions are appropriate to be referred to a mediator or neutral evaluator or to a referee for inquiry and report, the parties should prepare proposed short minutes to be handed to the Court which:-
  - (a) formulate the questions with precision; and
  - (b) state:-
    - (i) the name of an agreed mediator, neutral evaluator or referee or, if no agreement can be reached, the person each party suggests;
    - (ii) the date on which the mediator, neutral evaluator or referee can commence the mediation, neutral evaluation or reference;
    - (iii) the expected duration of the mediation, neutral evaluation or reference; and

(iv) the anticipated date for finalisation of the mediation or neutral evaluation, or for delivery to the Court of the referee's report.

54. Proposed consent orders for amendment to the questions referred to a mediator, neutral evaluator or referee may be filed with the List Judge's Associate in writing and the List Judge may make such orders in Chambers. Any contested amendments and amendments in respect of which the List Judge wishes to hear the parties, will be heard on a Friday by the List Judge.

### **Costs and compliance**

55. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or a party's legal practitioner responsible for the breach may be ordered to pay those costs.
56. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be tendered. Unnecessary documents may attract adverse costs orders.
57. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

***The Honourable Justice Brian J Preston  
Chief Judge***

***30 April 2007***

<b>Schedule A</b>	
<b>Class 3 Valuation Objections - Information Sheet</b>	
Parties:	
Applicant:	
Respondent(s):	
Proceedings no:	
1.	<p>(a) Has the Valuer-General provided the applicant with access to, and copies of, relevant documents? Yes/No</p> <p>(b) If not, when will access be provided?</p>
2.	<p>(a) Has the applicant notified the Valuer-General of the valuation for which the applicant contends? Yes/No</p> <p>(b) If not, when will the applicant do so?</p>
3.	<p>Have the parties sought to resolve their dispute by mediation? Yes/No</p> <p>[Give details of the steps taken to resolve the dispute:]</p>
4.	<p>Is there any reason for the proceedings not to be fixed for a preliminary conference under s 34 of the <i>Land and Environment Court Act 1979</i>? If so, provide reasons [point form only].</p>



5.	<p>Have the parties conferred and identified whether they propose to rely on any expert evidence and, if so, the areas of expertise involved? Yes/No</p> <p>Set out areas of expertise below:</p>
6.	<p>If parties' single experts are agreed, set out below their name, charge rates, estimate of total fees and disbursements and available dates to prepare a report and appear at a hearing.</p>
Name:	
Charge rates	
Estimate of total fees and disbursements	
Dates by which reports can be prepared:	
Available dates to appear at a hearing	
7.	<p>If parties' single experts are not appropriate, the reasons in support [point form only].</p>

8.	Is sufficient information available or is it otherwise appropriate for any experts proposed to be called by parties to proceed directly to a joint conference and joint report, without preparing other reports? If so, identify the experts and areas of expertise. If not, provide the reasons in support [point form only].
9.	Are there any experts who should prepare an individual report before proceeding to a joint conference and joint report and, if so, identify the expert, the area of expertise and provide reasons supporting the report being necessary or appropriate [point form only]?
10.	What is the estimated length of hearing?
11.	Identify number and names of lay witnesses?

## SCHEDULE B

### Usual Directions at First Directions Hearing

Note: Strike through/amend as required.

1. By # [+ 7 days of the first directions hearing], the Valuer-General is to provide the applicant with access to and copies of documents within the possession, custody or control of the Valuer-General relevant to the Valuer-General's consideration and determination of the objection. The applicant must meet the reasonable copying costs of the Valuer-General in so doing.
2. By # [+14 days of the first directions hearing], the applicant is to notify the Valuer-General of the valuation for which the applicant contends.
3. By # [+ 21 days of the first directions hearing], the applicant and the Valuer-General (or their authorised representatives) are to meet for the purpose of informal mediation on a "without prejudice" basis for the purpose of determining whether the objection may be resolved.

Note: The parties may elect to delete this step provided that the valuation objection is fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*: see direction 6 below.

4. By # [+ 28 days of the first directions hearing], the Valuer-General is to file and serve a statement of facts which identifies:
  - (a) the address and title details of the subject site;
  - (b) the area of the subject site according to the Valuer-General;
  - (c) the zoning of the subject site according to the Valuer-General;
  - (d) the planning instruments applying to the subject site which the Valuer-General considers material to the valuation;
  - (e) the features of the subject site which the Valuer-General considers material to the valuation;
  - (f) in a schedule to the statement of basic facts, the comparable sales, if any, relied upon by the Valuer-General in determining the objection and any additional comparable sales proposed to be relied upon (including, if reasonably practicable, with respect to each comparable sale, the title details, site area, sale date, unadjusted sale price expressed as \$ rate per

- square metre and adjusted sale price expressed as \$ rate per square metre);
- (g) any sections of the *Valuation of Land Act* 1916 said to be relevant by the Valuer-General;
  - (h) the value of the subject site expressed as \$ rate per square metre;
  - (i) any other facts, matters or circumstances the Valuer-General considers material to the resolution of the objection.

The statement of facts must not exceed two pages excluding the schedule of comparable sales.

Note: If the matter is fixed for a preliminary conference under s 34 of the *Land and Environment Court Act* 1979, then the statement of basic facts should be filed and served 14 days before the conference.

5. By # [+ 28 days of the first directions hearing], the applicant is to file and serve a statement outlining the applicant's grounds of objection to the valuation. The statement is to disclose the basis upon which the applicant objects to the valuation and is not to exceed two pages (excluding any schedule of comparable sales). If the statement includes any schedule of comparable sales, the schedule is to identify, if reasonably practicable, with respect to each comparable sale, the title details, site area, sale date, unadjusted sale price expressed as \$ rate per square metre and adjusted sale price (expressed as \$ rate per square metre).

Note: If the matter is fixed for a preliminary conference under s 34 of the *Land and Environment Court Act* 1979, then the applicant's grounds of objection should be filed and served 14 days before the conference.

6. The proceedings are listed for a preliminary conference under s 34 of the *Land and Environment Court Act* 1979 on #.
7. The proceedings are listed for a second directions hearing on # [+ 14 days after the preliminary conference].
8. (a) Each party is to notify the other party and the Court in writing of the name of the experts upon which they propose to rely and the issues to be addressed by each expert or the name of any expert they propose to nominate as a parties' single expert by # [seven days after the preliminary conference].

- (b) If the parties agree or the Court requires a parties' single expert, the parties are to agree the identity and remuneration of the parties' single expert by # [no later than 11 days after the preliminary conference].
- (c) Failing agreement, the parties are to seek orders from the Court at the second directions hearing that the parties engage a named parties' single expert and to fix the remuneration of the parties' single expert. For that purpose, each party is to file and serve the names, CVs and fee estimates of three appropriately qualified experts at least three days before the second directions hearing.

Note: If the proceedings are resolved at the preliminary conference, these directions will not need to be followed.

8. If the proceedings are resolved after the preliminary conference, the parties are to notify the Court at least 48 hours before the date of the second directions hearing. If the proceedings have been resolved, the second directions hearing may be vacated.

Date: # [insert date]

## SCHEDULE C

### Usual Directions at Second Directions Hearing

Any appropriate directions in respect of mediation, neutral evaluation or appointment of a referee.

**A** If the parties do not intend to rely on expert evidence:

1. Both parties are to file and serve statements of any lay witnesses by # [+ 21 days from the second directions hearing].
2. The proceedings are fixed for hearing on [insert hearing date] commencing [at 9.30am on site] or [at 10.00am in Court].
3. The parties have liberty to restore on three working days' notice.

**B** If the parties do intend to rely on expert evidence:

1. Any appropriate directions in respect of mediation, neutral evaluation or appointment of a referee.
2. Both parties are to file and serve statements of any lay witnesses by # [+ 21 days from the second directions hearing].

Note: The usual directions in the following paragraphs are intended to operate on an issue-by-issue basis. It is the responsibility of the parties to consider the most appropriate combination of directions for the particular case having regard to the real issues requiring resolution.

The directions in Part G below should usually be made.

**C.** If the parties agree on or the Court requires the appointment of a parties' single expert to address **any** issue:

1. The Court notes the agreement between the parties to engage # [insert name] as a parties' single expert and that the parties have agreed the remuneration to be paid to that expert.

Or, failing agreement about the identity and/or remuneration of the parties' single expert:

- 1A. (a) The Court orders the parties to engage # [insert name] as a parties' single expert.

- (b) The Court fixes the remuneration of the parties' single expert at # [insert details of remuneration].
2. A parties' single expert is not to incur fees or disbursements additional to the remuneration agreed by the parties or fixed by the Court without written agreement of both parties or, absent such agreement, the leave of the Court.
  3. The parties are to brief the parties' single expert with agreed instructions and an agreed bundle of documents by # [within 7 days of the second directions hearing].
  4. The parties' single expert is to file and serve their expert report by # [within 6 weeks of the second directions hearing]. Without leave of the Court, the parties' single expert is not to provide the parties with a preliminary expert report or preliminary opinion.
  5. The parties' single expert is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules, including the requirements for experts' reports.
  6. If the Court has ordered that a parties' single expert address any issue, no expert report addressing the same issue other than the report of the parties' single expert may be relied upon at the hearing, without leave.
- D. If the parties agree on or the Court requires reports of non-valuation experts to be served before reports of valuation experts:**
1. Individual reports of non-valuation experts are to be served by # [within 21 days of the second directions hearing].
  2. Non-valuation experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report, which is to include any evidence in reply, by # [within 5 weeks of the second directions hearing].

3. The parties are to serve on the expert valuers a copy of all non-valuation expert reports, including joint reports, and lay witness statements as relevant to valuation issues by # [within 6 weeks of the second directions hearing].
4. Individual expert valuation reports are to be served by # [within 10 weeks of the second directions hearing].
5. Expert valuers are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within 12 weeks of the second directions hearing].
6. The joint report is to include any evidence in reply. In preparing their joint report, expert valuers should consider the matters in **Annexure 1** to the *Usual Directions at Second Directions Hearing* insofar as relevant to matters agreed and not agreed.

**E. If the parties agree on or the Court requires reports of non-valuation experts not to be served before reports of valuation experts:**

1. The parties are to serve individual expert reports by # [within 28 days of the second directions hearing] and any expert reports in reply by # [within 6 weeks of the second directions hearing].

Parties should consider whether it would be more appropriate for any evidence in reply to be dealt with through the joint conference process.

2. Experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within 8 weeks of the second directions hearing].

**F. If the parties agree or the Court requires that any experts may proceed directly to joint conferences and joint reports, without having prepared an individual expert report:**



1. The parties are not to instruct experts on # [insert areas of expertise] to prepare individual expert reports.
2. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within + 28 days of the second directions hearing].
3. No expert reports, other than the joint reports, may be relied upon at the hearing, without leave.

**G. For all matters:**

1. Parties are to serve a copy of these directions, Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on all experts upon whose evidence they propose to rely.
2. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
3. Experts are directed to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.
4. Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.

5. A joint report is to identify the experts involved in its preparation, the date of their joint conferences, the matters they agreed about, the matters they disagreed about and reasons for agreement and disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
6. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
7. A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.
8. If any witness is required for cross-examination, notice is to be given at least seven days before the hearing.
9. A party who proposes to object to any part of an affidavit, statement or report is to file and serve notice of its objections, including the grounds in support, at least seven days before the hearing.
10. The parties are to confer and prepare a bundle of copy documents on which the parties seek to rely. The bundle is to include a table of contents and be paginated. The bundle is not to include documents annexed or exhibited to an affidavit unless there are good reasons for it to do so. Unnecessary copying and duplication of documents is to be avoided. Any party objecting to the tender of a document within the bundle is to notify the other party of the objection and the grounds in support at least three working days before the bundle is to be filed. The documents subject to objection are to be included in the bundle, but the objection and grounds in support, as well as the party tendering the document and the party objecting to the tender, are to be noted in the table of contents to the bundle. The bundle is to be filed at least seven days before the hearing.
11. The parties are to confer and agree upon a schedule of the comparable sales to be inspected and upon a location map showing the subject site and

comparable sales and the filing of that schedule and map by # [7 days before hearing].

12. The proceedings are fixed for hearing on [insert hearing date] commencing [at 9.30am on site] or [at 10.00am in Court].
13. Parties are to notify promptly the Court if there is any material slippage in the timetable.
14. The parties have liberty to restore on three working days' notice.
15. At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge directs otherwise.

Date: # [insert date]

**ANNEXURE 1****To Usual Directions at Second Directions Hearing**

In conferring and preparing their joint report, expert valuers should consider the issues set out below insofar as relevant to the matters agreed and not agreed.

1. Identify the method of valuation adopted including the primary method and any check method to be used.
2. Disclose full workings and calculations.
3. Identify comparable sales including:
  - (a) property address and title details of each comparable sale to be adopted by the Court;
  - (b) sale date;
  - (c) sale price absent any adjustments expressed as a total and as a \$ rate per sqm if relevant;
  - (d) sale price adjusted for any condition of sale expressed as a total and as a \$ rate per sqm where relevant;
  - (e) area of land of each comparable sale;
  - (f) zoning of each comparable sale at the relevant date;
  - (g) any other relevant planning controls applicable to the comparable sale as at the relevant date; and
  - (h) floor space area of any buildings on the comparable sales sites which may be relevant.
4. Confirm agreed matters.
5. Identify disagreed matters and give reasons for disagreement. Consider:
  - (a) highest and best use adopted for assessment of value of land at the relevant date and the respective reasons supporting that decision;
  - (b) alternative facts and assumptions which the Court may accept, including alternative facts and assumptions based on non valuation expert reports;

- (c) factors which should be taken into consideration in applying the comparable sale to the subject site including but not limited to time, location, site area, site configuration, conditions of sale; and
- (d) comparable sales which should be inspected by the Court.

Date: # [insert date]



**Land and Environment  
Court**  
of New South Wales

**PRACTICE NOTE**

**CLASSES 1, 2 AND 3 MISCELLANEOUS APPEALS**

**Commencement**

1. This practice note commences on 14 May 2007.

**Application of Practice Note**

2. This practice note applies to:
  - (a) Class 1 appeals other than those under ss 97 and 98, and applications under ss 96, 96AA and 96A of the *Environmental Planning and Assessment Act 1979*, which are subject to *Practice Note – Class 1 Development Appeals*;
  - (b) Class 2 appeals other than those under the *Trees (Disputes Between Neighbours) Act 2006*); and
  - (c) Class 3 appeals other than:
    - (i) claims for compensation by reason of the acquisition of land, which are subject to *Practice Note – Class 3 Compensation Claims*;
    - (ii) objections to valuation under the *Valuation of Land Act 1916*, which are subject to *Practice Note – Class 3 Valuation Objections* respectively; and
    - (iii) appeals and references under the *Aboriginal Land Rights Act 1983*.

The appeals subject to this practice note are referred to as “miscellaneous appeals”. This practice note is to be known as *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals*.

**Purpose of Practice Note**

3. The purpose of this practice note is to set out the case management procedures for the just, quick and cheap resolution of miscellaneous appeals.

**Responsibility of parties, legal practitioners and agents**

4. It is the responsibility of each party, their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the real issues in the proceedings. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such resolution. In that event, the party is to notify other parties of the proposed alternative regime as soon as practicable and is to make available to the Court short minutes reflecting that alternative regime. Parties are to ensure that all directions which they seek with respect to miscellaneous appeals will assist in enabling such appeals to be dealt with at the hearing with as little formality and technicality, and with as much expedition, as the requirements of this Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of *the Land and Environment Court Act 1979*).

**Before the first directions hearing**

5. Miscellaneous appeal applications will usually be given a return date 28 days after the date on which they are filed. The first directions hearing will usually be before the Registrar. Miscellaneous appeal applications are to be served within 7 days of filing.

Note: Parties may request from the Registry an earlier return date provided that they are able to serve the miscellaneous appeal application as filed at least 21 days before the return date. Parties may otherwise file and serve a notice of motion for expedition of the proceedings if appropriate. Applications to extend the period for the return of the proceedings before the Registrar may be granted if the applicant demonstrates that service cannot be achieved within the time required. The Registrar may also extend the period if circumstances, such as public

holidays, make it appropriate that a longer period be allowed for parties to take the action required by this practice note before or by the return of the proceedings.

6. On request, a respondent who is a public authority or public official is to provide the other party with access to the documents relevant to the application and its decision (if any) with respect to the miscellaneous appeal, within 14 days of the request.

#### **At the first directions hearing**

7. At the first directions hearing, the parties should expect that the usual directions set out in **Schedule A** will be made and should have either agreed or competing proposed short minutes to hand to the Court. In preparing these short minutes, parties may delete, amend or abridge any part of the usual directions to facilitate the just, quick and cheap resolution of the proceedings. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the proceedings. If alternative directions are proposed, the party seeking those directions is to notify the other party before the first directions hearing of the miscellaneous appeal application and ensure that proposed short minutes are available to be handed to the Court.
8. The parties are to inform the Court whether there is any reason for the proceedings not to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*. If proceedings are fixed for a preliminary conference, then the parties may request that only the usual directions in Pt A of **Schedule A** be made, with the balance of the usual directions to be made at a second directions hearing.
9. If it is appropriate to fix the proceedings for a preliminary conference under s 34 of the *Land and Environment Court Act 1979* then, in the ordinary course, the proceedings will be fixed for a preliminary conference as follows:
  - (a) for short matters, before the Duty Commissioner on the next available Friday; or
  - (b) for other matters, within 14 days,  
subject to the availability of the Court.



10. To enable the balance of the usual directions to be made, the parties are to hand to the Court at the first directions hearing a completed information sheet in the form of **Schedule B**.

Note: This may be deferred until the second directions hearing if the matter is to be fixed for a preliminary conference.

11. If any party seeks to raise an issue of fact or law that it contends precludes the determination of the proceedings one way or another, then the party raising that issue is to identify it in its statement of facts and contentions prepared in accordance with **Schedule C**.

12. Any party seeking to have an issue dealt with in advance of the merits must apply to do so by notice of motion and short affidavit in support setting out the reasons that make a separate hearing necessary. If possible, the notice of motion is to be returnable at the first directions hearing. In the ordinary course, all issues should be heard together unless an issue genuinely capable of separate determination is likely to be determinative of the appeal. If an order is made for a separate hearing:

- (a) short matters (less than 2 hours) may be listed on the first available Friday before the Duty Judge or Duty Commissioner for issues of law or fact respectively; and

- (b) other matters will be listed for hearing in the ordinary course,

and the usual directions in **Schedule A** (Pt H.) will apply.

Note: A Judge and Commissioner may be appointed to hear a matter to facilitate the objective of having all issues heard together.

13. Unless good reason is demonstrated, the parties are to be sufficiently prepared at the first directions hearing to assist the Court in making and to accept a timetable up to and including the hearing date. Legal practitioners and other representatives of the parties are to advise the parties of their obligation to be ready to agree to a timetable up to and including the hearing date and are to obtain full and timely instructions to ensure the parties comply with this obligation.

Note: The agreement of both parties to attend a preliminary conference usually will be accepted as a good reason to defer the making of a timetable up to and including the hearing until the second directions hearing.

14. Estimates of hearing length should be realistic having regard to the statements of facts and contentions.

### **Short matters**

15. Parties may request short matters (less than 2 hours) to be fixed for hearing before a Duty Commissioner or Duty Judge on a Friday.
16. If the request is by consent, the parties may file the request with the Registry before the first return date. Parties will be notified if the hearing can be listed on a Friday before the first return date, in which event the first return date will be amended to be the hearing date.

### **Expedition**

17. Any party may seek expedition of a miscellaneous appeal by notice of motion, with a short affidavit in support setting out the reasons in support of expedition.

### **Breach of the Court's directions**

18. If there is any significant breach of the Court's directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-Court communication or fax to the Registrar, notify the Registrar of the breach. The Registrar may require the parties to attend before the Court if it is considered that the reasons for the breach are not adequately explained in that e-Court communication or facsimile or if the breach might materially affect the timetable. Parties are reminded that where the conduct of either party unnecessarily or unreasonably increases the number of appearances in Court, that party may be at risk of the making of a costs order against them.

### **Variation of timetables**

19. If proposed directions vary an existing timetable, they must include the vacation of any date for a directions hearings or mention or for the hearing of motions that can no longer be maintained.

**Liberty to restore**

20. Parties have liberty to approach the Court without a notice of motion on three working days' notice or earlier if urgency requires. A party seeking to make urgent application should, if possible, make prior arrangement with, or give appropriate notice to, any other party, and should send an e-Court communication or fax to the Registrar.

**Amendments to applications and to statements of facts and contentions**

21. An applicant requires leave of the Court to amend a miscellaneous appeal application.
22. Parties require leave of the Court to amend their statements of facts and contentions.
23. Other than amendments sought during the hearing of the appeal, leave to amend is to be sought by notice of motion accompanied by a short affidavit in support explaining the reasons for leave to amend being sought.

**Applications to vacate hearings and for adjournments**

24. Miscellaneous appeals will not be adjourned generally.
25. Miscellaneous appeals usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
26. Applications to vacate hearing dates are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing date should be vacated.

**Application for final orders by consent of parties**

27. Any application for consent final orders in a miscellaneous appeal will be listed before the Court for determination. The parties will be required to present such

evidence as is necessary to allow the Court to determine whether it is lawful and appropriate to make the consent final orders.

### **Legal practitioners and agents of parties to be prepared**

28. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
29. Legal practitioners and agents for each party should communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and on preparation of short minutes recording the directions.

### **Expert evidence**

30. Parties are encouraged to consider whether expert evidence is genuinely necessary to resolve the issues in dispute in miscellaneous appeals. Unnecessary expert evidence substantially increases the time and cost of appeals. Parties are encouraged to consider whether the proceedings can appropriately be fixed for hearing before a Commissioner or Commissioners with special knowledge and experience in relation to the issues in dispute.
31. Where expert evidence is necessary to be called in relation to an issue, the Court encourages parties to use a parties' single expert. The use of a parties' single expert in an appropriate case can reduce costs and ensure the Court has the benefit of evidence from a person who is not engaged by only one party. In determining whether a parties' single expert might be appropriate in a particular case, consideration should be given to:
  - (a) the importance and complexity of the subject matter in dispute in the proceedings;
  - (b) the likely cost of obtaining expert evidence from a parties' single expert compared to the alternative of obtaining expert evidence from individual experts engaged by each of the parties;

- (c) the proportionality of the cost in (b) to the importance and complexity of the subject matter in (a);
- (d) whether the use of a parties' single expert in relation to an issue is reasonably likely either to narrow the scope of the issue or resolve the issue;
- (e) the nature of the issue, including:
  - (i) whether the issue is capable of being answered in an objectively verifiable manner;
  - (ii) whether the issue involves the application of accepted criteria (such as Australian Standards) to ascertainable facts;
  - (iii) whether the issue is likely to involve a genuine division of expert opinion on methodology, or schools of thought in the discipline; and
  - (iv) whether the issue relates to the adequacy or sufficiency of information provided in the appeal;
- (f) whether the evidence of the parties' single expert involves the provision of aids to assist in the assessment of the appeal (such as shadow diagrams, view lines or photo montages).
- (g) whether the parties' single expert would be required independently to obtain further information or to undertake monitoring, surveys or other means of obtaining data before being able to provide expert evidence;
- (h) whether the parties are prepared at the time to proceed to hearing on the basis of a parties' single expert report about the issue and no other expert evidence about that issue;
- (i) whether the integrity of expert evidence on the issue is likely to be enhanced by evidence being provided by a parties' single expert instead of by individual experts engaged by the parties; and
- (j) whether the Court is likely to be better assisted by expert evidence on the issue being provided by a parties' single expert instead of by individual experts engaged by the parties.

32. The Court will not usually accept the appointment of a parties' single expert if that expert is unable to provide a report within 5 weeks of receiving the brief or is unable to attend a hearing within a further 28 days thereafter.
33. The usual directions in **Schedule A** provide for a parties' single expert to file and serve one expert report only. Without leave of the Court, a parties' single expert is not to provide parties with preliminary reports or opinions.

Note: Under Pt 31.41 of the Uniform Civil Procedure Rules a party may seek clarification of the report of a parties' single expert on one occasion only.

34. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
35. Where a parties' single expert has been appointed to give evidence in relation to any issue, the parties may not rely on any other expert evidence about that issue without leave. Any application for leave is to be made as soon as reasonably possible and usually no later than five days after receiving the report of the parties' single expert.
36. Leave is to be sought by notice of motion, with an affidavit in support explaining:
  - (a) the name, qualifications and expertise of the expert proposed to be called;
  - (b) the matters proposed to be addressed by the expert;
  - (c) the date on which the expert was first retained and the date or dates of any expert report the expert has already prepared;
  - (d) the reasons for the need to call an additional expert to give that evidence, rather than having the parties' single expert address the matters further or in cross examination;
  - (e) how calling the additional expert at all, or at the particular stage in the preparation of the proceedings, promotes the just, quick and cheap resolution of the proceedings; and
  - (f) the party's position in relation to any additional costs that might be caused by the calling of the expert.

If practicable, the affidavit should not exceed three pages in length (excluding annexures).

37. It is not the role of any expert to opine whether an appeal should be upheld or dismissed. Expert opinions in reports and joint reports are to deal with the contentions raised by the parties. Any other matter relevant to the expert's expertise, which the expert feels obliged to draw to the attention of the parties and the Court, may also be noted.
38. An expert (including a parties' single expert) and the expert's report is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
39. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the litigation.
40. Experts' reports are not to repeat matters in Part A Facts of the statements of facts and contentions. Wherever possible, an expert should state that Part A Facts has been adopted as correct. If this cannot be stated, the expert should identify the matters which are disputed and state his or her position in relation to those matters.
41. It is the responsibility of the parties to agree the remuneration to be paid to a parties' single expert. This includes making provision with respect to the amount of the expert's fees and the frequency with which the expert renders accounts. The Court will fix the remuneration of a parties' single expert only where the parties are unable to agree that remuneration.

Note: See Pt 31.45 of the Uniform Civil Procedure Rules.

42. If experts are directed by the Court to confer, experts are to ensure that their joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
43. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.

44. Where expert evidence from more than one expert in the same discipline is to be given in Court, the experts will give such evidence concurrently (subject to any order by the hearing Judge or Commissioner to the contrary).
45. If a party requires any expert for cross-examination, notice is to be given at least seven days before the hearing.
46. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

### **Costs and compliance**

47. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.
48. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be tendered. Unnecessary documents may attract adverse costs orders.
49. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

***The Honourable Justice Brian J Preston  
Chief Judge***

***30 April 2007***



## Schedule A

### Usual directions on the first directions hearing for miscellaneous appeal applications

Note: Parties may amend/strike through/abridge directions as appropriate.

**A.** If the parties agree or the Court requires the proceedings to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*:

1. The appeal is listed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979* on #.
2. The [applicant or respondent] is to file and serve its statements of facts and contentions in accordance with Schedule C of *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals* by # [insert date having regard to date of preliminary conference].

Note: This direction may be unnecessary for short matters.

3. The [respondent or applicant] is to file and serve its statements of facts and contentions in reply in accordance with Schedule C of *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals* by # [insert date having regard to date of preliminary conference]. This statement is not to repeat any facts not in dispute.

Note: This direction may be unnecessary for short matters.

4. The proceedings are listed for a second directions hearing on # [+ 14 days after the preliminary conference].
5. (a) Each party is to notify the other party and the Court in writing of the name of the experts upon which they propose to rely and the issues to be addressed by each expert or the name of any expert they propose to nominate as a parties' single expert by # [seven days after the preliminary conference].  
(b) If the parties agree or the Court requires a parties' single expert, the parties are to agree the identity and remuneration of the parties' single expert by # [no later than 11 days after the preliminary conference].

- (c) Failing agreement, the parties are to seek orders from the Court at the second directions hearing that the parties engage a named parties' single expert and to fix the remuneration of the parties' single expert. For that purpose, each party is to file and serve the names, CVs and fee estimates of three appropriately qualified experts at least three days before the second directions hearing.

Note: If the proceedings are resolved at the preliminary conference, these directions will not need to be followed.

6. If the proceedings are resolved after the preliminary conference, the parties are to notify the Court at least 48 hours before the date of the second directions hearing. If the proceedings have been resolved, the second directions hearing may be vacated.

**B.** If the parties do not agree or the Court does not requires the proceedings to be fixed for a preliminary conference under s 34 of the *Land and Environment Court Act 1979*:

1. The [applicant or respondent] is to file and serve its statements of facts and contentions in accordance with Schedule C of *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals* by # [insert date having regard to date of preliminary conference].

Note: This direction may be unnecessary for short matters

2. The [respondent or applicant] is to file and serve its statements of facts and contentions in reply in accordance with Schedule C of *Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals* by # [insert date having regard to date of preliminary conference]. This statement is not to repeat any facts not in dispute.

Note: This direction may be unnecessary for short matters.

Note: The usual directions in the following paragraphs are intended to operate on an issue-by-issue basis. It is the responsibility of the parties to consider the most appropriate combination of directions for the particular case having regard to the real issues requiring resolution.

The directions in Part G below should usually be made.

C. If the parties agree on or the Court requires the appointment of a parties' single expert to address **any** issue:

1. The Court notes the agreement between the parties to engage # [insert name] as a parties' single expert and that the parties have agreed the remuneration to be paid to that expert as being [insert details of remuneration].

Or, failing agreement about the identity and/or remuneration of the parties' single expert:

1A. (i) The parties are to agree on a parties' single expert and their remuneration and are to notify the Court of the expert's name and that the expert's remuneration has been agreed by # [+ 7 days of the first/second directions hearing].

(ii) Failing agreement, the parties are to file and serve the names, CVs and fee estimates of three appropriately qualified experts by # [+ 10 days of the first/second directions hearing]. The Court will make orders (iii) and (iv) below in Chambers and notify the parties accordingly.

(iii) The Court orders the parties to engage # [insert name] as a parties' single expert.

(iv) The Court fixes the remuneration of the parties' single expert at # [insert details of remuneration].

2. A parties' single expert is not to incur fees or disbursements additional to the remuneration agreed by the parties or fixed by the Court without written agreement of both parties or, absent such agreement, the leave of the Court.

3. The parties are to brief the parties' single expert with agreed instructions and an agreed bundle of documents by # [within 7 days of the first/second directions hearing].

4. The parties' single expert is to file and serve their expert report by # [within 6 weeks of the first/second directions hearing]. Without leave of the Court, the parties' single expert is not to provide the parties with a preliminary expert report or preliminary opinion.

5. The parties' single expert is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of

Conduct in Schedule 7 of the Uniform Civil Procedure Rules, including the requirements for experts' reports.

6. If the Court has ordered that a parties' single expert address any issue, no expert report addressing the same issue other than the report of the parties' single expert may be relied upon at the hearing, without leave.

**D.** If the contentions are that there is insufficient information to assess the application or any other circumstance makes it appropriate for one party to file and serve its evidence before the other, the following directions may be considered appropriate:

1. The [applicants'/respondents'] experts are to file and serve their individual expert reports by # [within + 28 days of the first/second directions hearing].
2. The [respondents'/applicants'] experts are to file and serve their individual expert reports by # [within + 6 weeks of the of the first/second directions hearing].
3. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report, which is to include any evidence in reply, by # [within + 8 weeks of the first/second directions hearing].

**E.** If the contentions do not involve inadequate information or any other circumstance does not make it appropriate for one party to file and serve its evidence before the other, the following directions may be considered appropriate:

1. The applicants' and respondents' experts are to file and serve their individual expert reports by # [within + 28 days of the first/second directions hearing].
2. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report, which is to include

any evidence in reply, by # [within + 6 weeks of the first/second directions hearing].

**F.** If the parties agree or the Court requires that **any** experts may proceed directly to joint conferences and joint reports, without having prepared an individual expert report:

1. The parties are not to instruct experts on # [insert areas of expertise] to prepare individual expert reports.
2. The experts, grouped in areas of expertise, are to confer in accordance with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules and are to file and serve their joint report by # [within + 28 days of the first/second directions hearing].
3. No expert reports, other than the joint reports, may be relied upon at the hearing, without leave.

**G.** For all matters:

1. The proceedings are fixed for hearing on # [in all cases as soon as reasonably possible and usually within + 12 weeks from the return date].
2. The hearing is to commence [on site at 9.30am] or [in Court at 10.00am]. If the parties consider the site may be difficult to find, they are to file an agreed map showing the proposed location for the commencement of any hearing on site at 9.30am two working days before the hearing.

Note: If a matter is fixed for an on site hearing or is otherwise to involve substantial time or taking of evidence on site, the parties should ensure that appropriate facilities are available for that purpose, including a table and chairs and bathroom facilities, and that the hearing will be open to the public and will be able to be observed and heard by all persons attending the hearing.

3. If the applicant or respondent contends that, if the appeal is upheld, conditions should be imposed, that party is to file and serve draft conditions (in both hard copy and electronic form) by # [14 days before the hearing].

4. Parties are to serve a copy of these directions, the statements of facts and contentions, Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on all experts upon whose evidence they propose to rely.
5. The parties' are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
6. Experts are directed to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.
7. Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
8. A joint report is to identify the experts involved in its preparation, the date of their joint conferences, the matters they agreed about, the matters they disagreed about and reasons for agreement and disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
9. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
10. A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.
11. If any witness is required for cross-examination, notice is to be given at least seven days before the hearing.

12. A party who proposes to object to any part of an affidavit, statement or report is to file and serve notice of its objections, including the grounds in support, at least seven days before the hearing.
13. The parties are to confer and prepare a bundle of copy documents on which the parties seek to rely. The bundle is to include a table of contents and be paginated. The bundle is not to include documents annexed to the miscellaneous appeal. Unnecessary copying and duplication of documents is to be avoided. Any party objecting to the tender of a document within the bundle is to notify the other party of the objection and the grounds in support at least three working days before the bundle is to be filed. The documents subject to objection are to be included in the bundle, but the objection and grounds in support, as well as the party tendering the document and the party objecting to the tender, are to be noted in the table of contents to the bundle. The bundle is to be filed at least seven days before the hearing.
14. Parties are to notify promptly the Court if there is any material slippage in the timetable.
15. The parties have liberty to restore on three working days' notice.
16. At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge or commissioner directs otherwise.

**H. If issues of fact or law precluding the grant of consent are raised:**

If necessary [strike through/amend as required]:

1. The parties are to file and serve any affidavits, reports or statements on which they wish to rely by # [within + 14 days of the first directions hearing].
2. The parties are to file and serve any affidavits, reports or statements in reply by # [within + 28 days of the first directions hearing].

Note: Directions 1 and 2 may be unnecessary depending on the nature of the issue raised.

3. The parties are to file an agreed bundle of documents by # [within + 5 weeks of the first directions hearing].
4. The party raising the issue is to file and serve an outline of submissions by # [two working days before the hearing].

5. The other party is to file and serve an outline of submissions by # [one working day before the hearing].
6. The issue is listed for hearing separately from any other issues in the proceedings on #.
7. Parties are to notify promptly the Court if there is any material slippage in the timetable.
8. The parties have liberty to restore on three working days' notice.

Or for small matters, where there is no requirement for affidavits, reports or statements, bundles of documents or outlines of submissions:

1. The issue is listed for hearing separately from any other issues in the proceedings before the [Duty Judge/Duty Commissioner] on # (usually a Friday).

Date: # [insert date]



<b>Schedule B</b>	
<b>Classes 1, 2 and 3 Miscellaneous Appeals - Information Sheet</b>	
Parties:	
Applicant:	
Respondent(s):	
Proceedings no:	
<b>To be completed by all parties (as applicable)</b>	
1.	Is there any issue that the parties seek to be dealt with in advance of the merits of the appeal? If so, see paragraph 12 of <i>Practice Note – Classes 1, 2 and 3 Miscellaneous Appeals</i>
2.	Is there any reason for the proceedings not to be fixed for a preliminary conference under s 34 of the <i>Land and Environment Court Act 1979</i> ? If so, provide reasons [point form only].
3.	Is any expert evidence required? If so, nominate issues on which expert evidence is required and the areas of expertise.
Applicant:	
Respondent:	
4.	(a) Is any issue in the appeal appropriate for evidence by a parties' single expert agreed by the parties and if so, identify the issue.  (b) If parties' single experts are not appropriate, the reasons in support [point form only].

Applicant:	
Respondent:	
5.	If parties' single experts are agreed, set out below their name, charge rates, estimate of total fees and disbursements and available dates to prepare a report and appear at a hearing.
Name:	
Charge rates	
Estimate of total fees and disbursements	
Date by which a reports can be prepared	
Available dates to appear at a hearing	
6.	Is sufficient information available or is it otherwise appropriate for any experts proposed to be called by parties to proceed directly to a joint conference and joint report, without preparing other reports? If so, identify the experts and areas of expertise. If not, provide the reasons in support [point form only].
7.	Are there any experts who should prepare an individual report before proceeding to a joint conference and joint report and, if so, identify the expert, the area of expertise and provide reasons supporting the report being necessary or appropriate [point form only]?

8.	Should a Commissioner or Commissioners with special knowledge and experience in particular disciplines hear the appeal? If so, specify the relevant disciplines.
9.	If the appeal concerns land outside of the Sydney metropolitan region, should the appeal be heard in the local area? If not, provide the reasons for not doing so [point form only].
10.	Is the appeal appropriate to be heard as an on site hearing under s 34A of the <i>Environmental Planning and Assessment Act 1979</i> ? If so, will adequate facilities be available? Will the hearing be able to be observed and heard by the public?
11.	Should the hearing commence at 9.30am on site?
12.	Estimate of the length of hearing.
Applicant:	
Respondent:	
13.	Identify number and, if possible, names of lay witnesses.
Applicant:	
Respondent:	
14.	Identify hearing dates sought:
Applicant:	
Respondent:	

## Schedule C

### Requirements for statement of facts and contentions

1. The statement is to be as brief as reasonably possible.
2. The statement is to be divided into two parts – Part A Facts and Part B Contentions.
3. An authorised officer of the relevant party is to sign and date the statement.
4. In Part A Facts, the party is to identify:
  - (a) **The subject of the appeal:** a brief description of the subject matter of the appeal.
  - (b) **The statutory context:** a brief description of the relevant statutory provisions under which the miscellaneous appeal is brought.
  - (c) **The circumstances:** a brief description of the circumstances leading to the miscellaneous appeal.
  - (d) **The land:** if relevant, a brief description of any relevant land.
  - (e) **Actions of the party:** as relevant, a brief description of any relevant actions of the party, including date any application was lodged, application number, notification and its results, decision and date of decision.

Part A Facts is not to include matters of opinion.

5. In Part B Contentions the party is to identify each fact, matter and circumstance that the party contends require or should cause the Court to uphold or dismiss the appeal.
6. In Part B Contentions, the party is to:
  - (a) focus its contentions on issues genuinely in dispute;
  - (b) have a reasonable basis for its contentions;
  - (c) present its contentions clearly and succinctly, without repetition;
  - (d) where it contends that the appeal must be upheld or dismissed, identify the factual and/or legal basis for that contention. Any such contention is

to be made at the beginning of Part B contentions and is to be clearly identified as a contention that the appeal must be upheld or refused;

- (e) where the party contends there is insufficient information to assess any relevant matter, list the information the party contends is required;
- (f) if applicable, identify the nature and extent of each environmental impact relied upon to support any contention and, if practicable, quantify that impact; and
- (g) identify any contentions that may be resolved by conditions of consent.

# 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

### BLACKTOWN CITY COUNCIL

#### Erratum

THE Blacktown City Council notice published in the Government Gazette No. 63, folio 2665 on the 4 May 2007 contained a printing error.

Description of land in column (b) read "Lot 17, DP 131137, 3 Schofields Road, Schofields" was incorrect and should read as follows: "Lot 17, DP 13137, 3 Schofields Road, Schofields"

This erratum now amends that error and the gazettal date remains 4 May 2007.

RON MOORE, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148. [3225]

### CABONNE COUNCIL

#### Erratum

THE notice published in the *Government Gazette* on 13 April 2007 incorrectly stated "Cabonne Council closes the Public Road as described in the Schedule below under section 44 of the Roads Act 1993".

This notice declares that:

NOTICE is hereby given that Cabonne Council closes the Public Road as described in the Schedule below under section 38 of the Roads Act 1993.

G. L. P. FLEMING, General Manager, Cabonne Council, PO Box 17, Molong NSW 2866.

#### SCHEDULE

All that piece or parcel of land known as Lot 1, DP 1075530 and Lot 2 in DP 1075530 at Boree Lane in the Shire of Cabonne, Parish of Barton, County of Ashburnham and as described in Folio Identifier 1/1075530 and Folio Identifier 2/1075530. [3226]

### COFFS HARBOUR CITY COUNCIL

#### Local Government Act 1993, Section 553

#### Extension of Water Mains

NOTICE is given pursuant to section 553 of the Local Government Act 1993, that water mains have been extended and properties serviced are described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Water Local Rate after twenty one (21) days from the date of this notice. Land connected before the expiration of the twenty one (21) days shall be rated to the Local rate from the date of connection.

Coffs Harbour: Lots 1/2, DP 1078111 being 29 and 29A Kratz Drive, as shown on Plan 04/60/1W wae; Lots 340/341 in proposed subdivision of Lot 34, DP 819331 being 31-33 Halls Road, as shown on Plan 06/36/1W wae; Lots 2/20 in proposed subdivision of Lots 1/2, DP 1078351 being 1-9 Loaders Lane as shown on Plan 06/44/1W wae; Lots 37/68, DP 1104413 being Mussared Close, Brennan Court on Plan 05/16/1W wae; Lot 40, DP 1061556 being 6 Dakota Drive as shown on Plan A44882.

Korora Bay: Lots 310/311, DP 1074032 being 7 and 7A Breakers Way as shown on Plan 04/02/1W wae; Lots 2/19 in proposed subdivision of Lot 1, DP 227557 being Ballantine Drive, Mitch Place, Nautical Close as shown on Plan 05/38/1W wae.

Sapphire: Lots 11/19, DP 1106788 being 4-13 Whitewater Place as shown on Plan 05/41/1W wae.

North Boambee Valley: Lots 13/18, DP 1099241 being Industrial Drive as shown on Plans 04/41/2W wae and 03/18/1W wae; Lots 66/92 in proposed subdivision Lot 662, DP 1096558 being Lakes Drive as shown on Plan 06/05/2W wae; Lots 1/18 in proposed subdivision of Lot 2, DP 1077005 being Halls Road as shown on Plan 06/01/1W wae; Lots 20/27, DP 1105949 being 10-24 Forge Drive as shown on Plan 04/41/1W wae; Lots 1/6 in proposed subdivision Lot 6, DP 852521 being Halls Road, Kratz Drive as shown on Plan 06/26/1W wae; Lots 391/392, DP 1095778 being 62 and 56 North Boambee Road as shown on Plan 04/56/1W wae; Lots 6/11, DP 1095273 being 2-8 Forge Drive, 32, 34 Industrial Drive as shown on Plans 04/41/3W wae and 03/18/4W wae.

Woolgoolga: Lots 206/230 in proposed subdivision of Lot 10, DP 1087394 being Vista Close as shown on Plan 05/49/2W wae; All lots subdivided within Lot 10/DP 830936 Newmans Road, being in McIntosh Crescent, Cedar Tree Court, Carabeen Close, Sassafras Close, Newmans Road as shown on Plan 95/42/1W wae.

Corindi Beach: Lots 1/26, DP 1100809 being Matthews Parade, Niland Street, Kelly Street as shown on Plan 05/48/1W wae.

S. SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450. [3227]

### COFFS HARBOUR CITY COUNCIL

#### Local Government Act 1993, Section 553

#### Extension of Sewer Mains

NOTICE is given pursuant to section 553 of the Local Government Act 1993, that sewer mains have been extended and properties serviced are described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Sewerage Local Rate after sixty (60) days from the date of this notice. Land connected before the expiration of the sixty (60) days shall be rated to the Local rate from the date of connection.

Coffs Harbour: Lots 1/2, DP 1078111 being 29/29A Kratz Drive as shown on Plan 04/60/1S wae; Lots 340/341 in proposed subdivision of Lot 34, DP 819331 being 31-33 Halls Road as shown on Plan 06/36/1S wae; Lots 2/20 in proposed subdivision of Lots 1/2, DP 1078351 being 1-9 Loaders Lane as shown on Plan 06/44/1S wae; Lots 37/68, DP 1104413 being Mussaret Close, Brennan Court as shown on Plan 05/16/1S wae; Lot 40, DP 1061556 being 6 Dakota Drive as shown on Plan A44882.

Korora: Lots 310/311, DP 1074032 being 7 and 7A Breakers Way, as shown on Plan 04/02/1S wae; Lots 2-19 in proposed subdivision of Lot 1, DP 227557 being Ballantine Drive, Mitch Place and Nautical Close as shown on Plan 05/38/1S wae; Lots 240/241, DP 1085605 being 2 and 4 Breakers Way as shown on Plan 04/27/1S wae.

North Boambee Valley: Lots 13/18, DP 1099241 being Industrial Drive as shown on Plan 04/41/2S wae and 03/18/1S wae; Lots 66/91 in proposed subdivision of Lot 662, DP 1096558 being Lakes Drive as shown on Plan 06/05/4S wae; Lots 1/6 in proposed subdivision of Lot 6, DP 852521 being Halls Road, Kratz Drive as shown on Plan 06/26/1S wae; Lots 1/18 in proposed subdivision of Lot 2, DP 1077005 being Halls Road as shown on Plan 06/01/1S wae; Lots 20/27, DP 1105949 being 10-24 Forge Drive as shown on Plan 05/49/1S wae; Lots 391/392, DP 1095778 being 62 and 56 North Boambee Road as shown on Plan 04/56/1S wae; Lots 6/11, DP 1095273 being 2-8 Forge Drive, 32 and 34 Industrial Drive as shown on Plan 04/41/3S wae; All lots known as 1-31 Industrial Drive, 1, 3, 5, 7 Forge Drive as shown on Plan 03/18/3 and 4S wae.

Woolgoolga: Lots 101/102 in proposed subdivision Lot 10, DP 786233 being 35 Newmans Road as shown on Plan 06/42/1S wae; Lots 131/132, DP 1104229 being 29 Ocean Street and 4 Arthur Street as shown on Plan 06/06/01S wae; Lots 206/230 in proposed subdivision Lot 10, DP 1087394 being Vista Close as shown on Plan 05/49/1S wae.

Boambee East: Lots 101/102, DP 1109454 being 42 and 44 Worland Drive as shown on Plan 06/43/1S wae; Lot 221, DP 1104020 being 34 Dunlop Drive as shown on Plan 06/30/1S wae.

Bonville: Lot 8, DP 1068616 being 3 Rutland Street as shown on Plan 03/38/3S wae.

Corindi Beach: Lots 1/26, DP 1100809 being Matthews Parade, Niland Street, Kelly Street as shown on Plan 05/48/1S wae.

Mullaway: Lot 10, DP 24666 being 28 Primrose Avenue as shown on Plan 06/10/1S wae.

Safety Beach: Lots 381/382, DP 1107592 being 28 and 28A Mariner Drive as shown on Plan 05/40/1 and 2S wae.

Sapphire: Lots 11/19, DP 1106788 being 4-13 Whitewater Place as shown on Plan 05/41/1S wae.

S. SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450. [3228]

### 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 roads:

- Meadows Close, Blackhead
- Hillside Terrace, Blackhead

BRONTE DUPEN, Acting General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430. [3229]

### GUNNEDAH SHIRE COUNCIL

Local Government Act, 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

GUNNEDAH SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in Schedule 1 below with the exception of the interests in schedule

2 below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of an aged care facility with effect from 16 June 2006. TIM MULDOON, General Manager, Gunnedah Shire Council.

Schedule

Lots 673 and 674 in DP 44198

Schedule 2

All that piece and parcel of land being part of lots 673 and 674 DP 44198, being that strip of land 30.48 metres wide relating to the notation on Deposited Plan 44198 for Easement of Transmission Line as established by Notice in the Government Gazette, dated 18th February 1972, Folio 510, and all that piece and parcel of land being part of Lot 674 in Deposited Plan 44198, being strip of land 30.48 metres wide relating to the notation on Deposited Plan 44198 for Easement for Transmission Line as established by Notice in the Government Gazette dated 30th August 1963, Folios 2571, 2572 and 2573, shall be retained for that purpose following acquisition of the land by Gunnedah Shire Council. [3240]

### INVERELL SHIRE COUNCIL

Roads Act 1993 – Naming of Road

IN accordance with section 162 of the Roads Act 1993, it is notified that there being no objections received, the Council has adopted the name of:

<i>Name</i>	<i>Located</i>
Red Hill Lane	East of Ashford Road within the village of Bukkulla

<i>Name</i>	<i>Located</i>
Sunnyside Place	Road within the subdivision off Vernon Street, above Crestview Place, created in DP 1093499

By Order of Council on 27 September 2005.

Oakland Lane	Branching East off Jardine Road
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By Order of Council on 20 December 2005.

P. J. HENRY, General Manager, Inverell Shire Council, Administration Centre, 144 Otho Street, Inverell NSW 2360. [3230]

### LAKE MACQUARIE CITY COUNCIL

#### ERRATUM

THE notice published in the *Government Gazette* No. 192 on 29 December 2006 incorrectly stated "Lake Macquarie 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 within 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 the Roads Act 1993".

The approved notice is now published in full:



Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LAKE MACQUARIE CITY COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and 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.

BRIAN BELL General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point NSW 2284.

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SCHEDULE

Lot 101 in Deposited Plan 1086447.

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**ERRATUM**

THE notice published in the *Government Gazette* No. 32 on 16 February 2007 incorrectly stated "Lake Macquarie 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 within 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 the Roads Act 1993.

The approved notice is now published in full:

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LAKE MACQUARIE CITY COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and 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 road widening.

BRIAN BELL, General Manager, Lake Macquarie City Council Building, Main Road, Speers Point NSW 2284.

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SCHEDULE

Lot 921 in Deposited Plan 1098322.

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**ERRATUM**

THE notice published in the *Government Gazette* No. 45 on 30 March 2007 incorrectly stated "Lake Macquarie 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 within 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 the Roads Act 1993.

The approved notice is now published in full:

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LAKE MACQUARIE 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 the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for road widening purposes.

BRIAN BELL General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point NSW 2284.

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SCHEDULE

Lot 1 in Deposited Plan 1031778.

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**ERRATUM**

THE notice published in the *Government Gazette* No. 145 on 24 November 2006 incorrectly stated "Lake Macquarie 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 within 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 the Roads Act 1993".

The approved notice is now published in full:

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LAKE MACQUARIE 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 the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for road purposes.

BRIAN BELL, General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point NSW 2284.

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SCHEDULE

Lot 21 in deposited Plan 1087693. [3231]

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**LISMORE CITY COUNCIL**

*Pesticide Regulation 1995*

*Pesticide Notification Plan – Lismore City Council*

NOTICE is hereby given that Lismore City Council has resolved to implement a Pesticide Notification Plan (PNP) in pursuance of the Pesticide Regulation 1995. The PNP may be witnessed at any Lismore City Council office or on the website [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au). Authorised by resolution of the Council on 10 April 2007. PAUL G. O'SULLIVAN, General Manager, PO Box 23A, Lismore NSW 2480.

[3232]

**LIVERPOOL CITY COUNCIL**

Roads Act 1993, Sections 39 and 40

## Closure and Transfer of Temporary Road

THE Council of the City of Liverpool hereby declares, pursuant to sections 39 and 40 of the Roads Act 1993, that the temporary road being the land described in the Schedule below is closed and is to be transferred to Gancap Pty Limited. PHIL TOLHURST, General Manager, Liverpool City Council, 1 Hoxton Park Road, Liverpool NSW 2170.

**SCHEDULE**

Lot 78 in Deposited Plan 865917, situated between Dalmeny Drive and Gunning Close, Prestons. [3233]

**MIDCOAST COUNTY COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

## Notice of Compulsory Acquisition of Land

MIDCOAST COUNTY COUNCIL declares with the approval of Her Excellency the Governor, that the land described in Schedule 1 below, excluding the easement described in Schedule 2 below and 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 purpose of Wingham Sewerage Scheme.

Dated at Taree this 5th day of October 2006. NEIL HANINGTON, General Manager, Midcoast County Council, PO Box 671, Taree NSW 2430.

**SCHEDULE 1**

Lot 1, DP 1089724.

**SCHEDULE 2**

Easement for drainage shown as "Proposed easement for drainage 5.03 wide" in Deposited Plan 530598 and created by notification in the *Government Gazette* number 51 dated 10 April 1970. DoC Reference 313 [3234]

**MURRAY SHIRE COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

## Notice of Compulsory Acquisition of Land

MURRAY SHIRE COUNCIL declares with the approval of His Excellency the Lieutenant Governor, that the land described in the schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of an industrial estate.

Dated at Mathoura this 16th day of May 2007. G. J. MURDOCH, General Manager, Murray Shire Council, PO Box 21, Mathoura NSW 2710.

**SCHEDULE**

Lot 2, DP 1084683. [3235]

**SHOALHAVEN CITY COUNCIL**

Conjola Regional Sewerage Scheme

NOTICE is hereby given that Council has constructed the Conjola Regional Sewerage Scheme to provide sewerage services to all the land described hereunder:

Lots 1-107, DP 31711; Lots 1-17, DP 45804; Lots 19-28, DP 45805; Lots 1-8, DP 111567; Lots 9-10, DP 113292; Lots 142-273, DP 205240; Lots 293-354, DP 217994; Lots 358-407, DP 217995; Lot 409, DP 222596; Lots 650-667, DP 224491; Lots 501-558, DP 228411; Lots 455-465, DP 240163; Lots 1-12, DP 244510; Lots 1-18, DP 244603; Lots 13-23, DP 244662; Lots 1-16, DP 245056; Lots 1-17, DP 245232; Lots 1-12, DP 245295; Lots 1-7, DP 245993; Lots 1-18, DP 246399; Lots 657-665, DP 247278; Lots 824-829, DP 247279; Lots 700-705, DP 247280; Lots 649-656, DP 247281; Lots 623-641, DP 247282; Lots 642-648, DP 247283; Lots 830-840, DP 247284; Lots 765-823, DP 247285; Lots 605-611, DP 248141; Lots 1-37, DP 255841; Lots 841-886, DP 263106; Lots 575-583, DP 518256; Lots 460-461, DP 528560; Lot 598, DP 528561; Lot 586, DP 528562; Lots 559-562, DP 528563; Lot 589, DP 544410; Lot 457, DP 545592; Lot 497, DP 545593; Lot 466, DP 545594; Lot 588, DP 545595; Lot 592, DP 545596; Lot 597, DP 545630; Lot 572, DP 545631; Lot 474, DP 545632; Lot 563, DP 545682; Lot 490, DP 545683; Lot 472, DP 545684; Lot 567, DP 545685; Lot 459, DP 545686; Lot 499, DP 545687; Lot 584, DP 545688; Lot 590, DP 545689; Lot 470, DP 545690; Lot 462, DP 545691; Lot 484, DP 545692; Lot 463, DP 545710; Lot 595, DP 545711; Lot 496, DP 545712; Lot 458, DP 545713; Lot 465, DP 545714; Lot 464, DP 545715; Lot 585, DP 545716; Lot 594, DP 545752; Lot 471, DP 545754; Lot 573, DP 545798; Lot 493, DP 545871; Lot 587, DP 545872; Lot 593, DP 545900; Lot 473, DP 546099; Lot 481, DP 546100; Lot 500, DP 546101; Lot 494, DP 546190; Lot 495, DP 546191; Lot 483, DP 546297; Lot 508, DP 546298; Lot 467, DP 546355; Lot 485, DP 546410; Lot 487, DP 546923; Lot 482, DP 547234; Lot 591, DP 547235; Lot 480, DP 547236; Lot 492, DP 547237; Lot 498, DP 547238; Lot 479, DP 547239; Lot 491, DP 547401; Lot 569, DP 547919; Lot 570, DP 547936; Lot 568, DP 548151; Lot 571, DP 548470; Lot 488, DP 548758; Lot 475, DP 548759; Lot 486, DP 548760; Lot 489, DP 548966; Lot 476, DP 550238; Lot 477, DP 550564; Lot 478, DP 559359; Lot 469, DP 559517; Lot 596, DP 564379; Lot 602, DP 565716; Lot 601, DP 565717; Lots 745-746, DP 568677; Lots 683-684, DP 568678; Lot 823, DP 568679; Lots 8-9, DP 609218; Lot 706, DP 613881; Lots 698-699, DP 613882; Lots 666-667, DP 613883; Lots 1-2, DP 747865; Lots 187-468, DP 755923; Lots 91-92, DP 808570; Lots 904-910, DP 836291; Lots 1071-1076, DP 836591; Lots 902-903, DP 857859; Lots 1581-1582, DP 866166; Lots 1-10, DP 1015286; Lot 1, DP 1018601; Lots 893-901, DP 1042888; Lots 888-892, DP 1043294; Lots CP, 1-3 SP 31482.

Owners of the above lands can now take steps to connect their properties to the Council's sewerage system. R. D. PIGG, General Manager, Shoalhaven City Council, PO Box 42, Nowra NSW 2541. [3236]

**TAMWORTH REGIONAL COUNCIL**

Local Government Act 1993 – Section 10

Vesting of Public Garden and Recreation Space Provided  
for in Subdivisions Approved bNOTICE is hereby given  
that efore 15 June 1964 by Council

NOTICE is hereby given that Tamworth Regional  
Council pursuant to section 50 of the Local Government  
Act 1993, vests the land described in the Schedule as public  
reserve. Dated at Tamworth, 27 April 2007. GLENN INGLIS,  
General Manager, Tamworth Regional Council, 437 Peel  
Street, Tamworth NSW 2340.

## Schedule

Lot 28, DP 22732  
Lot 29, DP 22732  
Lot 30, DP 22732  
Lot 39, DP 24403  
Lot 40, DP 24403

[3241]

**TWEED SHIRE COUNCIL**

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has approved the names of the roads to be dedicated in plan of subdivision of Lot 4 in DP 1074167, at Sovereign Heights Estate, Murwillumbah as follows:

1. Sovereign Way
2. Auro Court
3. Platinum Place
4. Gold Leaf Crescent

Authorised by the delegated officer. General Manager, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484. [3237]

**PORT STEPHENS COUNCIL**

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates and Charges

NOTICE is hereby given to the person named hereunder that Port Stephens Council has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person named is known to the Council to be the owner or to have interest in the land on which the amount of rates and charges stated as at 26 April 2007 is due:

<i>Owner(s) or person(s) having interest in the land</i>	<i>Description of the Land</i>	<i>Amount of rates and charges (including extra charges) overdue for more than five (5) years (c)</i>	<i>Amount of all other rates and charges (including extra charges) payable and unpaid</i>	<i>Total</i>
<i>(a)</i>	<i>(b)</i>		<i>(d)</i>	<i>(e)</i>
Brian John Moss	Lot 3, DP 229869, 37 Cook Parade, Lemon Tree Passage	\$610.20	\$8,885.75	\$9,495.95

In default of payment to Port Stephens Council of the amount stated in Column (e) above and any other rates and charges (including extra charges) becoming due and payable before the time fixed for the sale, the said land will be offered for sale by public auction. The auction will be conducted by LJ Hooker, Lemon Tree Passage and held at 37 Cook Parade, Lemon Tree Passage NSW 2319 on Saturday, 1 September 2007 at 10.00 a.m. For further information please contact Sandra Pyke at LJ Hooker, 1/14 Cook Parade, Lemon Tree Passage NSW, Telephone (02) 4982 3200. PETER GESLING, General Manager, Port Stephen Council, PO Box 42, Raymond Terrace NSW 2324. [3238]

**OTHER NOTICES****PARTNERSHIP ACT 1892 (NSW)**

Hydro Aluminium Kurri Kurri Holdings,  
A Limited Partnership

PURSUANT to section 36 of the Partnership Act 1892 (NSW), the Partners of Hydro Aluminium Kurri Kurri Holdings, A Limited Partnership, registered as such under that Act, hereby notify the retirement of Mr Jens Helmut Kallmeyer as a General Partner from the Partnership, and of the admission of Mr Tom Petter JOHANSEN to the Partnership also as a General Partner. These changes took effect on 1 June 2006.

By Order of the Partners Hydro Aluminium Kurri Kurri Holdings, A Limited Partnership [3239]