



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Allocation of Administration of Acts

The Department of Premier and Cabinet, Sydney
10 December 2008

TRANSFER OF THE ADMINISTRATION OF THE WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION ACT 1998

HER Excellency the Governor, with the advice of the Executive Council, has approved of the administration of the Workplace Injury Management and Workers Compensation Act 1998 being vested in the Ministers indicated in the attached schedule, subject to the administration of any Act, to the extent that it directly amends another Act, being vested in the Minister administering the other Act or the relevant portion of it.

The arrangements are in substitution for those in operation before the date of this notice.

NATHAN REES,
Premier

SCHEDULE

Attorney General

Workplace Injury Management and Workers Compensation Act 1998 No. 86, sections 368, 369 and 373 and Schedule 5 (remainder, the Minister for Finance).

Minister for Finance

Workplace Injury Management and Workers Compensation Act 1998 No. 86 (except part, the Attorney General).

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 4 December 2008

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

Act No. 103 2008 – An Act to amend the Adoption Act 2000 to make further provision with respect to the adoption of children and access to adoption information. [Adoption Amendment Bill].

Act No. 104 2008 – An Act to amend the Public Sector Employment and Management Act 2002 to make further provision with respect to public sector employment and management; and for other purposes. [Public Sector Employment and Management Further Amendment Bill].

RUSSELL D. GROVE, PSM,
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 8 December 2008

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

Act No. 105, 2008 - An Act to amend the Crimes Act 1900 and other criminal legislation to make further provision with respect to sexual offences, sentencing and other matters. [Crimes Amendment (Sexual Offences) Act 2008].

Act No. 106, 2008 - An Act to facilitate the conduct of an annual motor race at Homebush; to constitute the Homebush Motor Racing Authority and to confer functions on the Authority; and for other purposes. [Homebush Motor Racing (Sydney 400) Act 2008].

Act No. 107, 2008 - An Act to amend various Acts in relation to courts, crimes and civil and criminal procedure. [Courts and Crimes Legislation Further Amendment Act 2008].

Act No. 108, 2008 - An Act to amend the Crimes (Administration of Sentences) Act 1999 and certain other Acts to make further provision for the establishment, control and management of correctional centres and other residential facilities for offenders, the detention of offenders and the administration of sentences. [Crimes (Administration of Sentences) Amendment Act 2008].

Act No. 109, 2008 - An Act to ensure that children with significant learning difficulties are included in the NSW Government's Special Education Initiative for students with special needs. [Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008].

Act No. 110, 2008 - An Act to amend the Fines Act 1996 and other laws to make provision with respect to fines and their enforcement; and for other purposes. [Fines Further Amendment Act 2008].

LYNN LOVELOCK,
Clerk of the Parliaments

Proclamations



New South Wales

Commencement Proclamation

under the

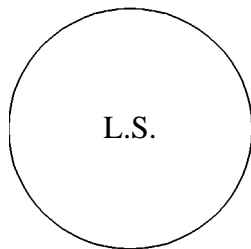
Crimes (Administration of Sentences) Amendment Act 2008

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 *Crimes (Administration of Sentences) Amendment Act 2008*, do, by this my Proclamation, appoint 12 December 2008 as the day on which sections 1–3, 5 and Schedule 1 [36], [38] and [39] of that Act commence.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence provisions of the *Crimes (Administration of Sentences) Amendment Act 2008* that provide that members may be appointed to the Parole Authority for a period not exceeding 3 years (instead of a 3 year fixed term) and savings, transitional and machinery provisions.



New South Wales

Commencement Proclamation

under the

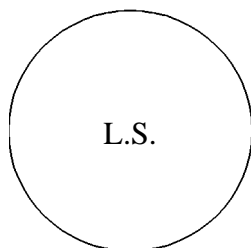
Water (Commonwealth Powers) Act 2008 No 69

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Water (Commonwealth Powers) Act 2008*, do, by this my Proclamation, appoint 15 December 2008 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,



PHILLIP COSTA, M.P.,
Minister for Water

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

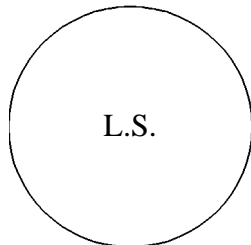
World Youth Day Act 2006

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 61 (1) of the *World Youth Day Act 2006*, do, by this my Proclamation, appoint 31 December 2008 as the day on which the World Youth Day Co-ordination Authority is dissolved.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,



KRISTINA KENEALLY, M.P.,
Minister for Planning

GOD SAVE THE QUEEN!

Regulations



New South Wales

Casino Control Amendment (Miscellaneous) Regulation 2008

under the

Casino Control Act 1992

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

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to omit some provisions of the *Casino Control Regulation 2001* relating to player activity statements consequential on the repeal of section 76A of the *Casino Control Act 1992* and to omit incorrect references to subclauses in other provisions of the *Casino Control Regulation 2001*.

This Regulation is made under the *Casino Control Act 1992*, including section 170 (the general regulation-making power).

Clause 1 Casino Control Amendment (Miscellaneous) Regulation 2008

Casino Control Amendment (Miscellaneous) Regulation 2008

under the

Casino Control Act 1992

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Miscellaneous) Regulation 2008*.

2 Amendment of Casino Control Regulation 2001

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

Casino Control Amendment (Miscellaneous) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clauses 32A and 32B

Omit the clauses.

[2] Clause 32AA Requirement to keep copy of player activity statement

Omit “made available by the casino operator (whether or not provided under section 76A (4) of the Act)”.

Insert instead “that the casino operator is required by the Authority to make available”.

[3] Schedule 6 Applied provisions of Liquor Act 2007 as modified

Omit “or (4)” from section 127 (6) in Division 2 of Part 7.

[4] Schedule 8 Penalty notice offences

Omit “, (4) or (5)” from the matter relating to section 127 in Column 1 of the Table in Part 3.

Insert instead “or (4)”.



New South Wales

Fair Trading Amendment (Babies' Dummies) Regulation 2008

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to prescribe the Australian Standard entitled AS 2432:1991, *Babies' dummies* as the product safety standard for babies' dummies.

This Regulation is made under the *Fair Trading Act 1987*, including sections 26 and 92 (the general regulation-making power).

Clause 1 Fair Trading Amendment (Babies' Dummies) Regulation 2008

Fair Trading Amendment (Babies' Dummies) Regulation 2008

under the

Fair Trading Act 1987

1 Name of Regulation

This Regulation is the *Fair Trading Amendment (Babies' Dummies) Regulation 2008*.

2 Amendment of Fair Trading Regulation 2007

The *Fair Trading Regulation 2007* is amended as set out in Schedule 1.

Fair Trading Amendment (Babies' Dummies) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Part 2, Division 16A

Insert after Division 16:

Division 16A Babies' dummies

68A Definitions

In this Division:

AS 2432 means the Australian Standard entitled AS 2432—1991, *Babies' dummies* published by Standards Australia on 15 November 1991.

baby's dummy means an article used to pacify a baby, that includes a teat which the baby sucks but from which the baby does not obtain fluid.

68B Safety standard

The product safety standard prescribed for a baby's dummy is that it must comply with AS 2432.

68C Variation of AS 2432

For the purposes of this Division, AS 2432 is taken to have been amended as follows:

- (a) by omitting clauses 3 and 5,
- (b) by omitting "Clauses 6.2 and 6.3" from clause 6.1 and inserting instead "Clause 6.2",
- (c) by omitting clause 6.3,
- (d) by omitting clause 6.4.2 (a),
- (e) by omitting "25 mm" from clause 6.4.2 (c) (iii) and inserting instead "15 mm",
- (f) by omitting "25 mm" from the note following clause 6.4.2 (d) (ii), wherever occurring, and inserting instead "15 mm",
- (g) by omitting the notes to clause 6.4.3,
- (h) by omitting clauses 7.2–7.4,

Fair Trading Amendment (Babies' Dummies) Regulation 2008

Schedule 1 Amendment

- (i) by omitting clause 9.1 and inserting instead:

9.1 General

The pack shall be legibly labelled with the name and address of the Australian manufacturer or Australian distributor.

- (j) by omitting clause 9.3 and inserting instead:

9.3 Warning notice

The pack shall bear a clear and legible warning notice which shall include the following word or words that have the same meaning:

WARNING

DO NOT TIE DUMMY AROUND BABY'S NECK AS IT PRESENTS A STRANGULATION HAZARD

In the warning notice the word "PACIFIER" or "SOOTHER" may be substituted for the word "DUMMY".

- (k) by omitting Appendix A,
 (l) by omitting clause C2 from Appendix C and inserting instead:

C2 PRINCIPLE

A dummy is placed centrally on the test template with its major and minor axes aligned with the major and minor axes of the template and the teat protruding down through the opening. A specified tensile force is applied to the teat in an attempt to force the dummy through the opening in the template. If the dummy is not forced through the opening in the template, the dummy is inverted and the procedure repeated.

- (m) by omitting "AND REAGENT" from clause C3 of Appendix C,
 (n) by omitting "and reagent are" from clause C3 of Appendix C and inserting instead "is",
 (o) by omitting clause C3 (b) from Appendix C,

Fair Trading Amendment (Babies' Dummies) Regulation 2008

Amendment

Schedule 1

-
- (p) by omitting the second paragraph from clause C3 (c) of Appendix C and inserting instead: "The test template shall have inscribed on it the major axis (I) and the minor axis (II)",
 - (q) by omitting "shall be representative of the batch and" from clause C4 of Appendix C,
 - (r) by omitting clause C6 (c) from Appendix C,
 - (s) by omitting clause C6 (d) from Appendix C and inserting instead:
 - (d) Place the dummy, teat down, in the opening of the template as shown in Figure C2, so that the major axis of the shield aligns with the major axis I-I of the template and the minor axis of the shield aligns with the minor axis II-II of the template.
 - (t) by omitting clause C6 (h), (i) and (j) from Appendix C and inserting instead:
 - (j) Place the dummy, teat up, in the opening of the template as shown in Figure C3, so that the major axis of the shield aligns with the major axis I-I of the template and the minor axis of the shield aligns with the minor axis II-II of the template.
 - (u) by omitting clause C6 (m) from Appendix C,
 - (v) by omitting Appendix D,
 - (w) by omitting "immersed in a wetting solution and then" from clause E2 of Appendix E,
 - (x) by omitting "**AND REAGENT**" from clause E3 of Appendix E,
 - (y) by omitting "and reagent are" from clause E3 of Appendix E and inserting instead "is",
 - (z) by omitting clause E3 (c) of Appendix E,
 - (aa) by omitting "shall be representative of the batch and" from clause E4 of Appendix E,
 - (ab) by omitting clause E6 (b) of Appendix E,
 - (ac) by omitting "While the dummy is wet, clamp" from clause E6 (c) of Appendix E and inserting instead "Clamp",
 - (ad) by omitting Appendix F, Appendix G and Appendix H,
 - (ae) by omitting "shall be representative of the batch and" from clause I4 of Appendix I.



New South Wales

Home Building Amendment (Temporary Exemption) Regulation 2008

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004* to extend the period during which contracts of insurance are exempt from certain requirements of the *Home Building Act 1989*. Those requirements extend the operation of contracts of insurance so that:

- (a) a contract of insurance in relation to residential building work at a stated address extends to any residential building work done at that address by a contractor (whether or not the contractor is named in the contract of insurance), and
- (b) a contract of insurance in relation to the supply of a kit home at a stated address extends to the supply of any kit home at that address by a contractor (whether or not the contractor is named in the contract of insurance).

The Regulation will extend the exemption from those requirements to 31 December 2009.

This Regulation is made under the *Home Building Act 1989*, including sections 103C and 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Temporary Exemption) Regulation 2008

Home Building Amendment (Temporary Exemption) Regulation 2008

under the

Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Temporary Exemption) Regulation 2008*.

2 Amendment of Home Building Regulation 2004

The *Home Building Regulation 2004* is amended by omitting “31 December 2008” wherever occurring in clause 73 and by inserting instead “31 December 2009”.



New South Wales

Liquor Amendment (Miscellaneous) Regulation 2008

under the

Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Liquor Regulation 2008* as follows:

- (a) to prescribe alcohol-based food essences that contain more than 35% ethanol as *liquor* for the purposes of the offence provisions under the *Liquor Act 2007* relating to the sale or supply of liquor to minors (at present, liquid food essences with more than 10% ethanol are prescribed for this purpose),
- (b) to modify the definition of *neighbouring premises* for the purposes of the notification of applications under the *Liquor Act 2007*,
- (c) to make it clear that notification of proposed applications may be given before an application is made to the Casino, Liquor and Gaming Control Authority,
- (d) to remove the requirement that a community impact statement accompany an application for an on-premises licence for a restaurant and a drink on-premises authorisation that is of a permanent nature,
- (e) to provide that submissions on an application for a drink on-premises authorisation that is of a temporary nature must be made within 14 days after the application is made,
- (f) to extend the period during which certain signage requirements do not apply to an on-premises licence that is a continuation of an existing on-premises licence and an existing registered club,
- (g) to prescribe premises that operate primarily as premises providing entertainment by way of games of poker using playing cards (for the purposes of section 21 of the *Liquor Act 2007*) as premises in respect of which an on-premises licence must not be granted,

Liquor Amendment (Miscellaneous) Regulation 2008

Explanatory note

- (h) to enable the Authority to reduce the period in which persons may make submissions in relation to applications,
- (i) to modify consultation requirements in relation to applications,
- (j) to prescribe application fees for certain approvals of the Authority under the Act.

This Regulation is made under the *Liquor Act 2007*, including sections 4 (1) (paragraph (c) of the definition of *liquor*), 40 (4) (b) and (d), 44 (1), 48 (6), clause 1 of Schedule 1 and section 159 (the general regulation-making power).

Liquor Amendment (Miscellaneous) Regulation 2008

Clause 1

Liquor Amendment (Miscellaneous) Regulation 2008

under the

Liquor Act 2007

1 Name of Regulation

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation 2008*.

2 Amendment of Liquor Regulation 2008

The *Liquor Regulation 2008* is amended as set out in Schedule 1.

Liquor Amendment (Miscellaneous) Regulation 2008

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 6 Definitions

Omit the definition of *neighbouring premises* from clause 6 (1).

Insert instead:

neighbouring premises, in relation to an application, means:

- (a) any building situated on land that is within 50 metres of the boundary of the premises to which the application relates, or
- (b) if a category B CIS (as referred to in clause 10 (3)) is required to accompany the application—any building situated on land that is within 100 metres of the boundary of the premises to which the application relates, or
- (c) any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).

[2] Clause 7 Occupiers of neighbouring premises to be notified of application

Omit clause 7 (1). Insert instead:

- (1) The occupier of neighbouring premises must be notified by an applicant of the making of an application.
- (1A) The notice may be given before the making of the application but must be given no later than 2 working days after the application is made.

[3] Clause 8 Other persons to be notified of application

Omit “If an application is made to the Authority, the applicant must, within 2 working days of making the application, notify each of the following that the application has been made” from clause 8 (1).

Insert instead “Each of the following must be notified by an applicant of the making of an application”.

[4] Clause 8 (1A)

Insert after clause 8 (1):

- (1A) The notice may be given before the making of the application but must be given no later than 2 working days after the application is made.

Liquor Amendment (Miscellaneous) Regulation 2008

Amendments

Schedule 1

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- [5] Clause 10 Categories of CIS**
Omit clause 10 (2) (b) and (d).
- [6] Clause 10 (2) (c)**
Omit “or (b)”.
- [7] Clause 11 Preparation of CIS—consultation requirements**
Insert “and manner” after “form” in clause 11 (1).
- [8] Clause 11 (2) (d) and (e)**
Omit the paragraphs. Insert instead:
(d) such other stakeholders as are determined by the Authority.
- [9] Clause 11 (3) (i)**
Omit the paragraph. Insert instead:
(i) such other stakeholders as are determined by the Authority.
- [10] Clause 12 Submissions in relation to applications**
Insert “, or such shorter period as the Authority may determine in any particular case,” after “was made” in clause 12 (2) (b).
- [11] Clause 12 (3) (d)**
Insert at the end of clause 12 (3) (c):
or
(d) a drink on-premises authorisation that is, in the opinion of the Authority, of a temporary nature,
- [12] Clause 12 (3)**
Insert “, or such shorter period as the Authority may determine in any particular case,” at the end of the subclause.
- [13] Clause 18 On-premises licence—excluded premises**
Insert “, games of poker using playing cards” after “pool tables”.
- [14] Clause 29 Display of name of licensed premises**
Omit clause 29 (2). Insert instead:
(2) Subclause (1) (a) and (b) does not apply to the licensed premises of an existing registered club until after 31 December 2009.

Liquor Amendment (Miscellaneous) Regulation 2008

Schedule 1 Amendments

- (3) Subclause (1) (d) does not apply to the licensed premises of an on-premises licence that is a continuation of an existing on-licence until after 31 December 2009.

[15] Clause 62 Applications for licences requiring SIAs under former Act

Omit “3 months” from clause 62 (2). Insert instead “6 months”.

[16] Clause 67 High alcohol-based food essences prescribed as liquor for certain purposes

Omit “10% ethanol by volume” from the definition of *high alcohol-based food essence* in clause 67 (1).

Insert instead “35% ethanol by volume, but does not include a preparation in liquid form that is promoted as a food colouring preparation and is used primarily for the purpose of colouring food”.

[17] Schedule 1 Application fees

Insert before the first item in Part 3 of Schedule 1 in Columns 1, 2, 3 and 4, respectively:

Application under section 11A (5) of the Act for Authority’s approval (other than an application for approval of a different 6-hour closure period that is, in the opinion of the Authority, temporary in nature)	\$100	\$100	\$200
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[18] Schedule 1, Part 3

Insert at the end of the Part (before the note) in Columns 1, 2, 3 and 4, respectively:

Application under section 27 (3), 28 (3), 92 (1) (a), 119 or 124 (3) (c) for Authority’s approval	Nil	\$50	\$50
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New South Wales

Registered Clubs Amendment Regulation (No 2) 2008

under the

Registered Clubs Act 1976

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

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Registered Clubs Regulation 1996* to update references to a repealed provision of the *Registered Clubs Act 1976* to the equivalent provision in the *Liquor Act 2007*.

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

Clause 1 Registered Clubs Amendment Regulation (No 2) 2008

Registered Clubs Amendment Regulation (No 2) 2008

under the

Registered Clubs Act 1976

1 Name of Regulation

This Regulation is the *Registered Clubs Amendment Regulation (No 2) 2008*.

2 Amendment of Registered Clubs Regulation 1996

The *Registered Clubs Regulation 1996* is amended as set out in Schedule 1.

Registered Clubs Amendment Regulation (No 2) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 47FA Definition of “top executive”

Omit “section 34A (3) of the Act” from clause 47FA (1) (a).

Insert instead “section 66 (4) of the *Liquor Act 2007*”.

[2] Clause 47FA (1) (b)

Omit “section 34A of the Act”.

Insert instead “section 66 of the *Liquor Act 2007*”.



New South Wales

Strata Schemes (Freehold Development) Amendment Regulation 2008

under the

Strata Schemes (Freehold Development) Act 1973

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Freehold Development) Act 1973*.

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

Explanatory note

The object of this Regulation is to amend the *Strata Schemes (Freehold Development) Regulation 2007* in respect of the following:

- (a) the manner and form of lodging certain documents with the Registrar-General (consistent with the provisions of the *Conveyancing (General) Regulation 2008*) (these amendments to commence on Gazettal of this Regulation),
- (b) the inspections that must be made before a strata certificate is issued under section 37A of the *Strata Schemes (Freehold Development) Act 1973* (this amendment to commence on 2 March 2009).

This Regulation is made under the *Strata Schemes (Freehold Development) Act 1973*, including sections 37AA and 158 (the general regulation-making power).

Clause 1 Strata Schemes (Freehold Development) Amendment Regulation 2008

Strata Schemes (Freehold Development) Amendment Regulation 2008

under the

Strata Schemes (Freehold Development) Act 1973

1 Name of Regulation

This Regulation is the *Strata Schemes (Freehold Development) Amendment Regulation 2008*.

2 Commencement

- (1) This Regulation (Schedule 1 [1] excepted) commences on the day on which it is published in the Gazette.
- (2) Schedule 1 [1] commences on 2 March 2009.

3 Amendment of Strata Schemes (Freehold Development) Regulation 2007

The *Strata Schemes (Freehold Development) Regulation 2007* is amended as set out in Schedule 1.

Strata Schemes (Freehold Development) Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 29A

Insert after clause 29:

29A Inspection required prior to issuing a strata certificate

- (1) This clause applies to a building for which a strata certificate is to be issued under section 37A of the Act.
- (2) As construction of the building nears completion, or after it has been completed, a council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 37AA of the Act, that:
 - (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
 - (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
 - (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

[2] Clause 32 Periods for retention of documents: section 49

Omit "12 months". Insert instead "7 years".

[3] Schedule 2 Requirements for plans lodged electronically

Omit clause 1. Insert instead:

1 File type in which plan to be created

- (1) The plan must be created in a format approved by the Registrar-General.
- (2) A plan comprising more than one sheet must be created as a multipage file.

Strata Schemes (Freehold Development) Amendment Regulation 2008

Schedule 1 Amendments

[4] Schedule 2, clause 4 (2)

Omit the subclause. Insert instead:

- (2) Unless the Registrar-General otherwise approves or this Schedule provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

[5] Schedule 4 Requirements for lodging administration sheet electronically

Omit clause 1. Insert instead:

1 File type in which image of document to be created

Each sheet of the completed paper administration sheet complying with Schedule 3 that bears original signatures and seals must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

[6] Schedule 4, clause 3

Omit the clause. Insert instead:

3 Lodging procedure

- (1) The completed administration sheet must be lodged electronically together with the plan.
- (2) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.
Note. The completed paper administration sheet, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 32).

[7] Schedule 5 Requirements for lodging other documents electronically

Omit “Tagged Image File Format (TIFF)” from clause 1.

Insert instead “format”.

[8] Schedule 5, clause 1 (2)

Omit the subclause.

[9] Schedule 5, clause 3 (1)

Omit the subclause. Insert instead:

- (1) The completed document must be lodged electronically together with the plan.

Strata Schemes (Freehold Development) Amendment Regulation 2008

Amendments

Schedule 1

[10] Schedule 5, clause 3, note

Omit the note. Insert instead:

Note. The completed paper document, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 32).



New South Wales

Strata Schemes (Leasehold Development) Amendment Regulation 2008

under the

Strata Schemes (Leasehold Development) Act 1986

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Leasehold Development) Act 1986*.

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

Explanatory note

The object of this Regulation is to amend the *Strata Schemes (Leasehold Development) Regulation 2007* in respect of the following:

- (a) the manner and form of lodging certain documents with the Registrar-General (consistent with the provisions of the *Conveyancing (General) Regulation 2008*) (these amendments to commence on Gazettal of this Regulation),
- (b) the inspections that must be made before a strata certificate is issued under section 66A of the *Strata Schemes (Leasehold Development) Act 1986* (this amendment to commence on 2 March 2009).

This Regulation is made under the *Strata Schemes (Leasehold Development) Act 1986*, including sections 66AA and 196 (the general regulation-making power).

Clause 1 Strata Schemes (Leasehold Development) Amendment Regulation 2008

Strata Schemes (Leasehold Development) Amendment Regulation 2008

under the

Strata Schemes (Leasehold Development) Act 1986

1 Name of Regulation

This Regulation is the *Strata Schemes (Leasehold Development) Amendment Regulation 2008*.

2 Commencement

- (1) This Regulation (Schedule 1 [1] excepted) commences on the day on which it is published in the Gazette.
- (2) Schedule 1 [1] commences on 2 March 2009.

3 Amendment of Strata Schemes (Leasehold Development) Regulation 2007

The *Strata Schemes (Leasehold Development) Regulation 2007* is amended as set out in Schedule 1.

Strata Schemes (Leasehold Development) Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 30A

Insert after clause 30:

30A Inspection required prior to issuing a strata certificate

- (1) This clause applies to a building for which a strata certificate is to be issued under section 66A of the Act.
- (2) As construction of the building nears completion, or after it has been completed, a council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that:
 - (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed, and
 - (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building, and
 - (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

[2] Clause 34 Periods for retention of documents: section 78

Omit "12 months". Insert instead "7 years".

[3] Schedule 2 Requirements for plans lodged electronically

Omit clause 1. Insert instead:

1 File type in which plan may be created

- (1) The plan must be created in a format approved by the Registrar-General.
- (2) a plan comprising more than one sheet must be created as a multipage file.

Strata Schemes (Leasehold Development) Amendment Regulation 2008

Schedule 1 Amendments

[4] Schedule 2, clause 4 (2)

Omit the subclause. Insert instead:

- (2) Unless the Registrar-General otherwise approves or this Schedule provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

[5] Schedule 4 Requirements for lodging administration sheet electronically

Omit clause 1. Insert instead:

1 File type in which image of document to be created

Each sheet of the completed paper administration sheet complying with Schedule 3 that bears original signatures and seals must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

[6] Schedule 4, clause 3

Omit the clause. Insert instead:

3 Lodging procedure

- (1) The completed administration sheet must be lodged electronically together with the plan.
- (2) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.
Note. The completed paper administration sheet, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 34).

[7] Schedule 5 Requirements for lodging other documents electronically

Omit “Tagged Image File Format (TIFF)” from clause 1.

Insert instead “format”.

[8] Schedule 5, clause 1 (2)

Omit the subclause.

[9] Schedule 5, clause 3 (1)

Omit the subclause. Insert instead:

- (1) The completed document must be lodged electronically together with the plan.

Strata Schemes (Leasehold Development) Amendment Regulation 2008

Amendments

Schedule 1

[10] Schedule 5, clause 3, note

Omit the note. Insert instead:

Note. The completed paper document, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 34).



New South Wales

Trade Measurement Amendment (Wine Labelling) Regulation 2008

under the

Trade Measurement Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Trade Measurement Act 1989*.

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to make further provision for the positioning of measurement marking on wine packages. The amendments will allow the measurement marking on a standard wine package to be displayed in a “single field of vision” with other information marked on the wine package.

The amendments result from a decision by the Council of Australian Governments to amend the uniform trade measurement legislation throughout Australia to bring into effect the World Wine Trade Group’s Agreement on Requirements for Wine Labelling.

This Regulation is made under the *Trade Measurement Act 1989*, including section 80 (the general regulation-making power).

Clause 1 Trade Measurement Amendment (Wine Labelling) Regulation 2008

Trade Measurement Amendment (Wine Labelling) Regulation 2008

under the

Trade Measurement Act 1989

1 Name of Regulation

This Regulation is the *Trade Measurement Amendment (Wine Labelling) Regulation 2008*.

2 Amendment of Trade Measurement Regulation 2007

The *Trade Measurement Regulation 2007* is amended as set out in Schedule 1.

Trade Measurement Amendment (Wine Labelling) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 2 Interpretation

Insert in alphabetical order in clause 2 (1):

standard wine package means a package that contains:

- (a) 50 mL, 100 mL, 187 mL, 200 mL, 250 mL, 375 mL, 500 mL, 750 mL, 1 L or 1.5 L of wine, or
- (b) 2 or more whole litres of wine.

wine means a beverage that:

- (a) is produced by the complete or partial alcoholic fermentation of fresh grapes, grape must or other products derived from fresh grapes, and
- (b) contains not less than 7% and not more than 24% of alcohol by volume.

[2] Clause 62 General position of measurement marking

Insert after clause 62 (2) (a):

- (a1) a standard wine package if the measurement marking on the package complies with clause 62A, or

[3] Clause 62A

Insert after clause 62:

62A Position of measurement marking on standard wine package

- (1) For the purposes of clause 62 (2) (a1), the measurement marking on a standard wine package must be made on the surface of the package, other than the base or the top, in a way that enables all of the following information about the wine to be seen in a single field of vision:
 - (a) the statement of the measurement,
 - (b) the country of origin,
 - (c) the product name or product description,
 - (d) the actual alcohol content by volume expressed as a percentage.
- (2) For the purposes of this clause, information on a standard wine package can be seen in a *single field of vision* if a person can see the information without having to turn the package.

OFFICIAL NOTICES

Appointments

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable PAUL LYNCH, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act) extend the appointment of Mr Terry LAWLER as Administrator to the Koompahtoo Local Aboriginal Land Council for a period of six (6) calendar months, from 14 December 2008. During the period of his appointment, the Administrator will have all of the functions of the Koompahtoo Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The Administrator's remuneration and expenses are not to exceed \$90 000 excluding GST without the prior approval of NSWALC. The Administrator's remuneration may include fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator.

Signed and sealed this 3rd day of December 2008.

PAUL LYNCH, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable PAUL LYNCH, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act) extend the appointment of Mr Andrew HOHOLT as Administrator to the Moree Local Aboriginal Land Council for a period of six (6) calendar months, from 3 December 2008 to 2 June 2009. During the period of his appointment, the Administrator will have all of the functions of the Moree Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The Administrator's remuneration and expenses are not to exceed \$60 000 excluding GST without the prior approval of NSWALC. The Administrator's remuneration may include fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator.

Signed and sealed this 1st day of December 2008.

PAUL LYNCH, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

John BORDON
Graeme DURIE

on a full-time basis as Senior Members of the Consumer, Trader and Tenancy Tribunal from 25 February 2009 until 31 December 2011 inclusive, with the entitlement to such leave as is applicable from time to time to an officer within the meaning of the Public Sector Employment and Management Act 2002.

Dated at Sydney this 10th day of December 2008.

M. BASHIR,
Governor

By Her Excellency's Command

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

Susan DIXON

on a full-time basis as a Senior Member of the Consumer, Trader and Tenancy Tribunal from 12 January 2009 until 31 December 2011 inclusive, with the entitlement to such leave as is applicable from time to time to an officer within the meaning of the Public Sector Employment and Management Act 2002.

Dated at Sydney this 10th day of December 2008.

M. BASHIR,
Governor

By Her Excellency's Command

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

Richard BUCKLEY

on a part-time basis as a Senior Member of the Consumer, Trader and Tenancy Tribunal from 1 January 2009 until 31 December 2011 inclusive.

Dated at Sydney this 10th day of December 2008.

M. BASHIR,
Governor

By Her Excellency's Command

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

**CONSUMER, TRADER AND TENANCY TRIBUNAL
ACT 2001**

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

Simon HENNINGS
Gregory O'KEEFFE
Kim ROSSER

on a full-time basis as Members of the Consumer, Trader and Tenancy Tribunal from 1 January 2009 until 31 December 2011 inclusive, with the entitlement to such leave as is applicable from time to time to an officer within the meaning of the Public Sector Employment and Management Act 2002.

Dated at Sydney this 10th day of December 2008.

M. BASHIR,
Governor

By Her Excellency's Command

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

**CONSUMER, TRADER AND TENANCY TRIBUNAL
ACT 2001**

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

John HALLIDAY
Robert TITTERTON

on a full-time basis as Members of the Consumer, Trader and Tenancy Tribunal from 12 January 2009 until 31 December 2011 inclusive, with the entitlement to such leave as is applicable from time to time to an officer within the meaning of the Public Sector Employment and Management Act 2002.

Dated at Sydney this 10th day of December 2008.

M. BASHIR,
Governor

By Her Excellency's Command

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

**CONSUMER, TRADER AND TENANCY TRIBUNAL
ACT 2001**

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

Adderley, Georgia	Lennon, David
Bailey, Robyn	Lynch, Joanne
Bell, Diana	Moore, Henry Edward
Blair, Robert	O'Connor, Michael
Brady, Brian	Pickard, Bryan
Bryant, Garry	Rickards, Kim
Bullen, Mark	Ross, Katherine
Cappe, Peter	Ross, Kim
Carney, Catherine	Ryan, Leo
Chenoweth, Rieteke	Ryan, Sharryn
Cull, Kim	Sheedy, Tracy
Farey, Janet	Shipp, Bernard
Harvey, Danae	Taylor, William
Holwell, Kim	Walsh, William

Hunter, Penny
Ilett, Michael
Keher, Christopher
Kinsey, Graham

Walton, Julie
Williams, Kerry
Wilson, Graham

on a part-time basis as Members of the Consumer, Trader and Tenancy Tribunal from 1 January 2009 until 31 December 2011 inclusive.

Dated at Sydney this 10th day of December 2008.

M. BASHIR,
Governor

By Her Excellency's Command

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

GEOGRAPHICAL NAMES ACT 1966

Appointment of Member

Geographical Names Board of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 3 of the Geographical Names Act 1966, has appointed the following member to the Geographical Names Board of New South Wales for a term commencing 26 November 2008 until 12 December 2011.

Mrs Beverley MANTON, nominee of the NSW Aboriginal Land Council

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

**GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT 1974**

Appointment of Member
Cooks Cove Development Corporation

His Excellency the Lieutenant-Governor with the advice of the Executive Council, has approved, pursuant to section 6 of the Growth Centres (Development Corporations) Act 1974, of the following person being appointed as a member of the Cooks Cove Development Corporation Board, for the period indicated:

Ms Gabrielle Mary TRAINOR for the period 12 December 2008 to 12 December 2011.

KRISTINA KENEALLY, M.P.,
Minister for Planning
and Minister for Redfern Waterloo

**SYDNEY HARBOUR FORESHORE AUTHORITY
ACT 1998**

Appointment of Members
Sydney Harbour Foreshore Authority

HIS Excellency the Lieutenant-Governor with the advice of the Executive Council, has approved, pursuant to section 29, Part 5, of the Sydney Harbour Foreshore Authority Act 1998, of the following person being appointed as a member of the Sydney Harbour Foreshore Authority Board, for the period indicated:

Ms Gabrielle Mary TRAINOR for the period 12 December 2008 to 12 December 2011.

KRISTINA KENEALLY, M.P.,
Minister for Planning
and Minister for Redfern Waterloo

Department of Lands

ARMIDALE OFFICE

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

Phone: (02) 6770 3100 Fax (02) 6771 5348

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Glen Innes; L.G.A. – Guyra

Road Closed: Lots 1, 2 and 3, DP 1126097 at Oban, Parish Coventry, County Clarke.

File No.: AE05 H 146.

Schedule

On closing, the land within Lots 1, 2, and 3, DP 1126097 remains vested in the State of New South Wales as Crown Land.

BOARD OF SURVEYING AND SPATIAL INFORMATION
Panorama Avenue (PO Box 143), Bathurst NSW 2795
Phone: (02) 6332 8238 Fax: (02) 6332 8240

SURVEYING ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Scott Raymond ALLISON.	63A Dwyer Avenue, Little Bay NSW 2036.	7 November 2008.
Glenn Keith COLEMAN.	27 Omiah Way, Piggabeen NSW 2486.	27 October 2008.
Mark Ross CORNISH.	4 Luton Court, Port Macquarie NSW 2444.	12 November 2008.
Marcel Lindsay CRAIG.	9 Wentworth Avenue, Sunshine Bay NSW 2536.	3 October 2008.
Rowan Leonard DONNELLY.	Hawkins Hooke & Co., PO Box 656, Armidale NSW 2350.	29 September 2008.
Jason ESTEPHAN.	PO Box 1184, Parramatta NSW 2150.	29 October 2008.
Jason William LANDERS.	60 Oceanview Parade, Charlestown NSW 2290.	1 October 2008.
Paul William LINTON.	G06/12 Karrabee Avenue, Huntleys Cove NSW 2111.	30 September 2008.
Matthew Aaron POWER.	54A Condoover Street, North Balgowlah NSW 2093.	7 October 2008.
Gerald Paul SELLWOOD.	13 Crumnock Street, Wheeler Heights NSW 2097.	9 October 2008.
Petras Gordon SILINIS.	7 Roy Street, Lithgow NSW 2790.	14 October 2008.
Keith Burton WESTBROOK.	80 Bathurst Street, Pitt Town NSW 2756.	12 November 2008.
Ian James WICKS.	25 Clair Crescent, Padstow Heights NSW 2211.	24 November 2008.

W. A. WATKINS,
President
S. G. GLENCORSE,
Registrar

SURVEYING ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as Mining Surveyors (Unrestricted) in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Daniel Edward BAKER.	PO Box 76, Fairy Meadow NSW 2519.	13 October 2008.
Jarrold Lloyd JAMES.	7 Weemala Close, Abberglasslyn NSW 2320.	31 October 2008.
Thomas Clive Maxwell WILLIAMS.	11 Acacia Drive, Cobar NSW 2835.	31 October 2008.

W. A. WATKIN,
President
S. G. GLENCORSE,
Registrar

SURVEYING ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned Land Surveyor has been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
Bevan Leslie ASHER.	9 October 1970.	1 September 2008.	10 October 2008.
Terry Edward BARTLETT.	20 September 1971.	1 September 2008.	10 October 2008.
Paul BAYLISS.	24 March 1995.	1 September 2008.	20 October 2008.
Peter Gregory BENTLEY.	14 March 1986.	1 September 2008.	20 October 2008.
Glen Brian CAHILL.	12 May 2003.	1 September 2008.	2 October 2008.
Mark Dante CERONE.	9 September 1988.	1 September 2008.	22 October 2008.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
Barry Joseph COOPER.	13 March 1981.	1 September 2008.	13 October 2008.
Wayne Ronald DAVIS.	9 March 1979.	1 September 2008.	27 October 2008.
Bruce John FORESTER.	30 September 1974.	1 September 2008.	10 October 2008.
Alecia Naomi GOODRICH.	30 July 2007.	1 September 2008.	17 November 2008.
Thierry Stephan Marcel GRABARA.	20 March 1992.	1 September 2008.	20 October 2008.
Jason Robert HAY.	1 July 2007.	1 September 2008.	7 October 2008.
Stephen John HOGAN.	21 April 1980.	1 September 2008.	29 September 2008.
Andrew Leslie KOROMPAY.	4 November 1999.	1 September 2008.	9 October 2008.
Geoffrey John LAWFORD.	23 September 1987.	23 October 1992.	25 August 2008.
Michael Peter PARKINSON.	9 September 1988.	1 September 2008.	21 October 2008.
Patrick ROLLES.	3 March 1989.	1 September 2008.	30 October 2008.
Stephen Charles SAUNDERS.	20 October 1995.	1 September 2008.	20 October 2008.
Terrence STARR.	17 March 1969.	1 September 2008.	30 September 2008.
Graeme Ross STEWART.	13 March 1981.	1 September 2008.	3 October 2008.
Warren Keith THOMAS.	29 September 1980.	1 September 2008.	20 October 2008.
Andrew Frank USHER.	30 July 1997.	1 September 2008.	2 October 2008.
John Lubbertus VAN DER WERFF.	1 April 1974.	1 September 2008.	10 October 2008.
Brett Anthony WHITE.	28 April 2004.	1 September 2008.	10 October 2008.
Mark Owen WILLIAMS.	10 April 2006.	31 August 2007.	27 November 2008.
Shannon WILSON.	13 May 2005.	1 September 2008.	10 October 2008.

W. A. WATKINS,
President

S. G. GLENCORSE,
Registrar

SURVEYING ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned Mining Surveyor (Unrestricted) has been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
David John LENNARD.	31 October 2003.	1 September 2008.	17 October 2008.

W. A. WATKINS,
President

S. G. GLENCORSE,
Registrar

SURVEYING ACT 2002

Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10, the undermentioned Mining Surveyors (Unrestricted) have been removed from the Register of Surveyors.

<i>Name</i>	<i>Date of Removal</i>	<i>Date of Registration</i>
Ricki Shane STEVEN.	1 September 2008.	10 March 2008.

W. A. WATKINS,
President

S. G. GLENCORSE,
Registrar

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

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Dripstone Recreation (R42933) Reserve Trust.	Reserve No.: 42933. Public Purpose: Public recreation. Notified: 29 July 1908. File No.: 08/2581.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Wellington Recreation (R98081) Reserve Trust.	Reserve No.: 98081. Public Purpose: Public recreation. Notified: 14 February 1986. File No.: DB82 R 14.

REVOCAION 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 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: Wellington. Local Government Area: Wellington Shire Council. Locality: Dripstone. Reserve No.: 42933. Public Purpose: Public recreation. Notified: 29 July 1908. File No.: 08/2581.	The whole being Lot 240, DP No. 756920, Parish Wellington, County Wellington, of an area of 2.529 hectares.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Wellington. Local Government Area: Wellington Shire Council. Locality: Wellington. Reserve No.: 98081. Public Purpose: Public recreation. Notified: 14 February 1986. File No.: DB82 R 14.	The whole being Lot 212, DP No. 756920, Parish Wellington, County Wellington, of an area of 2.529 hectares.

GOULBURN OFFICE

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

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

NOTIFICATION OF CLOSING OF A ROAD

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

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

SCHEDULE 1

Description

*Parish – Colo; County – Camden;
Land District – Moss Vale; L.G.A. – Wingecarribee*

Lot 31, DP 1127517 (being land in CT Volume 2994, Folio 106).

File No.: GB06 H 454:JK.

Note: On closing, the title for the land in Lot 31, DP 1127517 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 2

Description

*Parish – Gundry; County – Argyle;
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Lot 3, DP 1131043 (not being land under the Real Property Act).

File No.: 08/4455:JK.

Note: On closing, the title for the land in Lot 3, DP 1131043 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 3

Description

*Parish – Gundry; County – Argyle;
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Lots 1 and 2, DP 1131043 (not being land under the Real Property Act).

File No.: 08/4454:JK.

Note: On closing, the title for the land in Lots 1 and 2, DP 1131043 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 4

Description

*Parish – Corang; County – St Vincent;
Land District – Braidwood; L.G.A. – Palerang*

Lots 1, 2 and 3, DP 1131037 (not being land under the Real Property Act).

File No.: GB05 H 394:JK.

Note: On closing, the title for the land in Lots 1, 2 and 3, DP 1131037 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 5

Description

*Parish – Budawang; County – St Vincent;
Town – Mongarlowe; Land District – Braidwood;
L.G.A. – Palerang*

Lot 1, DP 1132311 (not being land under the Real Property Act).

File No.: GB05 H 498:JK.

Note: On closing, the title for the land in Lot 1, DP 1132311 remains vested in the State of New South Wales as Crown Land.

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, 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>
James David McWHIRTER (re-appointment), Ernest Alexander STEPHENSON (re-appointment), Jorgen Locke NIELSEN (re-appointment), John Charles Henry LOSEBY (re-appointment), Edward Claude CORDINGLEY (re-appointment).	Big Hill Recreation Reserve Trust.	Reserve No.: 69647. Public Purpose: Public recreation. Notified: 1 November 1940. File No.: GB80 R 6/2.

Term of Office

For a term commencing 5 March 2009 and expiring 4 March 2014.

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

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

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

Description

Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lot 1, DP 1131026 at Stockyard Creek, Parish Chapman, County Clarence.

File No.: 08/2101.

Schedule

On closing, the land within Lot 1, DP 1131026 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lot 1, DP 1129100 at Clarenza, Parish Ulmarra, County Clarence.

File No.: GF05 H 251.

Schedule

On closing, the land within Lot 1, DP 1129100 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Lismore; L.G.A. – Ballina

Road Closed: Lot 1, DP 1126952 at Cumbalum, Parish Teven, County Rous.

File No.: GF05 H 643.

Schedule

On closing, the land within Lot 1, DP 1126952 remains 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****NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

*Parish – Corrabare; County – Northumberland;
Land District – Maitland;
Local Government Area – Cessnock*

Road Closed: Lot 1, DP 1128733 at Wollombi.

File No.: MD05 H 400.

Note: On closing, the land within Lot 1, DP 1128733 will remain vested in the Crown as Crown Land.

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

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified, 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>
Dennis Bruce BLUNDEN.	Newcastle Velodrome Trust.	Reserve No.: 87430. Public Purpose: Public recreation. Notified: 3 October 1969. File No.: MD89 R 102/1.

For a term commencing the date of this notice and expiring 12 February 2009.

MOREE OFFICE
Frome Street (PO Box 388), Moree NSW 2400
Phone: (02) 6750 6400 Fax: (02) 6752 1707

**REVOCATION OF RESERVATION OF CROWN
 LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservations of Crown Land specified in Column 1 of the Schedules hereunder, are 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: Warialda. Local Government Area: Gwydir Shire. Reserve No.: 74837. Purpose: From sale generally. Notified: 28 March 1952. File No.: ME07 H 138.	That part of Reserve 74837, comprising Lot 94 in DP 751098, Parish Cox, County Burnett, having an area of 140.2 hectares.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Moree. Local Government Area: Moree Plains Shire. Reserve No.: 93189. Purpose: For future public requirements. Notified: 18 July 1980. File No.: ME02 H 210.	Reserve 93189, comprising Lots 1 and 6 in DP 750433, Parish Boyanga, County Benarba, having an area of 2820 hectares.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Land District: Bingara. Local Government Area: Gwydir Shire. Reserve No.: 74861. Purpose: From sale generally. Notified: 28 March 1952. File No.: ME03 H 273.	Reserve 74861, comprising Lots 8 and 15 in DP 754849, Parish McKinnon, County Murchison and Lot 22 in DP 754852, Parish Munro, County Murchison, with an area of 1845.9 hectares.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>
Land District: Bingara. Local Government Area: Gwydir Shire. Reserve No.: 93420. Purpose: Future public requirements. Notified: 15 August 1980. File No.: ME02 H 454.	Reserve 93420, comprising Lot 41 in DP 754849, Parish McKinnon, County Murchison, with an area of 9.611 hectares.

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>
Land District: Warialda. Local Government Area: Gwydir Shire. Reserve No.: 93946. Purpose: Future public requirements. Notified: 7 November 1980. File No.: ME01 H 78.	Reserve 93946, comprising Lot 19 in DP 755985, Parish Browne, County Stapylton, with an area of 420.1 hectares.

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 9100 Fax: (02) 4421 2172****NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

*Parish – Bateman; County – St Vincent;
Land District – Moruya;
Local Government Area – Eurobodalla*

Road Closed: Lot 2, DP 1132200 at Mogo.

File No.: NA06 H 182.

Schedule

On closing, the land within Lot 1, DP 1119181 remains vested in the Eurobodalla Shire Council as operational land.

Description

*Parish – Wandella; County – Dampier;
Land District – Bega;
Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1131906 at Wandella.

File No.: NA07 H 21.

Schedule

On closing, the land within Lot 1, DP 1131906 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Puen Buen; County – Auckland;
Land District – Bega;
Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1131060 at Brogo.

File No.: NA07 H 71.

Schedule

On closing, the land within Lot 1, DP 1131060 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Narooma; County – Dampier;
Land District – Moruya;
Local Government Area – Eurobodalla*

Road Closed: Lot 1, DP 1131239 at Narooma.

File No.: NA05 H 234.

Schedule

On closing, the land within Lot 1, DP 1131239 remains vested in State of New South Wales as Crown Land.

Description

*Parish – Bodalla; County – Dampier;
Land District – Moruya;
Local Government Area – Eurobodalla*

Road Closed: Lot 1, DP 1132246 at Bodalla.

File No.: NA07 H 200.

Schedule

On closing, the land within Lot 1, DP 1132246 remains vested in Eurobodalla Shire Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: 07.1128.

ROADS ACT 1993

Order

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in 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 a Crown road.

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

SCHEDULE 1

Description

Land District – Bega; Council – Bega Valley Shire

- (1) The Crown public road known as Mine Road at Lochiel, adjoining the northern boundary of Lots 60 and 74, DP 750207, Parish Gnupa and County Auckland. Crown Reference: NA05 H 168.
- (2) The Crown public road at Frogs Hollow, abutting the western boundary of Lot 4, DP 1000509, Parish Kameruka and County Auckland. Crown Reference: NA05 H 168.

SCHEDULE 2

Roads Authority: Bega Valley Shire Council.

Reference No.: 0875.34.

ORANGE OFFICE
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6391 4300 Fax: (02) 6362 3896

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 closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Parish – Conimbla; County – Forbes;
 Land District – Cowra; Shire – Cowra*

Road Closed: Lots 1 and 2 in Deposited Plan 1132838.

File No.: 07/5626.

Note: On closing, title to the land comprised in Lots 1 and 2 remains vest in the Crown as Crown Land.

Description

*Parish – Brundah; County – Monteagle;
 Land District – Grenfell; Shire – Weddin Shire*

Road Closed: Lot 7019 in Deposited Plan 1103354.

File No.: OE05 H 685.

Note: On closing, title to the land comprised in Lot 7019 remains vest in the Crown as Crown Land.

Description

*Parish – Limestone; County – Kennedy;
 Land District – Parkes; L.G.A. – Parkes*

Road Closed: Lot 10 in Deposited Plan 1132130.

File No.: 07/5079.

Note: On closing, the land within Lot 10, DP 1132130 remains vested in Parkes Shire Council as operational land for the purposes of the Local Government Act 1993.

Council Reference: SLR.

Description

*Parish – Norway; County – Westmoreland;
 Land District – Lithgow; Shire – Oberon*

Road Closed: Lot 1 in Deposited Plan 1129667.

File No.: OE06 H 92.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

Description

*Parish – Lidsdale; County – Cook;
 Land District – Lithgow; Shire – Lithgow*

Road Closed: Lot 12 in Deposited Plan 1125543.

File No.: OE06 H 88.

Note: On closing, title to the land comprised in Lot 12 remains vest in the Crown as Crown Land.

Description

*Parish – Cox; County – Cook;
 Land District – Lithgow; Shire – Lithgow*

Road Closed: Lot 1 in Deposited Plan 1131904.

File No.: CL/00122.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

Description

*Parish – Oberon; County – Westmoreland;
 Land District – Bathurst; Shire – Oberon*

Road Closed: Lot 1 in Deposited Plan 1131900.

File No.: CL/00440.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

Description

*Parish – Hearne; County – Roxburgh;
 Land District – Rylstone; Shire – Mid-Western Regional*

Road Closed: Lot 1 in Deposited Plan 1131902.

File No.: CL/00087.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

Description

*Parish – Wongajong; County – Forbes;
 Land District – Forbes; Shire – Forbes*

Road Closed: Lot 5 in Deposited Plan 1127088.

File No.: 07/4555.

Note: On closing, title to the land comprised in Lot 5 remains vest in the Crown as Crown Land.

ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Grenfell.	Reserve No.: 64617.
Local Government Area: Weddin Shire Council.	Public Purpose: Public recreation.
Locality: Grenfell.	Notified: 29 June 1934.
Lot 7019, DP No. 1103354#, Parish Brundah, County Monteagle.	Lot 375, DP No. 754578, Parish Brundah, County Monteagle;
Area: 1.076 hectares.	Lot 146, DP No. 754578, Parish Brundah, County Monteagle;
File No: OE05 H 685.	Lot 144, DP No. 754578, Parish Brundah, County Monteagle;
	Lot 376, DP No. 754578, Parish Brundah, County Monteagle;
	Lot 7006, DP No. 1023540, Parish Brundah, County Monteagle;
	Lot 145, DP No. 754578, Parish Brundah, County Monteagle.
	New Area: 6.208 hectares.

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

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

**PLAN OF MANAGEMENT FOR HEFFRON
 PARK UNDER PART 5, DIVISION 6 OF THE
 CROWN LANDS ACT 1989 AND CROWN LANDS
 REGULATION 2006**

A draft plan of management has been prepared for the Crown reserve described below, which Randwick City Council manages.

The draft plan can be inspected at Randwick Council's Customer Service Centre, 30 Frances Street, Randwick, between 8:30am and 5:00pm, Monday to Friday, Bowen Library, Randwick Branch Library and Malabar Community Library and can be viewed on Council's website: <http://www.randwick.nsw.gov.au>.

The public are invited to make representations on the draft plan. The plan will be on exhibition from Friday, 12 December 2008, for a period of 90 days. Submissions will be received up until 13 March 2009 and should be sent to General Manager, Randwick City Council, 30 Frances Street, Randwick NSW 2031 or by email to general.manager@randwick.nsw.gov.au.

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

Description of Reserve

*Land District – Metropolitan; L.G.A. – Randwick;
 Parish – Botany; County – Cumberland*

Crown Reserve: Reserve No. 81741 for the public purpose of public recreation, gazetted 26 June 1959, being Lots 7026 and 7027, DP 1026884 and Lot 1211, DP 752015.

Location: Maroubra.

File No.: MN94 R 21.

ROADS ACT 1993

Notification of Closing of Road

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

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

Description

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

Lot 100, DP 1132152, at Whale Beach, Parish Narrabeen, County Cumberland.

File No.: MN03 H 114.

Note: On closing, title for the land in Lot 100 remains vested in Pittwater City Council as operational land.

Descriptions

Land District – Penrith; L.G.A. – Blacktown

Lots 1 and 2, DP 1132212, at Lethbridge Park, Parish Rooty Hill, County Cumberland.

File No.: MN05 H 352.

Note: On closing, title for the land in Lot 1 and 2 remains vested in Blacktown City Council as operational land.

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

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

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

Description

*Locality – Kelvin; Land District – Gunnedah;
L.G.A. – Gunnedah*

Road Closed: Lot 1 in Deposited Plan 1127597, Parish Yarrari, County Nandewar.

File No.: TH05 H 264.

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

Description

*Locality – Tambar Springs; Land District – Gunnedah;
L.G.A. – Gunnedah*

Road Closed: Lot 1 in Deposited Plan 1130619, Parish Calala, County Pottinger.

File No.: TH05 H 290.

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

Description

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

Road Closed: Lot 1 in Deposited Plan 1132298, Parish Baldwin, County Darling.

File No.: TH05 H 26.

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

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

Column 1

Land District: Quirindi.
Local Government Area:
Liverpool Plain Shire
Council.

Locality: Towarri.

Reserve No.: 92320.

Public Purpose: Future
public requirements.

Notified: 2 May 1980.

File No.: TH89 H 349.

Column 2

The part being Lot 132,
DP 751030, Parish Towarri,
County Buckland, of an area
of 480.4 hectares.

Note: Conversion of Crown leasehold land to freehold.

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

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the 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>
Land District: Port Macquarie.	Reserve No.: 1012048.
Local Government Area: Port Macquarie Hastings Council.	Public Purpose: Access and public requirements, tourism purposes and environmental and heritage conservation.
Parish: Camden Haven.	Notified: 4 August 2006.
County: Macquarie.	
Locality: Laurieton.	
Lots 314, 315 and 316, DP 45866.	
Area: .21 hectares.	
File No.: TE06 R 32.	

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Kempsey; L.G.A. – Kempsey

Road Closed: Lot 1, DP 1131029 at Willawarrin, Parish Willawarrin, County Dudley.

File No.: TE05 H 102.

Schedule

On closing, the land within Lot 1, DP 1131029 remains vested in the State of New South Wales as Crown Land.

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

WITHDRAWAL OF LANDS FROM WESTERN LANDS LEASES

PURSUANT to section 35Q of the Western Lands Act 1901, the lands described in Column 1 of the Schedule hereunder are withdrawn from the leases described in Column 2 of the Schedule for the purpose of being dedicated as public roads.

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

SCHEDULE

Descriptions

Counties of Ularara, Yantara, Yungnulgra, Evelyn and Mootwingee;
Administrative Districts of Broken Hill, Milparinka and Wilcannia;
Unincorporated Area

<i>Column 1 Lot/DP</i>	<i>Column 2 Lease Affected</i>	<i>Column 3 Title Affected</i>	<i>Column 4 Withdrawn Area (ha)</i>	<i>Column 5 New Lease Area (ha)</i>
1/1132829 3/1132829	3149	1069/762294	84.13	27636
2/1132829	3148	6307/769163	33.86	30115
4/1132829	6267	3547/765899	87.14	33220
5/1132829	3130	1062/762309	78.47	25001
6/1132829	5326	1063/765681	40.95	14865
7/1132829	5327	3069/765294	39.40	4521
8/1132829	6266	3546/765898	103.5	38565
9/1132829	3110	1064/762311	55.05	24081
10/1132829	6263	3543/765895	88.98	44740
11/1132829	13226	5019/46619	45.53	23602
12/1132829 13/1132829	13225	5018/46619	118.4	18116
14/1132829	6259	3539/765891	25.69	33186
15/1132829	6264	3544/765896	168.6	30166
16/1132829 19/1132829	6260	3540/765892	97.42	74663
17/1132829 18/1132829 25/1132829	6031	3566/765918	230.9	59469
20/1132829	6253	3533/765826	86.49	40331
21/1132829	6037	3550/765902	130.7	28436
22/1132829	745	4641/767805	106	13672
23/1132829	336	4540/767646	11.16	17349
24/1132829	11094	4482/767528	52.40	10597

File No.: 08/3579.

DEDICATION OF CROWN LAND AS PUBLIC ROAD

PURSUANT to section 12 of the Roads Act 1993, the Crown Land described hereunder is, from the date of publication of this notice, dedicated as public road. The public road hereby dedicated is declared not to be Crown road within the meaning of the Roads Act 1993.

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

DESCRIPTIONS

*Counties of Ularara, Yantara, Yungnulgra, Evelyn and Mootwingee;
Administrative Districts of Broken Hill, Milparinka and Wilcannia;
Unincorporated Area*

Lot 1 DP 1132829, Lot 2 DP 1132829, Lot 3 DP 1132829, Lot 4 DP 1132829, Lot 5 DP 1132829, Lot 6 DP 1132829, Lot 7 DP 1132829, Lot 8 DP 1132829, Lot 9 DP 1132829, Lot 10 DP 1132829, Lot 11 DP 1132829, Lot 12 DP 1132829, Lot 13 DP 1132829, Lot 14 DP 1132829, Lot 15 DP 1132829, Lot 16 DP 1132829, Lot 17 DP 1132829, Lot 18 DP 1132829, Lot 19 DP 1132829, Lot 20 DP 1132829, Lot 21 DP 1132829, Lot 22 DP 1132829, Lot 23 DP 1132829, Lot 24 DP 1132829, Lot 25 DP 1132829

File No.: 08/3579.

GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

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

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

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

SCHEDULE

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

WLL No.	Name of Lessee	File No.	Folio identifier	Area (m2)	Term of Lease	
					From	To
WLL 16239	Ross James CONN	08/10135	272/1076808	1351	4-Dec-2008	3-Dec-2028
WLL 16000	Laurence EVANS	08/2653	179/1073508	2459	28-Nov-2008	27-Nov-2028
WLL 15059	Beryl Robyn McBRIDE	08/0763	223/1076808	2677	4-Dec-2008	3-Dec-2028
WLL 14945	Robert John BURKE	07/4102	199/1076808	2459	4-Dec-2008	3-Dec-2028
WLL 16127	Malcolm READ	08/5777	54/1066289	2500	4-Dec-2008	3-Dec-2028
WLL 16107	Radovan VUKASINOVIC	08/5309	123/1120765	2448	4-Dec-2008	3-Dec-2028
WLL 16089	Muniba SLADOK	08/4998	10/1120765	2507	4-Dec-2008	3-Dec-2028
WLL 16017	Rochelle CRAMPTON	08/3305	93/1066289	2513	4-Dec-2008	3-Dec-2028
WLL 16104	Stevo PAVIC	08/5252	13/1120765	2031	4-Dec-2008	3-Dec-2028
WLL 16218	Garry Ian FEDER	08/8827	157/1120765	2515	4-Dec-2008	3-Dec-2028
WLL 16235	Jan STRBAK and Diane STRBAK	08/10010	125/1120765	2550	4-Dec-2008	3-Dec-2028
WLL 16186	Stephen Francis JOHNSON	08/6991	174/1120765	2273	4-Dec-2008	3-Dec-2028
WLL 16108	Angela Shirley CARTER	08/5314	37/1073508	2539	4-Dec-2008	3-Dec-2028
WLL 16161	Radojka CALIC	08/6351	140/1120765	2075	9-Dec-2008	8-Dec-2028

ADDITION TO A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of section 35C of the Western Lands Act 1901, the land particularised hereunder has been added to the undermentioned Western Lands Lease.

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

SCHEDULE

Western Lands Lease No.: 650.

Name of Lessee: Alan John WHYTE.

Area Added: Lot 1, DP 1112323, Parish of Scott, County of Wentworth, of 31.55 hectares (Folio Identifier 1/1112323).

Total Area Following Addition: Lot 1, DP 1062474 and Lot 1, DP 1112323, Parish of Scott, County of Wentworth, of 1002.05 hectares (Folio Identifiers 1/1062474 and 1/1112323).

Date of Addition: 4 November 2008.

Administrative District: Wentworth.

Shire: Wentworth.

Conditions: Unchanged.

ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

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

*Administrative District – Wentworth; Shire – Wentworth
Parishes – Bengallow and Matalong; County – Taila*

The purpose/conditions of Western Lands Leases 1965 and 5105, being the land contained within Folio Identifiers 192/760808 and 6399/760807 have been altered from “Grazing” to “Grazing and Cultivation” effective from 25 November 2008.

As a consequence of the alteration of purpose/conditions rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The conditions previously annexed to Western Lands Leases 1965 and 5105 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASES 1965 AND 5105

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.

- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 - (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
 - (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
 - (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.

“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.

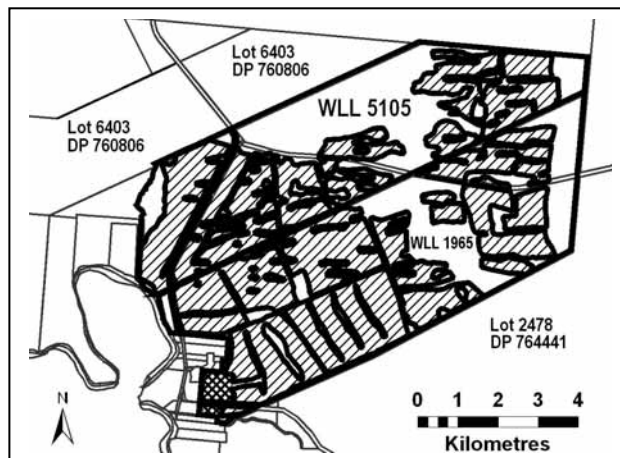
 - (b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.

If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Grazing and Cultivation.
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (17) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
- (18) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (19) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (20) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (21) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (22) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (23) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (24) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (25) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.

- (26) The lessee shall comply with the provisions of the Native Vegetation Act 2003 and any regulations made in pursuance of that Act.
- (27) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Department has first been obtained and any condition to which the consent is subject under subsection (6) is complied with.
- (28) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.
- (29) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (30) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
- (31) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (32) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (33) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (34) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (35) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (36) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (37) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry licence under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (38) The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997 particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
- (39) The lessee shall not clear any native vegetation within the area shown cross-hatched on the diagram hereunder unless written approval has been granted by the local Catchment Management Authority.
- (40) The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
- (41) The lessee shall not cultivate within the channel of incised drainage lines (other than man made structures) which carry water after storms in the channels, nor cultivate within a distance of 20 metres on either side of the banks of the channels, except when otherwise specified by the Western Lands Commissioner.
- (42) The lessee shall cease work immediately should any Aboriginal archaeological relics or sites be uncovered during the proposed works (Aboriginal Sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.).
- (43) The lessee shall consider the requirements of the National Parks and Wildlife Act 1974 with regard to Aboriginal relics. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the National Parks and Wildlife Service (NPWS). If a site is discovered the lessee shall contact the Manager, Cultural Heritage Unit, National Parks and Wildlife Services on Phone (02) 6883 5324 OR AT 58-62 Wingewarra St, Dubbo.

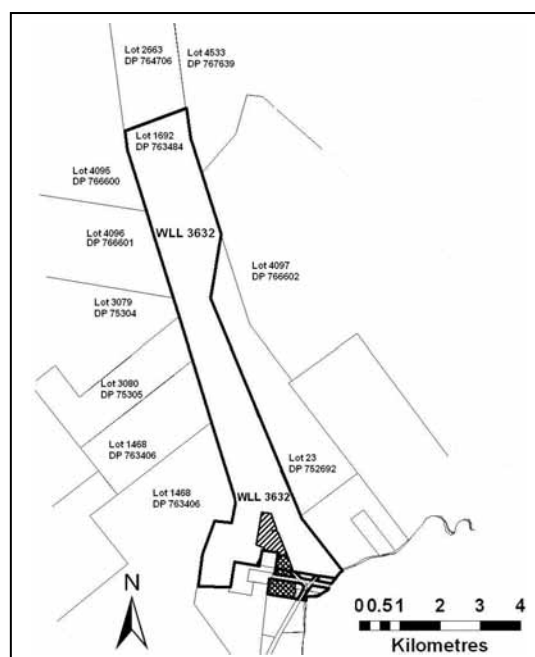
- (44) The lessee shall establish windbreaks at his/her own expense, as may be ordered by the Western Lands Commissioner to provide adequate protection of the soil.
- (45) The lessee shall ensure that stubble and other crop residue is retained on the soil surface and shall not be burnt, except with the written approval of the Western Lands Commissioner or his delegate. Where such approval is granted, stubble burning shall be carried out with the approval as per requirements of the NSW Rural Fire Services.
- (46) The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (47) The lessee shall not permanently transfer Irrigation water from the lease without the prior written permission of the Western Lands Commissioner.
- (48) The lessee shall contact the Environmental Protection Authority before disposing of any tailwater or water which may be contaminated with fertiliser, herbicide or pesticide. Disposal of tailwater into creeks and rivers is controlled by the Environment Protection Authority under the Clean Waters Act.
- (49) The lessee shall negotiate with the relevant Rural Lands Protection Board regarding the movement of stock within the area allowed to be cultivated. This area is partly covered by Travelling Stock Reserves 362. If suitable arrangements cannot be made with the Rural Lands Protection Board, the matter will be determined by the Western Lands Commissioner.
- (50) The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the commissioner.
- (51) Texture contrast (or duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlaying a clay subsoil and are prone to scolding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area shall not be cultivated except in accordance with a plan approved by the Commissioner.
- (52) Areas with a slope greater than 2% shall not be cultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.
- (53) Cultivation and cropping are not to alter the natural flood regime. Crops are not to be protected by levees.
- (54) (a) On Western Lands Lease No. 1965 the lessee shall only Dryland Cultivate an area of 2,316 ha as shown hatched on the attached diagram. Irrigated cultivation of 62 ha shown cross-hatched on the attached diagram is authorised on Western Lands Lease No. 1965.
- (b) A further 1507 ha (also shown hatched) can be Dryland cultivated on Western Lands Lease No. 5105. Cultivation outside of these areas will only be allowable with the written consent of the Commissioner or Minister.
- (55) There shall be no cultivation within at least 30 metres either side of the centre line of the road formation of Western Division Road 148. The lessee shall ensure that cultivation and associated activities do not interfere with any other road formation within the allowable area.
- (56) Except with the specific approval of the Commissioner, no cultivation or ancillary works associated with any cultivation shall be undertaken within 75 metres, on the landward side, of the bank of Tarpaulin Bend of the Murray River. These areas are not to be disturbed by the use of any implements or used for the purposes of any silo, temporary grain storage, machinery shed or other installations or works of any kind.



ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 19 September 2008, Folio 9300, appearing under the heading Alteration of Purpose/Conditions of a Western Lands Lease, (being Western Lands Lease 3632) conditions No. 1 and No. 2 should have read:

- (1) The Lessee shall only conduct irrigated cultivation within the area of 44 hectares indicated by crosshatching on the diagram hereunder. Any other cultivation outside this area will only be allowable with the consent of the Commissioner or the Minister.
- (2) The Lessee shall only conduct dryland cultivation within the area of 46.5 hectares indicated by hatching on the diagram hereunder. Any other cultivation outside this area will only be allowable with the consent of the Commissioner or the Minister.



ERRATUM

IN the *New South Wales Government Gazette* of 6 June 2008, folio 4686 under the heading “Withdrawal of Lands from Western Lands Leases”, the reference in Column 3 to title 1420/763115 should have read 1420/763116 and title 4805/764151 should have read 4805/769020.

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

SCHEDULE 2

The whole of the Milparinka Hospital Site of 4.047 hectares being Lot 78, DP 752519, notified 27 June 1893.

SCHEDULE 3

The land is intended to be added to Western Lands Lease 6020 after which an area of 1.331 hectares is proposed to be dedicated as public road.

PROPOSED REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales, in accordance with section 84 of the Crown Lands Act 1989, to revoke the dedication of Crown Land specified in Schedule 1 hereunder, to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

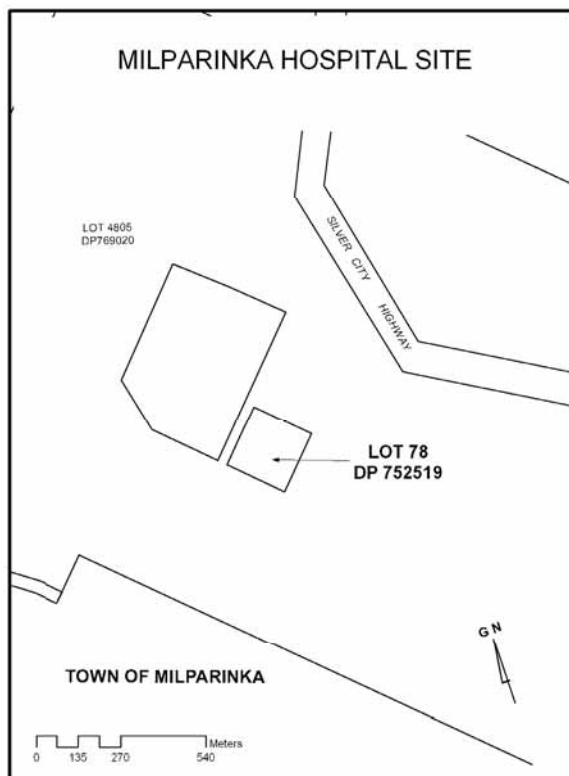
*Land District – Willyama; Shire – Unincorporated Area;
Parish – Milparinka; County – Evelyn*

Dedication No.: 1000557.

Torrens Title ID: 78/752519.

Area of 4.047 hectares dedicated for the public purpose of Hospital Site, 27 June 1893 (folio 5085), being Lot 78 in DP 752519 in the Town of Milparinka.

Locality Diagram

**ERRATUM**

IN the *New South Wales Government Gazette* of 6 June 2008, folio 4686, under the heading “Withdrawal of Lands from Western Lands Leases”, the reference in Column 3 to title 1420/763115 should have read 1420/763116 and title 4805/764151 should have read 4805/769020.

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

Department of Planning



New South Wales

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S08/00320-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*.

2 Aims of Policy

The aims of this Policy are:

- (a) to amend the environmental planning instruments referred to in Schedules 1–3 so as to omit provisions requiring consent authorities to obtain certain concurrences under section 30 of the *Environmental Planning and Assessment Act 1979* or to refer certain matters to various persons or bodies, and
- (b) to replace certain concurrence or referral provisions within environmental planning instruments with matters for the relevant Council's consideration, and
- (c) to omit provisions in certain regional environmental plans referred to in Schedule 2 that relate to policies for the preparation of draft local environmental plans and consultation requirements, and
- (d) to make other miscellaneous amendments to environmental planning instruments.

3 Commencement

This Policy commences on 15 December 2008.

4 Land to which Policy applies

This Policy applies to the whole of the State.

5 Amendment or repeal of environmental planning instruments

- (1) Each State environmental planning policy referred to in Schedule 1 is amended in the manner set out in that Schedule.
- (2) Each regional environmental plan referred to in Schedule 2 is amended in the manner set out in that Schedule.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Clause 6

-
- (3) Each local environmental plan and deemed environmental planning instrument referred to in Schedule 3 is amended in the manner set out in that Schedule.

6 Savings and transitional provisions

- (1) The amendments made by this Policy do not affect any development application made but not finally determined before the commencement of this Policy and any such application is to be determined as if this Policy had not been made.
- (2) Any amendments made by this Policy to provisions relating to the preparation of environmental planning instruments do not affect the preparation of any instrument that had been publicly exhibited before the commencement of this Policy.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 1 Amendment of State environmental planning policies

Schedule 1 Amendment of State environmental planning policies

(Clause 5 (1))

1.1 State Environmental Planning Policy No 29—Western Sydney Recreation Area

[1] Clause 10 Interim development

Omit “and the concurrence of the Director of Planning” from clause 10 (1).

[2] Clause 10 (3)

Omit “and the Director when deciding whether to grant concurrence under that subclause”.

1.2 State Environmental Planning Policy No 47—Moore Park Showground

Clause 15 Matters for consideration

Omit “and the views of the Environment Protection Authority in relation to these matters” from clause 15 (e).

1.3 State Environmental Planning Policy No 53—Metropolitan Residential Development

Clause 9 Heritage conservation areas and heritage items

Omit the clause.

1.4 State Environmental Planning Policy No 64—Advertising and Signage

[1] Clause 15 Advertisements on rural or non-urban land

Omit clause 15 (2) (b) (ii) (E).

[2] Clause 15 (2) (c)

Insert at the end of clause 15 (2) (b):

, or

- (c) if no such development control plan is in force, unless the advertisement is a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of State environmental planning policies

Schedule 1

[3] Clause 16 Transport corridor land

Insert “clause 10 (1) and” after “Despite” in clause 16 (1).

1.5 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Clause 22 Heritage conservation areas and heritage items

Omit the clause.

1.6 State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007

[1] Clause 26 Heritage conservation

Insert at the end of clause 26 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 26 (8)

Omit the subclause.

1.7 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

[1] Appendix 1, clause 35

Insert at the end of clause 35 (3AA):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Appendix 1, clause 35 (6)

Omit the subclause. Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register under the *Heritage Act 1977* or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 1 Amendment of State environmental planning policies

[3] Appendix 1, clause 35 (7) (b)

Omit “28 days”. Insert instead “21 days”.

[4] Appendix 1, clause 35 (7) (c)

Insert at the end of clause 35 (7) (b):

, and

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[5] Appendix 1, clause 35 (8)

Omit the subclause.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of regional environmental plans

Schedule 2

Schedule 2 Amendment of regional environmental plans

(Clause 5 (2))

2.1 Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

[1] Clause 5 Aims and objectives

Omit clause 5 (1) (e).

[2] Clause 9 Specific planning principles

Omit “and Consultation” from clause 9 (11).

[3] Part 3, heading

Omit “and consultation”.

[4] Clause 10 Consultation—who consults and procedure for consultation

Omit the clause.

[5] Clause 11 Planning control table

Omit “and consultation” from clause 11 (1).

[6] Clause 11 (3)

Omit the subclause.

[7] Clause 11, table

Omit “AND CONSULTATION” from the heading to the table.

[8] Clause 11, table, item 2

Omit “Department of Land and Water Conservation” from the note under the heading “Planning control”.

Insert instead “Department of Lands”.

[9] Clause 11, table, item 4

Omit “in consultation with the relevant Catchment Management Committees, the community, the Environment Protection Authority and the Department of Land and Water Conservation”.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 2 Amendment of regional environmental plans

[10] Clause 11, table, item 5

Omit “and the Department of Land and Water Conservation is satisfied that the proposal is in accordance with the *NSW Sand and Gravel Extraction Policy for Non Tidal Rivers* prepared by and available from that Department”.

Insert instead “by a public authority and the consent authority is satisfied that the proposal is in accordance with the principles and objectives contained in the *NSW Sand and Gravel Extraction Policy for Non Tidal Rivers*”.

[11] Clause 11, table, item 5

Omit “The requirements of the Department of Land and Water Conservation and any relevant river management plan prepared by the Department of Land and Water Conservation or any water management plan approved by the Minister for Environment and the Minister for Land and Water Conservation.”.

[12] Clause 11, table, item 6

Omit the matter relating to “Consultation”.

[13] Clause 11, table, item 6

Omit “determined by the council in consultation with the relevant Catchment Management Committees, the community, the Environment Protection Authority and the Department of Land and Water Conservation”.

[14] Clause 11, table, item 6

Omit “*Floodplain Management Policy, State Rivers and Estuaries Policy* and the *Wetlands Policy* prepared by and available from the Department of Land and Water Conservation”.

Insert instead “New South Wales Government’s *Floodplain Development Manual: the management of flood liable land* (April 2005, ISBN 0 7347 5476 0)”.

[15] Clause 11, table, item 7

Omit “in consultation with the relevant Catchment Management Committees, the community, the Environment Protection Authority and the Department of Land and Water Conservation”.

[16] Clause 11, table, item 7

Omit “Whether the proposal is in accordance with any water management plan approved by the Minister for the Environment and the Minister for Land and Water Conservation where such a plan has been prepared.”.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of regional environmental plans

Schedule 2

[17] Clause 11, table, item 8

Omit the matter relating to “Consultation”.

[18] Clause 11, table, item 8

Omit “That any proposed piping or channelisation of the Georges River or its tributaries has any necessary approval of the Department of Land and Water Conservation under the relevant legislation.” and any note to that paragraph, wherever occurring.

[19] Clause 11, table, item 12

Omit the matter relating to “Consultation”.

[20] Clause 11, table, item 18

Omit the note from the matter relating to “Specific matters for consideration”.

[21] Clause 11, table, item 20

Omit “in accordance with a Stormwater Management Plan approved by the Director-General of the Environment Protection Authority”.

Insert instead “by or on behalf of a public authority”.

[22] Clause 11, table, item 23

Omit “as identified and mapped by the National Parks and Wildlife Service in consultation with the Department of Land and Water Conservation and NSW Fisheries”.

2.2 Hunter Regional Environmental Plan 1989

[1] Clause 16 Policies for plan preparation

Omit clause 16 (4).

[2] Clause 17 Principles

Omit “in consultation with the Environment Protection Authority,” from clause 17 (c).

[3] Clause 26 Policies for plan preparation

Omit clause 26 (1) (a).

[4] Clause 26 (2) (c)

Omit “on the advice of the Director-General of the Department of Agriculture and Fisheries, and where otherwise appropriate,”.

Insert instead “where appropriate”.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 2 Amendment of regional environmental plans

[5] Clause 26 (3) (b)

Omit “Director-General of the Department of Agriculture and Fisheries agrees”.

Insert instead “council considers”.

[6] Clause 27 Policies for control of development

Omit clause 27 (1) (a).

[7] Clause 27 (2)

Omit “account of the views of officers of the Department of Agriculture and Fisheries on”.

Insert instead “into consideration”.

[8] Clause 28 Principles

Omit “, in consultation with officers of the Department of Agriculture,” from clause 28 (1).

[9] Clauses 40 and 41

Omit the clauses.

[10] Clause 43 Policies for plan preparation

Omit “has consulted with the authority responsible for water supply and water quality in that area and” from clause 43 (1) (a).

[11] Clause 43 (1) (b)

Omit “in areas required by those authorities”.

[12] Clause 43 (1) (c)

Omit “required”. Insert instead “appropriate”.

[13] Clauses 50, 58 and 68

Omit the clauses.

2.3 Hunter Regional Environmental Plan 1989 (Heritage)

[1] Clause 6 Policies for plan preparation

Omit clause 6 (2).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of regional environmental plans

Schedule 2

[2] Clause 7 Development of heritage items

Insert at the end of clause 7 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clauses 8 and 9

Omit the clauses.

[4] Clause 11 Advertising of heritage applications

Omit clause 11 (2).

2.4 Illawarra Regional Environmental Plan No 1

[1] Clauses 12, 13, 14 (3), 16, 19, 20, 22–26, 39, 40, 42, 44, 45, 59, 60, 62–71, 73, 76–78, 102 (b), 106, 109, 110 and 114–116

Omit the clauses.

[2] Clause 14 Land supporting rainforest vegetation species

Omit “has consulted the Director of the National Parks and Wildlife Service and” from clause 14 (5).

[3] Clause 14 (6)

Omit the subclause. Insert instead:

- (6) The consent authority must not grant development consent to an application to carry out development on land to which this clause applies unless it is satisfied that:
 - (a) the development will not have a detrimental effect on the rainforest or rainforest species (such as further loss and fragmentation of rainforest species) and will not cause habitat degradation as a consequence of weed infestation, altered hydrological conditions or inappropriate fire regimes, or
 - (b) any effect referred to in paragraph (a) can be justified by other factors.

[4] Clause 15 Wildlife corridors

Omit “has consulted the Director-General of the National Parks and Wildlife Service, the Executive Director, Fisheries, Department of Agriculture, or both, and” from clause 15 (1).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 2 Amendment of regional environmental plans

[5] Clause 15 (2)

Omit the subclause. Insert instead:

- (2) The consent authority must not grant development consent to an application to carry out development on land shown on the map as a wildlife corridor that, in the opinion of the consent authority, will involve significant tree felling or vegetation clearance unless it is satisfied that:
 - (a) the development will be so managed as to not have any long-term detrimental impact on opportunities for wildlife movement, or
 - (b) the development is designed to enhance the retention and augmentation of vegetation native to the area.

[6] Division 4 of Part 2, Division 3 of Part 4, Division 2 of Part 8, Division 3 of Part 12, Division 3 of Part 13 and Division 3 of Part 15

Omit the Divisions.

[7] Parts 3, 6, 9–11, 14 and 16

Omit the Parts.

[8] Clause 139 Development applications—high rise buildings

Insert after clause 139 (1):

- (1A) This clause applies to all land in the Wollongong Plain subregion and the Shoalhaven subregion, other than land to which *Wollongong City Centre Local Environmental Plan 2007* applies.

[9] Clause 139 (2)

Omit the subclause. Insert instead:

- (2) The consent authority must not consent to a development application to erect a building or to alter an existing building by increasing its height, where the building after erection or alteration will have a height of more than 11 metres, without the concurrence of the Director.

2.5 Illawarra Regional Environmental Plan No 2—Jamberoo Valley

Clause 4, Part 2 and clauses 12 and 13

Omit the provisions.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of regional environmental plans

Schedule 2

2.6 Jervis Bay Regional Environmental Plan 1996

[1] Clause 13 Cultural heritage

Omit clauses 13 (1) and (2). Insert instead:

- (1) If a proposal is within a coastal sand dune area, on a rocky headland or on a flat, well-drained area along a major creekline, the consent authority must consider the effect of the proposal on the heritage significance of any Aboriginal object known or reasonably likely to be located at the site.

[2] Clause 14 Habitat corridors

Insert at the end of clause 14 (1) (c):

, and

- (d) be designed to enhance the retention and augmentation of vegetation native to the area.

[3] Clause 14 (3)

Omit the subclause.

[4] Clause 18 A National Park

Insert after the note to the clause:

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 18 (5)

Omit “has consulted the Director-General of National Parks and Wildlife and”.

2.7 Lower South Coast Regional Environmental Plan No 1

Clause 6 Height restrictions

Omit the clause.

2.8 Lower South Coast Regional Environmental Plan (No 2)

[1] Clause 9 Policies for plan preparation

Omit clause 9 (b) and (c).

[2] Clauses 12 and 13, Divisions 3 and 4 of Part 2, clauses 20 (3) and (4) (i), Division 2 of Part 4, clause 28 and Division 4 of Part 4, Divisions 1 and 3 of Part 5, clauses 39 and 42, Divisions 2 and 3 of Part 7 and Part 8

Omit the provisions.

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[3] Clause 20 Policies for plan preparation

Omit “(or such part of the area as may be agreed upon between the council and the Director of Planning and to which the plan applies)” and “being a strategy which has been agreed upon between the council and the Director of Planning” respectively, from clause 20 (4).

[4] Schedule 2 Guidelines for development in waterway catchments

Omit the Schedule.

2.9 North Coast Regional Environmental Plan

[1] Clause 18A Development control—mineral sands mining

Omit the clause.

[2] Clause 20 Plan preparation—rural land release strategy

Omit clause 20 (1) (b).

[3] Clause 20 (5)

Omit “agreed by the Director”. Insert instead “approved by the council”.

[4] Clause 21 Plan preparation—dwellings on rural land

Omit “which has been approved by the Director” from clause 21 (3) (b) (i).

[5] Clause 21 (3) (b) (ii)

Omit “which has been agreed to by the Director”.

[6] Clause 32A Plan preparation—coastal lands

Omit clause 32A (2) (b).

[7] Clause 35 Plan preparation—conservation areas of State and regional significance

Omit the clause.

[8] Clause 36 Development control—heritage items, generally

Insert at the end of clause 36 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[9] Clause 36A Development control—heritage items of State and regional significance

Omit clause 36A (1).

[10] Clause 36A (2)

Omit “concurrence under subclause (1), the Director shall”.

Insert instead “a consent required by clause 36 in relation to heritage items specified or described in Schedule 2, the council must”.

[11] Clause 36B Development control—heritage items of regional significance

Omit the clause.

[12] Clause 38 Plan preparation—urban land release strategy

Omit “(subject to the directions given by the Director)” from clause 38 (1).

[13] Clause 38 (3) (a)

Omit “agreed between the council and the Director”.

[14] Clause 51 Development control—Director’s concurrence for tall buildings

Omit the clause.

[15] Part 7 Miscellaneous

Omit the Part.

2.10 Sydney Regional Environmental Plan No 13—Mulgoa Valley

[1] Clause 10 Demolition applications

Omit clause 10 (1) (b).

[2] Clause 10, note

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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2.11 Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)

[1] Clause 23A Protection of heritage items and relics

Insert at the end of clause 23A (3) (b):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 23A (3) (c)

Omit the paragraph.

[3] Clause 31 Acquisition of reserved lands

Insert before clause 31 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 31 (4)

Omit “Except as provided by subclause (5), land”. Insert instead “Land”.

[5] Clause 31 (5)

Omit the subclause.

[6] Clause 31 (6)

Omit “concurrence required by subclause (5) the Director shall”.

Insert instead “consent under subclause (4), the Council must”.

2.12 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

[1] Clause 8 Development controls

Omit clause 8 (4).

[2] Clause 9 How is consultation carried out?

Omit the clause.

[3] Clause 11 Development controls

Omit the matter relating to “Consultation” from item (2).

[4] Clause 11

Omit the matter relating to “Concurrence” and “Consultation” from item (6).

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[5] Clause 11

Omit “**Director as concurrence authority**” from the heading “**Matters for consideration by the Director as concurrence authority**” from item (6).

Insert instead “**consent authority**”.

[6] Clause 11

Omit “whether sufficient attention has been given by the consent authority to” from paragraph (a) where secondly occurring in item (6).

[7] Clause 11

Omit the matter relating to “Consultation” wherever occurring in items (9), (13) and (17)–(19).

2.13 Sydney Regional Environmental Plan No 24—Homebush Bay Area

[1] Clause 14 Consultation with other public bodies

Omit clause 14 (1) (c)–(e).

[2] Clause 14 (2) (b)

Omit “28 days”. Insert instead “21 days”.

[3] Clause 20 Contaminated land

Omit clause 20 (b).

[4] Clause 22 Development in environmental conservation areas

Omit clause 22 (4).

[5] Clause 24 Protection of heritage items and heritage conservation areas

Insert at the end of clause 24 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 26 Notice of demolition to Heritage Council

Omit the clause.

[7] Clause 27 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 27 (b).

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[8] Clause 27 (b)

Omit “28 days”. Insert instead “21 days”.

[9] Clause 27 (c)

Insert at the end of clause 27 (b):

, and

- (c) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[10] Clause 28 Development affecting known or potential historical archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 28 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[11] Schedule 7 Issues to be addressed in statements of environmental effects

Omit “• Any requirements of the Director-General of the Environment Protection Authority and how these are to be complied with.” from Part 1.

[12] Schedule 7, Part 2

Omit “• The views of the Director-General of National Parks and Wildlife.”.

2.14 Sydney Regional Environmental Plan No 26—City West

[1] Clause 32 Demolition of heritage items

Omit the first and second paragraphs of the clause.

[2] Clause 32, note

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

2.15 Sydney Regional Environmental Plan No 28—Parramatta

[1] Clause 43 Protection of heritage items, heritage conservation areas and relics

Omit clause 43 (2) and (3).

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[2] Clause 45 Heritage considerations

Insert at the end of clause 45 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 48 Notice of applications for demolition to the Heritage Council

Omit the clause.

[4] Clause 50 Development of Aboriginal places or of known or potential archaeological sites of Aboriginal cultural significance

Omit “and the Director-General of National Parks and Wildlife” from clause 50 (b).

[5] Clause 50 (b)

Omit “28 days”. Insert instead “21 days”.

[6] Clause 50 (c)

Insert at the end of clause 50 (b):

, and

(c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[7] Clause 51 Development of other archaeological sites or potential archaeological sites

Omit clause 51 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[8] Clause 69 Development within foreshore building line

Omit clause 69 (6) (i).

[9] Clause 69 (6) (j)

Omit “whether adequate consultation with NSW Fisheries has occurred as to”.

[10] Clause 72 Acquisition and development of reserved land

Insert before clause 72 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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[11] Clause 72 (6)

Omit the subclause.

[12] Clause 72 (7)

Omit “concurrence under subclause (6), the public authority concerned”.

Insert instead “consent under subclause (5), the consent authority”.

[13] Clause 76 Development on flood liable land

Omit clause 76 (3).

[14] Clause 83 Acid sulfate soils

Omit clause 83 (4) (c).

2.16 Sydney Regional Environmental Plan No 31—Regional Parklands

[1] Clause 14 Matters to be taken into consideration for certain development

Omit clause 14 (1) and (4).

[2] Clause 14 (2) and (3)

Omit “concurrence should be granted for consent” and “Director-General”.

Insert instead “consent should be granted” and “Council”, respectively.

[3] Clause 15

Omit the clause. Insert instead:

15 Development near national parks

The consent authority must not grant consent to development adjoining any land reserved or dedicated under the *National Parks and Wildlife Act 1974* if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

[4] Clause 16 Cultural heritage

Omit “and the Director-General of National Parks and Wildlife” from clause 16 (5) (b).

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[5] Clause 16 (5) (b)

Omit “28 days”. Insert instead “21 days”.

2.17 Sydney Regional Environmental Plan No 33—Cooks Cove

Clause 23 Acid sulfate soils

Omit clause 23 (2) (c).

2.18 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

[1] Clause 30 Consultation available for other matters

Omit clause 30 (1).

[2] Clause 30 (4)

Omit “draft local environmental plan,”.

[3] Clause 36 Development on land comprising acid sulfate soils

Omit clause 36 (4) (c).

[4] Clause 39

Omit the clause. Insert instead:

39 Development and activities in vicinity of national parks

A consent authority must not grant consent to development in any part of the waterway that would be likely to affect land that is reserved under the *National Parks and Wildlife Act 1974* if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

[5] Clause 57 Development affecting matters of Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” wherever occurring in clause 57 (1) (b) and (2).

[6] Clause 57 (1) (b)

Omit “28 days”. Insert instead “21 days”.

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[7] Clause 57 (1) (c)

Insert at the end of clause 57 (1) (b):

, and

- (c) must be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[8] Clause 58 Development affecting matters of non-Aboriginal heritage significance

Omit clause 58 (1) (b). Insert instead:

- (b) must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[9] Clause 58 (2)

Omit the subclause.

**2.19 Western Division Regional Environmental Plan No 1—
Extractive Industries**

[1] Clause 2 Aims, objectives etc

Omit clause 2 (2) (b).

[2] Clause 2 (2) (c)

Omit “, and requiring that at a minimum, consultation must be undertaken with the Department of Water Resources, the Soil Conservation Service and the National Parks and Wildlife Service before any consent is determined”.

[3] Clause 11 Development consent—Schedule 1 land

Omit clause 11 (4).

[4] Clause 11 (5)

Omit “The Commissioner shall in determining whether concurrence”.

Insert instead “The consent authority must in determining whether consent”.

[5] Clause 12 Environmental management and rehabilitation plan required

Omit clause 12 (2)–(4).

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(Clause 5 (3))

3.1 Albury Local Environmental Plan 2000

[1] Clause 5 Definitions

Omit the definition of *Heritage Council* from clause 5 (1).

[2] Clause 37 Development of land prior to acquisition

Omit “and the concurrence of the Roads and Traffic Authority” from clause 37 (1).

[3] Clause 37 (3)

Omit the subclause.

[4] Clause 48 Protection of heritage items, heritage conservation areas, places and archaeological sites

Insert at the end of clause 48 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 51 Notification of certain development relating to heritage items

Omit the clause.

[6] Clause 52 Notification of certain development on archaeological sites or potential archaeological sites

Omit clause 52 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

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[7] Clause 52 (2) (b)

Omit the paragraph. Insert instead:

- (b) is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[8] Clause 62 Roads

Omit clause 62 (2) and (3).

3.2 Ashfield Local Environmental Plan 1985

[1] Clause 27 Acquisition etc of land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d)

Insert before clause 27 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 27 (3) and (4)

Omit the subclauses. Insert instead:

- (3) Notwithstanding clause 10, development may, with the consent of the council, be carried out for any purpose on land within a zone referred to in subclause (1) if the council is satisfied that development of the land for the purpose for which the land is zoned is not imminent.
- (4) In considering whether to grant consent under subclause (3), the council must take the following into consideration:
- (a) the imminence of development of the land for the purpose for which it is reserved,
- (b) whether the proposed development will render the land unfit for that purpose,
- (c) the cost of the reinstatement of the land for that purpose,
- (d) whether a refusal to grant consent will cause undue financial hardship to any owner, mortgagee or lessee of the land.

[3] Clause 36 Development of known or potential archaeological sites

Omit clause 36 (1) (b) and (2) (b).

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3.3 Auburn Local Environmental Plan 2000

[1] Clause 29 Land acquisition in the Special Uses 5 (b) Zone

Insert before clause 29 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 29 (4)

Omit clause 29 (4) and (5). Insert instead:

- (4) A person may, with development consent, carry out development on land zoned 5 (b) for a purpose for which development may be carried out on land in an adjoining zone or for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[3] Clause 42 Assessment of heritage applications

Insert at the end of clause 42 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 42 (3)

Omit the subclause.

[5] Clause 46 Development of archaeological sites or potential archaeological sites

Omit clause 46 (b). Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.4 Ballina Local Environmental Plan 1987

[1] Clause 9 Zone objectives and development control table

Omit “, as advised from time to time by the Department of Agriculture” wherever occurring in the matter relating to Zone No 1 (a1) (Rural (Plateau Lands Agriculture) Zone) and Zone No 1 (a2) (Rural (Coastal Lands Agriculture) Zone) in the Table to the clause.

[2] Clause 18 Items of environmental heritage

Insert at the end of clause 18 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 21 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[4] Clause 31 Use of land pending acquisition

Omit clause 31 (2) and (3).

[5] Clause 32

Omit the clause. Insert instead:

32 Development within Zone No 7 (f)

The council must not consent to the carrying out of development within Zone No 7 (f) for any purpose unless it has taken into consideration:

- (a) whether any environmental issues are involved in, or raised by, the proposed development, and
- (b) if so, whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment, and
- (c) whether the development complies with the objectives of Zone No 7 (f) as set out in the Table to clause 9.

3.5 Bankstown Local Environmental Plan 2001

[1] Clause 22 Acid sulfate soils

Omit “has also been given written advice from the Department of Land and Water Conservation” from clause 22 (3) (b).

Insert instead “has given written advice to the person carrying out the works”.

[2] Clause 22 (4) (c)

Omit the paragraph.

[3] Clause 35 Use of land before or after it is acquired

Omit “but subject to subclause (2)” from clause 35 (1).

[4] Clause 35 (2) and (3)

Omit the subclauses.

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[5] Clause 42 Development of known or potential archaeological sites

Omit clause 42 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[6] Clause 42 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[7] Clause 42 (3)

Omit “Subclause (2)”. Insert instead “Subclause (2) (a)”.

3.6 Barraba Local Environmental Plan 1990

[1] Clause 14 Subdivision for intensive agricultural pursuits

Omit clause 14 (3). Insert instead:

- (3) The Council may refer an application to subdivide land within Zone No 1 (a) that is the subject of a development application referred to in subclause (1) to an expert body, with a request for advice to be received by the Council within 40 days of the Council’s request, or such longer period as the Council may allow.

[2] Clause 27 Heritage items

Insert at the end of clause 27 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 29 Heritage advertisements

Omit clause 29 (1). Insert instead:

- (1) Except as provided by subclause (2), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of the demolition of a building or work that is a heritage item in the same way as those provisions apply to and in respect of designated development.

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3.7 Bathurst Regional (Interim) Local Environmental Plan 2005

[1] Clause 23 Protection of environmental heritage

Omit “and the Director-General of the Department of Environment and Conservation” from clause 23 (8) (b).

[2] Clause 23 (8) (b)

Omit “28 days”. Insert instead “21 days”.

[3] Clause 23 (8) (c)

Insert at the end of clause 23 (8) (b):

, and

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[4] Clause 23 (9) (b)

Omit the paragraph. Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[5] Clause 23, note

Insert at the end of clause 23 (9):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 25 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.8 Baulkham Hills Local Environmental Plan 2005

[1] Clause 5 Definitions

Omit the definition of *Heritage Council* from clause 5 (1).

[2] Clause 29 Development on land identified on Acid Sulfate Soils Planning Maps

Omit clause 29 (5) (c).

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[3] Clause 35 Protection of heritage items, relics and heritage conservation areas

Insert at the end of clause 35 (9):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 37 Notice of demolition to Heritage Council

Omit the clause.

[5] Clause 38 Development affecting archaeological sites of non-Aboriginal heritage significance

Omit clause 38 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 42 Land within Zone 5 (a) (other than community facility or local open space land) and Zone 5 (c)

Insert before clause 42 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[7] Clause 42 (3)

Omit “Until”. Insert instead “Subject to subclause (4), until”.

[8] Clause 42 (4)–(7)

Omit the subclauses. Insert instead:

- (4) The Council may grant consent to the carrying out of development on land referred to in subclause (1) (c) and (c1) to be acquired by a public authority, but only with the concurrence of that public authority.
- (5) The Council may grant consent under this clause to the carrying out of development of land to be acquired by a public authority subject to conditions requiring any one or more of the following:
- (a) the removal of the building or work for which consent is granted,
- (b) the reinstatement of the land or removal of any waste materials or refuse,
- (c) compliance with any condition requested by the Council in granting its consent.

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- (6) The Council, in considering whether to grant consent under this clause, and the public authority concerned, in considering whether to grant the concurrence required by subclause (4), must take into consideration:
- (a) the effect of the proposed development on the costs of acquisition, and
 - (b) the imminence of acquisition.
- (7) In considering whether to grant consent under subclause (3) for development on land to be acquired by Sydney Water Corporation, the Council must take into consideration, in addition to the matters referred to in subclauses (5) and (6), the following matters:
- (a) the need to ensure the efficient operation of the trunk drainage system,
 - (b) the potential threat to life and property during flood,
 - (c) the cost of reinstatement of the land for the purposes for which the land is to be acquired,
 - (d) the requirements of any management plan that Sydney Water Corporation has identified as being relevant to that land,
 - (e) any risks to Sydney Water Corporation associated with the proposal,
 - (f) the compatibility of the proposed development with a Sydney Water Corporation use,
 - (g) the proposed operating and management arrangements,
 - (h) the impact of the proposed development on Sydney Water Corporation's infrastructure.

[9] Clause 43 Land reserved for roads

Insert before clause 43 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[10] Clause 43 (4)

Omit clause 43 (4) and (5). Insert instead:

- (4) A person may, with development consent, carry out development on land within Zone 5 (b):
- (a) if the development may be carried out on land in an adjoining zone, or

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- (b) if the development is compatible with development that may be carried out on land in an adjoining zone.

[11] Clause 51 Vehicular access from urban land to a classified road

Omit clause 51 (4).

3.9 Bega Valley Local Environmental Plan 2002

[1] Clause 49 Development in Zones 7 (f1) and 7 (f2)

Omit clause 49 (1).

[2] Clause 49 (2)

Omit “In considering whether to grant concurrence required by subclause (1), the Director-General shall take into consideration”.

Insert instead “Consent must not be granted to the carrying out of development (including the clearing of land) within Zone 7 (f1) or 7 (f2) unless the consent authority has taken into consideration”.

[3] Clause 49 (2) (f)

Insert at the end of clause 49 (2) (e):

, and

- (f) the potential impacts of climate change including sea level rise.

[4] Clause 54 Acquisition of land within Zone 9 (c)

Insert before clause 54 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 54 (3)

Omit “granted with the concurrence of the RTA”.

[6] Clause 54 (4)

Omit the subclause.

[7] Clause 57 Protection of heritage items and relics

Insert at the end of clause 57 (6):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[8] Clause 60 Notice of demolition to the Heritage Council

Omit the clause.

[9] Clause 63 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 63 (b).

[10] Clause 63 (b)

Omit “28 days”. Insert instead “21 days”.

[11] Clause 64 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 64 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[12] Clause 82 Development on land identified on acid sulfate soils planning maps

Omit clause 82 (4) (c).

[13] Clause 83

Omit the clause. Insert instead:

83 Tourism development adjacent to waterways

The Council must not grant consent to the carrying out of development for the purpose of caravan parks, camping sites, ecotourism facilities, tourist accommodation or serviced apartments within 400 metres of the mean high water mark (or, where there is no mean high water mark, the top of the bank) of a river, lagoon or lake specified in Schedule 3 unless it has taken the following into consideration:

- (a) the consequences of the development being located within close proximity to the waterway,
- (b) the preservation and enhancement of the scenic quality of the foreshores,
- (c) minimising the risk of pollution of any waterway involved in the development,
- (d) the protection of foreshore ecosystems, having regard to the regional significance of the area to which the development application relates,

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- (e) the potential impacts of climate change including sea level rise.

[14] Clause 91 Development of certain land at Boydtown

Omit clause 91 (5) and (6). Insert instead:

- (5) The Council must not grant consent as referred to in subclause (4) for development for the purpose of a road within Zone 7 (f1) unless it has taken into consideration:
 - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
 - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
 - (c) the potential impacts of climate change including sea level rise.

[15] Clause 91 (12) and (15)

Omit the subclauses.

[16] Clause 96 Residential development at Government Road, Eden

Omit “that has been carried out to the satisfaction of the Roads and Traffic Authority” from clause 96 (1).

Insert instead “that has been prepared in consultation with the local traffic committee”.

3.10 Bellingen Local Environmental Plan 2003

[1] Clause 20 Development on land identified in an acid sulfate soil class

Omit clause 20 (4) (c).

[2] Clause 21 Development affected by coastal processes

Omit clause 21 (4) (b). Insert instead:

- (b) taken into consideration the potential impacts of climate change including sea level rise, and
- (c) taken into consideration coastal erosion hazards.

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[3] Clause 30

Omit the clause. Insert instead:

30 Development in Zone No 7 (f)

The Council must not grant consent to development within Zone No 7 (f) unless it has taken into consideration:

- (a) the extent to which the development will result in the degradation of, or restriction of access to, coastal recreation areas, and
- (b) the extent to which the development will adversely affect the scenic qualities of the coastal landscape, and
- (c) the likelihood of the development adversely affecting or being adversely affected by coastal processes, and
- (d) the potential impacts of climate change including sea level rise.

[4] Clause 32 Heritage items

Insert at the end of clause 32 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 35 Heritage notifications

Omit the clause.

[6] Clause 54 Acquisition of land within Zone No 9

Insert before clause 54 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[7] Clause 54 (3)

Omit “and the concurrence of the RTA”.

[8] Clause 54 (4)

Omit the subclause.

3.11 Berrigan Local Environmental Plan 1992

[1] Clause 18 Dwelling-houses within Zone No 1 (a)

Omit clause 18 (3) and (4).

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[2] Clause 26 Heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 29 Heritage advertisements

Omit clause 29 (1) (b).

[4] Clause 38

Omit the clause. Insert instead:

38 Development on travelling stock route or reserve

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve, within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

Note. The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

3.12 Bingara Local Environmental Plan 1994

[1] Clause 15 Subdivision for intensive agricultural pursuits in Zone No 1 (a)

Omit clause 15 (d).

[2] Clause 16 Residential use of rural land

Omit clause 16 (4).

[3] Clause 25 Heritage items

Insert at the end of clause 25 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[4] Clause 27 Heritage advertisements

Omit clause 27 (2).

[5] Clause 29 Aboriginal and archaeological sites

Omit clause 29 (d).

3.13 Blacktown Local Environmental Plan 1988

[1] Clause 14 Protection of heritage items and relics

Insert at the end of clause 14 (6):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 16 Notice of demolition to the Heritage Council

Omit the clause.

[3] Clause 17A Acquisition and development of land reserved for roads

Insert before clause 17A (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 17A (4)

Omit clause 17A (4) and (5). Insert instead:

- (4) A person may, with the consent of the council, carry out development on land within Zone No 5 (b):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose for which it is compatible with development that may be carried out on land in an adjoining zone.

[5] Clause 18 Development of land in Zone No 5 (a), 5 (c), 6 (a) or 6 (c)

Omit clause 18 (3) and (4). Insert instead:

- (3) The council must not grant consent as referred to in subclause (1) to the development of land to be acquired by a public authority, unless it has taken the following into consideration:
 - (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,

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- (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

[6] Clause 18 (6)

Omit “and the concurrence of the Director”.

[7] Clause 18 (8)

Omit “and the Director when deciding whether to grant concurrence under that subclause,”.

[8] Clause 20B

Omit the clause. Insert instead:

20B Development of certain land in the Parklea Release Area, Blacktown

- (1) Despite any other provision of this plan, the council must not grant consent to the carrying out of development on land within Zone No 5 (a) marked on the map “Drainage (Water Board)” or “Drainage (W.B.)” or on land within Zone No 6 (a) where that land, for the time being, is affected by the 100 year Average Recurrence Interval (ARI) flood event unless the council has consulted with Sydney Water Corporation.
- (2) Sydney Water Corporation must take the following matters into consideration when consulted under this clause:
 - (a) the need to ensure the efficient operation of the trunk drainage system in relation to water quantity and quality issues,
 - (b) the potential threat to property and life caused by water during flood,
 - (c) the effect of the proposed development on the costs of acquisition,
 - (d) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

[9] Clause 22 Land adjoining designated roads

Omit clause 22 (5).

[10] Clause 24 Services

Omit clause 24 (3).

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[11] Clause 24 (4)

Omit the subclause. Insert instead:

- (4) A person must not carry out development on any land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision of sewerage services to that land.

[12] Clause 24 (5) (a)

Omit “the Water Board and”.

[13] Clause 31 Parklea Markets

Omit clause 31 (11) (a).

[14] Clause 38 Development of part of Lot 2, DP 816611, Eastern Road, Quakers Hill and Lot 1, DP 532377, Quakers Road, Quakers Hill

Omit clause 38 (3) (a) and (e).

[15] Clause 42 Development of Lot 6, DP 835718, Quakers Road, Quakers Hill

Omit clause 42 (2). Insert instead:

- (2) In addition to any other requirements of this plan, the Council must not grant consent to development for residential purposes of the land to which this clause applies unless the Council has identified that adequate capacity exists at the Quakers Hill Sewerage Treatment Plant to accommodate demand generated by the proposed development.

[16] Clause 50 Development of certain land in the Colebee Release Area

Omit clause 50 (4).

3.14 Bland Local Environmental Plan 1993

[1] Clause 17 Additional dwellings in Zones Nos 1 (a) and 1 (c)

Omit clause 17 (4) and (5).

[2] Clause 21 Heritage items

Insert at the end of clause 21 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[3] Clause 21 (3)–(5)

Omit the subclauses.

[4] Clause 27 Protection of Aboriginal sites

Omit clause 27 (2) and (3).

3.15 Blayney Local Environmental Plan 1998

[1] Clause 26 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 26 (b).

[2] Clause 26 (b)

Omit “28 days”. Insert instead “21 days”.

[3] Clause 26A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 26A (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[4] Clause 29 Notice of demolition to Heritage Council

Omit the clause.

3.16 Blue Mountains Local Environmental Plan 1991

[1] Clause 14 Agriculture and forestry

Omit the clause.

[2] Clause 25 Heritage conservation

Insert at the end of clause 25.3:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 25.4 and 25.5

Omit the clauses.

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3.17 Blue Mountains Local Environmental Plan 2005

[1] Clause 71 Determination of development applications for heritage

Insert at the end of clause 71 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 73 Notification of demolition to the Heritage Council

Omit the clause.

[3] Clause 74 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 74 (b).

Insert instead “(in such a way as it thinks appropriate)”.

[4] Clause 74 (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 75 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance

Omit clause 75 (1) (b). Insert instead:

(b) satisfied itself that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 83 Bush fire protection for infill development

Omit clause 83 (4) (d) (ii).

[7] Clause 83 (5)

Omit the subclause. Insert instead:

(5) In deciding to grant consent referred to in subclause (3), the consent authority must take into consideration any matters that are necessary, in the opinion of the consent authority, to protect persons, property or the environment from the danger that may arise from a bush fire.

[8] Clause 99 Car parking provision

Omit clause 99 (3) (c).

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[9] Clause 122 Liquid fuel depot

Omit “granted with the concurrence of the Head of the Department for the time being engaged in the administration of the *Dangerous Goods Act 1975*” from clause 122 (1).

[10] Clause 122 (2)

Omit the subclause.

[11] Clause 123 Road transport terminal

Omit clause 123 (1). Insert instead:

- (1) This clause applies to development for the purpose of a transport terminal.

[12] Clause 124 Service stations

Omit clause 124 (c).

[13] Clause 132 Development in the Regional Transport Corridor (Road)

Omit “and the concurrence of the RTA” from clause 132 (1).

[14] Clause 132 (3)

Omit the subclause.

3.18 Blue Mountains Local Environmental Plan No 4

[1] Clause 48 Restrictions on new vehicular access

Omit the clause.

[2] Clause 49 Restrictions on development in respect of certain road proposals

Omit clause 49 (2).

[3] Clause 49 (3)

Omit “The matters which shall be taken into account by The Commissioner for Main Roads in deciding whether concurrence should be granted under subclause (2) are as follows”.

Insert instead “If the road proposed to be realigned is a main road, the council must not consent to the carrying out of those repairs and improvements unless it has taken into consideration”.

[4] Clause 49 (3) (a)

Omit “The Commissioner for Main Roads”. Insert instead “the council”.

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[5] Clause 58 Heritage conservation

Insert at the end of clause 58 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 58 (6) and (7)

Omit the subclauses.

[7] Clause 61B Certain development at Leura (McLachlan Road)

Omit clause 61B (2).

[8] Clause 61B (3)

Omit “concurrence under subclause (2), the Director shall”.

Insert instead “consent to the carrying out of development on land to which this clause applies, the council must”.

[9] Clause 62 Certain development at Leura

Omit clause 62 (1).

[10] Clause 62 (2)

Omit “concurrence under subclause (1), the Director shall”.

Insert instead “consent to the carrying out of development on land to which *Blue Mountains Local Environmental Plan No 12* applies, the council must”.

3.19 Bogan Local Environmental Plan 1991

[1] Clause 22 Heritage items

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 24 Heritage advertisements

Omit clause 24 (2) and (3).

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3.20 Bombala Local Environmental Plan 1990

[1] Clause 31 Heritage items

Insert at the end of clause 31 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 33 Heritage advertisements

Omit clause 33 (1) (b).

3.21 Botany Local Environmental Plan 1995

[1] Clause 23 Acquisition and development of land reserved for roads

Insert before clause 23 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 23 (5)

Omit clause 23 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land to which this clause applies:
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[3] Clause 30A Development on land identified on Acid Sulfate Soil Planning Map

Omit clause 30A (4) (c).

[4] Clause 31 Protection of heritage items and heritage conservation areas

Insert at the end of clause 31 (6):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 33 Notice of demolition to Heritage Council or Australian Heritage Commission

Omit the clause.

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[6] Clause 34 Development affecting known or potential archaeological sites or places of Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 34 (b).

[7] Clause 34 (b)

Omit “28 days”. Insert instead “21 days”.

[8] Clause 35 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 35 (1) (b). Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.22 Bourke Local Environmental Plan 1998

[1] Clause 13 Subdivision for the purpose of agriculture in Zone No 1 (a)

Omit clause 13 (3) (a).

[2] Clause 26 Nature conservation areas

Omit clause 26 (2) (d).

[3] Clause 29 Protection of heritage items and relics

Insert at the end of clause 29 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 30 Notice of certain heritage development applications

Omit clause 30 (2).

[5] Clause 31 Development of known or potential archaeological sites

Omit clause 31 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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[6] Clause 31 (2) (b)

Omit the paragraph.

3.23 Brewarrina Local Environmental Plan 2000

[1] Clause 29 Protection of heritage items and relics

Insert at the end of clause 29 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 30 Notice of certain heritage development applications

Omit clause 30 (2).

[3] Clause 31 Development of known or potential archaeological sites

Omit clause 31 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 31 (2) (b)

Omit the paragraph.

[5] Clause 31, note

Omit “. [This will usually but not necessarily be within the 28 days specified in clause 31 (1) (b)]”.

3.24 Broken Hill Local Environmental Plan 1996

[1] Clause 19 Protection of heritage items and relics

Insert at the end of clause 19 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 22 Notice to Heritage Council

Omit the clause.

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[3] Clause 24 Development of known or potential archaeological sites

Omit clause 24 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 24 (2) (b)

Omit the paragraph.

[5] Clause 27

Omit the clause. Insert instead:

27 Is development allowed on travelling stock routes?

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve, within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

Note. The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

3.25 Burwood Planning Scheme Ordinance

[1] Clause 74 Land uncoloured on scheme map

Omit “and the concurrence of the Commission”.

[2] Clause 75 Ribbon development control

Omit “Commission certifies to the responsible authority that it” from clause 75 (3) (b).

Insert instead “responsible authority”.

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[3] Clause 75 (3) (b)

Omit “determined by the Commission”.

Insert instead “determined by the responsible authority”.

[4] Clause 79F Heritage advertisements

Omit clause 79F (2).

[5] Clause 79F (3)

Omit “Subclauses (1) and (2) do”. Insert instead “Subclause (1) does”.

[6] Clause 79F (3)

Insert at the end of clause 79F (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[7] Clause 89 Review

Omit the clause.

3.26 Byron Local Environmental Plan 1988

[1] Clause 9 Zone objectives and development control table

Omit “, on the advice of the Department of Agriculture,” from item 1 (d) of the matter relating to Zone No 1 (b1) (Agricultural Protection (b1) Zone).

[2] Clause 11A Restriction on number of allotments of land within Zones No 1 (c1) and 1 (c2)

Omit “with the agreement of the Director” from clause 11A (2) (a).

[3] Clause 12 Subdivision in rural areas for certain other purposes

Omit “, with the concurrence of the Director General of Agriculture,” from clause 12 (3).

[4] Clause 12 (4)

Omit “concurrence” and “Director General of Agriculture shall”.

Insert instead “consent” and “council must”, respectively.

[5] Clause 19 Development relating to certain heritage items

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [6] **Clause 21 Heritage Council to be given prior notice of demolition consent**
Omit the clause.
- [7] **Clause 32 Development within Zone No 7 (f2) (Urban Coastal Land Zone)**
Omit “concurrence of the Director-General” from clause 32 (2).
Insert instead “consent of the Council”.
- [8] **Clause 32 (3)**
Omit “Director-General” and “concurrence”.
Insert instead “Council” and “consent”, respectively.
- [9] **Clause 33 Development within Zone No 7 (f1) (Coastal Lands Zone)**
Omit “and the concurrence of the Director-General” from clause 33 (2).
- [10] **Clause 33 (4)**
Omit “Director-General” and “concurrence”.
Insert instead “Council” and “consent”, respectively.
- [11] **Clause 38B Development of land at North Ocean Shores within Zone Nos 1 (b1) and 7 (k)**
Omit clause 38B (3) (a).
- [12] **Clause 44 Use of land pending acquisition**
Omit clause 44 (2) and (3). Insert instead:
- (2) The council must not grant consent to development referred to in subclause (1) on land within Zone No 9 (a) unless it has taken into consideration:
 - (a) the effect of the proposed development on the costs of the acquisition, and
 - (b) the costs of reinstatement of the land for the purposes for which the land is to be acquired, and
 - (c) the imminence of the acquisition.
- [13] **Clause 45 Provision of services**
Omit clause 45 (2).

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[14] Clause 63 Development on land identified on the Acid Sulfate Soils Planning Map

Omit clause 63 (4) (c).

3.27 Cabonne Local Environmental Plan 1991

[1] Clause 13 Subdivision for the purposes of intensive livestock keeping or irrigated agriculture and dwelling-house in Zones Nos 1 (a) and 7 (c)

Omit “may require an opinion from the Director-General of the Department of Agriculture and Fisheries or the Director of the Department of Water Resources (or both) and” from clause 13 (3).

[2] Clause 13 (6)

Omit “may require an opinion from the Director-General of the Department of Agriculture and Fisheries and”.

[3] Clause 27 Heritage items

Insert at the end of clause 27 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 30 Advertising of heritage applications

Omit “Subject to subclause (2), the”. Insert instead “The”.

[5] Clause 30 (2) and (3)

Omit the subclauses.

[6] Clause 39 Development of certain land near Mullion Creek

Omit clause 39 (3) (b).

3.28 Camden Local Environmental Plan No 45

[1] Clause 17 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 17 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[2] Clause 19 Notice to the Heritage Council

Omit the clause.

[3] Clause 20B Development of known or potential archaeological sites

Omit clause 20B (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 20B (2) (b)

Omit the paragraph.

3.29 Camden Local Environmental Plan No 46

[1] Clause 16 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 16 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 18 Notice to Heritage Council

Omit the clause.

[3] Clause 20 Development of known or potential archaeological sites

Omit clause 20 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 20 (2) (b)

Omit the paragraph.

[5] Clause 24B Clearing

Omit clause 24B (6)–(9).

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[6] Clause 26 Development within mine subsidence district

Insert after clause 26 (1):

Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

[7] Clause 26 (2)

Omit the subclause.

[8] Clause 26 (3)

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted for development on land to which this clause applies, the Council must”.

3.30 Camden Local Environmental Plan No 47

[1] Clause 14 Development within mine subsidence district

Insert after clause 14 (1):

Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

[2] Clause 14 (2)

Omit the subclause.

[3] Clause 14 (3)

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted for development on land to which this clause applies, the Council must”.

[4] Clause 18B Clearing

Omit clause 18B (6)–(9).

[5] Clause 30 Development of known or potential archaeological sites

Omit clause 30 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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- [6] **Clause 30 (2) (b)**
Omit the paragraph.

3.31 Camden Local Environmental Plan No 48

- [1] **Clause 24 Protection of heritage items and relics**

Insert at the end of clause 24 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [2] **Clause 25A Notice to the Heritage Council**

Omit the clause.

- [3] **Clause 25D Development of known or potential archaeological sites**

Omit clause 25D (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

- [4] **Clause 25D (2) (b)**
Omit the paragraph.

- [5] **Clause 29 Clearing**
Omit clause 29 (6)–(9).

- [6] **Clause 33 Mine subsidence district**
Omit the clause.

3.32 Camden Local Environmental Plan No 74—Harrington Park

- [1] **Clause 17 Restricted vehicular access**
Omit clause 17 (b).

- [2] **Clause 22B Clearing**
Omit clause 22B (6)–(9).

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[3] Clause 23 Development of known or potential archaeological sites

Omit clause 23 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 23 (2) (b)

Omit the paragraph.

[5] Clause 24 Protection of heritage items and relics

Insert at the end of clause 24 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 28 Notice to the Heritage Council

Omit the clause.

3.33 Camden Local Environmental Plan No 117—Elderslie Release Area

[1] Clause 16 Development within mine subsidence district

Insert after clause 16 (1):

Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

[2] Clause 16 (2)

Omit the subclause.

[3] Clause 16 (3)

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board”.

Insert instead “consent should be granted for development on land to which this clause applies, the Council”.

[4] Clause 27 Restricted vehicular access

Omit clause 27 (2) and (3).

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- [5] **Clause 35 Development affecting places or sites of known or potential Aboriginal heritage significance**
Omit “and the Director-General of the Department of Environment and Conservation” from clause 35 (b).
- [6] **Clause 35 (b)**
Omit “28 days”. Insert instead “21 days”.
- [7] **Clause 36 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**
Omit clause 36 (1) (b). Insert instead:
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.34 Camden Local Environmental Plan No 121—Spring Farm

- [1] **Clause 16 Development within mine subsidence district**
Insert after clause 16 (1):
Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.
- [2] **Clause 16 (2)**
Omit the subclause.
- [3] **Clause 16 (3)**
Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board”.
Insert instead “consent should be granted for development on land to which this clause applies, the Council”.
- [4] **Clause 27 Land in Zone No 5 (c)**
Insert before clause 27 (1):
Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [5] **Clause 27 (2) (b)**
Omit “under subclause (4)”.

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[6] Clause 27 (4) and (5)

Omit the subclauses. Insert instead:

- (4) A person may, with development consent, carry out development on land within Zone No 5 (c):
 - (a) if the development may be carried out on land in an adjoining zone, or
 - (b) if the development is, in the opinion of the consent authority, compatible with development that may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant consent to proposed development under this clause, the consent authority must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.

[7] Clause 30 Restricted vehicular access

Omit clause 30 (2) and (3).

[8] Clause 39 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 39 (b).

[9] Clause 39 (b)

Omit “28 days”. Insert instead “21 days”.

[10] Clause 40 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 40 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

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3.35 Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)

[1] Clause 18 Items of the environmental heritage

Insert at the end of clause 18 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 20 Heritage Council to be given notice of demolition applications

Omit the clause.

3.36 Campbelltown Local Environmental Plan No 1

[1] Clause 16 Protection of heritage items and relics

Insert at the end of clause 16 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 19 Notice to Heritage Council

Omit the clause.

3.37 Campbelltown Local Environmental Plan No 112—Macquarie Field House

[1] Clause 14 Provision of water supply and sewerage

Omit the clause.

[2] Clause 18 Heritage advertisements

Omit clause 18 (2) and (3).

3.38 Campbelltown (Urban Area) Local Environmental Plan 2002

[1] Clause 38A Development near Zone 5 (e)—Special Uses Public Purposes Corridor Zone

Omit clause 38A (3) and (4).

[2] Clause 42 Restrictions on access to or from roads within Zones 5 (b) and 5 (c)

Omit clause 42 (3) (b) and (c) and (4) (c).

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[3] Clause 44 Protection of heritage items and heritage conservation areas

Insert at the end of clause 44 (6):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 46 Notice of demolition to the Heritage Council

Omit the clause.

[5] Clause 47 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 47 (b).

[6] Clause 47 (b)

Omit “28 days”. Insert instead “21 days”.

[7] Clause 48 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 48 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[8] Clause 52 Acquisition of certain land

Insert before clause 52 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[9] Clause 52 (4) and (5)

Omit clause 52 (4)–(6). Insert instead:

- (4) In determining whether to grant consent under subclause (3), the consent authority must take the following into consideration:
 - (a) the effect of the proposed development on acquisition costs,
 - (b) the imminence of acquisition,
 - (c) the cost of reinstating the land for the purpose for which the land is zoned,
 - (d) in the case of land within Zone 5 (b), the need to carry out development on the land for the purpose of classified roads or proposed classified roads, within the meaning of the *Roads Act 1993*.

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- (5) In granting a consent referred to in subclause (3), the consent authority may impose conditions requiring:
- (a) the removal of the building or work for which it has granted consent, and
 - (b) the reinstatement of the land or removal of any waste materials or refuse, and
 - (c) compliance with any other condition required by the consent authority.

3.39 Canterbury Local Environmental Plan No 138—Canterbury Precinct

[1] Clause 22 Acquisition and development of land reserved for roads

Insert before clause 22 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 22 (3) (b)

Omit “under subclause (5)”.

[3] Clause 22 (5)

Omit clause 22 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone No 9:
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[4] Clause 24 Heritage items

Insert at the end of clause 24 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 26 Heritage advertisements

Omit clause 26 (2) and (3).

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3.40 Canterbury Local Environmental Plan No 148—Campsie Precinct

[1] Clause 22 Acquisition and development of land reserved for roads

Insert before clause 22 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 22 (3) (b)

Omit “under subclause (5)”.

[3] Clause 22 (5)

Omit clause 22 (5) and (6). Insert instead:

(5) A person may, with the consent of the Council, carry out development on land within Zone No 9:

- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
- (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[4] Clause 24 Heritage items

Insert at the end of clause 24 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 26 Heritage advertisements

Omit clause 26 (2) and (3).

3.41 Canterbury Local Environmental Plan No 178—Belmore–Lakemba Precinct

[1] Clause 22 Acquisition and development of land reserved for roads

Insert before clause 22 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 22 (3) (b)

Omit “under subclause (5)”.

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[3] Clause 22 (5)

Omit clause 22 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone No 9:
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[4] Clause 24 Heritage items

Insert at the end of clause 24 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 26 Heritage advertisements

Omit clause 26 (2).

3.42 Canterbury Planning Scheme Ordinance

[1] Clause 10 Buildings, etc, not to be erected on reserved land without consent

Omit “A consent shall not be granted under this subclause in relation to land reserved for special uses except with the consent of the Commission.” from clause 10 (2).

[2] Clause 13 Buildings, etc, not to be erected on reserved land without consent

Omit “and of the Commissioner for Main Roads” from clause 13 (2).

[3] Clause 13 (3)

Omit “, and to such conditions as the Commissioner for Main Roads requires to be imposed”.

[4] Clause 38B Heritage advertisements

Omit clause 38B (2) and (3).

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[5] Clause 56 Service stations or car repair stations

Omit clause 56 (1) (b). Insert instead:

- (b) where the site has frontage to a county road or a main road:
 - (i) and the site is not a corner lot—the frontage to such road is not less than 38 metres, or
 - (ii) and the site is a corner lot—the frontage to such road is not less than 30 metres,

[6] Clause 57 Drive-in theatres

Omit clause 57 (d).

[7] Clause 59 Controlled access roads

Omit clause 59 (5).

[8] Clause 62

Omit the clause. Insert instead:

- 62** Nothing in this Ordinance operates to prohibit the use, with the consent of the responsible authority, of a dwelling-house within Zone No 2 (a), 2 (b), 2 (c1), 2 (c2), 2 (c3) or 2 (c4) as an exhibition home.

3.43 Casino Local Environmental Plan 1992

[1] Clause 9 Zone objectives and development control table

Omit “as advised from time to time by the Department of Agriculture,” from item 1 (a) of the matter relating to Zone No 1 (a) (Rural (Agricultural Protection) Zone) in the Table to the clause.

[2] Clause 15 Closer rural settlement within Zone No 1 (b)

Omit “with the approval of the Director of the Department” from clause 15 (4).

[3] Clause 20 Acquisition of land

Insert before clause 20 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 20 (3) (b) (ii)

Omit “under subclause (4)”.

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[5] Clause 20 (4)

Omit clause 20 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9:
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose that is compatible with development which may be carried out on land in an adjoining zone.

[6] Clause 24 Arterial roads

Omit “except with the concurrence of the Roads and Traffic Authority” from clause 24 (2).

Insert instead “unless it has considered the matters referred to in subclause (1) (b)”.

[7] Clause 27 Heritage items

Insert at the end of clause 27 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[8] Clause 29 Heritage advertisements and notifications

Omit the clause.

3.44 Central Darling Local Environmental Plan 2004

[1] Clause 30 Protection of heritage items

Insert at the end of clause 30 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 31 Notice of demolition to the NSW Heritage Office

Omit the clause.

[3] Clause 32 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 32 (b).

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[4] Clause 32 (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 33 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 33 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.45 Cessnock Local Environmental Plan 1989

[1] Clause 35 Acquisition and development of land reserved for roads

Insert before clause 35 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 35 (3)

Omit “and the concurrence of the RTA”.

[3] Clause 35 (4)

Omit the subclause.

[4] Clause 36 Items of the environmental heritage

Insert at the end of clause 36 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 39 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[6] Clause 47

Omit the clause. Insert instead:

47 Development within mine subsidence districts

In determining whether to grant consent to development on land within a mine subsidence district, the Council must have regard to:

- (a) whether the proposed development is likely to conflict with the future extraction of coal, and

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(b) whether the proposed development is under threat of subsidence.

Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

[7] Clause 47 (2)

Omit “concurrence under subclause (1), the Mine Subsidence Board shall”.

Insert instead “consent to development on land within a mine subsidence district, the Council must”.

[8] Clause 48 Development of land at Kurri Kurri

Omit “and the concurrence of the Director” from clause 48 (2).

[9] Clause 48 (3)

Omit “concurrence” and “Director”.

Insert instead “consent” and “Council”, respectively.

[10] Clause 57 Hunter Employment Zone—General development of land within Zone No 4 (h), 5 (a) or 7 (b)

Omit “the consent authority has received written advice from the Roads and Traffic Authority that arrangements satisfactory to that Authority” from clause 57 (6).

Insert instead “arrangements satisfactory to the Council”.

3.46 Cobar Local Environmental Plan 2001

[1] Clause 21 Protection of heritage items

Insert at the end of clause 21 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 22 Notification of demolition to the Heritage Council

Omit the clause.

[3] Clause 23 Development of places of Aboriginal heritage significance or of known or potential archaeological sites of Aboriginal cultural significance

Omit “and the Director-General of National Parks and Wildlife” from clause 23 (b).

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[4] Clause 23 (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 24 Development of other known or potential archaeological sites

Omit clause 24 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.47 Coffs Harbour City Local Environmental Plan 2000

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

Insert after the heading to the clause:

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 20 (5)

Omit “granted and concurrence of the public authority (if any) other than the consent authority responsible for its acquisition”.

[3] Clause 20 (7) (b) (ii)

Omit “under subclause (5)”.

[4] Clause 20 (8)

Omit the subclause. Insert instead:

- (8) The Council must take the following matters into consideration in deciding whether to grant consent to proposed development as required by subclause (5):
 - (a) the need to carry out development on the land for the purpose for which the land is reserved,
 - (b) whether the proposed development will render the land unfit for that purpose,
 - (c) the imminence of acquisition,
 - (d) the likely additional cost to the public authority responsible for acquisition resulting from the carrying out of the proposed development,
 - (e) whether a refusal to grant consent will cause undue financial hardship to any owner, mortgagee or lessee of the land.

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[5] Clause 23 Environmental hazards

Omit clause 23 (4) (c).

3.48 Conargo Local Environmental Plan 1987

Clause 14 Consultation with the Director-General, Department of Agriculture

Omit the clause.

3.49 Coolah Local Environmental Plan 2000

[1] Clause 10 Consideration of proposed development within rural zones

Omit “no” from clause 10 (4). Insert instead “not”.

[2] Clause 10 (5)

Omit the subclause. Insert instead:

- (5) The Council must not grant consent to development on land that is located within 150 metres of a National Park or nature reserve boundary if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

[3] Clause 12 Subdivision for the purpose of agriculture in Zone No 1 (a)

Omit clause 12 (4) (f).

[4] Clause 24

Omit the clause. Insert instead:

24 Development on land adjoining land within Zone 8 (a)

The Council must not grant consent to development of land that adjoins land within Zone 8 (a), or has the potential to impact on land within that Zone, unless it has taken into consideration the environmental impact of the proposed development on the relevant adjoining land.

Note. The website of the Department of Environment and Climate Change has publications that provide guidance on development that may impact on areas managed by that Department (for example, the *Guidelines for developments adjoining Department of Environment and Climate Change land*).

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[5] Clause 29 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 29 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 31 Notice to the Heritage Council

Omit the clause.

[7] Clause 32 Development of known or potential archaeological sites

Omit clause 32 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[8] Clause 32 (2) (b)

Omit the paragraph.

[9] Clause 33 Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

Omit clause 33 (2) (a). Insert instead:

- (a) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted, and

3.50 Coolamon Local Environmental Plan 1995

[1] Clause 23 Protection of heritage items and heritage conservation areas

Insert at the end of clause 23 (6):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 26 Notice of demolition to the Heritage Council

Omit the clause.

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[3] Clause 27 Development affecting places of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 27 (b).

[4] Clause 27 (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 28 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 28 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.51 Cooma-Monaro Local Environmental Plan 1993—(Urban)

[1] Clause 16 Flooding

Omit clause 16 (4). Insert instead:

- (4) For the purposes of subclauses (2) and (3), the council must have regard to the principles of the New South Wales Government’s Flood Prone Land Policy and any floodplain risk management plan adopted by the council in accordance with the principles contained in the New South Wales Government’s *Floodplain Development Manual: the management of flood liable land* (April 2005, ISBN 0 7347 5476 0).

[2] Clause 18 Heritage items

Insert at the end of clause 18 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 21 Heritage advertisements

Omit clause 21 (1) (b).

3.52 Cooma-Monaro Local Environmental Plan 1999—(Rural)

[1] Clause 17 Heritage

Insert at the end of clause 17 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 17 (5) (b)

Omit the paragraph. Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[3] Clause 17 (6) (b)

Omit the paragraph.

3.53 Coonabarabran Local Environmental Plan 1990

[1] Clause 27 Heritage items

Insert at the end of clause 27 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 29 Heritage advertisements

Omit clause 29 (1) (b).

3.54 Coonamble Local Environmental Plan 1997

[1] Clause 24 Heritage items

Insert at the end of clause 24 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 27 Heritage advertisements

Omit clause 27 (2).

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3.55 Copmanhurst Local Environmental Plan 1990

[1] Clause 16 Matters to be considered

Omit “consulted with the Director of National Parks and Wildlife” from clause 16 (3).

Insert instead “notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the relevant notice is sent”.

[2] Clause 18 Subdivision and dwelling-houses on certain land in Zone No 1 (a)—allotments less than 40 hectares

Omit “with the approval of the Director” from clause 18 (2) (e).

[3] Clause 26 Protection of heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 28 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[5] Schedule 4 Principles and criteria of assessment in respect of development in rural and environmental protection zones

Omit “and all applications for subdivision on land identified as Class 1, 2 and 3 or unique horticultural on the Department’s Classification Agricultural Land Maps shall be referred to the Department of Agriculture for comment.” from clause 10.

3.56 Corowa Local Environmental Plan 1989

[1] Clause 25 Items of environmental heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 28 Heritage advertisements

Omit clause 28 (1A).

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[3] Clause 28 (2)

Omit “and (1A)”.

3.57 Cowra Local Environmental Plan 1990

[1] Clause 41 Heritage items

Insert at the end of clause 41 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 41 (4) and (5)

Omit the subclauses.

3.58 Crookwell Local Environmental Plan 1994

[1] Clause 31 What controls apply to the development of heritage items?

Insert at the end of clause 31 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 34 Do applications relating to heritage items need to be advertised?

Omit clause 34 (2).

[3] Clause 34 (3)

Omit “Subclauses (1) and (2) do”. Insert instead “Subclause (1) does”.

3.59 Culcairn Local Environmental Plan 1998

[1] Clause 29 Protection of heritage items, heritage conservation areas and relics referred to in Schedule 1

Insert at the end of clause 29 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 31 Notice to the Heritage Council

Omit the clause.

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[3] Clause 32 Development of known or potential archaeological heritage sites

Omit clause 32 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 32 (2) (b)

Omit the paragraph.

3.60 Deniliquin Local Environmental Plan 1997

[1] Clause 22 Protection of heritage items, conservation areas and relics

Insert at the end of clause 22 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 24 Notice to the Heritage Council

Omit the clause.

[3] Clause 25 Development of known or potential Aboriginal heritage sites

Omit clause 25 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 25 (2) (b)

Omit the paragraph.

[5] Clause 31

Omit the clause. Insert instead:

31 Development on travelling stock routes

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock

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reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

Note. The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

3.61 Dubbo Local Environmental Plan 1997—Rural Areas

[1] Clause 7 Environmental management

Omit “and, in the case of potentially contaminating activities on land identified by the Council as being of high vulnerability, the comments from the Director-General of the Department of Land and Water Conservation and the Director-General of the Environment Protection Authority” from clause 7 (e).

[2] Clause 16

Omit the clause. Insert instead:

16 Development on land within or adjoining Zone 8 land

The Council must not grant consent to development on land within or adjoining Zone 8 land if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

[3] Clause 28 Dryland salinity

Omit clause 28 (5) (b).

[4] Clause 32 Subdivision

Omit clause 32 (4).

[5] Clause 38A Dryland salinity

Omit clause 38A (5) (b).

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[6] Clause 49 Dryland salinity

Omit clause 49 (5) (b).

[7] Clause 61A Dryland salinity

Omit clause 61A (5) (b).

[8] Clause 64 Protection of heritage items and relics, incorporating Aboriginal cultural heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[9] Clause 67 Heritage advertisements

Omit clause 67 (2).

3.62 Dubbo Local Environmental Plan 1998—Urban Areas

[1] Clause 7 Environmental management

Omit “and, in the case of potentially contaminating activities on land identified by the Council as being of high vulnerability, the comments of the Director-General of the Department of Land and Water Conservation and the Director-General of the Environment Protection Authority” from clause 7 (5).

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

Omit clause 60 (7) (b).

[3] Clause 65 Protection of heritage items and relics

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 68 Heritage advertisements

Omit clause 68 (2).

[5] Clause 70 Archaeology

Omit “and the Director-General of the Department of Environment and Conservation” from clause 70 (1) (b).

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[6] Clause 70 (1) (b)

Omit “28 days”. Insert instead “21 days”.

[7] Clause 70 (2) (b)

Omit the paragraph. Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.63 Dungog Local Environmental Plan 2006

Clause 25 Heritage

Omit clause 25 (2). Insert instead:

- (2) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item, heritage conservation area or place of Aboriginal heritage concerned, and may only grant consent if it has considered a heritage impact statement prepared for the proposed development.
- (2A) If the proposed development is likely to have an impact on a place of Aboriginal heritage, the consent authority must:
 - (a) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent, and
 - (b) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2B) If the proposed development is likely to have an impact on a place of heritage significance to the State, other than a place of Aboriginal heritage, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.64 Eurobodalla Rural Local Environmental Plan 1987

[1] Clause 13 Subdivision of land within Zone No 1 (a), 1 (a1), 7 (f1) or 7 (f2)

Omit clause 13 (2).

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[2] Clause 21 Recreation establishments and tourist recreation facilities within Zone No 1 (a), 1 (a1) or 1 (c)

Insert at the end of clause 21 (3) (b):

, and

- (c) the proposed development is not likely to adversely affect the scenic and ecological significance of the environment, particularly the water quality or the native vegetation of the surrounding area.

[3] Clause 21 (4) and (5)

Omit the subclauses.

[4] Clause 22A Development in Zones No 7 (f1) and 7 (f2)

Omit clause 22A (2).

[5] Clause 22A (3)

Omit “concurrence under subclause (2), the Director shall”.

Insert instead “consent to development on land to which this clause applies, the Council must”.

[6] Clause 22A (3) (d)

Insert at the end of clause 22A (3) (c):

, and

- (d) the potential impacts of climate change including sea level rise.

[7] Clause 26 Protection of heritage items and heritage conservation areas

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[8] Clause 28 Notice of demolition to the Heritage Council

Omit the clause.

[9] Clause 28A Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 28A (b).

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- [10] **Clause 28A (b)**
Omit “28 days”. Insert instead “21 days”.
- [11] **Clause 28B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**
Omit clause 28B (1) (b). Insert instead:
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [12] **Clause 29A Acquisition and development of land reserved for roads**
Insert before clause 29A (1):
Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [13] **Clause 29A (3)**
Omit “and the concurrence of the RTA”.
- [14] **Clause 29A (4)**
Omit the subclause.
- 3.65 Eurobodalla Urban Local Environmental Plan 1999**
- [1] **Clause 37 How is land zoned for main roads acquired from the owner and how may it be used in the interim?**
Insert before clause 37 (1):
Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [2] **Clause 37 (3) (b) (ii)**
Omit “required by subclause (4)”.
- [3] **Clause 37 (4)**
Omit “and the concurrence of the RTA”.
- [4] **Clause 37 (5)**
Omit the subclause.
- [5] **Clause 63 What general controls apply to land near major roads?**
Omit “or as may be indicated to the Council from time to time by the RTA or any associated intention to declare part of a road as a State highway or freeway, within the meaning of the *Roads Act 1993*” from clause 63 (4) (d).

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[6] Clause 63 (4) (f)

Omit the paragraph.

[7] Clause 69 What special controls apply to development in heritage conservation areas?

Insert at the end of clause 69 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[8] Clause 72 What advertising is required for heritage items?

Omit clause 72 (2).

[9] Clause 73 What special controls apply to development on archaeological sites that have Aboriginal or non-Aboriginal heritage significance?

Omit clause 73 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[10] Clause 73 (2) (b)

Omit the paragraph.

3.66 Fairfield Local Environmental Plan 1994

[1] Clause 11 Development of flood-liaible land

Omit clause 11 (3).

[2] Clause 15 What provision must be made for water, sewerage, drainage and electricity?

Omit “relevant authority”. Insert instead “Council”.

[3] Clause 17 What restrictions apply to extractive industries?

Omit “and (in the case of sites within 20 metres of the top of the bank of any creek) the Department of Water Resources” from clause 17 (3).

[4] Clause 18 Extractive industries in the Chipping Norton Lake Development Area

Omit clause 18 (5) and (6).

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[5] Clause 25H Bonnyrigg Town Centre

Omit clause 25H (11) (b).

[6] Clause 27A Development on land identified on acid sulfate soil planning map

Omit clause 27A (4) (c).

[7] Clause 28 What requirements are there for the acquisition and development of land in the 5 (a) and 5 (c) zones and the 6 (a) and 6 (c) zones?

Insert before clause 28 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[8] Clause 28 (4)

Omit clause 28 (4)–(6). Insert instead:

- (4) The Council must not grant consent to the carrying out of development on land to be acquired by a public authority, unless it has taken the following into consideration:
- (a) the effect of the proposed development on acquisition costs,
 - (b) the imminence of acquisition,
 - (c) the cost of reinstating the land for the purposes for which the land is reserved.

[9] Clause 29 What requirements are there for the acquisition and development of land zoned 5 (b)?

Insert before clause 29 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[10] Clause 29 (1A) (b)

Omit “referred to in subclause (4)”.

[11] Clause 29 (3)

Omit the subclause. Insert instead:

- (3) A person may carry out development on land within Zone 5 (b) subject to the consent of the Council.

[12] Clause 29 (4)

Omit “and concurrences”.

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[13] Clause 29 (5)

Omit the subclause.

[14] Clause 30 Restrictions applying to heritage items

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[15] Clause 33 Notice to the Heritage Council (Items of State Significance)

Omit the clause.

3.67 Forbes Local Environmental Plan 1986

Clause 10 Flood liable land

Omit “in consultation with the Water Resources Commission” from clause 10 (2) (a).

3.68 Gilgandra Local Environmental Plan 2004

[1] Clause 14 Control of subdivision for agriculture

Omit “Director-General” from clause 14 (4). Insert instead “Council”.

[2] Clause 28 Protection of heritage items and relics

Insert at the end of clause 28 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 31 Heritage advertisements

Omit clause 31 (2).

[4] Clause 33 Archaeology

Omit clause 33 (1) (b) and (2) (b).

[5] Clause 36 Development along National Highways, State Highways, main roads or collector roads

Omit clause 36 (a).

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3.69 Glen Innes Local Environmental Plan 1991

[1] Clause 13 Subdivision and development within Zone No 1 (a1)

Omit clause 13 (2) and (3).

[2] Clause 14 Subdivision and development within Zone No 1 (a) for rural-residential purposes

Omit “with the approval of the Director of Planning” from clause 14 (7).

[3] Clause 16 Heritage items

Insert at the end of clause 16 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 18 Heritage advertisements

Omit clause 18 (1) (b).

[5] Clause 31 Construction of earth water storage facilities: dams

Omit clause 31 (2) (a).

3.70 Gloucester Local Environmental Plan 2000

[1] Clause 42 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 42 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 44 Notice to Heritage Council

Omit the clause.

[3] Clause 45 Development of known or potential archaeological sites

Omit clause 45 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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[4] Clause 45 (2) (b)

Omit the paragraph.

3.71 Gosford City Centre Local Environmental Plan 2005

[1] Clause 26 Consent required for certain development

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 31 Development of known or potential archaeological sites

Omit clause 31 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[3] Clause 32 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of Department of Environment and Conservation” from clause 32 (b).

[4] Clause 32 (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 33 Notice to the Heritage Council

Omit the clause.

3.72 Gosford City Centre Local Environmental Plan 2007

[1] Clause 26 Development on proposed classified road

Omit clause 26 (1) (a) and (2).

[2] Clause 31 Development in proximity to a rail corridor

Omit “recommended by Rail Corporation New South Wales for development of that kind” from clause 31 (3).

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[3] Clause 35 Heritage conservation

Omit clause 35 (6). Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[4] Clause 35 (7) (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 35 (8)

Omit the subclause.

[6] Clause 35 (9)

Insert at the end of the subclause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

3.73 Gosford Local Environmental Plan No 22

[1] Clause 16A Heritage conservation

Omit clause 16A (6). Insert instead:

(6) The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[2] Clause 16A (7) (b)

Omit “28 days”. Insert instead “21 days”.

[3] Clause 16A (8)

Omit the subclause.

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[4] Clause 16A (9)

Insert at the end of the subclause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 18

Omit the clause. Insert instead:

18 Proposed new roads connecting with Wisemans Ferry Road

The Council must not provide, or permit the opening of, a new road connecting with Wisemans Ferry Road unless it has taken into consideration the effect that the road may have on traffic congestion on Wisemans Ferry Road and whether satisfactory provision has been made for limiting traffic congestion on Wisemans Ferry Road.

3.74 Gosford Planning Scheme Ordinance

[1] Clause 7 Buildings etc. not to be erected without consent on reserved land

Omit clause 7 (4). Insert instead:

- (4) A consent must not be granted under this clause in relation to land reserved for special uses (other than special uses—parking), unless the consent authority has taken the following into consideration:
- (a) the impact of the proposed development on the existing or likely future use of the land,
 - (b) the need for the proposed development on the land,
 - (c) the need to retain the land for its existing and likely future use.

[2] Clause 49 Development on bed of lakes, rivers, etc.

Omit clause 49 (2) and (3).

[3] Clause 49BA Development near boundary of certain adjoining zones

Omit “and the concurrence of the Director” from clause 49BA (2).

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[4] Clause 49T Heritage conservation

Insert at the end of clause 49T (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 49T (6)

Omit the subclause. Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 49T (7) (b)

Omit “28 days”. Insert instead “21 days”.

[7] Clause 49T (8)

Omit the subclause.

3.75 Goulburn Local Environmental Plan 1990

[1] Clause 14 Acquisition of land

Insert before clause 14 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 14 (4) (b) (ii)

Omit “Roads and Traffic Authority has decided not to give concurrence”.

Insert instead “Council has decided not to give consent”.

[3] Clause 15 Development of reserved land pending acquisition

Omit clause 15 (2) and (5).

[4] Clause 19 Subdivision for agricultural purposes in Zone No 1 (a), 1 (b), 1 (d) or 7

Omit “consult with the Director-General of the Department of Agriculture and Fisheries and the Commissioner of the Soil Conservation Service, and may also” from clause 19 (3).

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[5] Clause 31 Heritage items

Insert at the end of clause 31 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 34 Advertisements

Omit clause 34 (2).

[7] Clause 37 Development in drainage lines

Omit clause 37 (3).

[8] Clause 42 Restrictions on access

Omit clause 42 (1).

3.76 Grafton Local Environmental Plan 1988

[1] Clause 14 Ancillary dwellings

Omit clause 14 (d).

[2] Clause 26 Use of land pending acquisition

Omit clause 26 (2).

[3] Clause 26 (3)

Omit “concurrence under subclause (2), the Commissioner for Main Roads shall”.

Insert instead “consent under subclause (1), the Council must”.

[4] Clause 28 Items of the environmental heritage

Insert at the end of clause 28 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 31 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[6] Clause 40 Development on land identified on Acid Sulfate Soils Planning Map

Omit clause 40 (4) (c).

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3.77 Great Lakes Local Environmental Plan 1996

[1] Clause 20 Land acquisition

Insert before clause 20 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 20 (4) (b)

Omit “under subclause (6)”.

[3] Clause 20 (6)

Omit “and concurrence of the RTA”.

[4] Clause 20 (7)

Omit the subclause.

[5] Clause 21 Heritage

Omit clause 21 (4) (and the heading above the subclause) and (8) (b).

[6] Clause 21 (5)

Insert at the end of the subclause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[7] Clause 21 (7) (b)

Omit the paragraph. Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[8] Clause 21 (11)

Omit the subclause and the heading above the subclause.

[9] Clause 28 Concurrence provisions mineral sand mines

Omit the clause.

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[10] Clause 29

Omit the clause. Insert instead:

29 Development on coastal lands

- (1) This clause applies to land within Zone 7 (f1) or 7 (f2).
- (2) Consent must not be granted to development on land to which this clause applies unless the council has taken into consideration the matters referred to in clause 5.5 (2) of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* and is satisfied as to the matters referred to in clause 5.5 (3) of that instrument.
- (3) The council must not grant consent to development on land in Zone 7 (f2) unless it has taken into consideration:
 - (a) the extent to which the proposed development is likely to affect the scenic and environmental qualities of the coastal landscape, headlands, dune systems and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant, and
 - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
 - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands.

[11] Clause 33A Development at Myall Quays

Omit clause 33A (2) (b).

[12] Clause 33A (2) (c)

Omit “considering whether to give concurrence, as referred to in paragraph (b), the Department”.

Insert instead “determining an application for development to which this clause applies, the Council”.

3.78 Greater Taree Local Environmental Plan 1995

[1] Clause 16 Subdivision and development within Zone No 1 (c1) or 1 (c2)

Omit “the Director-General and notified in writing to” from clause 16 (7).

[2] Clause 16 (7A)

Omit the subclause.

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[3] Clause 24 Environmental Protection zones which apply in this plan

Omit the matter relating to “Only with consent” from the matter relating to Zone No 7 (f1) (Environmental Protection Coastal Lands) and Zone No 7 (f2) (Environmental Protection Coastal Lands Acquisition) in the development control table.

[4] Clause 24, table

Omit “and with the concurrence of the Director of Planning” from the heading in the matter relating to Zone No 7 (f1) (Environmental Protection Coastal Lands) and Zone No 7 (f2) (Environmental Protection Coastal Lands Acquisition).

[5] Clause 24, table

Omit “, or those permissible with consent and the concurrence of the Director of Planning” under the heading “Prohibited” in the matter relating to Zone No 7 (f1) (Environmental Protection Coastal Lands) and Zone No 7 (f2) (Environmental Protection Coastal Lands Acquisition).

[6] Clause 29 Development within Coastal Protection zones

Omit “, and the Director of Planning may concur in the granting of such consent only if the Director,”.

[7] Clause 29 (f)

Insert at the end of clause 29 (e):

, and

- (f) the potential impacts of climate change including sea level rise.

[8] Clause 33 Acquisition of land reserved for roads in Zone No 9 (a)

Insert before clause 33 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[9] Clause 33 (2) (b)

Omit “under subclause (4)”.

[10] Clause 33 (3)

Omit “With the concurrence of the RTA, the”. Insert instead “The”.

[11] Clause 33 (4)

Omit the subclause.

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[12] Clause 34

Omit the clause. Insert instead:

34 Major roads: relocation and access

A road or other means of access which forms an intersection with an arterial road may be opened only with the consent of the Council.

[13] Clause 40 Use of land pending acquisition

Omit “7 (f2) or” from clause 40 (2).

[14] Clause 53 Landfill and drainage

Omit clause 53 (2).

[15] Clause 54 Extractive industries and mines

Omit clause 54 (2) and (3).

[16] Clause 58 Heritage items and heritage conservation areas

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[17] Clause 61 Notification to the Heritage Council

Omit the clause.

3.79 Griffith Local Environmental Plan 2002

[1] Clause 13 Conversion of irrigation land for horticultural purposes

Omit “documentation from the Department of Agriculture advising that” from clause 13 (2).

Insert instead “whether”.

[2] Clause 27 Land subject to bushfire hazards

Insert at the end of clause 27 (1) (c):

, and

- (d) adequate provision is made for the design, construction and maintenance of fire breaks in order to minimise erosion and sedimentation.

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[3] Clause 27 (2)

Omit the subclause.

[4] Clause 32 Protection of heritage items and heritage conservation areas

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 34 Notice of demolition to the Heritage Council

Omit the clause.

[6] Clause 35 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 35 (b).

[7] Clause 35 (b)

Omit “28 days”. Insert instead “21 days”.

[8] Clause 36 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 36 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.80 Gunnedah Local Environmental Plan 1998

[1] Clause 13 Can land within Zone No 1 (a) or 1 (b) be subdivided for intensive agricultural purposes?

Omit clause 13 (3).

[2] Clause 30 How does Council aim to protect heritage items, conservation areas and relics?

Insert at the end of clause 30 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[3] Clause 31 Is the Heritage Council to be given prior notice of any consent for demolition?

Omit the clause.

[4] Clause 33 Is the development of known or potential archaeological sites permitted by this plan?

Omit clause 33 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[5] Clause 33 (2) (b)

Omit the paragraph.

3.81 Gunning Local Environmental Plan 1997

[1] Clause 11 What must the Council consider before consenting to a subdivision of land in Zone 1 (a)?

Omit clause 11 (h).

[2] Clause 30 What controls apply to the development of heritage items, heritage conservation areas and relics?

Insert at the end of clause 30 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 33 Council must notify the Heritage Council

Omit the clause.

3.82 Guyra Local Environmental Plan 1988

[1] Clause 12 Subdivision of land within Zone No 1 (c)

Omit “and agreed to by the Director-General of the Department of Urban Affairs and Planning” from clause 12 (5).

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[2] Clause 15 Items of the environmental heritage

Insert at the end of clause 15 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 18 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.83 Hastings Local Environmental Plan 1987

[1] Clause 15 Subdivision of land for rural residential purposes

Omit clause 15 (2A).

[2] Clause 15 (3A)

Omit “The matters on which the Commissioner of the Soil Conservation Service shall be consulted pursuant to subclause (2A) are”.

Insert instead “In determining whether to grant consent for subdivision under this clause, the Council must take into consideration”.

[3] Clause 15A Subdivision of land for co-operative farming purposes

Omit clauses 15A (5)–(7).

[4] Clause 15A (8) (a) (vi)

Insert after clause 15A (8) (a) (v):

(vi) the soil conservation measures undertaken or proposed to be undertaken are adequate.

[5] Clause 15A (8) (b)

Omit the paragraph.

[6] Clause 15A (11)

Omit “to such a number as advised to the Council by the Director”.

Insert instead “by the Council”.

[7] Clause 15A (12)

Omit “Director”. Insert instead “Council”.

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[8] Clause 17 Subdivision of certain land within Zone No 1 (a1) or (c1)—maximum number of allotments

Omit “, but must not be fixed unless the quota has been approved by the Director” from clause 17 (2).

[9] Clause 17 (3) (a)

Omit “the Director and”.

[10] Clause 17 (3) (b)

Omit “Director”. Insert instead “Council”.

[11] Clause 20A Development within Zone No 1 (a2), 2 (a2), 7 (a), 7 (b), 7 (d) or 7 (h)

Omit clause 20A (4) and (5).

[12] Clause 20A (6) (d)

Omit the paragraph.

[13] Clause 20A (7)

Insert after clause 20A (6):

- (7) The Council must not grant consent pursuant to this clause unless it is of the opinion that the proposed development will have a minimal impact on native flora and fauna.

[14] Clause 23B Mineral sand mines

Omit “except with the concurrence of the Director of Planning.” from clause 23B (1).

Insert instead:

unless it has taken into consideration:

- (a) the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
- (b) the likelihood of the proposed development adversely affecting the landscape, vegetation or scenic quality of the locality, and
- (c) the effects of the proposed development on flora, fauna and aboriginal archaeological sites.

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[15] Clause 23B (2)–(4)

Omit the subclauses.

[16] Clause 29AA Multiple occupancy

Omit clause 29AA (1)–(3). Insert instead:

- (1) The Council must, in respect of an application for consent to carry out development for the purposes of multiple occupancy, not determine such an application until it has taken into consideration:
 - (a) the effects of the proposed development on the present and potential agricultural use of the land and of land in the vicinity, and
 - (b) topographic and soil limitations with respect to house and access track location and construction, and
 - (c) vegetation disturbance, and
 - (d) effluent disposal.

[17] Clause 29AA (4) (h)

Omit the paragraph.

[18] Clause 30 Canal and marina development

Omit clause 30 (4), (5) and (7).

[19] Clause 34 Development—Zone No 7 (f1) or 7 (f2)

Omit “and the concurrence of the Director” from clause 34 (2).

[20] Clause 34 (3)

Omit “Director” and “concurrence”.

Insert instead “Council” and “consent”, respectively.

[21] Clause 36 Use of land within Zone No 9 (b) pending acquisition

Omit “and the concurrence of the Commissioner for Main Roads” from clause 36 (1).

[22] Clause 36 (4)

Omit the subclause.

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[23] Clause 42 Heritage items

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[24] Clause 44 Heritage advertisements

Omit clause 44 (2) and (3).

[25] Clause 52 Development of certain land at Deauville

Omit clause 52 (4)–(6).

[26] Clause 52 (8) (a) (iv)

Omit the subparagraph. Insert instead:

- (iv) the Council is satisfied with the adequacy of soil conservation measures undertaken or proposed to be undertaken and the adequacy of the allotments to provide on site disposal of sewage and domestic waste, and

[27] Clause 53 Development of certain land at Kenwood Drive, Lake Cathie

Omit clause 53 (2)–(7). Insert instead:

- (2) The Council must, in respect of an application for consent for subdivision of land to which this clause applies, not grant consent unless it has taken into consideration:
 - (a) the impact on the quality or quantity of flows of water to the coastal wetland and fishery habitat, and
 - (b) whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution, and
 - (c) the adequacy of soil conservation measures proposed to be undertaken in order to minimise erosion of the land and adjoining land, and
 - (d) the impact on the adjoining wetlands and fisheries habitat of runoff during and after construction, and
 - (e) the impact on the Lake Innes—Lake Cathie waterway system, and
 - (f) the implications of possible restoration of Lake Innes as a freshwater lake, and
 - (g) the protection of any osprey nest, and

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- (h) the latest information on potential flood levels affecting the land, and
 - (i) the potential impacts of climate change including sea level rise.

3.84 Hastings Local Environmental Plan 2001

[1] Clause 19 Landform alteration in Zone 7 (a), 7 (d) or 7 (h)

Omit clause 19 (3) and (4).

[2] Clause 19 (5) (c)

Insert at the end of the paragraph:

, and

- (d) the likely environmental effect of the proposed development on flora and fauna.

[3] Clause 22

Omit the clause. Insert instead:

22 Development in Zone 7 (f1)

- (1) In determining whether to grant consent for development in Zone 7 (f1), the consent authority must take into consideration:
 - (a) the likelihood of the proposed development adversely affecting, or being adversely affected by, the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
 - (b) the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or floodplain of the sea or any arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
 - (c) the likelihood of the proposed development adversely affecting the landscape or scenic quality of the locality, and
 - (d) the potential impacts of climate change including sea level rise.

[4] Clause 33 Heritage items

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 35 Notification of Heritage Council

Omit the clause.

3.85 Hawkesbury Local Environmental Plan 1989

[1] Clause 18 Provision of water, sewerage etc services

Omit clause 18 (2).

[2] Clause 27 Heritage items

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 30 Heritage advertisements

Omit clause 30 (1) (b).

[4] Clause 31 Acquisition and use of reserved land

Insert before clause 31 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 31 (6)

Omit clause 31 (6) and (7). Insert instead:

- (6) The Council must not grant consent as referred to in subclause (5) to the development of land to be acquired by the public authority specified in Column 1 of Part 2 of the Table to this clause, unless it has taken the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,
 - (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

[6] Clause 33A Development of land at Yarramundi (Nepean Park)

Omit clause 33A (8) (a).

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[7] Clause 33A (8) (b)

Omit “State Pollution Control Commission have been made with that Commission”.

Insert instead “Council have been made”.

[8] Clause 37A Development on land identified on Acid Sulfate Soils Planning Map

Omit clause 37A (4) (c).

[9] Clause 41A Certain development at Comleroy Road, Kurrajong

Omit “arrangements satisfactory to the Environment Protection Authority” from clause 41A (2).

Insert instead “satisfactory arrangements”.

[10] Clause 54 Pitt Town—heritage

Omit clause 54 (3) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[11] Clause 54 (4) (b)

Omit the paragraph. Insert instead:

- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent, and
- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

3.86 Hay Local Environmental Plan 1998

[1] Clause 18 Environmentally sensitive land

Omit “Department of Land and Water Conservation” from clause 18 (2).

Insert instead “Council”.

[2] Clause 20 Protection of heritage items and relics

Insert at the end of clause 20 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 22 Notice to Heritage Council

Omit the clause.

[4] Clause 23 Development of potential archaeological sites

Omit clause 23 (1) (b) and (2) (b).

[5] Clause 28 Development along rivers

Omit “a vegetation management plan approved by the Department of Land and Water Conservation” from clause 28 (1) (a).

Insert instead “the *Native Vegetation Act 2003*”.

3.87 Holroyd Local Environmental Plan 1991

[1] Clause 12 Acquisition and development on land zoned 7 (a)

Insert before clause 12 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 12 (2) (b)

Omit “under subclause (4)”.

[3] Clause 12 (4)

Omit clause 12 (4) and (5). Insert instead:

(4) A person may, with the consent of the council, carry out a development on land within Zone No 7 (a):

(a) for a purpose for which development may be carried out on land in an adjoining zone, or

(b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[4] Clause 15 Acquisition and development of land reserved for public transport corridor

Insert before clause 15 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 15 (2) (b)

Omit “under subclause (3)”.

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- [6] **Clause 15 (3)**
Omit “and the concurrence of the Corporation”.
- [7] **Clause 15 (4)**
Omit “concurrence to proposed development under this clause, the Corporation”.
Insert instead “consent to proposed development under this clause, the council”.
- [8] **Clause 15 (4) (c)**
Omit “to the Corporation”. Insert instead “of acquisition”.
- [9] **Clause 41 Development on land identified on Acid Sulfate Soils Planning Map**
Omit clause 41 (4) (c).
- [10] **Clause 44 Protection of heritage items, heritage conservation areas and relics**
Insert at the end of the clause:
Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [11] **Clause 45 Notice of demolition to Heritage Council**
Omit the clause.
- [12] **Clause 46 Development affecting places or sites of known or potential Aboriginal heritage significance**
Omit “and the Director-General of National Parks and Wildlife” from clause 46 (b).
- [13] **Clause 46 (b)**
Omit “28 days”. Insert instead “21 days”.
- [14] **Clause 47 Development affecting other known or potential archaeological sites**
Omit clause 47 (1) (b). Insert instead:
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

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3.88 Hornsby Shire Local Environmental Plan 1994

[1] Clause 10 Services

Omit “and arrangements have been made that are satisfactory to the Water Board for the provision, adjustment or amplification of the Board’s water, sewerage and drainage systems”.

[2] Clause 17 Land acquisition

Insert after the heading to the clause:

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[3] Clause 17 (8)

Omit “, with the concurrence of the public authority responsible for acquisition of the land,”.

[4] Clause 17 (8)

Omit “concurrence, the public authority shall”.

Insert instead “consent, the Council must”.

[5] Clause 18 Heritage

Insert at the end of clause 18 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 18 (4)

Omit the subclause and the heading above the subclause.

[7] Clause 20A Acid sulfate soils

Omit clause 20A (2) (b).

3.89 Hume Local Environmental Plan 2001

[1] Clause 13 Heritage

Insert at the end of clause 13 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[2] Clause 13 (3)

Omit the subclause.

3.90 Hunter's Hill Local Environmental Plan No 1

[1] Clause 19 Items of the environmental heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 19C Heritage advertisements

Omit clause 19C (2) and (3).

[3] Clause 24 Acquisition of reserved lands

Insert before clause 24 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 24 (4)

Omit clause 24 (4) and (5). Insert instead:

- (4) The Council must not grant consent, referred to in subclause (3), to the development of land to be acquired by a public authority other than the RTA, unless it has taken the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,
 - (c) the costs associated with the reinstatement of the land for the purposes, if any, specified under the heading "Development which requires consent" in the matter relating to the relevant land in the Table to clause 9.

[5] Clause 28 Development within Zone Nos 2 (a2), 2 (b) and 6 (a)—Pulpit Point

Omit "and the concurrence of the Secretary of the Commonwealth Department of Defence" from clause 28 (2).

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[6] Clause 28 (3)

Omit “concurrence” and “Secretary of Commonwealth Department of Defence”.

Insert instead “consent” and “consent authority”, respectively.

3.91 Hurstville Local Environmental Plan 1994

[1] Clause 15 Services

Omit clause 15 (b).

[2] Clause 22A Development on land identified on the Acid Sulfate Soils Planning Map

Omit clause 22A (4) (c).

[3] Clause 23 Acquisition and development of land reserved for arterial roads

Insert before clause 23 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 23 (3)

Omit “and the concurrence of the Roads and Traffic Authority”.

[5] Clause 23 (4)

Omit the subclause.

[6] Clause 31 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife of its intention to do so” from clause 31 (b).

Insert instead “of the development application”.

[7] Clause 31 (b)

Omit “28 days”. Insert instead “21 days”.

[8] Clause 32 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 32 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

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3.92 Interim Development Order No 122—Gosford

[1] Clause 10 Concurrence—General

Omit the clause.

[2] Clause 18 Subdivision

Omit “from time to time by agreement between the Council and the Director, or, if no such agreement is reached, as determined by the Director” from clause 18 (5) (b) (ii).

Insert instead “by the Council”.

[3] Clause 36 Existing development

Omit clause 36 (5) and (6). Insert instead:

- (5) The Council must not consent to the alteration, enlargement or rebuilding of any building or work used for the purpose of an existing use on land within Zone No 7 (e) or to a change of use of that land, unless it has taken into consideration the effect which the proposed alteration, enlargement or rebuilding or the change in the use of that building, work or land will, or is likely to have, on the objectives sought to be achieved by including the land within Zone No 7 (e).

[4] Clause 38 Development on bed of lakes, rivers, etc.

Omit clause 38 (2).

[5] Clause 39A Development near boundary of certain adjoining zones

Omit “and the concurrence of the Director” from clause 39A (2).

[6] Clause 39A (3)

Omit the subclause.

[7] Clause 45 Development on bed of creeks, rivers, etc.

Omit “and the concurrence of the Department” from clause 45 (1) and (2).

[8] Clause 95

Omit clause 95 (1).

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[9] Clause 95 (2)

Omit “In considering whether to give concurrence or not the Department shall take into account”.

Insert instead “The Council must not grant consent to the erection of dwellings on land situated in the vicinity of Cromarty Hill Road and North Scenic Road, Forresters Beach, as shown by heavy black edging on the map marked “Gosford Local Environmental Plan No. 10” unless it has taken into consideration”.

[10] Clause 95 (2) (d)

Insert after clause 95 (2) (c):

- (d) the potential impacts of climate change including sea level rise.

[11] Clause 106 Development of Aboriginal places or of known potential archaeological sites of Aboriginal cultural significance at Mount Penang

Omit “and the Director-General of National Parks and Wildlife” from clause 106 (b).

[12] Clause 106 (b)

Omit “28 days”. Insert instead “21 days”.

[13] Clause 107 Development of other known or potential archaeological sites

Omit clause 107 (1) (b).

3.93 Inverell Local Environmental Plan 1988

[1] Clause 11 Subdivision in rural areas

Omit “shall consult with and take into consideration any opinion expressed by the Director-General of Agriculture and” from clause 11 (10).

[2] Clause 12 Subdivision and erection of dwelling-houses in Zone No 1 (a)

Omit “recommended by the Council and fixed by the Director of Planning” from clause 12 (4).

Insert instead “fixed by the Council”.

[3] Clause 25 Items of the environmental heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 29 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[5] Clause 39 Development of an integrated Bruderhof community

Omit clause 39 (4).

3.94 Jerilderie Local Environmental Plan 1993

[1] Clause 18 Dwelling-houses within Zone No 1 (a)

Omit clause 18 (3) and (4).

[2] Clause 26 Heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 28 Heritage advertisements

Omit clause 28 (1) (b).

[4] Clause 34

Omit the clause. Insert instead:

34 Development on travelling stock routes

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

Note. The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

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3.95 Junee Local Environmental Plan 1992

[1] Clause 29 Heritage items

Insert at the end of clause 29 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 32 Heritage advertisements

Omit clause 32 (2) and (3).

3.96 Kiama Local Environmental Plan 1996

[1] Clause 46 Heritage items

Insert at the end of clause 46 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 46 (4) and (5)

Omit the subclauses.

[3] Clause 66 Development on land identified on Acid Sulfate Soils Map

Omit clause 66 (5) (d).

3.97 Kogarah Local Environmental Plan 1998

[1] Clause 13A Development on land containing acid sulfate soils

Omit clause 13A (5) (c).

[2] Clause 14 Land acquisition for public purposes

Insert after the heading to the clause:

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[3] Clause 14 (4)

Omit “, with the concurrence of the public authority responsible for acquisition of the land,”.

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[4] Clause 14 (4)

Omit “concurrence, the public authority shall”.

Insert instead “consent, the Council must”.

[5] Clause 17A Protection of heritage items and heritage conservation areas

Insert at the end of clause 17A (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 17C Notice of demolition to Heritage Council

Omit the clause.

[7] Clause 17D Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 17D (b).

[8] Clause 17D (b)

Omit “28 days”. Insert instead “21 days”.

[9] Clause 17E Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 17E (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[10] Clause 18 Foreshore building line

Omit clause 18 (6) (j).

3.98 Lachlan Local Environmental Plan 1991

[1] Clause 14 Subdivision for the purposes of dwellings in Zone No 1 (a)

Omit clause 14 (2).

[2] Clause 25 Items of the environmental heritage

Insert at the end of clause 25 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[3] Clause 27 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.99 Lake Macquarie Local Environmental Plan 2004

[1] Clause 35 Acid sulfate soils

Omit clause 35 (4) (c).

[2] Clause 44 Protection of heritage items and heritage conservation areas

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 49 Notice of demolition to Heritage Council

Omit the clause.

[4] Clause 50 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit clause 50 (2) and (3). Insert instead:

- (2) Except where the proposed development is integrated development, the consent authority must notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the relevant notice is sent.

[5] Clause 50 (4)

Omit “28 days”. Insert instead “21 days”.

[6] Clause 51 Development affecting known or potential archaeological sites or relics of European heritage significance

Omit clause 51 (2) and (3). Insert instead:

- (2) Before granting consent to development under this clause, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[7] Clause 58 Concurrence of RTA for interim development of land required for State roads

Omit the clause.

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[8] Clause 59 Acquisition of coastal land

Insert before clause 59 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[9] Clause 59 (5)

Omit the subclause.

[10] Clause 59 (6)

Omit “that concurrence, the Minister”.

Insert instead “consent under subclause (4), the Council”.

[11] Clause 60 Development on land adjoining Zones 5, 7 (1), 7 (4) and 8

Omit clause 60 (3). Insert instead:

- (3) The consent authority must not grant consent to development on land adjoining or adjacent to land within Zone 8 if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

3.100 Lane Cove Local Environmental Plan 1987

[1] Clause 10 Acquisition of land

Insert before clause 10 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 10 (5)

Omit clause 10 (5) and (6). Insert instead:

- (5) In considering whether to grant consent under subclause (4), the council must take the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,
 - (c) the costs associated with the reinstatement of the land for the purposes, if any, specified in relation to the zone relating to the land in items 2 and 3 of the Table to clause 9.

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[3] Clause 18A Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 18A (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 18C Notice to the Heritage Council

Omit the clause.

[5] Clause 18D Development of known or potential archaeological sites

Omit clause 18D (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[6] Clause 18D (2) (b)

Omit the paragraph.

3.101 Leeton Local Environmental Plan No 4

[1] Clause 12 Subdivision of land within Zone No 1 (c)

Omit “to the satisfaction of the Water Resources Commission” from clause 12 (2) (c).

[2] Clause 33 Items of the environmental heritage

Omit clause 33 (1A).

[3] Clause 33 (2)

Insert at the end of the subclause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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3.102 Leeton Local Environmental Plan No 35

[1] Clause 19 Protection of heritage items and relics

Insert at the end of clause 19 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 20 Development of known or potential archaeological sites

Omit clause 20 (b).

[3] Clause 23 Heritage proposals being advertised development

Omit clause 23 (2).

3.103 Leichhardt Local Environmental Plan 2000

[1] Clause 16 General provisions for the development of land

Omit “has notified the Director of the Heritage Office and the consent authority has considered any matters raised by that Director within 28 days of the notification” from clause 16 (4).

Insert instead “is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted”.

[2] Clause 16 (5)

Omit the subclause. Insert instead:

- (5) Consent must not be granted for development on land which comprises an Aboriginal site or that the Council considers is a potential Aboriginal site, unless the consent authority:
 - (a) has notified the Council’s Aboriginal Consultative Committee, Boomalli Aboriginal Artists Co-operative and the Metropolitan Local Aboriginal Land Council, and
 - (b) has considered any matters raised by each of those bodies within 21 days of the notification, and
 - (c) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[3] Clause 26 General provisions for the development of land

Insert before clause 26 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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[4] Clause 26 (4)

Omit the subclause. Insert instead:

- (4) Consent is not to be granted to the carrying out of development of land to be acquired by the relevant public authority, unless the Council has taken the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,
 - (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired,
 - (d) whether the proposed development will diminish the usefulness of the land for the purpose for which it has been zoned.

[5] Clause 32 Land reserved for roads

Insert before clause 32 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[6] Clause 32 (2)

Omit “and the concurrence of that authority”.

[7] Clause 32 (3)

Omit the subclause.

3.104 Lismore Local Environmental Plan 2000

[1] Clause 13 Protection of heritage items and heritage conservation areas

Insert at the end of clause 13 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 15 Notice of demolition to the Heritage Council

Omit the clause.

[3] Clause 16 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 16 (b).

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- [4] **Clause 16 (b)**
Omit “28 days”. Insert instead “21 days”.
- [5] **Clause 17 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**
Omit clause 17 (1) (b). Insert instead:
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [6] **Clause 28A Development on land identified on Acid Sulfate Soil Planning Maps**
Omit clause 28A (6) (c).
- [7] **Clause 36 Subdivision and development in rural zones**
Omit “any opinion from the Director-General of the Department of Agriculture regarding” from clause 36 (3) (a).
- [8] **Clause 40 Rural residential development**
Omit “specified in writing” from clause 40 (3). Insert instead “fixed”.
- [9] **Clause 40 (3)**
Omit “with the approval of the Director”.
- [10] **Clause 42A Restriction on number of dwellings that may be created under clause 42**
Omit “and agreed to by the Director-General”.
- [11] **Clause 72 Use of land pending acquisition**
Omit “with the concurrence of the body specified as being required to acquire the land” from clause 72 (1).
- [12] **Clause 72 (2)**
Omit “granted with the concurrence of the RTA”.
- [13] **Clause 72 (3)**
Omit “concurrence” and “RTA or other body concerned”.
Insert instead “consent” and “Council”, respectively.
- [14] **Clause 72 (3) (c)**
Omit “to the RTA or other body”.

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3.105 Lithgow City Local Environmental Plan 1994

[1] Clause 40 Heritage items

Omit clause 40 (2).

[2] Clause 40 (3)

Insert at the end of the subclause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 42 Development of known or potential archaeological sites

Omit clause 42 (1) (b). Insert instead:

- (b) that is the location of a relic or an Aboriginal place, within the meaning of the *National Parks and Wildlife Act 1974*, only if the Council:
 - (i) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted, and
 - (ii) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent.

3.106 Lockhart Local Environmental Plan 2004

[1] Clause 30

Omit the clause. Insert instead:

30 Development of land adjoining land in Zone No 8

The consent authority must not grant consent to development of land that adjoins land in Zone No 8 if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

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[2] Clause 31 Heritage items

Insert at the end of clause 31 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 34 Advertising of heritage applications

Omit clause 34 (2).

[4] Clause 38

Omit the clause. Insert instead:

38 Development on travelling stock routes

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

Note. The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

3.107 Maclean Local Environmental Plan 2001

[1] Clause 18 Development on land identified on Acid Sulfate Soils Planning Maps

Omit clause 18 (6) (c).

[2] Clause 19 Development along main or arterial roads

Omit “and, if the main or arterial road is controlled by the RTA, the consent authority has received the concurrence of the Chief Executive of the RTA and taken into consideration the Chief Executive’s comments” from clause 19 (1) (b).

[3] Clause 19 (2)

Omit “concurrence” and “Chief Executive of the RTA”.

Insert instead “consent” and “consent authority”, respectively.

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[4] Clause 21 Acquisition of land for road purposes

Insert before clause 21 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 21 (3) (b) (ii)

Omit “under subclause (4)”.

[6] Clause 21 (4)

Omit “granted with the concurrence of the RTA”.

[7] Clause 21 (5)

Omit the subclause.

[8] Clause 25 Heritage conservation

Insert at the end of clause 25 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[9] Clause 25 (6)

Omit the subclause. Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[10] Clause 25 (7) (b)

Omit “28 days”. Insert instead “21 days”.

[11] Clause 25 (8)

Omit the subclause.

[12] Clause 35 Subdivision of land within Zone No 1 (r) and 1 (s)

Omit “and agreed to by the Director” from clause 35 (2).

[13] Clause 38 Development within Mangrove Creek Catchment Area

Omit clause 38 (3).

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- [14] **Clause 43 Development of land for mineral sand mining**
Omit clause 43 (2).
- [15] **Clause 43 (3)**
Omit “concurrence, the Director shall”.
Insert instead “consent for the purpose of mineral sand mining, the Council must”.
- [16] **Clause 44 Development of certain land at Brooms Head within Zone No 1 (i)**
Omit “after consultation with the Department of Land and Water Conservation and the Environment Protection Authority” from clause 44 (2).
- [17] **Clause 45 Economic geological resources**
Omit “, after consultation with the Director-General of the Department of Mineral Resources,” from clause 45 (1) (b).
- [18] **Clause 45 (2)**
Omit the subclause.
- [19] **Clause 45 (3) (a)**
Omit the paragraph.
- [20] **Clause 45 (4)**
Omit “and the Director-General of the Department of Mineral Resources” and “and that Director-General”.
- [21] **Clause 52 Development of certain land at Brooms Head and Iluka**
Omit “after consultation with the Director-General of the Department of Land and Water Conservation and the Environment Protection Authority” from clause 52 (2).
- [22] **Clause 62 Development within Zone No 7 (c) (the Environmental Protection (Coastal Foreshore) Zone)**
Omit clause 62 (2) and (4).
- [23] **Clause 62 (3)**
Omit “granted with the concurrence of the Director”.

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[24] Clause 62 (5)

Omit “Director” and “concurrence”.

Insert instead “Council” and “consent”, respectively.

[25] Clause 62 (5) (e)

Omit the paragraph. Insert instead:

- (e) the potential impacts of climate change including sea level rise.

[26] Clause 64 Development within Mangrove Creek Catchment Area

Omit clause 64 (3).

3.108 Maitland Local Environmental Plan 1993

[1] Clause 28 What restrictions apply to the development of wetlands?

Omit clause 28 (4) (f).

[2] Clause 28 (5)

Omit the subclause.

[3] Clause 30 What provisions apply with respect to the conservation of minerals and extractive materials?

Omit clause 30 (4).

[4] Clause 32 What controls apply with respect to the development of heritage items?

Insert at the end of clause 32 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 34 What controls apply with respect to heritage items of State significance?

Omit the clause.

[6] Clause 50 What provisions apply with respect to development adjoining the waste disposal facility?

Omit clause 50 (4).

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3.109 Manilla Local Environmental Plan 1988

[1] Clause 15 Subdivision for intensive agricultural pursuits

Omit clause 15 (c).

[2] Clause 24 Items of the environmental heritage

Insert at the end of clause 24 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 26 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[4] Clause 29

Omit the clause. Insert instead:

29 Development on land adjoining or adjacent to national parks

The Council must not grant consent to development on land adjoining or adjacent to land that is reserved under the *National Parks and Wildlife Act 1974* if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

3.110 Manly Local Environmental Plan 1988

[1] Clause 13 Acquisition of certain land

Insert before clause 13 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 13 (4) and (5)

Omit the subclauses.

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[3] Clause 18 Items of the environmental heritage

Insert at the end of clause 18 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 20 Development in the vicinity of Aboriginal relics

Omit the clause.

[5] Clause 22 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[6] Clause 24 Exemption of minor development

Omit "Clauses 22 and 23 do". Insert instead "Clause 23 does".

[7] Clause 29 Development of certain residential land

Omit clause 29 (2) (b).

[8] Clause 29 (3)

Omit the subclause.

[9] Clause 30 Services

Omit the clause.

[10] Clause 33 Development on land identified on Acid Sulfate Soils Planning Map

Omit clause 33 (5) (c).

3.111 Marrickville Local Environmental Plan 2001

[1] Clause 48 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 48 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[2] Clause 50

Omit the clause. Insert instead:

50 Notice of applications to local Aboriginal communities

Before granting development consent to development that is likely to have an impact on an Aboriginal site, Aboriginal place or place of Aboriginal cultural significance, the consent authority must notify the relevant local Aboriginal community of the development application and take into consideration any comments received from the community within 21 days after the notice is sent.

[3] Clause 51 Notice of demolition to the Heritage Council

Omit the clause.

[4] Clause 53 Development of known or potential archaeological sites (including places of Aboriginal cultural heritage significance)

Omit clause 53 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[5] Clause 53 (2) (b)

Omit the paragraph. Insert instead:

- (b) is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 57 Development involving acid sulfate soils

Omit clause 57 (3) (d).

[7] Clause 65 Acquisition and development of land reserved for roads

Insert before clause 65 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[8] Clause 65 (2) (b)

Omit “under subclause (4)”.

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[9] Clause 65 (4)

Omit “granted with the concurrence of the RTA”.

[10] Clause 65 (5)

Omit the subclause.

[11] Clause 67 Acquisition of land reserved for special uses

Insert before clause 67 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[12] Clause 67 (3)

Omit “granted with the concurrence of the public authority (if any), other than the consent authority, responsible for its acquisition”.

[13] Clause 67 (4)

Omit “concurrence to proposed development under this clause, the public authority concerned”.

Insert instead “consent to proposed development under this clause, the consent authority”.

3.112 Merriwa Local Environmental Plan 1992

[1] Clause 12 Subdivision of rural land

Omit “and Director-General of the Department of Agriculture are” from clause 12 (2).

Insert instead “is”.

[2] Clause 14 Dwelling-houses on rural land

Omit “and Director-General of the Department of Agriculture” from clause 14 (3) (c).

[3] Clause 22 Heritage items

Insert at the end of clause 22 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 25 Heritage advertisements

Omit clause 25 (2) and (3).

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3.113 Moree Plains Local Environmental Plan 1995

[1] Clause 26 Protection of heritage items and heritage conservation areas

Insert at the end of clause 26 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 29 Notice to the Heritage Council

Omit the clause.

[3] Clause 30 Development of known or potential archaeological sites

Omit clause 30 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 30 (2) (b)

Omit the paragraph.

3.114 Mosman Local Environmental Plan 1998

[1] Clause 31A Acid sulfate soils

Omit clause 31A (4) (c).

[2] Clause 33 Protection of heritage items and heritage conservation areas

Insert at the end of clause 33 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 34 Notice to Heritage Council

Omit the clause.

[4] Clause 35 Development of known or potential archaeological sites

Omit clause 35 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal

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communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

- (c) it is satisfied that any necessary consent or permission required under the *National Parks and Wildlife Act 1974* has been granted.

[5] Clause 35 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.115 Mulwaree Local Environmental Plan 1995

[1] Clause 12 Subdivision of land for the purposes of dwelling-houses within Zone No 1 (a), 1 (b), 7 (a) or 7 (b)

Omit clause 12 (7).

[2] Clause 13 Subdivision for other purposes within Zone No 1 (a), 1 (b), 7 (a) or 7 (b)

Omit clause 13 (4).

[3] Clause 26 Heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 29 Heritage advertisements

Omit clause 29 (1) (b).

[5] Clause 36

Omit the clause. Insert instead:

36 Development within the Welcome Reef Dam inundation area and buffer zone

The Council must not consent to the carrying out of any development listed in Schedule 5 on land within the Welcome Reef Dam inundation area and buffer zone unless the Council has taken into consideration whether the development, if carried out, will or is likely to result in the degradation of that land.

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[6] Schedule 5 Development to be referred to the Sydney Catchment Authority for concurrence

Omit the heading.

Insert instead “**Development within the Welcome Reef Dam inundation area and buffer zone**”.

3.116 Murray Local Environmental Plan 1989

[1] Clause 17 Dwelling-houses in Zone No 1 (a)

Omit “Department of Agriculture and the Department of Land and Water Conservation” from clause 17 (d) (ii).

Insert instead “Council”.

[2] Clause 24 Items of the environmental heritage

Insert at the end of clause 24 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 27 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.117 Murrumbidgee Local Environmental Plan 1994

[1] Clause 27 Protection of heritage items and relics

Insert at the end of clause 27 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 30 Notice to Heritage Council

Omit the clause.

[3] Clause 32 Development of known or potential archaeological sites

Omit clause 32 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the

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development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 32 (2) (b)

Omit the paragraph.

3.118 Murrurundi Local Environmental Plan 1993

[1] Clause 22 Heritage items

Insert at the end of clause 22 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 24 Heritage items of State significance

Omit the clause.

3.119 Muswellbrook Local Environmental Plan 1985

[1] Clause 34 Consideration of development applications

Omit “the advice of the Water Resources Commission obtained after the Council has consulted the Commission in relation to” from clause 34 (1) (b) (ii).

[2] Clause 34 (2)

Omit the subclause. Insert instead:

- (2) The council must not grant consent to development on land adjoining land within Zone No 8 (a) if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

[3] Clause 35 Flood-prone land

Omit clause 35 (4).

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[4] Clause 39 Aboriginal conservation areas and relics

Omit “it has been made and forwarded to the Director of National Parks and Wildlife” from clause 39 (6) (a).

Insert instead “it has made”.

[5] Clause 39 (6) (b)

Omit the paragraph.

3.120 Nambucca Local Environmental Plan 1995

[1] Clause 16 What controls apply to rural-residential development?

Omit “specified in writing to Council with the approval of the Director of Planning” from clause 16 (6).

Insert instead “specified by the Council”.

[2] Clause 20 What controls apply to development in the coastal protection zone?

Omit clause 20 (2) and (3). Insert instead:

- (2) The Council must not grant consent to development on land within Zone 7 (f) unless it has taken into consideration:
 - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
 - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
 - (c) the likelihood of the proposed development adversely affecting or being adversely affected by coastal processes, and
 - (d) the potential impacts of climate change including sea level rise.

[3] Clause 21 Who must be consulted about proposed development in the coastal hazard area?

Omit the clause.

[4] Clause 43 What provisions apply to protection of heritage items, heritage conservations areas and relics?

Insert at the end of clause 43 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [5] **Clause 44 Are heritage applications advertised?**
Omit clause 44 (2).
- [6] **Clause 45 What controls apply with respect to development of known or potential archaeological sites?**
Omit clause 45 (b).
- [7] **Clause 54 What restrictions apply to development of Aboriginal conservation areas and relics?**
Omit “granted with the concurrence of the Director-General of National Parks and Wildlife” from clause 54 (4).
- [8] **Clause 54 (5)**
Omit the subclause.
- [9] **Clause 57 What provisions apply with respect to development adjoining extractive industries?**
Omit clause 57 (4).
- [10] **Clause 60 Acquisition and development of land reserved for classified road**
Insert before clause 60 (1):
Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [11] **Clause 60 (2) (b) (ii)**
Omit “under subclause (3)”.
- [12] **Clause 60 (3)**
Omit “and the concurrence of the RTA”.
- [13] **Clause 60 (4)**
Omit the subclause.
- [14] **Clause 66 Development on land containing potential acid sulfate soils**
Omit clause 66 (5) (c).

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3.121 Narrabri Local Environmental Plan 1992

[1] Clause 25 Heritage items

Insert at the end of clause 25 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 28 Heritage advertisements

Omit clause 28 (1) (b).

3.122 Narrabri Local Environmental Plan No 2

[1] Clause 24 Items of the environmental heritage

Insert at the end of clause 24 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 26 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.123 Narrabri Local Environmental Plan No 5 (Township of Boggabri)

Schedule 1 Aims, objectives etc

Omit “after consultation by the Council with the Department of Water Resources” from clause 1 (b) (xii) of Schedule 1.

3.124 Narrandera Local Environmental Plan 1991

[1] Clause 26 Heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 28 Heritage advertisements

Omit clause 28 (1) (b).

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3.125 Narromine Local Environmental Plan 1997

[1] Clause 12B Referral of certain applications involving intensive agriculture to relevant public authorities

Omit the clause.

[2] Clause 20 Protection of heritage items and heritage conservation areas

Insert at the end of clause 20 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 22 Notice to the Heritage Council

Omit the clause.

[4] Clause 25 Development of known or potential archaeological sites

Omit clause 25 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[5] Clause 25 (2) (b)

Omit the paragraph.

3.126 Newcastle City Centre Local Environmental Plan 2008

[1] Clause 30 Development on proposed classified road

Omit clause 30 (1) (a).

[2] Clause 30 (2)

Omit “concurrence”. Insert instead “consent”.

[3] Clause 30 (2)

Omit “RTA” where firstly occurring. Insert instead “consent authority”.

[4] Clause 46 Heritage conservation

Insert at the end of clause 46 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 46 (7)

Omit the subclause. Insert instead:

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 46 (8) (b)

Omit “28 days”. Insert instead “21 days”.

[7] Clause 46 (9)

Omit the subclause.

3.127 Newcastle Local Environmental Plan 2003

[1] Clause 21 Reservation of land for public purposes, its interim use and its acquisition

Insert before clause 21 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 21 (5)

Omit the subclause. Insert instead:

(5) Despite any other provision of this plan, land marked “Arterial Road” or “Rail” may be developed with the consent of the Council for any purpose that may be carried out in an adjacent zone.

[3] Clause 21 (6)

Omit “concurrence for consent to proposed development, the public authority concerned”.

Insert instead “consent to proposed development, the Council”.

[4] Clause 25 Acid sulfate soils

Omit clause 25 (3) (c).

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[5] Clause 27 Heritage assessment

Insert at the end of clause 27 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 30 Referral to Heritage Council

Omit the clause.

[7] Clause 31 Development affecting places or sites of Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 31 (b).

[8] Clause 31 (b)

Omit “28 days”. Insert instead “21 days”.

3.128 North Sydney Local Environmental Plan 1989

[1] Clause 26 Acquisition and development of land reserved for roads—Zone No 9 (d)

Insert before clause 26 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 26 (2) (b)

Omit “under subclause (4)”.

[3] Clause 26 (4)

Omit clause 26 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9 (d):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone, or
 - (c) for any purpose of a temporary nature.

[4] Clause 32 Services

Omit the clause.

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[5] Clause 42 The Civic Centre

Omit clause 42 (3) and (4). Insert instead:

- (3) In deciding whether to grant consent for development for the purposes of commercial premises and shops under this clause, the Council must consider the capacity of the North Sydney sub-regional centre to accommodate the proposed development.

3.129 North Sydney Local Environmental Plan 2001

[1] Clause 36 Acquisition and development of land reserved for roads

Insert before clause 36 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 36 (2) (b)

Omit “required by this clause”.

[3] Clause 36 (4)

Omit clause 36 (4) and (5). Insert instead:

- (4) A person may carry out development on land listed in Schedule 12, with the consent of the Council, for any purpose:
- (a) for which development may be carried out in an adjoining zone, or
- (b) of a temporary nature.

[4] Clause 41 Acid sulfate soils

Omit clause 41 (4) (c).

[5] Clause 46 Aboriginal sites and relics

Omit clause 46 (2) (c).

[6] Clause 47 Archaeological resources

Omit clause 47 (2) (b). Insert instead:

- (b) is satisfied that any necessary excavation permit required under the *Heritage Act 1977* has been granted.

[7] Clause 48 Heritage items

Insert at the end of clause 48 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[8] Clause 48 (8)

Omit the subclause.

3.130 Nundle Local Environmental Plan 2000

[1] Clause 19 Subdivision for the purpose of a dwelling in Zone No 1 (b) and 1 (c)

Omit “in a written order of the Director served on the Council” from clause 19 (5).

Insert instead “by the Council”.

[2] Clause 25 Protection of heritage items and relics

Insert at the end of clause 25 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 27 Notice to the Heritage Office

Omit the clause.

[4] Clause 28 Development of known or potential archaeological sites

Omit clause 28 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[5] Clause 28 (2) (b)

Omit the paragraph.

[6] Clause 34 Consultation before development of land in Nundle

Omit “28 days” wherever occurring in clause 34 (1). Insert instead “21 days”.

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[7] Clause 34 (2)

Omit the subclause. Insert instead:

- (2) The consent authority must not grant consent to development on land located within the Hanging Rock Reserve if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

3.131 Nymboida Local Environmental Plan 1986

[1] Clause 33 Items of environmental heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 36 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.132 Oberon Local Environmental Plan 1998

[1] Clause 17 Subdivision for the purpose of dwelling-houses on land in Zone No 2 (v)

Omit “the opinions of the Environment Protection Authority and Department of Health about” from clause 17 (1) (b).

[2] Clause 17 (1) (b)

Omit “have been obtained and”. Insert instead “has been”.

[3] Clause 31 Contaminated land

Omit the clause.

[4] Clause 32 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 32 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[5] Clause 34 Notice to the Heritage Council

Omit the clause.

[6] Clause 35 Development of known or potential archaeological sites

Omit clause 35 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[7] Clause 35 (2) (b)

Omit the paragraph.

[8] Clause 40 Development of known or potential archaeological sites in Zone No 1 (d)

Omit clause 40 (c). Insert instead:

- (c) the Local Aboriginal Lands Council has been notified of the proposal, if it relates to Aboriginal relics, and the Council has considered any matters raised within 21 days after the notice is sent.

3.133 Orange Local Environmental Plan 2000

[1] Clause 31 Minimum allotment sizes in rural areas

Omit “as indicated in a farm plan endorsed by the Department of Agriculture” from clause 31 (3) (b).

[2] Clause 76 Consideration of development affecting heritage items or heritage conservation areas

Insert at the end of clause 76 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 78 Heritage proposals being advertised development

Omit clause 78 (2).

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[4] Clause 80 Development of archaeological sites

Omit clause 80 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[5] Clause 80 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.134 Parkes Local Environmental Plan 1990

[1] Clause 25 Heritage items

Insert at the end of clause 25 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 27 Heritage advertisements

Omit clause 27 (1) (b).

3.135 Parramatta City Centre Local Environmental Plan 2007

[1] Clause 26 Development on proposed classified road

Omit clause 26 (1) (a).

[2] Clause 26 (2)

Omit “concurrence”. Insert instead “consent”.

[3] Clause 26 (2)

Omit “RTA” where firstly occurring. Insert instead “Council”.

[4] Clause 33B Acid sulfate soils

Omit clause 33B (3) (b).

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[5] Clause 35 Heritage conservation

Insert at the end of clause 35 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 35 (6)

Omit the subclause. Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[7] Clause 35 (7) (b)

Omit “28 days”. Insert instead “21 days”.

[8] Clause 35 (8) and (9A)

Omit the subclauses.

3.136 Parramatta Local Environmental Plan 1996 (Heritage and Conservation)

[1] Clause 11 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 11 (5):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 13 Notification of demolition to the Heritage Council

Omit the clause.

[3] Clause 15 Development of Aboriginal places or of known or potential archaeological sites of Aboriginal cultural heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 15 (1) (b).

[4] Clause 15 (1) (b)

Omit “28 days”. Insert instead “21 days”.

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[5] Clause 16 Development of other known or potential archaeological sites

Omit clause 16 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.137 Parramatta Local Environmental Plan 2001

[1] Clause 12 Acquisition and development of reserved land

Insert before clause 12 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 12 (5) (a) (ii)

Omit “, as referred to in subclause (8),”.

[3] Clause 12 (8) and (9)

Omit the subclauses.

[4] Clause 20 Noise and vibration

Omit the clause.

[5] Clause 21 Flood liable land

Omit clause 21 (3).

[6] Clause 32 Foreshore building line

Omit “adequate consultation has occurred with NSW Fisheries, if” from clause 32 (6) (j).

[7] Clause 34 Acid sulfate soils

Omit clause 34 (4) (c).

3.138 Parry Local Environmental Plan 1987

[1] Clause 15 Subdivision of land within Zone No 1 (c)

Omit “in a written order of the Director” from clause 15 (5).

Insert instead “by the Council”.

[2] Clause 16 Subdivision for specialised or intensive agricultural enterprises in Zone No 1 (a), 1 (b) or 1 (c)

Omit “shall consult with and take into consideration any opinion expressed by the Director General of Agriculture and” from clause 16 (2).

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[3] Clause 28 Heritage preservation

Insert at the end of clause 28 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 28 (5)

Omit the subclause.

[5] Schedule 4 Subdivision within Zone No 1 (c)—matters for environmental impact report

Omit paragraphs (h) and (i) from Schedule 4.

3.139 Penrith City Centre Local Environmental Plan 2008

[1] Clause 34 Development on proposed classified road

Omit clause 34 (1) (a).

[2] Clause 34 (2)

Omit “concurrence”. Insert instead “consent”.

[3] Clause 34 (2)

Omit “RTA” where firstly occurring. Insert instead “Council”.

[4] Clause 40 Heritage conservation

Insert at the end of clause 40 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 40 (6)

Omit the subclause. Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 40 (7) (b)

Omit “28 days”. Insert instead “21 days”.

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[7] Clause 40 (8)

Omit the subclause.

3.140 Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)

[1] Clause 8 Heritage items

Insert at the end of clause 8 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 11 Heritage advertisements

Omit clause 11 (2) and (3).

3.141 Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)

[1] Clause 14 Provision of services

Omit the clause.

[2] Clause 27 Development of land reserved for roads

Omit clause 27 (1). Insert instead:

- (1) Despite the provisions of clause 9, a person may, with the consent of the Council, carry out development on land within Zone No 5 (c) for a purpose for which development may be carried out on land within an adjoining zone created by this plan.

[3] Clause 27 (2)

Omit the subclause.

3.142 Penrith Local Environmental Plan 1996 (Industrial Land)

[1] Clause 16 Development of land reserved for roads

Omit clause 16 (1). Insert instead:

- (1) Despite clause 9, a person may, with the council's consent, carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone under this plan.

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[2] Clause 16 (2)

Omit the subclause.

3.143 Penrith Local Environmental Plan 1997 (Penrith City Centre)

[1] Clause 15 Development of land reserved for roads

Omit clause 15 (1). Insert instead:

- (1) Despite clause 9, a person may, with the consent of the council, carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone created by this plan.

[2] Clause 15 (2)

Omit the subclause.

3.144 Penrith Local Environmental Plan 1998 (Urban Land)

[1] Clause 21 Development of land reserved for roads

Omit clause 21 (1). Insert instead:

- (1) Despite clause 9, a person may, with the consent of the council, carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone created by this plan.

[2] Clause 21 (2)

Omit the subclause.

3.145 Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)

[1] Clause 16 Provision of services

Omit “the requirements of the Department of Health and any development control plan, strategy or” from clause 16 (5) (b).

Insert instead “any”.

[2] Clause 16 (6)

Omit “to the requirements of the Department of Health and”.

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3.146 Penrith Local Environmental Plan No 201 (Rural Lands)

[1] Clause 21 Provision of services

Omit clause 21 (b).

[2] Clause 22 Provision of water in Zones Nos 1 (b) and 1 (c)

Omit the clause.

[3] Clause 25 Acquisition and development of land reserved for roads

Insert before clause 25 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 25 (2) (b)

Omit “under subclause (4)”.

[5] Clause 25 (4)

Omit clause 25 (4) and (5). Insert instead:

- (4) A person may, with the consent of the council, carry out development on land within Zone No 5 (c):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[6] Clause 26 Acquisition and development of land within Zone No 5 (d)

Insert before clause 26 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[7] Clause 26 (4) (a)

Omit “and the concurrence of the Director”.

[8] Clause 26 (5)

Omit “concurrence under subclause (4), the Corporation shall”.

Insert instead “consent under subclause (4), the council must”.

[9] Clause 41 Development of certain land at Llandilo

Omit “or the Water Board” from clause 41 (4).

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3.147 Pittwater Local Environmental Plan 1993

- [1] **Clauses 17A (3) (a) and (b), 17B (2) (a) and 17C (3) (a)**
Omit “with the Sydney Water Corporation” wherever occurring.
- [2] **Clause 28 Buildings, etc, not to be erected without consent—Zone No 9 (a), 9 (b), 9 (c) or 9 (d)**
Omit clause 28 (3) and (5).
- [3] **Clause 28 (4)**
Omit “in relation to land within Zone No 9 (a) or 9 (c)”.
- [4] **Clause 32 Protection of heritage items, heritage conservation areas and relics**
Insert at the end of clause 32 (4):
Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [5] **Clause 34 Notice to the Heritage Council**
Omit the clause.
- [6] **Clause 35 Development of known or potential archaeological sites**
Omit clause 35 (1) (b). Insert instead:
(b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- [7] **Clause 35 (2) (b)**
Omit the paragraph.
- [8] **Clause 46 Provision of adequate water and sewerage services**
Omit “and that any requirements of the Sydney Water Corporation, that may be notified to the council from time to time, have or will be met”.

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3.148 Port Stephens Local Environmental Plan 2000

[1] Clause 27 Acquisition and development of land reserved for roads

Insert before clause 27 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 27 (2) (b) (ii)

Omit “under subclause (3)”.

[3] Clause 27 (3)

Omit “and the concurrence of the RTA”.

[4] Clause 27 (4)

Omit the subclause.

[5] Clause 36 Acquisition and development of land zoned 7 (f1)

Omit “and the concurrence of the Minister administering the *Environmental Planning and Assessment Act 1979*” from clause 36 (2).

[6] Clause 51A Development on land identified on Acid Sulfate Soils Planning Maps

Omit clause 51A (3) (c).

[7] Clause 55 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 55 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[8] Clause 58 Notice to Heritage Council

Omit the clause.

[9] Clause 59 Development of known or potential archaeological sites

Omit clause 59 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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- (c) it is satisfied that any necessary consent or permission required under the *National Parks and Wildlife Act 1974* has been granted.

[10] Clause 59 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.149 Queanbeyan Local Environmental Plan 1998

[1] Clause 56 Heritage conservation

Insert at the end of clause 56 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 56 (6)

Omit the subclause. Insert instead:

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[3] Clause 56 (7) (b)

Omit “28 days”. Insert instead “21 days”.

[4] Clause 56 (7) (c)

Insert after clause 56 (7) (b):

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[5] Clause 56 (8)

Omit the subclause.

[6] Clause 68A Development of certain land off Ellerton Drive

Omit the clause.

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[7] Clause 74 Subdivision of land—matters for consideration

Omit clause 74 (4). Insert instead:

- (4) The Council may grant development consent for a subdivision of land within Zone 7 (a) or 7 (b) only after it has taken into consideration the environmental impact of the proposed subdivision on the relevant land within Zone 7 (a) or 7 (b).

Note. The website of the Department of Environment and Climate Change has publications that provide guidance on development that may impact on areas managed by that Department (for example, the *Guidelines for developments adjoining Department of Environment and Climate Change land*).

3.150 Quirindi Local Environmental Plan 1991

[1] Clause 17 Residential use of land within Zone No 1 (a)

Omit “agreed between the council and the Director” from clause 17 (4) (a).

Insert instead “specified by the council”.

[2] Clause 17 (4) (b)

Omit “so agreed”. Insert instead “specified”.

[3] Clause 20 Heritage items

Insert at the end of clause 20 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 22 Advertising of heritage applications

Omit clause 22 (1) (b).

3.151 Randwick Local Environmental Plan 1998

[1] Clause 43 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 43 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[2] Clause 44 Development of known or potential archaeological sites

Omit clause 44 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[3] Clause 44 (2) (b)

Omit the paragraph.

[4] Clause 45 Heritage Council notification

Omit the clause.

3.152 Richmond River Local Environmental Plan 1992

[1] Clause 18A Development on land containing acid sulfate soils

Omit clause 18A (5) (c).

[2] Clause 21 Heritage items

Insert at the end of clause 21 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 23 Heritage advertisements

Omit clause 23 (1) (b).

[4] Clause 33 Acquisition of land

Insert before clause 33 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 33 (4) (b) (ii)

Omit “under subclause (5)”.

[6] Clause 33 (5)

Omit “and the concurrence of the Roads and Traffic Authority”.

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[7] Clause 33 (6)

Omit the subclause.

3.153 Rockdale Local Environmental Plan 2000

[1] Clause 53 Acquisition of reserved land

Insert before clause 53 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 53 (4) and (5)

Omit the subclauses.

[3] Clause 53 (6)

Omit “or (5)”.

[4] Clause 53 (7)

Omit the subclause. Insert instead:

- (7) In considering whether to grant consent for proposed development under this clause, the Council must take the following into consideration:
- (a) the need for the relevant public purpose to be carried out on the land,
 - (b) the likely effect of the proposed development on the cost of acquisition,
 - (c) the imminence of acquisition,
 - (d) whether refusal to grant consent would cause undue financial hardship to any owner, mortgagee or lessee of the land.

[5] Clause 55 Acquisition of certain land reserved by the Roads and Traffic Authority

Insert before clause 55 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[6] Clause 55 (1) (b)

Omit “required by clause 53 (4)”.

[7] Clause 55 (2)

Omit the subclause.

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[8] Clause 55C Development in Zone 10 (a1)

Omit “and the Heritage Council of New South Wales” from clause 55C (9) (d).

[9] Clause 57 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 57 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[10] Clause 58 Notice of certain heritage development applications

Omit clause 58 (3).

[11] Clause 59 Development of known or potential archaeological sites

Omit clause 59 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[12] Clause 59 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.154 Ryde Planning Scheme Ordinance

[1] Clause 9 Buildings, etc not to be erected without consent on reserved land

Omit clause 9 (4).

[2] Clause 34 Consideration of certain applications

Insert “or on land reserved under clause 8” after “Zone No. 6 (a), 6 (b) or 6 (c)” in clause 34 (1A).

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[3] Clause 63 Roads uncoloured—development thereon

Omit “and the concurrence of the Commission”.

3.155 Rylstone Local Environmental Plan 1996

[1] Clause 31 Protection of heritage items and heritage conservation areas

Insert at the end of clause 31 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 33 Notice of demolition to the Heritage Council

Omit the clause.

[3] Clause 34 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 34 (b).

[4] Clause 34 (b)

Omit “28 days”. Insert instead “21 days”.

[5] Clause 34A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Omit clause 34A (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.156 Scone Local Environmental Plan 1986

[1] Clause 30 Acquisition and development of land reserved for roads—Zone No 5 (b)

Insert before clause 30 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 30 (2) (b) (ii)

Omit “under subclause (3)”.

[3] Clause 30 (3)

Omit “and the concurrence of the RTA”.

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[4] Clause 30 (4)

Omit the subclause.

3.157 Severn Local Environmental Plan 2002

[1] Clause 20 Referrals required for significant development within Zone No 1 (f) or 8 (a)

Omit clause 20 (3) and (5).

[2] Clause 24 What controls apply to subdivision for the purpose of agriculture in Zone No 1 (a)?

Omit clause 24 (3) (b) (i) and (ii).

[3] Clause 29 What controls apply to dwellings in Zone No 1 (a)?

Omit clause 29 (1) (b) (i) and (ii).

[4] Clause 36 What controls apply to the protection of heritage items, heritage conservation areas and relics?

Insert at the end of clause 36 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 37 What notice is to be given of heritage development applications?

Omit clause 37 (2).

[6] Clause 38 What controls apply to the consideration of Aboriginal cultural heritage and archaeological sites?

Omit clause 38 (1) (d) and (2) (b).

3.158 Shellharbour Local Environmental Plan 2000

[1] Clause 37 Controls for liquid fuel depots within Zones 4 (a3) and 4 (f)

Omit clause 37 (3) and (4).

[2] Clause 57 Controls for subdivision of land within Zone 7 (f2)

Omit clause 57 (2) and (3). Insert instead:

- (2) The Council must not grant consent to a subdivision of land within Zone 7 (f2) unless it has taken into consideration the following:

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- (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems, and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant,
 - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas,
 - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands,
 - (d) the potential impacts of climate change including sea level rise.

[3] Clause 58 Restrictions on granting consent within Zone 7 (f2)

Omit clause 58 (2) and (3). Insert instead:

- (2) The matters that the Council must take into consideration in deciding whether to grant consent to development on land within Zone 7 (f2) for the purpose of additions or alterations to an existing building or work, tourist facilities, dams, drainage, dwelling houses, roads or utility installations (other than gas holders or generation works) are:
 - (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems, and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant, and
 - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
 - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands, and
 - (d) the potential impacts of climate change including sea level rise.

[4] Clause 68 Acquisition of land within Zone 9 (b)

Insert before clause 68 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[5] Clause 68 (1) (c)

Omit “under subclause (3)”.

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[6] Clause 68 (3)

Omit the subclause.

[7] Clause 73 Protection of heritage items, heritage conservation areas, relics and Aboriginal objects

Insert at the end of clause 73 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[8] Clause 75 Notice of certain heritage development applications

Omit clause 75 (2). Insert instead:

- (2) Before granting consent to the demolishing or damaging of a heritage item identified in Schedule 3 as being of State significance, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[9] Clause 75A Development affecting places or sites of Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 75A (b).

[10] Clause 75A (b)

Omit “28 days”. Insert instead “21 days”.

3.159 Shellharbour Rural Local Environmental Plan 2004

[1] Clause 33 Acquisition of land in the 9 (b) Arterial Roads Reservation Zone

Insert before clause 33 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 33 (2) (c)

Omit “under subclause (5)”.

[3] Clause 33 (5)

Omit the subclause.

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[4] Clause 41 Development on lands identified with potential acid sulfate soils

Omit clause 41 (5) (c).

[5] Clause 45 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 45 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 48 Notice of demolition to Heritage Council

Omit the clause.

[7] Clause 49 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of National Parks and Wildlife” from clause 49 (1) (b).

[8] Clause 49 (1) (b)

Omit “28 days”. Insert instead “21 days”.

[9] Clause 50 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance

Omit clause 50 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

3.160 Shoalhaven Local Environmental Plan 1985

[1] Clause 20E Protection of heritage items and heritage conservation areas

Insert at the end of clause 20E (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 20H Notice of demolition to the Heritage Council

Omit the clause.

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[3] Clause 20I Development affecting places of Aboriginal heritage significance

Omit clause 20I (b). Insert instead:

- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the relevant notice is sent.

[4] Clause 20J Development affecting archaeological sites

Omit clause 20J (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[5] Clause 39A Development of certain land at West Nowra

Omit clause 39A (4).

[6] Clause 39BB Development of certain land at Seven Mile Beach

Omit “any comment made by the Director-General of National Parks and Wildlife within 28 days of the submission by the Council of particulars of the proposed development to that Director-General with a request for comment, and” from clause 39BB (2) (b).

[7] Clause 46 Consent required for certain development

Omit “(such plan having been referred by the Council to the Environment Protection Authority and the Department of Water Resources for comment)” from clause 46 (4A) (a).

[8] Clause 49 Development in Zones Nos 5 (c), 5 (e), 6 (d) and 7 (f2)

Omit clause 49 (2).

[9] Clause 49 (3)

Omit “concurrence under subclause (2), the person concerned”.

Insert instead “consent under subclause (1), the Council”.

[10] Clause 50 Acquisition and development of land in Zone No 5 (d)

Insert before clause 50 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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[11] Clause 50 (2) (b) (ii)

Omit “required by subclause (3)”.

[12] Clause 50 (3)

Omit “and the concurrence of the RTA”.

[13] Clause 50 (4)

Omit the subclause.

3.161 Singleton Local Environmental Plan 1996

[1] Clause 22 What controls apply with respect to the development of heritage items?

Insert at the end of clause 22 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 23 What controls apply with respect to heritage items of State significance?

Omit the clause.

[3] Clause 25 Are heritage applications advertised?

Omit clause 25 (2).

[4] Clause 30 What heritage controls apply in an emergency?

Omit clause 30 (3).

[5] Clause 34 What requirements are there for the acquisition of private land in Zones 5 and 6 (a)?

Insert before clause 34 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[6] Clause 34 (2) (b) (iii)

Omit “referred to in subclause (3)”.

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[7] Clause 34 (3)

Omit the subclause. Insert instead:

- (3) A person may, with the consent of the Council, carry out development on land within a zone referred to in subclause (1):
- (a) for the purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose that is compatible with development that may be carried out on land in an adjoining zone.

[8] Clause 34 (4)

Omit “concurrence to proposed development under this clause, the public authority concerned”.

Insert instead “consent to proposed development under this clause, the consent authority”.

3.162 Snowy River Local Environmental Plan 1997

[1] Clause 43 What are the provisions promoting conservation of biological diversity?

Insert “or removal of bushrock” after “clearing” in clause 43 (3) (d).

[2] Clause 43 (4)

Omit “Department of Land and Water Conservation and the National Parks and Wildlife Service, as relevant,”.

Insert instead “Department of Environment and Climate Change”.

[3] Clause 59 How are heritage items, heritage conservation areas and relics protected?

Insert at the end of clause 59 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 61 What notice needs to be given to the Heritage Council?

Omit the clause.

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[5] Clause 62 Is the development of known or potential archaeological sites allowed?

Omit clause 62 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[6] Clause 62 (2) (b)

Omit the paragraph.

3.163 Snowy River Rural Local Environmental Plan 2007

[1] Clause 39 Requirement for development consent

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 43

Omit the clause. Insert instead:

43 Archaeological sites

The consent authority must, before granting development consent under this Division for the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[3] Clause 44 Places of Aboriginal heritage significance

Omit “28 days” from clause 44 (b). Insert instead “21 days”.

[4] Clause 45 Demolition of item of State significance

Omit the clause.

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3.164 South Sydney Local Environmental Plan 1998

[1] Clause 23 Protection of heritage items

Insert at the end of clause 23 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 25 Heritage advertisements

Omit clause 25 (2).

[3] Clause 27 Development of a site or place of potential or known archaeological significance

Omit clause 27 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 27 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[5] Clause 30 Acquisition and development of land reserved for roads

Insert before clause 30 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[6] Clause 30 (2) (b)

Omit “referred to in subclause (4)”.

[7] Clause 30 (4)

Omit “and with the concurrence of the R.T.A.”.

[8] Clause 30 (5)

Omit the subclause.

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[9] Clause 49 Transport tunnels

Omit the clause.

3.165 South Sydney Local Environmental Plan No 114 (Southern Industrial and Rosebery/Zetland Planning Districts)

[1] Clause 15 Acquisition of land reserved for arterial roads

Insert before clause 15 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 15 (2) (b)

Omit “under subclause (4)”.

[3] Clause 15 (4)

Omit clause 15 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9 (a):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

[4] Clause 22 Development on all land to which this plan applies

Omit clause 22 (1) (b).

3.166 Strathfield Planning Scheme Ordinance

[1] Clause 58 Restriction of ribbon development

Omit “Authority (DUAP) certifies to the responsible authority that it” from clause 58 (2) (b).

Insert instead “responsible authority”.

[2] Clause 58 (2) (b)

Omit “determined by the Authority (DUAP)”.

Insert instead “determined by the responsible authority”.

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[3] Clause 59A Heritage items

Insert at the end of clause 59A (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 59E Heritage advertisement

Omit clause 59E (1) (b).

[5] Clause 60 Land within Zone No. 5 (c)

Insert before clause 60 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[6] Clause 60 (1)

Omit the subclause. Insert instead:

- (1) Despite any other provision of this Ordinance, the Council must not consent to the carrying out of any development on land within Zone No. 5 (c), unless it has taken the following into consideration:
 - (a) the effect of the proposed development on the cost of acquisition,
 - (b) the imminence of acquisition,
 - (c) the cost to reinstate the land for the purpose for which the land is to be acquired.

3.167 Sutherland Shire Local Environmental Plan 2006

[1] Clause 23 Environmental risk—acid sulfate soils

Omit clause 23 (3) (b).

[2] Clause 27 Development on land referred to in clause 26 before acquired or used for purpose for which reserved

Omit clause 27 (2) (a) and (3).

[3] Clause 27 (4) (d)–(f)

Insert after clause 27 (4) (c):

- (d) the need to carry out development on the land for the purpose for which it is reserved,
- (e) the imminence of acquisition by the authority of the State,

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- (f) the likely additional cost to the authority of the State resulting from the carrying out of the proposed development.

[4] Clause 54 Heritage

Omit clause 54 (5).

[5] Clause 54 (6) (b)

Omit the paragraph. Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[6] Clause 54 (8) (b)

Omit “28 days”. Insert instead “21 days”.

[7] Clause 54, note

Insert at the end of clause 54 (13):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

3.168 Sydney Local Environmental Plan 2005

[1] Clauses 76 and 81

Omit the clauses.

[2] Clause 102 Specific heads of consideration

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 104 Demolition of heritage items

Omit clause 104 (1) and (2).

[4] Clause 125 Services

Omit “Sydney Water Corporation”. Insert instead “the Council”.

[5] Clause 126 Views of other bodies about development in Ultimo-Pyrmont

Omit the clause.

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3.169 Tallaganda Local Environmental Plan 1991

[1] Clause 13 Subdivision of land for the purpose of agriculture within Zone No 1 (a)

Omit clause 13 (4).

[2] Clause 15 Subdivision for other purposes within Zone No 1 (a)

Omit clause 15 (4).

[3] Clause 31 Heritage items

Insert at the end of clause 31 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 34 Heritage advertisements

Omit clause 34 (1) (b).

[5] Clause 43

Omit the clause. Insert instead:

43 Development within the Welcome Reef Dam inundation area and buffer zone

The Council must not consent to the carrying out of any development listed in Schedule 7 on land within the Welcome Reef Dam inundation area and buffer zone (Stage 2) unless the Council has taken into consideration whether the development, if carried out, will or is likely to result in the degradation of that land.

3.170 Tamworth Local Environmental Plan 1996

[1] Clause 43 What controls apply in respect of the development of heritage items?

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 44 What factors will the Council take into consideration when assessing an application to develop a heritage item?

Omit clause 44 (2).

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[3] Clause 47 What provisions apply to the development of known or potential archaeological sites?

Omit clause 47 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 47 (2) (b)

Omit the paragraph.

3.171 Temora Local Environmental Plan 1987

Clause 16 Referral of applications to Director-General, Department of Agriculture

Omit the clause.

3.172 Tenterfield Local Environmental Plan 1996

[1] Clause 13 Subdivision for the purpose of closer rural settlement in Zone No 1 (a)

Omit “and agreed to by the Director” from clause 13 (4).

[2] Clause 16 Dwellings in Zone No 1 (a)

Omit “must consult with and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and” from clause 16 (3).

[3] Clause 25 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 25 (3) (before the existing note to the clause):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 27 Notice to the Heritage Council

Omit the clause.

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[5] Clause 28 Development of known or potential archaeological sites

Omit clause 28 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[6] Clause 28 (2) (b)

Omit the paragraph.

3.173 Tumbarumba Local Environmental Plan 1988

[1] Clause 24 Items of environmental heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 26 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[3] Clause 31A Protection of the environment generally

Omit clause 31A (2) (b).

3.174 Tumut Local Environmental Plan 1990

[1] Clause 13 Dwelling-houses and dwellings in Zone No 1 (a), 1 (b), 1 (c), 1 (c1) or 1 (d)

Omit “and the advice of the Director-General of the Department of Agriculture and Fisheries” from clause 13 (2) (b) (ii).

[2] Clause 16 Development in rural zones

Omit clause 16 (2) (b).

[3] Clause 23 Heritage items

Insert at the end of clause 23 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 26 Heritage advertisements

Omit clause 26 (1) (b).

[5] Clause 31 Acquisition of land in Zone No 6 (a), 9 (a) or 9 (b)

Insert before clause 31 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[6] Clause 31 (2) (b) (ii)

Omit “under subclause (3)”.

[7] Clause 31 (3)

Omit “and the concurrence of the RTA”.

[8] Clause 31 (4)

Omit the subclause.

[9] Clause 33 Flood liable land, land subject to bushfire hazards and filled land

Omit “, and includes land determined in consultation between the Council and the Department of Water Resources or the Public Works Department to be a floodway” from clause 33 (1).

3.175 Tweed Local Environmental Plan 2000

[1] Clause 22 Development near designated roads

Omit “and the concurrence of the RTA” from clause 22 (3).

[2] Clause 22 (5)

Omit the subclause.

[3] Clause 25 Development in Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land

Omit clause 25 (4).

[4] Clause 27 Development in Zone 7 (f) Environmental Protection (Coastal Lands)

Omit the final bullet point paragraph from clause 27 (1).

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[5] Clause 27 (2) (f)

Insert at the end of clause 27 (2) (e):

, and

- (f) the potential impacts of climate change including sea level rise.

[6] Clause 27 (3) and (4)

Omit the subclauses.

[7] Clause 28 Development in Zone 7 (I) Environmental Protection (Habitat) and on adjacent land

Omit clause 28 (3).

[8] Clause 35 Acid sulfate soils

Omit clause 35 (4) (d).

[9] Clause 36 Coastal erosion outside Zone 7 (f)

Omit clause 36 (2) (a).

[10] Clause 36 (2) (b)

Omit the paragraph. Insert instead:

(b) consider:

- (i) the likelihood of the proposed development adversely affecting the behaviour or being adversely affected by the behaviour of the sea, or of water in an arm of the sea or any other body of water, and
- (ii) the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or floodplain of the sea, any arm of the sea or any other body of water, and
- (iii) the likelihood of the proposed development adversely affecting the landscape or scenic quality of the locality, and
- (iv) the potential impacts of climate change including sea level rise.

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[11] Clause 42 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 42 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[12] Clause 43 Notice of certain heritage development applications

Omit clause 43 (2).

[13] Clause 44 Development of land within likely or known archaeological sites

Omit clause 44 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[14] Clause 44 (2) (b)

Omit the paragraph.

[15] Clause 48 Acquisition and development of land in Zone 5 (a) (RTA Road)

Insert before clause 48 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[16] Clause 48 (4) (b) (ii)

Omit “under subclause (5)”.

[17] Clause 48 (5)

Omit the subclause.

[18] Clause 52 Zone map overlay provisions

Omit item 1 from the Table to the clause.

[19] Clause 52, Table, item 6

Omit (a) and (b) from the item.

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3.176 Ulmarra Local Environmental Plan 1992

[1] Clause 12 Subdivision of land for rural/residential purposes

Omit “in writing by the Council with the approval of the Director of Planning” from clause 12 (6).

Insert instead “by the Council”.

[2] Clause 12 (7) (b)

Omit “and the Director agree”. Insert instead “specifies”.

[3] Clause 12 (7) (c)

Omit the paragraph.

[4] Clause 16 Subdivision and development of land within Zone No 7 (f1)

Omit clause 16 (2). Insert instead:

(2) Development (other than for the purposes of agriculture) must not be carried out on or with respect to land to which this clause applies without the consent of the Council.

(2A) For the purposes of subclause (2), the Council (in deciding whether consent should be granted) must take into consideration:

- (a) the extent to which the development would adversely affect, or be adversely affected by, the sea or any bay, inlet, lagoon or lake, and
- (b) the extent to which the development would adversely affect any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or of an arm of the sea or of any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
- (c) the extent to which the development would adversely affect the landscape or scenic quality of the locality, and
- (d) the potential impacts of climate change including sea level rise.

[5] Clause 19 Development of land within Zone No 7 (f1)

Omit the clause.

[6] Clause 22 Fencing within Zone 7 (f1)

Omit “or the concurrence of the Director of Planning”.

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[7] Clause 28 Acquisition of land reserved for roads and road widening

Insert before clause 28 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[8] Clause 28 (2) (b) (ii)

Omit “under subclause (3)”.

[9] Clause 28 (3)

Omit “and the concurrence of the Roads and Traffic Authority”.

[10] Clause 28 (4)

Omit the subclause.

[11] Clause 31 Heritage items

Insert at the end of clause 31 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[12] Clause 33 Heritage advertisements

Omit clause 33 (2) and (3).

3.177 Uralla Local Environmental Plan 1988

[1] Clause 17 Subdivision for specialised intensive agricultural enterprises or exceptional circumstances within Zone No 1 (a) or 1 (b)

Omit “shall consult with, and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and Fisheries and” from clause 17 (2).

[2] Clause 20 Erection of additional dwellings

Omit “shall consult with and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and Fisheries and” from clause 20 (10).

[3] Clause 27 Protection of heritage items and heritage conservation areas

Insert at the end of clause 27 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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[4] Clause 29 Heritage Office to be given prior notice of demolition consent

Omit the clause.

3.178 Urana Local Environmental Plan 1990

[1] Clause 23 Development along arterial roads

Omit clause 23 (3).

[2] Clause 23 (4)

Omit “Roads and Traffic Authority is to take into consideration the following matters in deciding whether it’s concurrence should be granted”.

Insert instead “Council must not consent to an application to carry out development on land which has frontage to the Newell Highway (State Highway 17) unless it has taken the following matters into consideration”.

[3] Clause 27 Heritage items

Insert at the end of clause 27 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 29 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.179 Wagga Wagga Local Environmental Plan 1985

[1] Clause 16 Items of the environmental heritage

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 19 Heritage Council to be given prior notice of demolition consent

Omit the clause.

[3] Clause 22 Acquisition of reserved land

Insert before clause 22 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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[4] Clause 22 (4) and (5)

Omit the subclauses.

3.180 Wagga Wagga Rural Local Environmental Plan 1991

[1] Clause 15 Subdivision for the purposes of the creation of rural small holdings

Insert “, and” at the end of clause 15 (4) (a).

[2] Clause 15 (4) (b)

Omit the paragraph.

[3] Clause 21 Environmentally sensitive land

Omit clause 21 (4). Insert instead:

- (4) Prior to granting consent to an application to carry out development on environmentally sensitive land, the Council must consult the Department of Environment and Climate Change.

[4] Clause 24 Items of the environmental heritage

Insert at the end of clause 24 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 26 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.181 Wakool Local Environmental Plan 1992

[1] Clause 26 Heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 29 Heritage advertisements

Omit clause 29 (1) (b).

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[3] Clause 29 (2) and (3)

Omit the subclauses.

[4] Clause 36

Omit the clause. Insert instead:

36 Development on travelling stock routes

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

Note. The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

3.182 Walcha Local Environmental Plan 2000

[1] Clause 14 Subdivision for the purpose of dwellings in Zone No 1 (a) and 7 (d)

Omit clause 14 (4). Insert instead:

- (4) Consent must not be granted for a subdivision if that consent would permit the creation, in any 5 year period, of a total number of allotments of land to which this clause applies in excess of the number specified by the Council for that purpose.

[2] Clause 28 Heritage items

Insert at the end of clause 28 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[3] Clause 30 Heritage advertisements

Omit clause 30 (2).

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3.183 Warringah Local Environmental Plan 2000

[1] Clause 28 When should applications for category A remediation works not be refused?

Omit clause 28 (2).

[2] Clause 30 What applications have to be referred to the Roads and Traffic Authority?

Omit the clause.

[3] Clause 36 Can development be allowed on reserved land?

Omit “must obtain the concurrence of the authority responsible for the acquisition of that land. In deciding whether to grant concurrence the responsible authority” from clause 36 (2).

[4] Clause 79 Heritage control

Omit “Director of the Heritage Office or the” from the last paragraph in the clause.

[5] Clause 79, note

Insert at the end of the clause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[6] Clause 80 Notice to Metropolitan Aboriginal Land Council

Omit “and the Director-General of the Department of Environment and Conservation”.

[7] Clause 80

Omit “28 days”. Insert instead “21 days”.

[8] Clause 81 Notice to Heritage Council

Omit the clause.

[9] Clause 83

Omit the clause. Insert instead:

83 Development of known or potential archaeological sites

Before granting an application for consent to development on an archaeological site or a potential archaeological site (except if such development does not disturb below-ground relics and any

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above-ground relics would not be adversely affected), the consent authority must consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.

3.184 Waverley and Woollahra Joint Local Environmental Plan 1991—Bondi Junction Commercial Centre

[1] Clause 19 Heritage items

Insert at the end of clause 19 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 22 Heritage Council to be given prior notice of demolition consent

Omit the clause.

3.185 Waverley Local Environmental Plan 1996

[1] Clause 35 Acquisition and development of land within the Arterial Road Reservation Zone

Insert before clause 35 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 35 (2) (b)

Omit “under subclause (4)”.

[3] Clause 35 (4)

Omit clause 35 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out a development on land within Zone No 7 (b):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

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[4] Clause 45 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 45 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 47 Notice to the Heritage Council

Omit the clause.

[6] Clause 48 Development of known or potential archaeological sites

Omit clause 48 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[7] Clause 48 (2) (b)

Omit the paragraph.

3.186 Weddin Local Environmental Plan 2002

[1] Clause 36 Protection of heritage items and relics

Insert at the end of clause 36 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 37 Notice to Heritage Council

Omit the clause.

[3] Clause 39 Development of known or potential archaeological sites

Omit clause 39 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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- [4] **Clause 39 (2) (b)**
Omit the paragraph.

3.187 Wellington Local Environment Plan 1995

- [1] **Clause 14 Subdivision of land within Zone No 1 (a1)**
Omit clause 14 (2).
- [2] **Clause 14 (3)**
Omit “the Soil Conservation Service, the Department of Land and Water Conservation or any other”.
Insert instead “an”.
- [3] **Clause 15 Subdivision of land within Zone No 1 (c)**
Omit clause 15 (3).
- [4] **Clause 24 Protection of heritage items, heritage conservation areas and relics**
Insert at the end of clause 24 (2):
Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [5] **Clause 26 Notice to the Heritage Council**
Omit the clause.

3.188 Wentworth Local Environmental Plan 1993

- [1] **Clause 14 Urban stormwater**
Omit clause 14 (3).
- [2] **Clause 29 Heritage items**
Insert at the end of clause 29 (2):
Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [3] **Clause 30 Protection of Aboriginal and archaeologically sensitive sites**
Omit clause 30 (2) and (3).

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[4] Clause 34 Heritage advertisements

Omit clause 34 (2) and (3).

3.189 Willoughby Local Environmental Plan 1995

[1] Clause 50 Acquisition and development of land—Zone 5 (c)

Insert before clause 50 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 50 (3) (b)

Omit “under subclause (5)”.

[3] Clause 50 (5)

Omit clause 50 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone 5 (c):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone, or
 - (c) for any purpose of a temporary nature.

[4] Clause 57 Heritage items and conservation areas

Insert at the end of clause 57 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 61 Heritage advertisements

Omit clause 61 (b).

[6] Clause 63 Development of known and potential archaeological sites

Omit clause 63 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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[7] Clause 63 (2) (b)

Omit the paragraph.

3.190 Windouran Local Environmental Plan 1999

[1] Clause 25 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 25 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 27 Notice to the Heritage Council

Omit the clause.

[3] Clause 28 Development of known or potential archaeological sites

Omit clause 28 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[4] Clause 28 (2) (b)

Omit the paragraph.

3.191 Wingecarribee Local Environmental Plan 1989

[1] Clause 27 Protection of heritage items, heritage conservation areas and relics

Insert at the end of clause 27 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 29 Notice of demolition to the Heritage Council

Omit the clause.

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- [3] **Clause 30 Development affecting places or sites of known or potential Aboriginal heritage significance**
Omit “and the Director-General of National Parks and Wildlife” from clause 30 (b).
- [4] **Clause 30 (b)**
Omit “28 days”. Insert instead “21 days”.
- [5] **Clause 31 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance**
Omit clause 31 (1) (b). Insert instead:
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [6] **Clause 32 Acquisition and development of land within Zone No 6 (d), 9 (a) or 9 (b)**
Insert before clause 32 (1):
Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [7] **Clause 32 (3) (b) (ii)**
Omit “under subclause (5)”.
- [8] **Clause 32 (4)**
Omit “and the concurrence of the Roads and Traffic Authority”.
- [9] **Clause 32 (5)**
Omit the subclause.
- [10] **Clause 35 Areas of land instability**
Omit the clause.
- [11] **Clause 38F Restrictions on granting of consent**
Omit “approved by the Water Board, the Director-General of the Department of Conservation and Land Management and the Director-General of the Department of Water Resources” from clause 38F (2) (g).
- [12] **Clause 38F (3)**
Omit the subclause.

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- [13] Clause 38G Protection of items of environmental heritage**
Omit “and with the concurrence of the Heritage Council of New South Wales” from clause 38G (1).
- [14] Clause 38G (2)**
Omit “concurrence to”.
- [15] Clause 38G (2)**
Omit “Heritage Council”. Insert instead “council”.
- [16] Clause 38G (4) (d)**
Omit the paragraph.
- [17] Clause 39 Land identified as containing extractive materials**
Omit clause 39 (3) and (4). Insert instead:
- (3) In deciding whether to grant consent under subclause (2), the council must take into consideration the following matters:
 - (a) the impact the proposed development, if carried out, would have on the availability of extractive materials,
 - (b) whether the benefit to the community of the proposed development, if carried out, is greater than the costs to the community of refusing consent, redesigning or relocating the development or rendering the extractive materials unavailable.
- [18] Clause 41A Special provisions—certain land in Old Hume Highway, Mittagong**
Omit “Roads and Traffic Authority” from clause 41A (2) (f).
Insert instead “Council”.
- [19] Clause 48 Development within district**
Insert after clause 48 (1):
Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.
- [20] Clause 48 (2)**
Omit the subclause.

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[21] Clause 48 (3)

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted to development on land to which this clause applies, the council must”.

[22] Clause 48A Special provision—certain land on the Hume Highway and Golden Vale Road, Sutton Forest

Omit clause 48A (3) (b).

[23] Clause 48A (4)

Insert after clause 48A (3):

- (4) Before granting consent to the carrying out of development on land to which this clause applies, the Council may require the submission of a soil, water and erosion management plan.

3.192 Wollondilly Local Environmental Plan 1991

[1] Clause 18 Acquisition of land—Zones Nos 9 (a), 9 (b), 9 (c) and 9 (d)

Insert before clause 18 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 18 (3) (b) (ii)

Omit “under this clause”.

[3] Clause 18 (4)

Omit “and the concurrence of the Roads and Traffic Authority”.

[4] Clause 18 (5)

Omit the subclause.

[5] Clause 20 Development within proclaimed mine subsidence district

Insert after clause 20 (1):

Note. Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

[6] Clause 20 (2)

Omit the subclause.

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[7] Clause 20 (3)

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted to development on land to which this clause applies, the council must”.

[8] Clause 22 Supply of services in Zones Nos 2 (a), 2 (d), 4 (a) and 4 (c)

Omit “and until arrangements satisfactory to the Water Board have been made with that Board for the provision of a water supply to the allotment”.

Insert instead “the council is satisfied that a water supply can be provided to the allotment”.

[9] Clause 30 Heritage items

Insert at the end of clause 30 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[10] Clause 33 Heritage advertisements

Omit clause 33 (2) and (3).

[11] Clause 46 Development of certain land at Appin Road, Appin

Omit “Sydney Water Corporation” from clause 46 (3).

Insert instead “council”.

[12] Clause 49 Environmentally significant land

Omit clause 49 (5).

[13] Schedule 4

Omit “the Water Board have been made with that Board”.

Insert instead “the council have been made”.

3.193 Wollongong City Centre Local Environmental Plan 2007

[1] Clause 26 Development on proposed classified road

Omit clause 26 (1) (a) and (2).

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[2] Clause 35 Heritage conservation

Omit clause 35 (6). Insert instead:

- (6) The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[3] Clause 35 (7) (b)

Omit “28 days”. Insert instead “21 days”.

[4] Clause 35 (8)

Omit the subclause.

[5] Clause 35 (9)

Insert at the end of the subclause:

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

3.194 Wollongong Local Environmental Plan 1990

[1] Clause 17 Development in Zone No 7 (a), 7 (b) or 7 (d)

Omit “, after consultation with the Director-General of the Department of Environment and Conservation,” from clause 17 (2).

[2] Clause 17 (3)

Omit “has consulted with the Forestry Commission and”.

[3] Clause 17 (4)

Omit “has consulted with the Director-General of the Department of Environment and Conservation, Director-General of the Department of Infrastructure, Planning and Natural Resources and Director-General of the Department of Primary Industries and”.

[4] Clause 17 (5)

Omit the subclause. Insert instead:

- (5) The Council must not grant consent to an application to carry out development on land within Zone No 7 (a), 7 (b) or 7 (d) which,

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in the opinion of the Council, will involve significant tree felling or vegetation clearance unless it is satisfied that:

- (a) the development will be so managed as not to have any long term detrimental impact on opportunities for wildlife movement, or
- (b) any detrimental effect on opportunities for wildlife movement can be justified by other factors.

[5] Clause 17 (6)

Omit the subclause.

[6] Clause 20 Sand dune systems

Omit “consult with the Director-General of the Department of Infrastructure, Planning and Natural Resources and the Director-General of the Department of Commerce and” from clause 20 (1).

[7] Clause 20 (1) (b)

Insert “, including consideration of the potential impacts of climate change including sea level rise” after “beach system”.

[8] Clause 20 (2)

Omit the subclause.

[9] Clause 26 Development in flood prone land

Omit clause 26 (2). Insert instead:

- (2) For the purposes of this clause, the Council may take into consideration the nature of flood hazards, the necessity and the capacity to evacuate persons, and the consequence and suitability of any proposed development.

[10] Clause 27 Protection of heritage items and heritage conservation areas

Insert at the end of clause 27 (4):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[11] Clause 29 Notice of demolition to Heritage Council

Omit the clause.

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- [12] **Clause 29A Development affecting places or sites of known or potential Aboriginal heritage significance**
Omit clause 29A (b). Insert instead:
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice is sent.
- [13] **Clause 29B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**
Omit clause 29B (1) (b). Insert instead:
- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [14] **Clause 31 Relocation of main roads**
Omit clause 31 (1).
- [15] **Clause 35 Acquisition of land within Zone No 9**
Insert before clause 35 (1):
- Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [16] **Clause 35 (4)**
Omit the subclause.
- [17] **Clause 35 (5)**
Omit “in accordance with subclause (4)”.
- [18] **Clause 35 (5) (c)**
Omit the paragraph. Insert instead:
- (c) compliance with any condition required by the Council,
- [19] **Clause 35 (6)**
Omit “concurrence under subclause (4), the public authority concerned shall”.
Insert instead “consent under subclause (3), the Council must”.
- [20] **Clause 36 Acquisition and development of land reserved for roads**
Insert before clause 36 (1):
- Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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Schedule 3 Amendment of local environmental plans and deemed environmental planning instruments

[21] Clause 36 (2) (b) (ii)

Omit “under subclause (3)”.

[22] Clause 36 (3)

Omit “and the concurrence of the RTA”.

[23] Clause 36 (4)

Omit the subclause.

3.195 Wollongong Local Environmental Plan No 38

[1] Clause 20 Development in Zone No 7 (c)

Omit the clause.

[2] Clause 26 Liquid fuel depots

Omit the clause.

[3] Clause 36 Acquisition of land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d)

Insert before clause 36 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[4] Clause 36 (4) and (5)

Omit clause 36 (4)–(6). Insert instead:

- (4) The council may, in granting consent under subclause (3), apply conditions requiring:
 - (a) the removal of the building or work for which it has granted consent, or
 - (b) the reinstatement of the land or removal of any waste materials or refuse,
 with or without the payment of compensation by the public authority.
- (5) The council must not grant consent, referred to in subclause (3), to the development of land to be acquired by a public authority under subclause (2), unless it has taken the following into consideration:
 - (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

- (c) the costs of reinstatement of the land for the purpose for which the land is to be acquired.

[5] Schedule 8 Additional development in various zones

Omit the matter relating to items 1 and 2 in Column 3 of the table.

3.196 Woollahra Local Environmental Plan 1995

[1] Clause 14 Acquisition and development of land reserved for roads

Insert before clause 14 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[2] Clause 14 (3) (b)

Omit “under subclause (6)”.

[3] Clause 14 (6)

Omit clause 14 (6) and (7). Insert instead:

- (6) Despite clause 8, a person may, with the consent of the Council, carry out development referred to in subclause (1) (a):
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone, or
 - (c) for any purpose of a temporary nature.

[4] Clause 21E Development on certain land in Double Bay

Omit clause 21E (12) (c).

[5] Clause 25D Development on land identified on Acid Sulfate Soils Planning Map

Omit clause 25D (3) (c) and (d).

[6] Clause 26 Heritage items

Insert at the end of clause 26 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 3 Amendment of local environmental plans and deemed environmental planning instruments

[7] Clause 31 Development of known or potential archaeological sites

Omit clause 31 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

[8] Clause 31 (2) (a)

Insert “, and” at the end of the paragraph.

[9] Clause 31 (2) (b)

Omit the paragraph.

[10] Clause 33 Heritage notifications

Omit the clause.

3.197 Wyong Local Environmental Plan 1991

[1] Clause 15 Development on land containing acid sulfate soils

Omit clause 15 (5) (c).

[2] Clause 20

Omit the clause. Insert instead:

20 Reclamation of land

The Council must not grant consent to an application to reclaim land below high water mark within the local government area of Wyong unless it has taken into consideration the impact of the development on the natural environment and the use of the waterway for recreational purposes.

[3] Clause 32 Development of heritage items

Insert at the end of clause 32 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[4] Clause 33 Notification and exhibition of certain heritage development applications

Omit clause 33 (2).

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

[5] Clause 34 Development of known or potential archaeological sites

Omit clause 34 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

[6] Clause 34 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

[7] Clause 39 Consent—environmental protection zone

Omit clause 39 (1).

[8] Clause 39 (2)

Omit “In deciding whether to grant concurrence to development within Zone No 7 (d) in pursuance of subclause (1), the Director shall take”.

Insert instead “Consent to the development of land, including consent to the alteration, enlargement or rebuilding of any existing building or work within Zone No 7 (d) or 7 (e), must not be given unless the consent authority has taken”.

[9] Clause 39 (3)

Omit “In deciding whether to grant concurrence to development within Zone No 7 (e) in pursuance of subclause (1) the Director shall take”.

Insert instead “In deciding whether to grant consent to development within Zone No 7 (e), the consent authority must take”.

[10] Clause 45 Acquisition and development of land reserved for roads

Insert before clause 45 (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[11] Clause 45 (2) (b) (ii)

Omit “under subclause (3)”.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 3 Amendment of local environmental plans and deemed environmental planning instruments

[12] Clause 45 (3)

Omit “and the concurrence of the RTA”.

[13] Clause 45 (4)

Omit the subclause.

[14] Clause 49 Relocation of major roads

Omit clause 49 (1) and (3).

3.198 Yallaroi Local Environmental Plan 1991

[1] Clause 14 Subdivision for intensive agriculture pursuits in Zone No 1 (a)

Omit clause 14 (d).

[2] Clause 16 Residential use of rural land

Omit clause 16 (4).

[3] Clause 22 Environmentally sensitive land

Omit “it has first consulted with the Soil Conservation Service and” from clause 22 (3).

[4] Clause 25 Heritage items

Insert at the end of clause 25 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[5] Clause 27 Heritage advertisements

Omit clause 27 (1) (b).

3.199 Yarrowlumla Local Environmental Plan 1993

[1] Clause 20 Heritage items

Insert at the end of clause 20 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 22A Notification of demolition to the Heritage Council

Omit the clause.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Amendment of local environmental plans and deemed environmental planning instruments

Schedule 3

[3] Schedule 2 Cluster housing

Omit “has given the Environment Protection Authority notice of the development application and the Council” and “after taking into account any submission made by that Authority to the Council about those matters within 28 days after the notice is sent” from paragraph (b) of the matter relating to Lots 1 and 2, DP 772168, Parish of Carwoola.

3.200 Yarrowlumla Local Environmental Plan 2002

[1] Clause 47 What controls apply to the development of heritage items and relics?

Insert at the end of clause 47 (3):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 50 Notice to the Heritage Council

Omit the clause.

[3] Schedule 6 Cluster housing

Omit “has given the Environment Protection Authority notice of the development application and the Council” and “after taking into account any submission made by that Authority to the Council about those matters within 28 days after the notice is sent” from paragraph (b) of the matter relating to lots 1 and 2, DP 772168, Parish of Carwoola.

3.201 Yass Local Environmental Plan 1987

[1] Clause 20 Development along the Barton Highway

Omit the clause.

[2] Clause 24A Acquisition and development of land reserved for roads

Insert before clause 24A (1):

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

[3] Clause 24A (2) (b) (ii)

Omit “under subclause (3)”.

[4] Clause 24A (3)

Omit “and the concurrence of the RTA”.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 3 Amendment of local environmental plans and deemed environmental planning instruments

[5] Clause 24A (4)

Omit the subclause.

3.202 Young Local Environmental Plan 1991—Urban Lands

[1] Clause 15 Heritage items

Insert at the end of clause 15 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 18 Heritage advertisements

Omit clause 18 (1) (b).

3.203 Young Local Environmental Rural Plan 1993

[1] Clause 23 Heritage items

Insert at the end of clause 23 (2):

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

[2] Clause 26 Heritage advertisements

Omit clause 26 (1) (b).



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S87/00125-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 1.1

General

Part 1

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

under the

Environmental Planning and Assessment Act 1979

Part 1 General

Division 1 Preliminary

1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

1.2 Commencement

This Policy commences on 27 February 2009.

1.3 Aims of Policy

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by:

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

1.4 Land to which Policy applies

- (1) This Policy applies to the State, except as provided by this clause.
-

Clause 1.5 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 1 General

(2) This Policy does not apply to land to which the following environmental planning instruments apply:

- (a) *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*,
- (b) *Orana Regional Environmental Plan No 1—Siding Spring*.

1.5 Interpretation—general

(1) In this Policy:

Acid Sulfate Soils Map means a map in an environmental planning instrument that identifies land containing acid sulfate soil.

ancillary development means any of the following that are not exempt development under this Policy:

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) carport that is attached to a dwelling house,
- (e) driveway, pathway or paving,
- (f) fence or screen,
- (g) garage that is attached to a dwelling house,
- (h) outbuilding,
- (i) rainwater tank that is attached to a dwelling house,
- (j) retaining wall,
- (k) swimming pool or spa pool and child-resistant barrier.

articulation zone means an area within a lot within which building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

- (a) the foremost edge of the building line, or
- (b) a gable or roof parapet having a surface area of more than 10m².

attached, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

battle-axe lot means a lot that has access to a road by an access laneway.

building element has the meaning set out in the code in which it is used.

building line means the line of the existing or proposed building wall (other than a wall of any building element within an articulation zone),

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 1.5

General

Part 1

or the outside face of any existing or proposed ancillary development, closest to the relevant boundary of the lot.

complying development code means a code for complying development set out in a Part of this Policy.

council means the council of a local government area and, in relation to a particular development, means the council of the local government area in which the development will be carried out.

detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

draft heritage conservation area means an area of land identified as a heritage conservation area or place of Aboriginal heritage significance in a local environmental plan that has been subject to public exhibition under section 66 of the Act, other than an area that was exhibited before 1 March 2006, but has not been included in a plan before the commencement of this Policy.

draft heritage item means a building, work, archeological site, tree, place or aboriginal object identified as a heritage item in a local environmental plan that has been subject to public exhibition under section 66 of the Act, other than an item that was exhibited before 1 March 2006, but has not been included in a plan before the commencement of this Policy.

dwelling house means a building containing only one dwelling, but does not include any part of the building that is ancillary development or exempt development under this Policy.

exempt development code means a code for exempt development set out in Part 2.

flood control lot means a lot to which flood related development controls apply in respect of development for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

Note. This information is a prescribed matter for the purpose of a certificate under section 149 (2) of the Act.

General Exempt Development Code means the code for exempt development set out in Division 1 of Part 2.

General Housing Code means the code for complying development set out in Part 3.

habitable room has the same meaning as in the *Building Code of Australia*.

Note. The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby,

Clause 1.5 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 1 General

clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

heritage conservation area means an area of land identified as a heritage conservation area or a place of Aboriginal heritage significance, including any heritage items situated on or within that area, in an environmental planning instrument.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object identified as a heritage item in an environmental planning instrument.

outbuilding means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling house,
- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed.

parallel road means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road.

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

professional engineer has the same meaning as in the *Building Code of Australia*.

Note. The term is defined as a person who is:

- (a) if legislation is applicable—a registered *professional engineer* in the relevant discipline who has appropriate experience and competence in the relevant field, or
- (b) if legislation is not applicable:
 - (i) a Corporate Member of the Institution of Engineers, Australia, or
 - (ii) eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience and competence in the relevant field.

secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

setback means the horizontal distance between the relevant boundary of the lot and the building line.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 1.6

General

Part 1

setback area means the area between the building line and the relevant boundary of the lot.

Standard Instrument means the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

storey, means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include the following:

- (a) an attic,
- (b) a basement,
- (c) a lift shaft,
- (d) a mezzanine,
- (e) a stairway.

Note. The determination of the number of storeys a building contains is as set out in *State Environmental Planning Policy No 6—Number of Storeys in a Building*.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (3) A reference in this Policy to a code is a reference to a code set out in a Part of this Policy.
- (4) A reference in this Policy to a type of building or other thing is a reference to development for the purposes of that type of building or other thing.
- (5) Notes included in this Policy do not form part of this Policy.

1.6 Interpretation—references to land use zones

- (1) A reference in this Policy to a lot in a named land use zone is a reference:
 - (a) to a lot that, under an environmental planning instrument made as provided by section 33A (2) of the Act, is in a land use zone specified in the Standard Instrument, and
 - (b) to a lot that, under an environmental planning instrument that is not made as provided by section 33A (2) of the Act, is in a land use zone in which equivalent land uses are permitted to those permitted in the named land use zone.

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(2) In this clause:

equivalent land uses, in relation to a lot in a named land use zone, means uses equivalent to the permitted land uses shown opposite that named land use zone in the table to this clause.

Named land use zone	Permitted land uses
R1	Variety of residential housing types
R2	Primarily dwelling houses
R3	Mix of dwelling houses and multi dwelling housing
R4	Primarily residential flat buildings
R5	Dwelling houses on large lots in a rural setting
RU1	Primarily agriculture
RU2	Compatible rural land uses including extensive agriculture
RU3	Forestry land uses
RU4	Compatible rural land uses including primary industry
RU5	Rural village

1.7 Interpretation—references to maps

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

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- (5) This clause does not apply to an Acid Sulfate Soils Map.

1.8 Relationship with other State environmental planning policies

Note This clause is subject to section 36 (4) of the Act.

- (1) If this Policy and any other State environmental planning policy, whether made before or after the commencement of this Policy, specify the same development, as either exempt development or complying development, the other Policy does not apply to that development, except as provided by subclauses (2)–(4).
- (2) If this Policy and *State Environmental Planning Policy (Infrastructure) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (3) If this Policy and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (4) If this Policy specifies development as either exempt or complying development and a provision in *State Environmental Planning Policy No 60—Exempt and Complying Development* specifies the same development as complying development, the other policy cease to apply to that development 12 months after the commencement of this Policy.
- (5) For the avoidance of doubt, during the first 12 months after the commencement of this Policy, each policy identified in subclause (4) continues to apply to the development.
- (6) If another State environmental planning policy specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that other Policy.

Note. The *Environmental Planning and Assessment Regulation 2000* specifies that a person must refer to the environmental planning instrument under which the development is complying development in an application for a complying development certificate.

1.9 Relationship with local environmental plans and development control plans

- (1) **Exempt development under this Policy and a local environmental plan or development control plan**

If this Policy and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specify the same development as exempt development, the local environmental plan or development control plan does not apply to that development.

Clause 1.10 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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(2) **Complying development under this Policy and a local environmental plan or development control plan**

If this Policy and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specify the same development as complying development, the local environmental plan or development control plan ceases to apply to that development 12 months after the commencement of this Policy.

(3) **Complying development under this Policy and exempt development under a local environmental plan or development control plan**

If this Policy specifies development as complying development and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specifies the same development as exempt development, the local environmental plan or development control plan does not apply to that development.

(4) **Exempt development under this Policy and complying development under a local environmental plan or development control plan**

If this Policy specifies development as exempt development and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specifies the same development as complying development, the local environmental plan or development control plan ceases to apply to that development 12 months after the commencement of this Policy.

(5) For the avoidance of doubt, during the first 12 months after the commencement of this Policy, the local environmental plan or the development control plan referred to in subclauses (2) and (4) continue to apply to the development.

(6) If a local environmental plan or a development control plan specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that local environmental plan or development control plan.

(7) In this clause:

local environmental plan includes a deemed environmental planning instrument.

Note. The *Environmental Planning and Assessment Regulation 2000* specifies that a person must refer to the environmental planning instrument under which the development is complying development in an application for a complying development certificate.

1.10 Same development

(1) For the purposes of this Policy, 2 or more instruments are taken to specify the same development if they specify that development for the

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same purpose may be carried out on the same land, even though there may be some differences in the specifications or development standards for that development.

Note. For example, “deck” is a development, even if the size of the deck or its location varies in different local environmental plans or development control plans.

- (2) The Director-General may certify in writing, for the purpose of this Policy, that 2 or more instruments do, or do not, specify the same development and any such certificate has effect according to its tenor.
- (3) Notice of any certification by the Director-General under subclause (2) must be published in the Gazette.

1.11 Amendment of environmental planning instruments

The environmental planning instruments specified in Schedule 1 are amended as set out in that Schedule.

1.12 Variations to codes

The codes, or parts of codes, in this Policy are varied as set out in Schedule 2 or 3.

1.13 Savings provision relating to pending applications

A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of this Policy, or an amendment to this Policy, must be determined as if this Policy or the amendment had not commenced.

1.14 Review of Policy

The Minister must ensure that the provisions of this Policy are reviewed:

- (a) as soon as practicable after the first anniversary of the commencement of this Policy, and
- (b) at least every 5 years after that commencement.

Division 2 Exempt and complying development

1.15 What development is exempt development?

- (1) Development that is specified in an exempt development code that meets the standards specified for that development and that complies with the requirements of this Division for exempt development is exempt development for the purposes of this Policy.

Clause 1.16 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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- (2) For the purposes of subclause (1), development that is specified includes any specified limitations as to the land on which that development may be carried out.

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

1.16 General requirements for exempt development

- (1) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (3) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*.

1.17 What development is complying development?

- (1) Development that is specified in a complying development code that meets the standards specified for that development and that complies with the requirements of this Division for complying development is complying development for the purposes of this Policy.
- (2) For the purposes of subclause (1), development that is specified includes any specified limitations as to the land on which that development may be carried out.

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

The section states that development cannot be complying development if:

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

1.18 General requirements for complying development

- (1) To be complying development, the development must:
 - (a) be permissible, with consent, in the land use zone in which it is carried out, and
 - (b) meet the relevant provisions of the *Building Code of Australia*, and
 - (c) have a prior approval, if required by the *Local Government Act 1993*, for:

Clause 1.19 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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- (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
 - (d) have, if required by the *Roads Act 1993*:
 - (i) prior consent from the relevant roads authority for each opening of a public road required by the development, and
 - (ii) prior written permission from the relevant roads authority to operate or store machinery, materials or waste required by the development on a road or footpath reserve.
 - (2) To be complying development, the development must not:
 - (a) be designated development, or
 - (b) be exempt development under this Policy, or
 - (c) be carried out on land that is less than the minimum lot size for the erection of a dwelling house under an environmental planning instrument applying to the land, or
 - (d) be development that requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)).
 - (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

1.19 Land-based requirements for exempt and complying development

- (1) To be exempt development or complying development, the development must not be carried out on land that is an environmentally sensitive area.
- (2) To be complying development, the development must not be carried out on:
 - (a) land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, or
 - (b) land that comprises, or on which there is, a heritage item or a draft heritage item, or
 - (c) land within a heritage conservation area or a draft heritage conservation area, or

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 1.19

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- (d) land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (e) land that is reserved for a public purpose in an environmental planning instrument, or
- (f) unsewered land to which *Drinking Water Catchments Regional Environmental Plan No 1* applies, or
- (g) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (h) land that is bush fire prone land, or
- (i) a flood control lot, or
- (j) excluded land identified by an environmental planning instrument.
- (3) If only a part of a lot is land to which this clause applies, complying development must not be carried out on any part of that lot.
- (4) For the purposes of this clause:
environmentally sensitive area means any of the following:
- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100m of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,

Clause 1.19 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

excluded land identified by an environmental planning instrument means land identified as being any of the following:

- (a) within a buffer area,
- (b) a coastal erosion hazard,
- (c) a difficult site,
- (d) within an ecologically sensitive area,
- (e) environmentally sensitive land,
- (f) foreshore land,
- (g) within a foreshore building line,
- (h) within a foreshore scenic protection area,
- (i) within a protected area,
- (j) within a scenic area,
- (k) within a scenic preservation area,
- (l) within a scenic protection area,
- (m) within a special area.

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Clause 2.1

Exempt Development Codes

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Part 2 Exempt Development Codes

Note 1. Schedule 2 contains the variations to this code.

Note 2. A person may carry out development specified in this code without obtaining development consent from a consent authority if the person complies with the development standards that apply to the development (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*).

However, the development must not contravene any condition of a development consent already applying to the land. Also, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code are contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the Protection of the *Environment Operations Act 1997*, the *Roads Act 1993* and the *Swimming Pools Act 1992*.

Division 1 General Exempt Development Code

Subdivision 1 Access ramps

2.1 Specified development

The construction or installation of an access ramp is development specified for this code.

2.2 Development standards

The standards specified for that development are that the development must:

- (a) be not more than 1m above ground level (existing), and
- (b) be constructed in accordance with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*, and
- (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and
- (d) if it is located on bush fire prone land—be constructed of non-combustible material, and
- (e) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Clause 2.3 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

Subdivision 2 Aerials and antennae

2.3 Specified development

The construction or installation of an aerial or antenna, including a microwave antennae, is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

Note. See separate entry for communication dishes.

2.4 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) be located at least 900mm from each lot boundary, and
 - (c) if it is roof mounted—be not higher than 1.8m above the highest point of the roof, and
 - (d) if it is not roof mounted:
 - (i) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and
 - (ii) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard.
- (2) There must not be more than 1 development per dwelling.

Subdivision 3 Air-conditioning units

2.5 Specified development

The construction or installation of an air-conditioning unit is development specified for this code.

2.6 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) be located at least 450mm from each lot boundary, and
 - (c) subject to paragraph (g), be attached to the external wall of a building or ground mounted, and
 - (d) be not higher than 1.8m above ground level (existing), and
 - (e) not involve work that reduces the structural integrity of the building, and

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.7

Exempt Development Codes

Part 2

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- (f) not reduce the existing fire resistance level of a wall, and
 - (g) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item—not be wall mounted, and
 - (h) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.

Subdivision 4 Aviaries

2.7 Specified development

The construction or installation of an aviary is development specified for this code.

2.8 Development standards

- (1) The standards specified for that development are that the development must:
- (a) be for domestic purposes only, and
 - (b) not have a floor area of more than 10m², and
 - (c) be not higher than 2.4m above ground level (existing), and
 - (d) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard, and
 - (e) be located at least 1m from any registered easement, sewer main or water main, and
 - (f) have an impervious floor, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (h) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.
- (2) There must not be more than 2 developments per lot.

Subdivision 5 Awnings, blinds and canopies

2.9 Specified development

The construction or installation of an awning, blind (including a storm blind, security blind or sun blind), canopy or similar structure over a window or door opening is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

Note. See separate entry for shade structures.

Clause 2.10 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

2.10 Development standards

The standards specified for that development are that the development must:

- (a) not have an area more than 10m², and
- (b) not project beyond the external wall of the building by more than 2m, and
- (c) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (d) if it is located on bush fire prone land—be constructed of non-combustible material.

Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs

2.11 Specified development

The construction or installation of a balcony, deck, patio, pergola, terrace or verandah (whether free standing or attached to the ground floor level of a building, or roofed or unroofed) is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.12 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) have an area of not more than 20m², and
 - (c) not cause the total floor area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, and
 - (d) not have an enclosing wall higher than 1.4m, and
 - (e) be located behind the building line of any road frontage, and
 - (f) be located at least 900mm from each lot boundary, and
 - (g) be located at least 1m from any registered easement, sewer main or water main, and
 - (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (i) if it is free standing—have a floor height not more than 1m above ground level (existing), and
 - (j) if it is a roofed structure:

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.13

Exempt Development Codes

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- (i) that is attached to a dwelling—not extend above the roof gutter line of the dwelling, and
 - (ii) have a roof not higher than 3m, at its highest point, above ground level (existing), and
 - (k) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
 - (l) be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system, and
 - (m) not interfere with the functioning of existing drainage fixtures or flow paths, and
 - (n) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (o) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 7 Barbecues

2.13 Specified development

The construction or installation of a barbecue is development specified for this code.

2.14 Development standards

The standards specified for that development are that the development must:

- (a) not have an area of more than 4m², and
- (b) be not higher than 1.8m above ground level (existing), and
- (c) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located behind the building line of any road frontage, and
- (d) be located at least 450mm from each lot boundary, and
- (e) be located at least 1m from any registered easement, sewer main or water main.

Subdivision 8 Bed and breakfast accommodation

2.15 Specified development

Bed and breakfast accommodation is development specified for this code if it is carried out on land in a land use zone where bed and breakfast accommodation is a permissible use.

Clause 2.16 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

2.16 Development standards

The standards specified for that development are that the development must:

- (a) be in an existing dwelling house that has a floor area not more than 300m², and
- (b) consist of not more than 3 guest bedrooms.

Subdivision 9 Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses

2.17 Specified development

The construction or installation of a cabana, cubby house, fernery, garden shed, gazebo or greenhouse is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.18 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) not have a floor area of more than 20m², and
 - (c) be not higher than 3m above ground level (existing), and
 - (d) be located at least 900mm from each lot boundary, and
 - (e) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located behind the building line of any road frontage, and
 - (f) not be a shipping container, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (h) be located at least 1m from any registered easement, sewer main or water main, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) There must not be more than 2 developments per lot.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.19

Exempt Development Codes

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Subdivision 10 Carports

2.19 Specified development

The construction or installation of a carport is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.20 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) not have a floor area more than 20m², and
 - (c) be not higher than 3m above ground level (existing) or, if attached to an existing single storey dwelling, be not higher than the roof gutter line, and
 - (d) be located at least 1m behind the building line of any road frontage, and
 - (e) be located at least 900mm from each lot boundary, and
 - (f) have 2 or more sides open and not less than one-third of its perimeter open, and
 - (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (h) not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the *Roads Act 1993*, and
 - (i) be constructed or installed so that any roofwater is disposed of into the existing stormwater drainage system, and
 - (j) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
 - (k) be located at least 1m from any registered easement, sewer main or water main, and
 - (l) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (m) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) The roof of the development must be located at least 500mm from each lot boundary.
- (3) There must not be more than 1 development per lot.

Clause 2.21 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

Subdivision 11 Clothes hoists and clothes lines

2.21 Specified development

The construction or installation of a clothes hoist or clothes line is development specified for this code.

2.22 Development standards

The standards specified for that development are that the development must:

- (a) be located behind the building line of any road frontage, and
- (b) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 12 Communications dishes (radio and satellite)

2.23 Specified development

The construction or installation of a radio or satellite communications dish is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.24 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) if it is roof mounted:
 - (i) not have a diameter of more than 900mm, and
 - (ii) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and
 - (c) if it is ground mounted:
 - (i) not have a diameter of more than 1.8m, and
 - (ii) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and
 - (iii) be located in the rear yard, and
 - (iv) be located at least 900mm from each lot boundary.
- (2) There must not be more than 1 development per dwelling.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.25

Exempt Development Codes

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Subdivision 13 Demolition

2.25 Specified development

Demolition of development that would be exempt development under this code if it were being constructed or installed is development specified for this code if it is not carried out on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.26 Development standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Subdivision 14 Driveways

2.27 Specified development

The construction or installation of a driveway associated with access to a carport or garage is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item in a heritage conservation area or a draft heritage conservation area.

2.28 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
- (c) not require cut or fill more than 600mm below or above ground level (existing), and
- (d) if it is a driveway:
 - (i) be not wider than the carport or garage with which it is associated, and
 - (ii) be constructed in accordance with AS/NZS 2890.1:2004, *Parking facilities—Off-street car parking*, and
 - (iii) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
 - (iv) have the consent of the relevant road authority under the *Roads Act 1993* for each opening of a public road required for the development.

Clause 2.29 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

Subdivision 15 Earthworks and retaining walls

2.29 Specified development

Earthworks and the construction or installation of a retaining wall is development specified for this code if it is not carried out, constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.30 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be located at least 900mm from each lot boundary, and
- (c) if a retaining wall:
 - (i) be not higher than 600mm (including the height of any batters) above ground level (existing), and
 - (ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above ground level (existing) at each step, and
 - (iii) have adequate drainage lines behind it, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) not redirect the flow of surface water onto an adjoining property, and
- (f) cause surface water to be disposed of without causing a nuisance to adjoining owners, and
- (g) be located at least 1m from any registered easement, sewer main or water main, and
- (h) if the fill is more than 150mm deep—not occupy more than 50% of the landscaped area, and
- (i) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 16 Farm buildings and structures

2.31 Specified development

The construction or installation of a farm building or other structure used for the purpose of an agricultural activity is development specified for this code if it is:

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Clause 2.32

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- (a) constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and
 - (b) not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.32 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 7m above ground level (existing), and
- (b) not have an area of more than:
 - (i) if it is a stockyard—0.5ha, or
 - (ii) if it is any other building or structure—200m², and
- (c) be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and
- (d) not be constructed or installed within 50m of a dwelling on an adjoining property, and
- (e) be located at least 1m from any registered easement, sewer main or water main, and
- (f) to the extent it is comprised of metal components—be designed by, and constructed in accordance with the specifications of, a professional engineer.

Subdivision 17 Fences (non rural)—behind the building line

2.33 Specified development

The construction or installation of a fence or gate behind the building line of the primary road frontage is development specified for this code if it is:

- (a) constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item, and
- (c) not constructed or installed on a flood control lot.

2.34 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) if it is constructed of timber, metal or light weight materials—be not higher than 1.8m above ground level (existing), and

Clause 2.35 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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- (b) if it is constructed of masonry materials or chain wire—be not higher than 1m above ground level (existing), and
 - (c) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (d) not be an electrical fence or use barbed wire, and
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
 - (f) not redirect the flow of surface water onto an adjoining property, and
 - (g) if it is located in core Koala habitat—be constructed or installed in accordance with any relevant council policy, and
 - (h) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood.
- (2) If the development is constructed or installed on a secondary road frontage, it may be constructed up to a point that is level with the building line for the primary road frontage.

Subdivision 18 Fences (non rural)—forward of the building line

2.35 Specified development

The construction or installation of a fence or gate forward of the building line for the primary road frontage is development specified for this code if it is:

- (a) constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and
- (c) not constructed or installed on a flood control lot.

2.36 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 1.2m above ground level (existing), and
- (b) be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm, and
- (c) not be solid metal panels or chain wire fencing, and
- (d) not be an electrical fence or use barbed wire, and

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.37

Exempt Development Codes

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- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 1.5m above ground level (existing) at each step, and
 - (f) not redirect the flow of surface water onto an adjoining property, and
 - (g) if it is an entrance gate—not swing open over council property, and
 - (h) if it is located in core Koala habitat—be constructed or installed in accordance with any relevant council policy, and
 - (i) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood.

Subdivision 19 Fences (rural)

2.37 Specified development

The construction or installation of a fence or gate is development specified for this code if it is:

- (a) constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and
- (c) not constructed or installed on a flood control lot.

2.38 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 1.8m above ground level (existing), and
- (b) if it is a boundary fence that has a frontage to a public road—be constructed using post and wire or post and rail, and
- (c) if it is electrical fencing—be constructed in accordance with AS/NZS 3014:2003, *Electrical installations—electric fences*, and
- (d) if any part of it is a masonry decorative feature associated with an entrance gate on a boundary that has a frontage to a public road—not extend more than 3m from either side of the gate, and
- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
- (f) not redirect the flow of surface water onto an adjoining property.

Clause 2.39 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

Subdivision 20 Flagpoles

2.39 Specified development

The construction or installation of a free-standing flagpole is development specified for this code.

2.40 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be not higher than 6m above ground level (existing), and
 - (b) not have a diameter of more than 90mm, and
 - (c) be located at least 3m from each lot boundary.
- (2) There must not be more than 1 development per lot.
- (3) Any flag flown from the development must not have an area of more than 2.5m².

Subdivision 21 Fowl and poultry houses

2.41 Specified development

The construction or installation of a fowl or poultry house is development specified for this code if it is:

- (a) constructed or installed on land in a residential or rural zone, and
- (b) not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.42 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) if the development is constructed or installed on land in Zone R1, R2, R3, R4, R5 or RU5:
 - (i) be not higher than 3m above ground level (existing), and
 - (ii) not have a floor area of more than 15m², and
 - (iii) be located in the rear yard, and
 - (iv) not house more than 10 fowls or poultry, and
 - (b) if the development is constructed or installed on land in Zone RU1, RU2, RU3 or RU4:
 - (i) be not higher than 7m above ground level (existing), and
 - (ii) not have a floor area of more than 50m², and
 - (c) be located at least 3m from each lot boundary, and

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- (d) if it houses fowls (including guinea fowls) only—be located at least 4.5m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
 - (e) if it houses other types of poultry—be located at least 30m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
 - (f) be enclosed to prevent the escape of poultry, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (h) be located at least 1m from any registered easement, sewer main or water main, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) In all zones other than Zone RU1, RU2, RU3 and RU4, there must not be more than 1 development per lot.

Subdivision 22 Home businesses, home industries and home occupations

2.43 Specified development

A home business, a home industry or a home occupation is development specified for this code.

2.44 Development standards

No standards are specified for this development.

Note. The elements that must comprise this type of development are specified in the definition for these types of development in the Standard Instrument. If all the elements are not present, the development is not development to which this Division applies.

Subdivision 23 Home-based child care

2.45 Specified development

Home-based child care is development specified for this code if it is not carried out on bush fire prone land.

2.46 Development standards

No standards are specified for this development.

Note. The elements that must comprise this type of development are specified in the definition for this development in the Standard Instrument. If all the

Clause 2.47 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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elements are not present, the development is not development to which this Division applies.

Subdivision 24 Landscaping structures

2.47 Specified development

The construction or installation of a landscaping structure (including a garden arch), other than a retaining wall is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.48 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.1m above ground level (existing), and
- (b) be not wider than 1.5m, and
- (c) be located at least 900mm from each lot boundary, and
- (d) not comprise masonry construction higher than 1m from ground level (existing), and
- (e) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 25 Letterboxes

2.49 Specified development

The construction or installation of a letterbox, whether free standing or in banks, is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.50 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be not higher than 1.2m above ground level (existing), and
 - (b) be visible from the road alignment, and
 - (c) have appropriate numbering that is visible from the road alignment.
- (2) There must be only 1 development per lot.

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Subdivision 26 Minor building alterations (internal)

2.51 Specified development

A minor internal building alteration to a dwelling for the replacement or renovation of:

- (a) a doorway, wall, ceiling or floor lining, or
 - (b) a deteriorated frame member, or
 - (c) a bathroom or kitchen, or
 - (d) a built in fixture such as a vanity, a cupboard or a wardrobe,
- is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.52 Development standards

The standards specified for that development are that the development must:

- (a) if it is the replacement or renovation of a deteriorated frame member—be of equivalent or improved quality materials, and
- (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and
- (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (d) not affect the load bearing capacity (whether vertical or horizontal) of a building.

Subdivision 27 Minor building alterations (external)

2.53 Specified development

- (1) A minor external non-structural building alteration to a dwelling, such as the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
- (c) the repair to or replacement of a non-structural wall or roof cladding,

is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

Clause 2.54 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

2.54 Development standards

The standards specified for that development are that the development must:

- (a) not compromise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (b) not reduce the existing fire resistance level of a wall, and
- (c) if located on bush fire prone land:
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials.

Note. See separate entry for skylights.

Subdivision 28 Pathways and paving

2.55 Specified development

The construction or installation of a pathway or paving associated with a balcony, deck, patio, pergola, terrace or verandah is development specified for this code.

2.56 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
- (c) not require cut or fill more than 600mm below or above ground level (existing).

Subdivision 29 Playground equipment

2.57 Specified development

The construction or installation of playground equipment is development specified for this code.

2.58 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be not higher than 2.5m above ground level (existing), and

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.59

Exempt Development Codes

Part 2

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- (c) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard, and
 - (d) be located at least 1m from any registered easement, sewer main or water main.

Subdivision 30 Portable swimming pools and spas and child-resistant barriers

2.59 Specified development

The construction or installation of a portable swimming pool or spa or a child-resistant barrier that is required under the *Swimming Pools Act 1992* is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.60 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be located in the rear yard, and
 - (b) be located at least 1m from each lot boundary, and
 - (c) not exceed 2,000 L in capacity, and
 - (d) not require structural work for installation, and
 - (e) not impact on the structural stability of any building.
- (2) A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

Subdivision 31 Privacy screens

2.61 Specified development

The construction or installation of a privacy screen that is not attached to a boundary fence or retaining wall is development specified for this code.

2.62 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.5m above ground level (existing), and
- (b) be not longer than 5m, and
- (c) be located at least 900mm from each lot boundary, and
- (d) be located in the rear yard, and

Clause 2.63 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

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- (e) be constructed of lattice, bamboo, canvas or the like.

Subdivision 32 Rainwater tanks (above ground)

2.63 Specified development

The construction or installation of a rainwater tank above ground is development specified for this code.

2.64 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) if it is on land other than land in Zone RU1, RU2, RU3 or RU4:
 - (i) for an educational establishment—not have a capacity of more than 25,000 L, and
 - (ii) in any other case—not have a capacity more than 10,000 L, and
 - (iii) be located at least 450mm from each lot boundary, and
 - (b) if it is on land in Zone RU1, RU2, RU3 or RU4—be located at least 10m from each lot boundary, and
 - (c) be located behind the building line of any road frontage, and
 - (d) not rest on the footings of an existing building for support, and
 - (e) not require cut and fill of more than 1m below or above ground level (existing), and
 - (f) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (g) have a sign affixed to it stating the water in it is rainwater, and
 - (h) be constructed or installed to prevent mosquitoes breeding in it, and
 - (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (j) be located at least 1m from any registered easement, sewer main or water main, and
 - (k) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.

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Clause 2.65

Exempt Development Codes

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- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
 - (4) In this clause:
educational establishment means a building or place used for education (including teaching) and includes a pre-school, a school, a tertiary institution that provides formal education (such as a university or TAFE establishment) and an art gallery or museum that is not used to sell the items displayed in it (whether or not the building or place is also used for accommodation for staff or students).

Subdivision 33 Rainwater tanks (below ground)

2.65 Specified development

The construction or installation of a rainwater tank below ground is development specified for this code if it is constructed or installed on land in Zone RU1, RU2, RU3 or RU4.

2.66 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (b) have a sign affixed to it stating the water in it is rainwater, and
 - (c) be constructed or installed to prevent mosquitoes breeding in it, and
 - (d) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (e) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

Clause 2.67 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

Subdivision 34 Scaffolding

2.67 Specified development

The construction or installation of scaffolding to be used in connection with development that would be exempt development under this code if it were being constructed or installed is development specified for this code.

2.68 Development standards

The standards specified for that development are that the development must:

- (a) enclose the works area, and
- (b) have sufficient structural strength to withstand, and be impenetrable to, the impact of falling rubble, and
- (c) be removed immediately after the purpose for which it was erected has finished and no safety issue will arise from its removal.

Subdivision 35 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)

2.69 Specified development

The construction or installation of a screen by attaching it to a balcony, deck, patio, pergola, terrace or verandah of a dwelling is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.70 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing, and
 - (b) if it encloses a structure attached to the ground level of a single storey dwelling or the upper level of a two storey dwelling—not be higher than the roof gutter line, and
 - (c) if it encloses a structure attached to the ground level of a two storey dwelling—not be higher than 3m above the floor level of the structure it is enclosing, and
 - (d) if it encloses a freestanding structure—not be higher than 3m above the floor level of the structure it is enclosing, and

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.71

Exempt Development Codes

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- (e) if it encloses a structure attached to the upper level of a two storey dwelling—not enclose an area of more than 9m², and
 - (f) be located behind the building line of any road frontage, and
 - (g) be located at least 900mm from each lot boundary, and
 - (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (i) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
 - (j) have at least two-thirds of its perimeter comprising open screen mesh material, and
 - (k) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (l) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 36 Shade structures of canvas, fabric, mesh or the like

2.71 Specified development

The construction or installation of a shade structure of canvas, fabric, mesh or the like is development specified for this code.

Note. See separate entry for awnings, blinds and canopies.

2.72 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) not have an area more than 15m², and
- (c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, and
- (d) not be higher than 3m from ground level (existing), and
- (e) be located at least 900mm from each lot boundary, and
- (f) be located behind the building line of any road frontage, and
- (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (h) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
- (i) not interfere with the functioning of existing drainage fixtures or flow paths, and

Clause 2.73 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Exempt Development Codes

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- (j) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (k) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 37 Skylights, roof windows and ventilators

2.73 Specified development

The construction or installation of a skylight, roof window or ventilator is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.74 Development standards

The standards specified for that development are that the development must:

- (a) not cause the total area of all such structures to be more than 2% of the total roof area of the building, and
- (b) be located at least 900mm from each lot boundary, and
- (c) be located at least 900mm from a wall separating attached dwellings, and
- (d) be constructed or installed so that any opening created is adequately weather proofed, and
- (e) not involve work that reduces the structural integrity of the building, and
- (f) if located on bush fire prone land—be adequately sealed or protected to prevent entry of embers, and
- (g) if constructed or installed in a heritage conservation area or a draft heritage conservation area—not be visible from any road frontage.

Subdivision 38 Solar water heaters and photovoltaic systems

2.75 Specified development

The construction or installation of a solar water heater or photovoltaic system is development specified for this code.

2.76 Development standards

The standards specified for that development are that the development must:

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Clause 2.77

Exempt Development Codes

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- (a) be constructed or installed so that any service opening created is adequately weather proofed, and
 - (b) be integrated into the building or be flush or parallel with the surface of the roof of the building, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or is constructed or installed in a heritage conservation area or a draft heritage conservation area— not be visible from any road frontage.

Subdivision 39 Temporary builders' structures

2.77 Specified development

The construction or installation of a building site shed, office or associated amenities structure is development specified for this code.

2.78 Development standards

The standards specified for that development are that the development must:

- (a) be located on the lot in relation to which a development consent has been granted, and
- (b) if it contains plumbing fixtures, have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (c) not be used for residential purposes, and
- (d) be located at least 1m from any registered easement, sewer main or water main, and
- (e) be removed from the lot immediately after completion of the works for which the development consent was granted.

Subdivision 40 Water features and ponds

2.79 Specified development

The construction or installation of a water feature or pond is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.80 Development standards

The standards specified for that development are that the development must:

Clause 2.81 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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- (a) not have a water depth of more than 300mm, and
- (b) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 41 Windmills

2.81 Specified development

The construction or installation of a windmill that is not for commercial power generation is development specified for this code if it is constructed or installed on land in Zone RU1, RU2, RU3 or RU4.

2.82 Development standards

The standards specified for that development are that the development must:

- (a) be free standing, and
- (b) be designed by a professional engineer.

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Clause 3.1

General Housing Code

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Note. Schedule 3 contains the variations to this code.

Division 1 Development that is complying development under this code

3.1 New single storey and two storey dwelling houses

The erection of a new single storey or two storey dwelling house on a lot that:

- (a) has an area of at least 450m², and
- (b) is in Zone R1, R2, R3 or R4,

is development specified for this code.

3.2 Existing single storey and two storey dwelling houses

Alterations or additions to an existing single storey or two storey dwelling house or addition of a second storey to an existing single storey dwelling house on a lot that:

- (a) has an area of at least 450m², and
- (b) is in Zone R1, R2, R3, R4, R5, RU1, RU2, RU3, RU4 or RU5,

is development specified for this code.

3.3 Basements excluded

The erection of a basement, either as part of a new dwelling house or as an addition or alteration to an existing dwelling house, is not included in development that is specified for this code.

3.4 Ancillary development

The erection of new ancillary development or alterations or additions to existing ancillary development on a lot that:

- (a) has an area of at least 450m², and
- (b) is in Zone R1, R2, R3, R4, R5, RU1, RU2, RU3, RU4 or RU5,

is development specified for this code.

3.5 Demolition or removal of dwelling houses or ancillary development

The demolition or removal of an existing single storey or two storey dwelling house or ancillary development on a lot that:

- (a) has an area of at least 450m², and
- (b) is in Zone R1, R2, R3, R4, R5, RU1, RU2, RU3, RU4 or RU5,

is development specified for this code.

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3.6 Calculating lot area

For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

Division 2 Development standards for this code

Subdivision 1 Application

3.7 Application of development standards

This Division sets out the specified development standards that apply to development specified for this code.

Subdivision 2 Site requirements

3.8 Lot requirements

- (1) Development specified for this code may only be carried out on a lot that:
 - (a) at the completion of the development will have only one dwelling house, and
 - (b) if it is not a battle-axe lot, has a boundary with a primary road of at least the following:
 - (i) 12m, if the lot has an area of at least 450m² but less than 900m²,
 - (ii) 15m, if the lot has an area of more than 900m² but less than 1500m²,
 - (iii) 18m, if the lot has an area of at least 1500m², and
 - (c) if it is a battle-axe lot, has an access laneway of at least 3m in width and measuring at least 12m × 12m, excluding the access laneway.
- (2) A lot on which a new single storey or two storey dwelling house is erected must have lawful access to a public road.

3.9 Maximum site coverage of all development

- (1) The site coverage of the dwelling house and all ancillary development on a lot must not be more than the following:
 - (a) 50 per cent of the area of the lot, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 40 per cent of the area of the lot, if the lot has an area of at least 900m² but less than 1500m²,

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- (c) 30 per cent of the area of the lot, if the lot has an area of at least than 1500m².
- (2) For the purpose of calculating the site coverage in subclause (1), the area of any of the following is not included:
 - (a) an access ramp,
 - (b) that part of an awning, blind or canopy that is outside the outer wall of a building,
 - (c) a balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,
 - (d) an eave,
 - (e) a driveway,
 - (f) a farm building,
 - (g) a fence or screen,
 - (h) a pathway or paving,
 - (i) a rainwater tank that is attached to the dwelling house,
 - (j) a swimming pool or spa pool.

Note. Ancillary development is defined in clause 1.5 (1) to exclude development that is exempt development under this Policy.

3.10 Maximum floor area for dwelling houses

- (1) The floor area of a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house and enclosed by a wall higher than 1.4m above the floor level on a lot must not be more than the following:
 - (a) 330m², if the lot has an area of at least 450m² but less than 600m²,
 - (b) 380m², if the lot has an area of at least 600m² but less than 900m²,
 - (c) 430m², if the lot has an area of at least 900m².

- (2) For the purpose of calculating the floor area in subclause (1):

floor area means the sum of the areas of each storey of the dwelling house and carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4m above each floor level, where the area is taken to be the area within the outer face of:

- (a) the external walls of the dwelling house, and
- (b) the walls of the carport, garage, balcony, deck, patio, pergola, terrace or verandah,

but excluding any of the following:

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- (a) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (b) an eave,
- (c) a lift shaft,
- (d) a stairway,
- (e) a void above a lower storey.

3.11 Maximum floor area for outbuildings

- (1) The floor area of an outbuilding on a lot in Zone RU1, RU2, RU3 or RU4 must not be more than:
 - (a) 200m², if the only purpose of the outbuilding is for agricultural use, or
 - (b) 60m² in any other case.
- (2) The floor area of an outbuilding on a lot in Zone R1, R2, R3, R4, R5 or RU5 must not be more than 40m².
- (3) For the purpose of calculating the floor area in subclause (1):

floor area means the sum of the areas of each storey of the outbuilding, measured at a height of 1.4m above each floor level, where the area of each storey is taken to be the area within the outer face of:

- (a) the external walls of the outbuilding if it is enclosed, and
- (b) the supporting columns or posts of the outbuilding if it is not enclosed,

but excluding any of the following:

- (a) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (b) an eave,
- (c) a stairway.

3.12 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs

- (1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house with a floor level of more than 3.8m above ground level (existing) is 9m².
- (2) For the purpose of calculating the floor area in subclause (1):

floor area means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, where the area is taken to be the area within the outer face of:

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- (a) the external walls, if the balcony, deck, patio, pergola, terrace or verandah is enclosed, or
 - (b) the supporting columns or posts if the balcony, deck, patio, pergola, terrace or verandah, is not enclosed.

Subdivision 3 Building heights and setbacks

3.13 Building heights of dwelling houses and outbuildings

- (1) The building height of a dwelling house above ground level (existing) must not be more than 8.5m.
- (2) The building height of an outbuilding on a lot in Zone R1, R2, R3, R4, R5 or RU5 above ground level (existing) must not be more than 4.8m.
- (3) The building height of an outbuilding on a lot in Zone RU1, RU2, RU3 or RU4 above ground level (existing) must not be more than 7m.

3.14 Setbacks of dwelling houses and ancillary development from roads, other than classified roads

- (1) A dwelling house and all ancillary development on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from the boundary with a primary road that is not a classified road of at least:
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same primary road and located within 40m of the lot on which the dwelling house is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot:
 - (i) 4.5m, if the lot has an area of at least 450m² but less than 900m², or
 - (ii) 6.5m, if the lot has an area of at least 900m² but less than 1500m², or
 - (iii) 10m, if the lot has an area of at least 1500m².
- (2) A dwelling house and all ancillary development on a lot in Zone R1, R2, R3, R4 or R5 must have a setback from a boundary with a secondary road that is not a classified road of at least the following:
 - (a) 2m, if the lot has an area of at least 450m² but less than 600m², or
 - (b) 3m, if the lot has an area of at least 600m² but less than 1500m², or
 - (c) 5m, if the lot has an area of at least 1500m².

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- (3) A dwelling house and all ancillary development on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a boundary with a parallel road that is not a classified road of at least:
- (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same parallel road and located within 40m of the lot on which the dwelling house is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot:
 - (i) 4.5m, if the lot has an area of at least 450m² but less than 900m², or
 - (ii) 6.5m, if the lot has an area of at least 900m² but less than 1500m², or
 - (iii) 10m, if the lot has an area of at least 1500m².
- (4) A dwelling house and all ancillary development on a lot in Zone RU1, RU2, RU3, RU4 or RU5 must have a setback from a boundary with any road that is not a classified road of at least 10m.

3.15 Setbacks of dwelling houses and ancillary development from classified roads

A dwelling house and all ancillary development on a lot must have a setback from a boundary with a classified road of at least:

- (a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or
- (b) 9m in any other case.

3.16 Setbacks of dwelling houses from side boundaries

- (1) A dwelling house with a building height of up to 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side boundary of at least the following:
 - (a) 900mm, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 1.5m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 2.5m, if the lot has an area of at least 1500m².
- (2) A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side boundary of at least the sum of:

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- (a) the amount of the setback specified for the relevant sized lot in subclause (1), and
 - (b) an amount that is equal to one-quarter of the additional building height above 3.8m.
- (3) A dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone RU1, RU2, RU3 or RU4 must have a setback from a side boundary of at least 10m.

3.17 Setbacks of dwelling houses from rear boundaries

- (1) A dwelling house with a building height of up to 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a rear boundary of at least the following:
 - (a) 3m, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 5m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 10m, if the lot has an area of at least 1500m².
- (2) A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a rear boundary of at least the following:
 - (a) 3m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 8m, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 5m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 12m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 10m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum of 15m, if the lot has an area of at least 1500m².
- (3) Despite subclauses (1) and (2), a dwelling house on a lot in Zone R1, R2, R3, R4 or RU5 that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.
- (4) A dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone RU1, RU2, RU3 or RU4 must have a setback from a rear boundary of at least 10m.

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3.18 Setbacks of outbuildings from side and rear boundaries

- (1) An outbuilding with a building height of up to 3.8m on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side or rear boundary of at least the following:
 - (a) 900mm, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 1.5m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 2.5m, if the lot has an area of at least 1500m².
- (2) An outbuilding with a building height of more than 3.8m on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side or rear boundary of at least the sum of:
 - (a) the amount of the setback specified for the relevant sized lot in subclause (1), and
 - (b) an amount that is equal to one-quarter of the additional building height above 3.8m.
- (3) An outbuilding on a lot in Zone RU1, RU2, RU3 or RU4 must have a setback from a side or rear boundary of at least 10m, if the only purpose of the outbuilding is for agricultural use, or 5m in any other case.

3.19 Exceptions to side and rear setbacks

Despite any other clause in this Subdivision:

- (a) a dwelling house or an outbuilding must have a setback of at least 3m from a boundary with a public reserve, and
- (b) side and rear setbacks do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia*.

Note. The allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia* include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

3.20 Calculating setbacks

- (1) For the purpose of calculating the setback of an existing dwelling house, the location of any of the following is not included:
 - (a) any part of an existing garage or carport that is located between the building line of the dwelling house and a boundary with the primary road,
 - (b) any existing building element of a dwelling house that is located within the articulation zone.

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- (2) For the purpose of calculating the setbacks of the nearest two dwelling houses, those dwelling houses must be on the same side of the road as the lot.
 - (3) For the purpose of calculating the setbacks of a new dwelling house, any building element that is permitted in the articulation zone is not included.
 - (4) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling house on a sloping lot is to be used.
 - (5) A setback is to be calculated at the closest point to the boundary from the building line.
 - (6) For the purpose of calculating the setback from a road, a reference to ancillary development does not include the following:
 - (a) a driveway, pathway or paving,
 - (b) an eave,
 - (c) a fence or screen,
 - (d) a retaining wall,
 - (e) any ancillary development that is a building element that is permitted in the articulation zone.

3.21 Articulation zone

- (1) A new dwelling house, other than a dwelling house on a battle-axe lot, must have a front door and a window to a habitable room in the building wall that faces a primary road.
- (2) A new dwelling house, other than a dwelling house on a battle-axe lot, must have a door and a window to a habitable room in the building wall that faces a parallel road.
- (3) A dwelling house, other than a dwelling house that has a setback from a primary road of less than 3m, may incorporate an articulation zone to a primary road.

3.22 Building elements within the articulation zone

- (1) The following building elements are permitted in an articulation zone:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, patio, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature.

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- (2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.
- (3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25 per cent of the area of the articulation zone, measured through the horizontal plane of the elements.

3.23 Privacy

- (1) A window in a dwelling house must have a privacy screen if:
 - (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
 - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - (c) the window has a sill height of less than 1.5m.
- (2) A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
 - (a) has a setback of less than 3m from a side or rear boundary, and
 - (b) has a floor area more than 3m², and
 - (c) has a floor level more than 1 metre above ground level (existing).
- (3) A detached balcony, deck, patio, pergola, terrace or verandah must not have a floor level that is more than 600mm above ground level (existing).
- (4) In this clause, *privacy screen* means a screen that:
 - (a) faces the boundary identified in subclause (2) (a), and
 - (b) is 1.5m high, measured from the floor level, and
 - (c) has no individual opening more than 30mm wide, and
 - (d) has a total of all openings less than 30 per cent of the surface area of the screen.

Subdivision 4 Landscaping

3.24 Landscaped area

- (1) A lot on which development specified for this code is carried out must have a landscaped area of at least the following:
 - (a) 20%, if the lot has an area of at least 450m² but less than 600m²,
 - (b) 25%, if the lot has an area of at least 600m² but less than 900m²,
 - (c) 35%, if the lot has an area of at least 900m² but less than 1500m²,

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- (d) 45%, if the lot has an area of at least 1500m².
 - (2) At least 50% of the landscaped area must be located behind the building line to the primary road boundary.
 - (3) The landscaped area must be at least 2.5 wide.

3.25 Principal private open space

- (1) A lot on which a new dwelling house is erected must have at least 24m² of principal private open space.
- (2) In this clause, *principal private open space* means:
 - (a) an area at ground level (existing) that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
 - (b) is at least 4m wide, and
 - (c) is not steeper than 1:50 gradient.

Subdivision 5 Car parking and access

3.26 Car parking requirements

- (1) At least one off-street car parking space must be provided on the lot on which a new dwelling house is erected.
- (2) At least one off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.
- (3) A car parking space under this clause may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling house.

3.27 Garages, carports and car parking spaces

- (1) A garage, carport or car parking space must:
 - (a) be at least 1m behind the building line, where the dwelling house has a setback from a road boundary of 4.5m or more, or
 - (b) be at least 5.5m from a road boundary, where the dwelling house has a setback of less than 4.5m.
- (2) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all those door openings must:
 - (a) be not more than 6m, and
 - (b) be not more than 50 per cent of the width of the building, measured at the building line to the relevant property boundary.

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- (3) An open hard stand car parking space must measure at least 2.6m wide by 5.4m long.

3.28 Vehicle access to lots

The design and construction of the vehicular access to a lot must comply with Australian Standard AS 2890.1—1993, *Parking facilities—Off-street car parking*.

Subdivision 6 Earthworks and drainage

3.29 Excavation of sloping sites

- (1) Excavation associated with the erection of, or alterations or additions to, a dwelling house or ancillary development must:
- (a) be not more than 1m below ground level (existing), and
 - (b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3), respectively.
- (2) A retaining wall must not extend more than 1m horizontally beyond the external wall of the dwelling house or ancillary development.
- (3) An unprotected embankment must not extend more than 1m horizontally beyond the external wall of the dwelling house or ancillary development.

3.30 Fill of sloping sites

- (1) Fill associated with the erection of, or alterations or additions to, a dwelling house or ancillary development must:
- (a) be not more than 1m above ground level (existing), and
 - (b) be contained wholly within the external walls of the dwelling house or ancillary development.
- (2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the dwelling house or ancillary development has a setback of more than 2m from a side or rear boundary, if:
- (a) the fill is not more than 600mm above ground level (existing), and
 - (b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling house or ancillary development, and
 - (c) the toe of the unprotected embankment has a setback of at least 400mm from a side or rear boundary.

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3.31 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.32 Drainage

- (1) All stormwater collecting as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be conveyed by a gravity fed or charged system to:
 - (a) a street drainage system under the control of the relevant public authority, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system approved under section 68 of the *Local Government Act 1993*, if the lot is unsewered.
- (2) All surface water run-off emanating from a sloping site as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be collected and conveyed to a drainage system listed in subclause (1) (a)–(c).

Subdivision 7 Ancillary development

3.33 Demolition or removal of dwelling houses and ancillary development

- (1) An existing dwelling house or ancillary development that is to be demolished or relocated must:
 - (a) be disconnected from any essential service in accordance with the requirements of the relevant authority, and
 - (b) not be relocated, except in accordance with the approval of the relevant authority.
- (2) Demolition or removal must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

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3.34 Swimming pools

- (1) Ancillary development comprising a swimming pool for private use must be located on a lot:
 - (a) behind the setback area from a primary road, or
 - (b) in the rear yard.
- (2) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- (3) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (4) Coping around a swimming pool must not be more than:
 - (a) 1.4m above ground level (existing), or
 - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.

Note. A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

3.35 Dimensions of fences and retaining walls

- (1) A fence and any associated retaining wall located within the setback area from a primary road must:
 - (a) not be more than 1.2m above ground level (existing), and
 - (b) be open for at least 50 per cent of the upper $\frac{2}{3}$ of the area of the fence, and
 - (c) in relation to any brick or other solid portion of the fence above 600mm, be not more than 250mm wide.
- (2) A fence and any associated retaining wall located behind the setback area from a primary road or any side or rear boundary fence must not be more than 1.8m above ground level (existing).
- (3) A retaining wall or embankment that is not subject to Subdivision 6 must not have a height above or below ground level (existing) of more than:
 - (a) 600mm at any distance up to 500mm from a side or rear boundary, or
 - (b) 1m at any distance more than 500mm from a side or rear boundary.

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- (4) The fence or the fence and associated retaining wall on a sloping lot may be stepped, provided the height of each step is not more than:
 - (a) 1.6m above ground level (existing) if it is located within a setback area from a primary road, or
 - (b) 2.2m above ground level (existing) in any other case.
 - (5) All fill on a lot that is not subject to Subdivision 6 must be retained by a retaining wall.
 - (6) Fill more than 150mm deep must not occupy an area of more than 50 per cent of the landscaped area of the lot.

3.36 Construction of fences

- (1) A fence must not incorporate barbed wire in its construction or be electrified, unless the fence is on a lot in Zone RU1, RU2, RU3 or RU4.
- (2) A fence on bush fire prone land must be constructed of non-combustible material or hardwood.
- (3) Metal used in the construction of a fence must be low reflective and factory pre-coloured.
- (4) A fence must not be constructed so as to redirect the overland flow of surface water onto adjoining properties.

Division 3 Conditions applying to complying development certificate under this code

Note. Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Part.

Note. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Subdivision 1 Conditions applying before works commence

3.37 Protection of adjoining areas

- (1) A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

Clause 3.38 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 3 General Housing Code

(2) A temporary fence must be covered in cyclone wire mesh if it adjoins or is on a public place.

(3) A temporary hoarding, fence or awning must not be erected on public land or a road unless the relevant authority has approved of the works.

Note. Approval in relation to public land may be granted under the *Local Government Act 1993*. Approval in relation to a road may be granted under the *Roads Act 1993*.

3.38 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3.39 Garbage receptacle

(1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Subdivision 2 Conditions applying during the works

Note. The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

3.40 Hours

Construction or demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

3.41 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

3.42 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 3.43

General Housing Code

Part 3

3.43 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Subdivision 3 Construction requirements

3.44 Staging construction

- (1) If the complying development is the erection of, or alterations or additions to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.
- (3) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the site is obtained.

3.45 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Schedule 1 Amendment of other environmental planning instruments

Schedule 1 Amendment of other environmental planning instruments

(Clause 1.11)

1.1 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

[1] Clause 3 Aims, objectives etc

Omit clause 3 (3) (b) and (d).

[2] Clause 3 (3) (c)

Omit “17, and”. Insert instead “17.”.

[3] Clause 16 When rainwater tanks are exempt development

Omit the clause.

[4] Clause 17 When satellite dishes (other than for domestic purposes) are exempt development

Insert “(other than for domestic purposes)” after “a satellite TV dish” where firstly occurring in clause 17 (1).

1.2 State Environmental Planning Policy No 60—Exempt and Complying Development

[1] Clause 5 How this Policy affects other environmental planning instruments

Omit clause 5 (2) (a) (i).

[2] Clause 14 Erection of a building or demolition of a building or work

Insert after clause 14 (3) (a):

- (a1) is not specified as exempt development or complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and

[3] Schedule 3 Exempt development

Omit clauses 2, 7, 8, 9 and 11 and the note at the end of the Schedule.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Amendment of other environmental planning instruments

Schedule 1

1.3 State Environmental Planning Policy (Infrastructure) 2007

[1] Clauses 37 Complying development

Omit the clause.

[2] Clause 39 Exempt development

Omit clause 39 (1).

[3] Schedule 1 Exempt development—general

Omit from columns 1 and 2, respectively, the matter relating to the following items:

Access ramps for persons with a disability

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

Flagpoles

Offices—portable

Rainwater and bore water tanks

Skylight or roof windows

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Schedule 2 Exempt Development Codes—Variations

Schedule 2 Exempt Development Codes—Variations

(Clause 1.12)

Note. This Schedule is blank at the commencement of this Policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Complying Development Codes—Variations

Schedule 3

Schedule 3 Complying Development Codes— Variations

(Clause 1.12)

Note. This Schedule is blank at the commencement of this Policy.



New South Wales

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N07/00138/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)*.

2 Aims of plan

This plan aims to amend *Lake Macquarie Local Environmental Plan 2004* as follows:

- (a) to reclassify land referred to in clause 3 (1), from community land to operational land within the meaning of the *Local Government Act 1993*, and to rezone that land from Zone 6 (1) Open Space Zone to Zone 6 (2) Tourism and Recreation Zone, to enable sale of the land,
- (b) to reclassify land referred to in clause 3 (2), from community land to operational land, and to rezone that land from Zone 5 Infrastructure Zone to Zone 2 (1) Residential Zone, to enable sale of the land,
- (c) to reclassify land referred to in clause 3 (3), from community land to operational land, to enable the development of the land in line with the current zoning,
- (d) to reclassify the land referred to in clause 3 (4), from community land to operational land, to enable sale of the land to the adjoining owner,
- (e) to reclassify the land referred to in clause 3 (5), from community land to operational land, to enable sale of the land to the adjoining owner,
- (f) to reclassify the land referred to in clause 3 (6), from community land to operational land, to enable future development of the land in line with the current zoning,
- (g) to reclassify the land referred to in clause 3 (7), from community land to operational land, and to rezone the land from Zone 6 (1) Open Space Zone to Zone 3(1) Urban Centre (Core) Zone, to enable future development of the land as an urban centre,

-
- (h) to reclassify the land referred to in clause 3 (8), from community land to operational land, to enable dedication of the land as a public road.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to Lot 11, DP 1097938 (175 Myall Road, Cardiff), as shown edged heavy black and lettered "6 (2)" on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" deposited in the office of Lake Macquarie City Council.
- (2) With respect to the aim referred to in clause 2 (b), this plan applies to Lot 8, DP 244002 (25 Chifley Road, Morisset Park), as shown edged heavy black and lettered "2 (1)" on Sheet 2 of that map.
- (3) With respect to the aim referred to in clause 2 (c), this plan applies to Lot 421, DP 785216 and Lots 41, 38, 37 and 36, DP 5688 (4, 16 and 22-26 Josephson Street, Swansea) and Lot 2, DP 529225 (104c Pacific Highway, Swansea), as shown edged heavy black on Sheet 3 of that map.
- (4) With respect to the aim referred to in clause 2 (d), this plan applies to Lot 94, DP 9673 (32a Victory Parade, Toronto), as shown edged heavy black on Sheet 4 of that map.
- (5) With respect to the aim referred to in clause 2 (e), this plan applies to Lot 526, DP 859786 (9 Ashton Close, Warners Bay), as shown edged heavy black on Sheet 5 of that map.
- (6) With respect to the aim referred to in clause 2 (f), this plan applies to Lot 1, DP 797827 (47 Charles Street, Warners Bay), Lot 21, Section 28, DP 111125, Lot 20, DP 91634, Lot 19, DP 738537 and Lot 1, DP 782508 (36-42 John Street, Warners Bay) and Lots 1 and 2, DP 521740 (63 King Street, Warners Bay), as shown edged heavy black on Sheet 6 of that map.
- (7) With respect to the aim referred to in clause 2 (g), this plan applies to Lot 50, DP 623626, Lot 4, DP 1002071 and Lot 1, DP 745901 (57-61 King Street, Warners Bay), as shown edged heavy black and lettered "3 (1)" on Sheet 7 of that map.
- (8) With respect to the aim referred to in clause 2 (h), this plan applies to Lot 1, DP 661964 (1c John Street, Warners Bay), as shown edged heavy black on Sheet 6 of that map.

4 Amendment of Lake Macquarie Local Environmental Plan 2004

Lake Macquarie Local Environmental Plan 2004 is amended as set out in Schedule 1.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Schedule 3 Reclassification of community land as operational land

Insert in alphabetical order of locality in Columns 1, 2 and 3, respectively:

Cardiff

175 Myall Road	Lot 11, DP 1097938, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Easement for drainage (DP 1097938) as noted on Certificate of Title Folio Identifier 11/1097938.
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Morrisset Park

25 Chifley Road	Lot 8, DP 244002, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
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[2] Schedule 3

Insert in alphabetical and numerical order of street name and number under the heading "Swansea" in Columns 1, 2 and 3, respectively:

4 Josephson Street	Lot 421, DP 785216, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
16 Josephson Street	Lot 41, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Amendments

Schedule 1

22 Josephson Street	Lot 38, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
24 Josephson Street	Lot 37, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
26 Josephson Street	Lot 36, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Any lease that is registered by 30 June 2009 and noted on Certificate of Title Folio Identifier 36/5688.
104c Pacific Highway	Lot 2, DP 529225, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.

[3] Schedule 3

Insert in alphabetical and numerical order of street name and number under the heading "**Toronto**" in Columns 1, 2 and 3, respectively:

32a Victory Parade	Lot 94, DP 9673, as shown edged heavy black on Sheet 4 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
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Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Schedule 1 Amendments

[4] Schedule 3

Insert in alphabetical and numerical order of street name and number under the heading “**Warners Bay**” in Columns 1, 2 and 3, respectively:

9 Ashton Close	Lot 526, DP 859786, as shown edged heavy black on Sheet 5 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”	Nil.
47 Charles Street	Lot 1, DP 797827, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”	Nil.
1c John Street	Lot 1, DP 661964, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”	Nil.
36 John Street	Lot 21, Section 28, DP 111125, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”	Easement for electricity (Book 3721 No 878) as noted on Certificate of Title Folio Identifier 21/28/111125.
38 John Street	Lot 20, DP 91634, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”	Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 20/91634.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Amendments

Schedule 1

40 John Street	Lot 19, DP 738537, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 19/738537.
42 John Street	Lot 1, DP 782508, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.
57 King Street	Lot 50, DP 623626, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 50/623626.
59 King Street	Lot 4, DP 1002071, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 4/1002071.
61 King Street	Lot 1, DP 745901, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 1/745901.
63 King Street	Lots 1 and 2, DP 521740, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"	Nil.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Schedule 1 Amendments

[5] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)—Sheets 1, 2 and 7



New South Wales

Willoughby Local Environmental Plan 1995 (Amendment No 66)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S08/00346/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 66)

Willoughby Local Environmental Plan 1995 (Amendment No 66)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 66)*.

2 Aims of plan

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

3 Land to which plan applies

This plan applies to Lots 21 and 22, DP 718818, known as 27–27A Gibbes Street, Chatswood and Lot 1, DP 614919, known as 258 Sailors Bay Road, Northbridge.

4 Amendment of Willoughby Local Environmental Plan 1995

Willoughby Local Environmental Plan 1995 is amended by inserting the following matter in Part 1 of Schedule 8 under the headings “**Locality**” and “**Description**”, respectively:

Chatswood

27–27A Gibbes Street

Lots 21 and 22, DP 718818

Northbridge

258 Sailors Bay Road

Lot 1, DP 614919



New South Wales

Woollahra Local Environmental Plan 1995 (Amendment No 61)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S06/00398/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 61)

Woollahra Local Environmental Plan 1995 (Amendment No 61)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 61)*.

2 Aims of plan

This plan aims to amend *Woollahra Local Environmental Plan 1995 (the 1995 plan)*:

- (a) to replace the definition of *community facility*, and
- (b) to allow, with development consent, the carrying out of development for the purposes of child care centres and clubs (other than clubs registered under the *Registered Clubs Act 1976*) on land within Zone No 6 (Open Space Zone), and
- (c) to exclude certain development from the amendments made by this plan.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to all land to which the 1995 plan applies.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to all land within Zone No 6 (Open Space Zone) under the 1995 plan.
- (3) In respect of the aim referred to in clause 2 (c), this plan applies to land known as Nos 6 and 6A Kent Road, Rose Bay.

4 Amendment of Woollahra Local Environmental Plan 1995

Woollahra Local Environmental Plan 1995 is amended as set out in Schedule 1.

Woollahra Local Environmental Plan 1995 (Amendment No 61)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Development control tables

Insert at the end of Item 3 (e) of the matter relating to Zone No 6 (Open Space Zone) in the development control table for that zone:

, and

- (f) to retain the landscaped, vegetated and open nature of the existing open space within the Council's area.

[2] Clause 8, Development control table—Zone No 6—(Open Space Zone)

Omit "Community facilities;" from Item 5.

Insert instead "Child care centres; clubs (other than clubs registered under the *Registered Clubs Act 1976*); community facilities;"

[3] Clause 37 Savings and transitional provisions

Insert after clause 37 (6):

- (7) If a development application has been made before the commencement of *Woollahra Local Environmental Plan 1995 (Amendment No 61)* in relation to land to which that plan applies and the application has not been finally determined before that commencement, the application must be determined as if this plan had been exhibited but had not commenced.
- (8) For the purposes of any development application, or any application for the modification of development consent DA 508/2005/1 or any other development consent, that is made before 16 February 2012 in relation to the land comprising Nos 6 and 6A Kent Road, Rose Bay, any reference in this plan (including any reference on the land use map) to a **community facility** is taken to include a reference to a building or place owned or controlled by or on behalf of a school for either or both of the following purposes:
 - (a) the provision of educational, recreational and sporting facilities (or any of those facilities) to primary (or preparatory) schoolchildren,
 - (b) the provision of administrative support to the school in relation to primary (or preparatory) schoolchildren.

Woollahra Local Environmental Plan 1995 (Amendment No 61)

Schedule 1 Amendments

[4] Schedule 1 Definitions

Omit the definition of *community facility*. Insert instead:

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

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

THE Minister administering the Environmental Planning and Assessment Act 1979 declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Environmental Planning and Assessment Act 1979.

Dated at Sydney this 3rd day of December 2008.

By His Excellency's Command

The Hon KRISTINA KENEALLY, M.P.,
Minister for Planning

—————
SCHEDULE

All that piece or parcel of land situated in the Local Government Area of Blacktown, Parish of St Matthew, County of Cumberland being Lots 14-19, 29-33 and 35-38 Section 8, DP1146, being the whole of the land comprised in Folio Auto Consol 4040-25 said to be in the ownership of Asishwar Prasad, Sushil Lata Prasad and Sadhana Lata Prasad.

—————
STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005 (AMENDMENT NO 22)

Erratum

THE State Environmental Planning Policy (Major Projects) 2005 (Amendment No 22) published in the Government Gazette on 5th December 2008 No 155 folios 11754 contained an error:

The line reading

HER Excellency the Governor

should have read:

HIS Excellency the Lieutenant-Governor

This erratum now amends that error with the gazettal date remaining 5th December 2008.

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

ERRATUM

IN *Government Gazette* No. 155 of 5 December 2008 on page 11783 under the heading Fisheries Management Act 1994, Section 8 and Section 11 Notification – Fishing Closure, Sydney Harbour (Port Jackson) and Tributaries a part of Schedule 2 in regards to Homebush Bay was missing. Schedule 2 is reproduced hereunder in full:

SCHEDULE 2

Parramatta River – Duck River and Homebush Bay

Methods	Waters
All methods.	<p>Duck River: The whole of the waters of Duck River, together with its creeks and tributaries, upstream to its source from its junction with Parramatta River.</p> <p>Homebush Bay: The whole of the waters of Homebush Bay, together with its creeks and tributaries, upstream (south) to its source from a line drawn between Rhodes Point and Wentworth Point.</p>

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Notice of Receipt of Application for Aquaculture Lease Notification under s.163 (7) of the Fisheries Management Act 1994 and cl.33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is the Pambula River, described as follows:

- 0.0835 hectares over former oyster lease OL59/180.

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL59/180 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification:

Director, Fisheries Conservation and Aquaculture Branch, Aquaculture Administration Section, Port Stephens Fisheries Institute, Locked Bag 1, Nelson Bay NSW 2315.

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

COAL MINE HEALTH AND SAFETY ACT 2002

COAL MINE HEALTH AND SAFETY REGULATION 2006

Exemption Order

I, ROBERT REGAN, Chief Inspector under the *Coal Mine Health and Safety Act 2002*, pursuant to clause 201 of the *Coal Mine Health and Safety Regulation 2006*, make the following Exemption Order as specified in the Schedule below.

Schedule

1.0 Exemption

Notice is hereby given to the operator of an underground coal mine that the requirement of clause 3(1) of the *Coal Mines Health and Safety Regulation 2006* which relates to a hazardous zone and states:

“hazardous zone” means:...

b) that part of an intake roadway in a ventilation district in a mine that is on the return side of such points as are:...

(ii) 100 metres from, and on the intake side of, a longwall or shortwall face...

shall not apply at underground coal mines in so far as it relates to the installation of a longwall or shortwall face in a previously driven roadway.

2.0 Conditions

This exemption shall be subject to the following conditions:

- 2.1 All longwall and shortwall installation roadways shall be deemed to be temporary standing places.
- 2.2 For all parts of a temporary standing place and all parts of roadways from points 100 metres outbye and 100 metres inbye of the temporary standing place the maximum allowable concentration by volume of methane in the current of air shall not exceed 0.25% or such other level above 0.25% as is granted by an existing exemption..
- 2.3 When electrically and mechanically powered plant and equipment is being commissioned or operating all stoppings and seals against any goaf that is adjacent to and within 100 metres of the temporary standing place must be inspected for damage and leakage of methane from the goaf at least once every eight hours.
- 2.4 When electrically and mechanically powered plant and equipment is being commissioned or operating all stoppings and seals against roadways providing access to the temporary standing place and that are within 100 metres of the temporary standing place must be inspected for damage and leakage of methane at least once every eight hours.

- 2.5 Where general body methane concentrations are required to be measured against stoppings and seals, such measurements shall be taken at a point between one and two metres from the stopping or seal.
- 2.5 When electrically and mechanically powered plant and equipment is being commissioned or operating monitoring devices shall be established at appropriate positions to continuously measure the methane content, by volume, of the general body of the ventilation stream in the temporary standing place and a mining official shall inspect the maingate roadway, temporary standing place and tailgate roadway for the presence of methane at least once every four hours.
- 2.7 The temporary standing place shall be freshly stone dusted prior to enacting this exemption. The stone dust in the temporary standing place shall be maintained to the standard required by the *Coal Mine Health and Safety Act 2002*.
- 2.8 Where explosion protection barriers in the proposed tailgate can be established during the equipment installation phase they shall be correctly rated, loaded and in operable condition prior to enacting this exemption. Where circumstances will not enable the establishment of such barriers, then the tailgate roadway shall be freshly stonedusted prior to enacting this exemption. The stone dust in the tailgate roadway shall be maintained to the standard required by the *Coal Mine Health and Safety Act 2002*.
- 2.9 The Manager of Mining Engineering shall notify the Inspector forthwith by telephone and in writing within 24 hours if the methane content in the general body of the ventilation stream in the temporary standing place exceeds 0.25 per cent by volume or such other level above 0.25% as is granted by an existing exemption. A series of three readings over a two hour period shall be taken to determine the methane content for the purpose of notifying the inspector.
- 2.10 All temporary standing places shall be shown on a plan that is to be posted at an inspection station located at a point at least 100 metres on the intake side of the commencement of the temporary standing place.
- 2.11 Unless withdrawn earlier this exemption shall have effect for a maximum period of 5 years from its date of publication in the Gazette.
- 2.12 A copy of this exemption shall be provided to the site check inspector for the mine.
- 2.13 A copy of this exemption shall be displayed on the Mine Notice Board for the duration of the exemption.

Dated this 27th day of November 2008.

ROBERT REGAN,
Chief Inspector
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification - Fishing Closure

Prohibition on the taking of fish using abalone viscera as bait

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 8 of the *Fisheries Management Act 1994*, do by this Notification prohibit the taking of all species of

fish using abalone viscera as bait or berley, by all persons and in all waters.

This fishing closure remains in force for a period of 12 months from the date of publication, unless sooner amended or revoked.

Dated this 9th day of December 2008.

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

Explanatory Note:

The primary purpose of this fishing closure is to reduce the risk of transmission of *abalone viral ganglioneuritis* into New South Wales waters. This fishing closure applies to all recreational and commercial fishers.

NSW DEPARTMENT OF PRIMARY INDUSTRIES

INSTRUMENT OF DELEGATION

I, RICHARD FREDERICK SHELDRAKE, Director-General of the NSW Department of Primary Industries pursuant to the section specified in Column 1 of Schedule 1, of the Act specified opposite in Column 2 of Schedule 1, do by this instrument amend each instrument of delegation previously made by the Director-General under each Act specified in Column 2 of Schedule 1, by replacing any reference to the position specified in Column 1 of Schedule 2 with a reference to the position specified opposite in Column 2 of Schedule 2.

SCHEDULE 1

Column 1 – Section number	Column 2 – Name of Act
16	Agricultural Industry Services Act 1998
32A	Agricultural Livestock (Disease Control Funding) Act 1998
27A	Agricultural Tenancies Act 1990
59A	Animal Research Act 1985
47A	Apiaries Act 1985
49A	Exhibited Animals Protection Act 1986
39A	Fertilisers Act 1985
228	Fisheries Management Act 1994
38	Gene Technology (New South Wales) Act 2003
4A	Grain Marketing Act 1991
41	Hemp Industry Act 2008
29A	Non-Indigenous Animals Act 1987
67	Noxious Weeds Act 1993
28C	Plant Diseases Act 1924
5A	Rice Marketing Act 1983
241	Rural Lands Protection Act 1998
13A	Stock (Chemical Residues) Act 1975
22C	Stock Diseases Act 1923

38	Stock Foods Act 1940
64	Stock Medicines Act 1989
21A	Wine Grapes Marketing Board (Reconstitution) Act 2003
214	Coal Mine Health and Safety Act 2002
184	Mine Health and Safety Act 2004
14	Mine Safety (Cost Recovery) Act 2005
363	Mining Act 1992
137A	Occupational Health and Safety Act 2000
126A	Petroleum (Onshore) Act 1991

SCHEDULE 2

Column 1	Column 2
Deputy Director-General, Agriculture, Biosecurity and Mine Safety	Executive Director, Agriculture, Biosecurity and Mine Safety
Deputy Director-General, Science and Research	Executive Director, Science and Research
Deputy Director-General, Mineral Resources	Executive Director, Mineral Resources
Deputy Director-General, NSW Department of Primary Industries – Mineral Resources	Executive Director, Mineral Resources

Dated this 8th day of December 2008.

R F SHELDRAKE

Director-General

NSW Department of Primary Industries

MINE HEALTH AND SAFETY ACT 2004

Instrument of Delegation by Chief Inspector

I, ROBERT WILLIAM REGAN, Chief Inspector under the *Mine Health and Safety Act 2004* ("the Act"), pursuant to section 183 of the Act, hereby delegate all the functions conferred or imposed on the Chief Inspector by sections 130(1)(a) and 130(1)(b) of the Act to the persons listed in the Schedule.

In this instrument of delegation:

Schedule

Any person appointed as an inspector under s127 of the Act who also holds, or is for the time being acting in, the NSW Department of Primary Industries position of:

- (a) Area Manager Centralwest;
- (b) Area Manager Northeast; or
- (c) Area Manager Southeast.

Dated this 10th day of December 2008.

ROBERT REGAN,

Chief Inspector

NSW Department of Primary Industries

ERRATUM

IN the Notice which appeared in the *New South Wales Government Gazette* No. 132 of the 17 October 2008 Folio no. 10019, under the heading MINE HEALTH AND SAFETY ACT 2004, Order under section 187 the following information was incorrect.

Under the Schedule the address for Orange should have read

161 Kite Street ORANGE NSW 2800 and the fax number should have read

(02) 63605363.

Under the Schedule the address for Wollongong should read

Level 3, Block F, 84 Crown Street, PO Box 674 WOLLONGONG NSW 2500 and the fax number should read

(02) 4226 3851

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T08-0168)

No. 3628, DOYLES CREEK MINING PTY LIMITED (ACN 122 652 037), area of 3695 hectares, for Group 9, dated 1 October, 2008. (Singleton Mining Division).

(T08-0254)

No. 3629, GEOGEN VICTORIA PTY LTD (ACN 121810160), area of 93 units, for Group 8, dated 8 December, 2008. (Armidale Mining Division).

(T08-0255)

No. 3630, GEOGEN VICTORIA PTY LTD (ACN 121810160), area of 238 units, for Group 8, dated 8 December, 2008. (Singleton Mining Division).

(T08-0256)

No. 3631, GEOGEN VICTORIA PTY LTD (ACN 121810160), area of 675 units, for Group 8, dated 8 December, 2008. (Sydney Mining Division).

(T08-0257)

No. 3632, GEOGEN VICTORIA PTY LTD (ACN 121810160), area of 1200 units, for Group 8, dated 8 December, 2008. (Inverell Mining Division).

(T08-0258)

No. 3633, MINING MANAGEMENT SERVICES PTY LTD (ACN 009 640 902), area of 24 units, for Group 1, dated 9 December, 2008. (Orange Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(07-391)

No. 3288, now Exploration Licence No. 7252, RAPTOR MINERALS LIMITED (ACN 101 168 343), Counties of

Clyde, Cowper, Culgoa, Gunderbooka and Narran, Map Sheet (8138, 8238), area of 176 units, for Group 1, dated 28 November, 2008, for a term until 28 November, 2010.

(07-391)

No. 3288, now Exploration Licence No. 7253, RAPTOR MINERALS LIMITED (ACN 101 168 343), Counties of Clyde, Cowper, Culgoa, Gunderbooka and Narran, Map Sheet (8137, 8138, 8238), area of 151 units, for Group 1, dated 28 November, 2008, for a term until 28 November, 2010.

(T08-0120)

No. 3514, now Exploration Licence No. 7228, PLATSEARCH NL (ACN 003 254 395), County of Farnell, Map Sheets (7134, 7135), area of 85 units, for Group 1, dated 27 October, 2008, for a term until 27 October, 2010.

(T08-0187)

No. 3561, now Exploration Licence No. 7257, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), Counties of Argyle and Murray, Map Sheets (8727, 8728, 8827, 8828), area of 62 units, for Group 1, Group 2 and Group 5, dated 14 November, 2008, for a term until 14 November, 2010.

(T08-0199)

No. 3573, now Exploration Licence No. 7251, WOLF MINERALS LIMITED (ACN 121 831 472), Counties of Farnell and Yancowinna, Map Sheets (7134, 7234), area of 50 units, for Group 1, dated 28 November, 2008, for a term until 28 November, 2010.

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

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

(C97-2542)

Exploration Licence No. 5431, MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of 30.5744 square kilometres. Application for renewal received 9 December, 2008.

(T98-1140)

Exploration Licence No. 5548, ALKANE RESOURCES LTD (ACN 000 689 216), area of 27 units. Application for renewal received 5 December, 2008.

(07-7190)

Exploration Licence No. 5600, MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of 50.5171 square kilometres. Application for renewal received 9 December, 2008.

(T98-1003)

Exploration Licence No. 5662, PEREGRINE MINERAL SANDS N.L. (ACN 009 307 591), area of 50 units. Application for renewal received 3 December, 2008.

(T00-0093)

Exploration Licence No. 5800, NORTH MINING LIMITED (ACN 000 081 434), area of 42 units. Application for renewal received 3 December, 2008.

(04-613)

Exploration Licence No. 6363, PLATSEARCH NL (ACN 003 254 395) AND EAGLEHAWK GEOLOGICAL

CONSULTING PTY LTD (ACN 061 324 454), area of 51 units. Application for renewal received 4 December, 2008.

(T03-0891)

Exploration Licence No. 6365, ARK MINES LIMITED (ACN 123 668 717), area of 20 units. Application for renewal received 3 December, 2008.

(06-4089)

Exploration Licence No. 6690, STANNUM PTY LTD (ACN 121 771 695), area of 20 units. Application for renewal received 9 December, 2008.

(06-4111)

Exploration Licence No. 6700, ALKANE RESOURCES LTD (ACN 000 689 216), area of 33 units. Application for renewal received 3 December, 2008.

(06-4160)

Exploration Licence No. 6706, EASTERN IRON LIMITED (ACN 126 678 037) AND PLATSEARCH NL (ACN 003 254 395), area of 96 units. Application for renewal received 4 December, 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authority has been renewed:

(08-206)

Consolidated Coal Lease No. 726 (Act 1973), KANDOS COLLIERIES PTY LTD, Parish of Clandulla, County of Roxburgh; and Parish of Rylstone, County of Roxburgh, Map Sheets (8832-2-N, 8832-2-S, 8932-3-N, 8932-3-S), area of 1596 hectares, for a further term until 18 November, 2028. Renewal effective on and from 13 November, 2008.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(07-226)

Exploration Licence No. 6865, PLATSEARCH NL (ACN 003 254 395), County of Farnell, Map Sheets (7135, 7136), area of 72 units. Cancellation took effect on 3 December, 2008.

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

PART CANCELLATIONS

NOTICE is given that the following authorities have been cancelled in part:

(05-205)

Exploration Licence No. 6453, DRAKE RESOURCES LTD (ACN 108 560 069).

Description of area cancelled:

An area of 2 units has been cancelled. For further information contact Titles Branch.

Part cancellation took effect on 3 December, 2008.

The authority now embraces an area of 31 units.

(T89-0554)

Mining Lease No. 594 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LTD (ACN 000 393 135), Parish of Eldon, County of Gloucester, Map Sheet (9232-2-N).

Description of area cancelled:

An area of 0 hectares. For further information contact Titles Branch.

Part cancellation took effect on 8 December, 2008.

The authority now embraces an area of 575.9 hectares.

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

(T08-2395)

Gold Lease No. 5836 (Act 1906), formerly held by POLYMETALS GROUP PTY LTD (ACN 075 664 961) has been transferred to POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207). The transfer was registered on 8 December, 2008.

(T08-2395)

Gold Lease No. 5848 (Act 1906), formerly held by POLYMETALS GROUP PTY LTD (ACN 075 664 961) has been transferred to POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207). The transfer was registered on 8 December, 2008.

(T08-2395)

Gold Lease No. 5898 (Act 1906), formerly held by POLYMETALS GROUP PTY LTD (ACN 075 664 961) has been transferred to POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207). The transfer was registered on 8 December, 2008.

(T08-2395)

Mining Lease No. 311 (Act 1973), formerly held by POLYMETALS GROUP PTY LTD (ACN 075 664 961) has been transferred to POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207). The transfer was registered on 8 December, 2008.

(T08-2395)

Mining Purposes Lease No. 240 (Act 1973), formerly held by POLYMETALS GROUP PTY LTD (ACN 075 664 961) has been transferred to POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207). The transfer was registered on 8 December, 2008.

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

TRANSFERS

(T02-0078)

Exploration Licence No. 6036, formerly held by PLATSEARCH NL (ACN 003 254 395) has been transferred to SILVER CITY MINING LIMITED (ACN 130 933 309). The transfer was registered on 2 December, 2008.

(T08-2395)

Gold Lease No. 3255 (Act 1906), formerly held by POLYMETALS GROUP PTY LTD (ACN 075 664 961) has been transferred to POLYMETALS (MT BOPPY) PTY LTD (ACN 129 225 207). The transfer was registered on 8 December, 2008.

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

CITY OF CANADA BAY 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 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

GARY SAWYER,
General Manager,
City of Canada Bay Council
(by delegation from the Minister for Roads)
Dated: 18 November 2008

SCHEDULE

1. Citation

This Notice may be cited as City of Canada Bay Council 25 metre B-Double route Notice No. 01/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	Regatta Road, Canada Bay.	Parramatta Road.	Spencer Street.	No deliveries between 07:30hrs and 09:30hrs, Mon-Fri.
25.	Spencer Street, Canada Bay.	Regatta Road.	Elite Logistics site.	B-Doubles not to park on Regatta Road or Spencer Street.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Repeal Notice No. 13/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

Omit the following routes from Part 1 – B-Double Routes within the Sydney Region of Appendix 2 – B-Double Routes in New South Wales.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	76.	Waterfall Way.	Sweedmans Lane.	Darkwood Road, Thora.	Travel in westerly direction and during daylight hours only.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE
1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 14/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

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.	76.	Waterfall Way.	Sweedmans Lane.	Darkwood Road, Thora.	Travel in westerly direction and during daylight hours only, travel prohibited between 7.00am to 9.30am and 2.30pm to 5.00pm school days.

ROAD TRANSPORT (GENERAL) ACT 2005

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

GOSFORD COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

PETER WILSON,
General Manager,
Gosford Council
(by delegation from the Minister for Roads)
Dated: 9 December 2008

SCHEDULE**1. Citation**

This Notice may be cited as the Gosford Council **25 metre B-Double route** Notice No. 1/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Omit the following route from Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 - B-Double routes in NSW.

<i>Type</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
25.	Gibbons Road, Gosford.	Merinee Road.	Recycling Centre.
25.	Merinee Road, West Gosford.	Manns Road (MR349).	Gibbons Road.

(i) Insert the following route in Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 - B-Double routes in NSW.

<i>Type</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
25.	Merinee Road, West Gosford.	Manns Road (MR349).	Entire length.
25.	Gibbons Road, West Gosford.	Merinee Road.	Entire length.
25.	Dell Road, West Gosford.	Merinee Road.	Daintree Place.
25.	Daintree Place, West Gosford.	Dell Road.	1 Daintree Place.
25.	Nells Road, West Gosford.	Gibbons Road.	Lot 4, Nells Road.

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at
Little Billabong in the Greater Hume Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Greater Hume Shire Council area, Parish of Billabung and County of Goulburn, shown as Lots 15 and 24 Deposited Plan 1127736, being parts of the land in Certificates of Title 7001/94260 and 7003/94261 respectively reserved for Travelling Stock Reserve No 2456 notified in the Government Gazette of 9 June 1880.

The land is said to be in the possession of the Crown and Hume Rural Lands Protection Board.

(RTA Papers: FPP 8M4075; RO 2/186.1080)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Moree in
the Moree Plains Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of His Excellency the Lieutenant Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of Crown land situated in the Moree Plains Shire Council area, Parish of Moree and County of Courallie, shown as:

Lot 15 Deposited Plan 1120546, being part of the land in Certificate of Title 575/821244; and

Lot 495 Deposited Plan 751780, being the whole of the land in Certificate of Title 495/751780.

(RTA Papers FPP 8M679; RO 17/291.1366)

Department of Water and Energy

WATER MANAGEMENT ACT 2000

Order under Section 323

Temporary Water Restriction Order
Bullatale Creek

PURSUANT to section 323 of the Water Management Act 2000, I, DAVID HARRISS, having delegated authority from the Minister for Water, being satisfied that it is necessary in the public interest to do so because of a water shortage, do by this Order direct that the taking of water from the water source listed in Schedule 1 of this Order is restricted as set out in Schedule 2 of this Order

This Order repeals any previous Order made or purported to be made under section 323 of the Water Management Act for the Bullatale Creek.

This Order takes effect on the date of first broadcast and remains in force until 30th June 2009, unless repealed or modified earlier.

Dated at Albury, this 3rd day of December 2008.

DAVID HARRISS,
Deputy Director General,
Water Management,
Department of Water and Energy
(having delegated authority from the Minister of Water)

SCHEDULE 1

Water Source

The Bullatale Creek offtaking from the Murray River in the Parish of Wonnue, County of Townsend, to its junction with the Edward River in the Parish of Derrulaman, County of Townsend.

SCHEDULE 2

Water Restrictions

1. Subject to paragraph 2, the taking of water from the water source defined in Schedule 1 is prohibited.
2. Paragraph 1 does not apply to the taking of water through a water pump with an inlet diameter of less than 50mm for the purposes of domestic consumption and stock watering.
3. The total volume of water that may otherwise be taken from the water source defined in Schedule 1 in accordance with paragraph 2 over the period of this Order is limited to 5 ML.
4. For the purposes of this Order, domestic consumption and stock watering have the same meaning as defined in section 52 of the Water Management Act 2000.
5. The restrictions and prohibitions in paragraphs 1, 2 and 3 of this Schedule do not apply where a Manager Licensing of the Department of Water and Energy is satisfied that special circumstances exist and certifies in writing that an owner or occupier of a landholding or a holder of a licence under Part 2 of the Water Act 1912 is not subject to the restriction or prohibition.
6. The Manager Licensing may in his absolute discretion revoke the certification given to an owner, occupier or holder of a licence pursuant to paragraph 5 at any time, and the restrictions and prohibitions in paragraphs 1, 2 and 3 will apply to that owner, occupier or licence holder from the date the owner, occupier or licence holder is notified in writing of the revocation.

Other Notices

APRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Applied Fashion Design and Technology, under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/394.htm>

APRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised trade vocation of Hairdressing, under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/391.htm>

APRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Manufacturing Technology, under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/392.htm>

APRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Textile Production, under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/393.htm>

ART GALLERY OF NEW SOUTH WALES ACT 1980

Disposal of Items from the Collection of the
Art Gallery of New South Wales

HER Excellency the Governor, with the advice of the Executive Council has approved, pursuant to section 9 of the Art Gallery of New South Wales Act 1980, the disposal of the following items:

- 105.1980 Brett Whiteley, *Balmoral* 1975-78
- 58.1983 John Perceval, *Pleasure craft* 1959

NATHAN REES, M.P.,
Premier and Minister for the Arts

ASSOCIATIONS INCORPORATION ACT 1984

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

TAKE notice that the Company St Stanislaus' College Old Boys' Association formerly registered under the provisions of the Corporations Act 2001 and Co-operatives Act 1992, is now incorporated under the Associations Incorporation Act 1984, as ST STANISLAUS' COLLEGE OLD BOYS ASSOCIATION INC effective 5 December 2008.

Dated: 3 December 2008.

ROBYNE LUNNEY,
Delegate of Commissioner,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to
Section 54A

THE incorporation of KIAMA RUGBY LEAGUE FOOTBALL CLUB INC, cancelled on 26 September 2008, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 9 December 2008.

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

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to
Sections 55A and 55B

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Charles Sturt University Students' Association Bathurst
Incorporated Y2175624
Curban Community Hall Management Committee
Incorporated INC9881640
Imlay District Country Music Club Inc Y1396217
Leeton Rifle Club Incorporated Y2558211
Women's Housing Association - Hunter Region Inc
Y0096434
Griffith Archery Club Inc Y1248432
Limeburners Creek Progress Association Incorporated
Y1611935
Imlay Ladies Probus Club Inc Y1414201
Toy Fox Terrier Club of NSW Incorporated
INC9875157

Dated: 9 December 2008.

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

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 54

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Bondi Beach Out of School Care Centre Inc Y0900541
The Avatar Flame Association Incorporated Y2089123
Afghan Community Islamic Cultural Centre
Incorporated Y1928846
Australian Muslim Families Association Inc Y2185522
Australian Kurdish Friendship and Cultural Association
Incorporated Y2274916
Australian Hemp Industries Association Incorporated
Y2208148
Illawarra Rd Multicultural Child Care Centre Inc
Y1392425
In The Pink Theatre Company Inc Y1484810
In-Line Skating Association of New South Wales Inc
Y1617035
Islamway Community Mutual Australia Incorporated
Y1798730
Independent Media People and Community Television
Incorporated Y1993931
Independent Software Retailers Association
Incorporated Y2069327
International Committee For Free Vietnam (Australia)
Uy Ban Quoc Te Yem Tro Vietnam Tu Do Inc
Y2012711
Illawarra Regional Community Landcare Committee
Incorporated Y2006801

Independent Spiritual Healers Association Incorporated
Y2271631
Indian Community Broadcasting Association
Incorporated Y2117642
Jobs North Incorporated Y2187908
The 'K' Troop Association Inc Y1390431
Kalapu Sialata Association Inc Y1584707
K.U.D. Vardar - Cringila Incorporated Y1676210
Kadungle Valley Landcare Group Incorporated
Y2283719
The Korean Music Institute of Australia Incorporated
Y2182629
The Lyn Diggelmann Fund Incorporated Y1862706
Lien Minh Dan Chu Vietnam/Khu Bo Uc Chau
Incorporated Y2079519
Lithgow District Baseball Association Incorporated
Y2257327
The Modified Holden Club of NSW Incorporated
Y1775502
Medivac Australia Incorporated Y1974005
Manly Multi Sports Training Club Incorporated
Y1793304
Mt. Kanimbla Landcare Group Incorporated
Y2257523
Mt Kuring-gai Residents Group Incorporated
Y2314641
NGA Whanau O Te Pumanawa Cultural Association
Inc Y1332547
NSW Junior Motor Cycle Association Inc Y1403110
National Association of Brokers Auctioneers Sales and
Commission Agents (NABASCA) Inc Y1728709
National Demonstration & Sampling Association
Incorporated Y1790607
The Newport Jazz Festival At Pittwater Incorporated
Y1670816
Northern & Hills Region Development Association
Incorporated Y1810634
NSW Chinese Student Association Incorporated
Y1868737
National Association of Beauty Advisors Incorporated
Y1995337
Nobby's Buoys Incorporated Y2143103
North West Olives Incorporated Y2199114
Nowra Wecare Incorporated Y2227339
The New South Wales Police Pipe Band Incorporated
Y2198117
GDPT Bo De Minh Quang - The Vietnamese Buddhist
Your of NSW Australia Incorporated Inc9885684
Evangelical Church of The Middle East Incorporated
Inc9879291
Bankstown Vietnamese Elderly Friendship Group
Incorporated Y1995827
Boambee Soccer Club Inc Y0772419
The Afghan Muslims Cultural Place Incorporated
Y1932125
Australian Turkman Association Incorporated
Y1727908
Australian Chinese Friendship Development
Association Incorporated Y1860124
The Association of Elemental Sciences Inc Y1647121
The Ancient Order of Melchizedek Incorporated
Y1703830
Bondi Community Street Project Inc Y1653325
Bankstown Airport Chamber of Commerce
Incorporated Y1617427
Bananacoast Bicycling Training Association
Incorporated Y2265623

- Ballet Folklorico Chileno "Lemuy" Incorporated
Y2192625
- Baulkham Hills Village Association Incorporated
Y2280826
- Bangladesh Awami League Incorporated Y2252244
- Children's Diabetic Research Fund Incorporated
Y1319632
- Chinese Alliance For Democracy (Cad) NSW Division
Incorporated Y1673709
- Cringila Residents Neighbourhood Association Inc
Y1684408
- Chiefs Youth Gridiron Club Incorporated Y2166821
- Community Moslem Association In Young
Incorporated Y2116743
- Domiciliary Nurses Association (D.N.A.) Incorporated
Y2269905
- Dorrigo Towards & Beyond 2000 Incorporated
Y2262044
- Caduceus Club of Newcastle Incorporated Y2317044
- Cancertots Incorporated Y2197512
- Casino Truck Drivers Social Club Incorporated
Y2264038
- Centenary Touch Incorporated Y2134006
- Central Coast Multicultural Organisation Servicing
Australian International Communities Incorporated
Y2309630
- Ecuaustralia Association Inc Y1817809
- Ethnic Media Council of Australia Incorporated
Y2166233
- Filipino Brotherhood Association In Australia
Incorporated Y1951120
- FSAA Incorporated Y1902431
- Far North Coast Foster Care Association Incorporated
Y2133940
- Florence Wenban Memorial Youth Centre Incorporated
Y2149428
- Friends of A.I.C.M. Incorporated Y2223302
- Goulburn City Street Car Club Inc Y1582125
- The Gittany Family Association Incorporated
Y1944507
- Gunyah Womens Housing Inc Y0465135
- Grafton Youth Centre Incorporated Y2265721
- Gerrington District Community Services Incorporated
Y2220948
- Gordon Blues R.L.F.C. Incorporated Y2117446
- Ho Ju Full Gospel Church Inc Y1558413
- Han-Nuri Society Incorporated Y2091927
- Horse Academy & Hall of Fame Incorporated
Y1886833
- High Country Herb Growers Association Incorporated
Y2320747
- Hunter Valley Cancer Appeal Committee Incorporated
Y2289505
- Tuncurry Promotions Group Incorporated Y2214205
- Carrarobbity Landcare Group Incorporated Y2496304
- Adventist Association For Developmentally Disabled
Incorporated Y2373130
- Macleay Valley CB Radio Club Inc Y1372923
- Barrier Highland Dancing Association Incorporated
Y2337722
- Casa Sicilia Archimedes Principle Incorporated
Y2133548
- Wagga Wagga Trac Inc Y1644424
- Asia-Australia Youth Business Council Incorporated
Y1903330
- Aids Society of Asia & The Pacific Inc Y1456130
- Australian and New South Wales Rock 'N' Roll,
Jitterbug and Rock-A-Billy Association Inc
Y1550241
- Movement For Direct Democracy Incorporated
Y2112216
- Migrant Women's Assistance Network of The Hunter
Region Incorporated Y2206007
- Comboyne Cricket Club Inc Y1411308
- Crime Hurts Australia Incorporated Inc9882365
- Cultural Association of Plomari and Environs
'Opotamos' Incorporated Y1240309
- Jerrabomberra Diggers RLFC Incorporated Y1773410
- Lao Arts & Culture Association Incorporated
Y2168227
- Manilla Imperial Hotel Anglers Club Incorporated
Y2176719
- Concord Dog Training School Inc Y0443100
- Cundletown Jets Rugby League Club Incorporated
Y1057147
- Castlecrag Community Inc Y1009308
- Chinese Australian Human Rights Organization
Incorporated Y1586701
- Central Murray Hockey Association Inc Y0787106
- Coolah Anglers' Club Inc Y0613935
- Caldera-Nightcap Ecologically Sustainable Tourism
(Caldera-Nest) Incorporated Y1889628
- CCSM Act Ministry Incorporated Inc9879598
- Crookwell Netball Association Inc Y0821045
- Crookwell Whiteface Cattle Breeders Association Inc
Y0811000
- Country Fair of Gundagai Incorporated Y0358919
- Coonabarabran Softball Association Incorporated
Y1421843
- Candelo-Bemboka United Minor League Rlfc
Incorporated Y1787737
- Concord R.S.L. Softball Club Inc Y1134845
- Cap Gym Inc Y1046546
- Coonabarabran BMX Club Incorporated Y2147042
- Auburn Chamber of Commerce Incorporated
Y1894345
- Argent's Hill Rivercare Group Incorporated Y2086426
- The African Christian Fellowship Sydney (ACFS)
Incorporated Y1942807
- Hakel-El-Azimeh Charitable Organisation Incorporated
Y1753810
- Alstonville Assembly of God Incorporated Y2302112
- Parramatta Christchurch Incorporated Y2268418
- Permaculture Association of Far West New South
Wales Incorporated Y2301507
- Philippine Presidents League Australia Incorporated
Y2277515
- Port Macquarie Amateur Boxing and Youth Club
Incorporated Y2176523
- Queanbeyan For You & Me Incorporated Y2279803
- The Quest Chamber Orchestra Incorporated Y2136931
- Philippine Australia Christian Forum Inc Y1374819
- Pilipino - Australian Teachers Association NSW
Incorporated Y1887242
- Project Clash Inc Y1927114
- Rozelle Drop In Centre Incorporated Y0248536
- Royal Tavern Social Golf Club Inc Y1748848
- Redlands and Australian Barbarians Schoolboy Rugby
Tens Incorporated Y1993245
- Aboriginal Uniting Outreach Ministries Incorporated
Y2302014
- Australian Production Car Association Incorporated
Y2124304

Jingellic Walwa Fishing Club Incorporated Y2203506
Tweed Blue Water Boat Club Incorporated Y2072638
Rotary Club of Lane Cove Sunrise Incorporated
Y2451923

Lower Macleay Cricket Club Incorporated Y2312647
Wellington - Orana Business Enterprise Centre
Incorporated Y1890308

Collarenebri Amateur Swimming Club Incorporated
Y2128733

Bathurst Revival Fellowship Incorporated Y2235145

Dated: 9 December 2008.

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

**BANKS AND BANK HOLIDAYS ACT 1912 –
PROCLAMATION**

(L.S.) 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 19 (1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Saturday, 11 April 2009, to be observed as a public holiday throughout New South Wales for the purpose of Easter Saturday.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Minister for Industrial Relations

GOD SAVE THE QUEEN !

**BANKS AND BANK HOLIDAYS ACT 1912 –
PROCLAMATION**

(L.S.) 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 20 of the Banks and Bank Holidays Act 1912, in that it has been made to appear to me that it is inexpedient that Monday, 27 April 2009, should be a bank holiday under that Act for the purpose of celebrating the Anniversary of the Birthday of Her Majesty the Queen, do, by this my Proclamation, appoint Monday, 8 June 2009, to be a bank holiday instead of that first mentioned day for the purpose of that celebration.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Minister for Industrial Relations

GOD SAVE THE QUEEN !

**BANKS AND BANK HOLIDAYS ACT 1912 –
PROCLAMATION**

(L.S.) 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 19 (1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 8 June 2009, to be observed as a public holiday throughout New South Wales for the purpose of celebrating the Anniversary of the Birthday of Her Majesty the Queen.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Minister for Industrial Relations

GOD SAVE THE QUEEN !

**BANKS AND BANK HOLIDAYS ACT 1912 –
PROCLAMATION**

(L.S.) 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 19 (1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 5 October 2009, to be observed as a public holiday throughout New South Wales for the purpose of Labour Day.

Signed and sealed at Sydney, this 10th day of December 2008.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Minister for Industrial Relations

GOD SAVE THE QUEEN !

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Notice to End Remediation Declaration
(Section 22 of the

Contaminated Land Management Act 1997)

Notice Number 22018
Area Number 3165

Background

The land to which this notice applies, together with Lots 6, 7 and 8 in Deposited Plan 758258, part of Council reserve comprising part Lot 278 in Deposited Plan 752817, and part of Harbour Drive (formerly High Street), in front of 312 to 316 Harbour Drive, Coffs Harbour, was declared to be a remediation site (Notice No. 21016) and has been the subject of agreements to three separate and staged voluntary remediation proposals (Agreement No. 26020, 26040 and 26087) issued by the Environment Protection Authority ("the EPA"). Remediation works have been carried out in accordance with the voluntary remediation proposals and reports detailing the remediation works have been made available to the EPA.

Revocation

Having reviewed the reports on the remediation works for the wider declared area, the EPA is satisfied that it no longer has reasonable grounds to believe that the land to which this notice applies is contaminated in such a way as to present a significant risk of harm to human health and the environment.

Pursuant to section 22 of the Contaminated Land Management Act 1997, Declaration of Remediation Site number 21016, dated 26 October 2000, gazetted on 3 November 2000, ceases to be in force on the date on which this notice is published in the *New South Wales Government Gazette* in so far as the Declaration applies to the land to which this notice applies.

Land to which this notice applies

<i>Description</i>	<i>Address</i>
Lot 5 in DP 39817.	312 Harbour Drive, Coffs Harbour, NSW 2450.

Note Declaration of Remediation Site No. 21016 remains in force in so far as it applies to Lots 6, 7 and 8 in Deposited Plan 758258, part of Council reserve comprising part Lot 278 in Deposited Plan 752817, and part of Harbour Drive in front of 312 to 316 Harbour Drive, Coffs Harbour.

Dated: 8 December 2008.

NIALL JOHNSTON,
Manager,
Contaminated Sites,
Department of Environment and Climate Change

NOTE:

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this notice will be included in the public record.

Information recorded by councils

Section 59 of the Contaminated Land Management Act 1997 requires the EPA to give a copy of this notice to the relevant local council. The council may then make appropriate consequential modifications to the planning certificate issued in relation to the land to which this notice applies pursuant to section 149 of the Environmental Planning and Assessment Act 1979.

Relationship to other regulatory instrument

This revocation notice does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

* The EPA is part of the Department of Environment and Climate Change (NSW)

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Bathurst at Orange, 10:00 a.m., 23 March 2009
(2 weeks).

Wentworth, 10:00 a.m., 23 February 2009 (1 week),
special fixture.

Dated this 5th day of December 2008.

R. O. BLANCH,
Chief Judge

FOOD ACT 2003

THE NSW Food Authority advises of a conviction under the Food Act 2003, relating to the sale of food made against TENG CHENG CHICKEN & BUTCHERY at the business address of 34 Haldon Street, Lakemba NSW 2195. The defendant was charged with three breaches relating to offences under section 21 (2) of the Food Act, incurring a \$1,000 fine for each offence. The total penalty imposed under the Act including professional costs was \$3,993. This notice is made after statutory time for appeal has elapsed.

NSW FOOD AUTHORITY,
PO Box 6682, Silverwater NSW 1811

FOOD ACT 2003

THE NSW Food Authority advises a conviction under the Food Act 2003 relating to the handling or sale of food made against TOP ONE FAMILY RESTAURANT at shop 114-116 Henry Street, Penrith. The defendant was charged with failing to ensure that hand washing facilities are used for the washing of hands only. The defendant was also charged with failing to maintain premises to a standard of cleanliness where there is no accumulation of garbage (except in garbage containers), recycled matter (except in containers), food waste, dirt, grease or other visible matter. The defendant was also charged with failing to maintain all fixtures, fittings and equipment, having regard to its use free from food waste, dirt, grease or other visible matter. The defendant was also charged for failing to take all practical measures to eradicate and prevent harbourage of pests on the food premises. The penalty imposed under the Act on 9 October 2008 at Penrith Local Court was a total of \$8,000 in fines, court costs \$292 and professional costs of \$500. This notice is made after the statutory time for appeal has elapsed.

NSW FOOD AUTHORITY,
PO Box 6682, Silverwater NSW 1811

FOOD ACT 2003

THE NSW Food Authority advises a conviction under the Food Act 2003 relating to the handling or sale of food made against COLYTON BAKERY at shop 10, 62 Hewitt Street, Colyton. The defendant was charged with failing to maintain premises to a standard of cleanliness where there is no accumulation of garbage (except in garbage containers), recycled matter (except in containers), food waste, dirt, grease or other visible matter. The defendant was also charged with failing to maintain all fixtures, fittings and equipment, having regard to its use free from food waste, dirt, grease or other visible matter. The defendant was also charged with failing to ensure that hand washing facilities are connected to or otherwise provided with a supply of water running potable water. The defendant was also charged with failing, when cooling cooked potentially hazardous food, to cool the food within two hours from 60°C to 21°C and within a further four hours from 21°C to 5°C and the food business

did not demonstrate that the cooling process used will not adversely affect the microbiological safety of the food. The penalty imposed under the Act on 9 October 2008 at Penrith Local Court was a total of \$8,000 in fines, court costs \$292 and professional costs of \$500. This notice is made after the statutory time for appeal has elapsed.

NSW FOOD AUTHORITY,
PO Box 6682, Silverwater NSW 1811

FOOD ACT 2003

THE NSW Food Authority advises a conviction under the Food Act 2003 relating to the handling or sale of food made against FRENCH HOT BREAD SHOP at shop 9, 429 High Street, Penrith. The defendant was charged with failing to ensure that hand washing facilities are used for the washing of hands only. The hand basin was obstructed with empty food containers and other items. The defendant was also charged with failing to maintain premises to a standard of cleanliness where there is no accumulation of garbage (except in garbage containers), recycled matter (except in containers), food waste, dirt, grease or other visible matter. The defendant was also charged with failing to maintain all fixtures, fittings and equipment, having regard to its use free from food waste, dirt, grease or other visible matter. The defendant was also charged with failing to take all practical measures to eradicate and prevent harbourage of pests on the food premises. The penalty imposed under the Act on 9 October 2008 at Penrith Local Court was a total of \$8,000 in fines, court costs \$292 and professional costs of \$500. This notice is made after the statutory time for appeal has elapsed.

NSW FOOD AUTHORITY,
PO Box 6682, Silverwater NSW 1811

GAME AND FERAL ANIMAL CONTROL ACT 2002

Notification of Suspension of Schedule 1 Conditions of
NSW Game Hunting Licences

IN pursuance of the Game and Feral Animal Control Regulation 2004, the Game Council of NSW gives notice of the suspension of operations of provisions in Clauses 4, 5, 7 and 9 of Schedule 1 of the Game and Feral Animal Control Regulation 2004 for the area defined in the Lot 5 Badgerys Creek Game Management Plan for the control of Fallow deer (*Dama dama*), and Red deer (*Cervus elaphus*):

For the period 12/12/2008 – 1/03/2010

LOCATION: Lot 5, DP 860456, Badgerys Creek

Approved by Game Council of NSW this 5th day of
December 2008

BRIAN BOYLE,
Chief Executive Officer,
for and on behalf of the Game Council of NSW

GEOGRAPHICAL NAMES ACT 1966

Notice of Amendment of Address Locality Boundary
Between Penshurst and Hurstville Grove in the Kogarah
Local Government Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended the address

locality boundary between Penshurst and Hurstville Grove in the Kogarah Local Government Area.

The position and extent of this feature is shown on map GNB3714-1 and recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,

Chairperson

Geographical Names Board,

PO Box 143,

Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Amend Address Locality Boundary
between Kareela and Kirrawee in the Sutherland Shire
Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the address locality boundary between Kareela and Kirrawee in the Sutherland Shire Local Government Area as shown on map GNB3721-4-A.

The proposed amended boundary is shown on map GNB3721-4-A which may be viewed at the Sutherland Shire Council Administration Offices at 4-20 Eton Road, Sutherland; the Sutherland Library, 30-36 Belmont Street, Sutherland and at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, from Thursday, 11 December 2008 until Thursday, 22 January 2009.

Also, pursuant to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the address locality boundaries of Dolans Bay and Lilli Pilli in the Sutherland Shire Local Government Area as shown on map GNB3721-4-B to enable the reintroduction of the address locality of Port Hacking.

The proposed amended boundaries as shown on map GNB3721-4-B may be viewed at the Sutherland Shire Council Administration Offices at 4-20 Eton Road, Sutherland; the Sutherland Library, 30-36 Belmont Street, Sutherland and at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, from Thursday, 11 December 2008 until Thursday, 22 January 2009.

Any person wishing to make comment upon either of these proposals may prior to 22 January 2009, write to the Secretary of the Geographical Names Board with that comment. These proposals may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au during the consultation period.

In accordance with section 9 of the Geographical Names Act 1966, all submissions lodged may be subject to a freedom of information application.

WARWICK WATKINS,
Chairperson

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

HERITAGE ACT 1977

Order under Section 57 (2)

North Sydney Technical High School (former)
SHR No. 00517

I, the Minister for Planning, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the Heritage Act 1977, do, by this my order, grant an exemption from section 57 (1) of the said Act in respect of the engaging in or carrying out of any activities described in Schedule "C" by the owner, mortgagee or lessee of the land described in Schedule "B" on the item described in Schedule "A".

Dated: Sydney, 11th day of November 2008.

The Hon. KRISTINA KENEALLY, M.P.,
Minister for Planning**SCHEDULE "A"**

The item known as the North Sydney Technical High School (former), situated on the land described in Schedule "B".

SCHEDULE "B"

The area known as:

Greenwood Retail Plaza levels, shopping arcades and car park below;

Greenwood Hotel level;

That part of the podium of 101 and 103 Miller Street contained within the listing; and

Blue Street and Pacific Highway shop facades.

SCHEDULE "C"

1. Change of use;
2. Re-alignment of retail areas;
3. The demolition of internal services, fitouts and services to office, retail and commercial areas; and
4. Construction of new internal surfaces, fitouts and services to office, retail and commercial areas.

NSW DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGENotice of the Approval of the Recovery Plan for the koala
(*Phascolarctos cinereus*)

THE NSW Department of Environment and Climate Change (DECC) hereby gives notice of the approval of the Recovery Plan for the koala (*Phascolarctos cinereus*).

A full version of the approved recovery plan is available on the DECC website (www.environment.nsw.gov.au).

A copy of the plan is also available from the DECC libraries and can be obtained through an inter-library loan.

SIMON A. Y. SMITH,
Deputy Director General,
Climate Change,
Policy and Programs**SHOP TRADING ACT 2008**

ORDER

1. Following an application in the matter from Peter J. Davis, Director, for Bunnings Group Ltd, trading as Bunnings Warehouse, I, Lolita Kepars, Acting Executive Director, Office of Industrial Relations, Department of Commerce ('the Department'), being a lawful delegate of the Director-General of the Department and in pursuance of section 10 of the Shop Trading Act 2008 ('the Act'), exempt all existing and future Bunnings Warehouse locations (other than Bunnings Warehouse shops operating in areas with an existing exemption within the meaning of clause 2 of Schedule 2 to the Act) within NSW, from the requirement under section 4 of the Act to be kept closed on Boxing Day in any year.
2. This exemption applies subject to the condition that any Bunnings Warehouse covered by this Order may only open between 9 am and 5 pm on any Boxing Day.
3. This exemption takes effect on 3 December 2008 and applies for a period ending on 30 June 2009.

LOLITA KEPARS,
Acting Executive Director,
Office of Industrial Relations,
Department of Commerce**SPORTING INJURIES INSURANCE ACT 1978**

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the CENTRAL COAST ACADEMY OF SPORT to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Ice Skating.

Dated: Sydney, 4 December 2008.

LYNNE MAGEE,
Acting Deputy Chairperson,
Sporting Injuries Committee**SPORTING INJURIES INSURANCE ACT 1978**

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the BLACKTOWN & DISTRICTS SOCCER FOOTBALL ASSOCIATION INCORPORATED to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Football (Soccer).

Dated: Sydney, 26 November 2008.

LYNNE MAGEE,
Acting Deputy Chairperson,
Sporting Injuries Committee**SPORTING INJURIES INSURANCE ACT 1978**

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the GUNNEDAH MOTOR CYCLE CLUB INC. to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Karting.

Dated: Sydney, 4 December 2008.

LYNNE MAGEE,
Acting Deputy Chairperson,
Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the CENTRAL COAST ACADEMY OF SPORT to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Ice Skating.

Dated: Sydney, 4 December 2008.

LYNNE MAGEE,
Acting Deputy Chairperson,
Sporting Injuries Committee

**STATUTORY AND OTHER OFFICES
REMUNERATION ACT 1975**Report And Determination Pursuant To Section 24d Of
The Act

REPORT:

1. On 28 October 2008 the Premier, the Hon Nathan Rees MP, directed the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 24D (1) of the Statutory and Other Offices Remuneration Act 1975 (the Act), to review its annual Determination of 15 September 2008 on the remuneration payable to the Chief Executive Service and the Senior Executive Service (SES). The Premier has requested that because of the economic conditions prevailing since October the Tribunal should limit the increase in SES remuneration packages to 2.5 percent.
2. Section 24C of the Act requires the Tribunal to make an annual determination on the remuneration packages for executive office holders to take effect on and from 1 October each year. The Tribunal has been fulfilling this statutory obligation since 1989 when the SES was introduced. The Tribunal is a single person. The Act provides that the Tribunal in exercising its powers and duties is to be assisted by Assessors. Section 7 (2) provides that the Tribunal is to

“...Take into consideration the views and recommendations tendered to the Tribunal by the Assessors.”
3. In undertaking its annual reviews of the remuneration for the SES the Tribunal receives a submission from the Government which includes Treasury forecasts. Based on the particular circumstances each year the Government’s submission provides recommended increases for the SES. In addition to this information the Tribunal informs itself about movements in key economic indicators as well as executive remuneration movements in other jurisdictions. After considering all the information available as well as the views of the Assessors, the Tribunal then makes its determination.
4. The Tribunal is not bound by the recommendations contained in the Government’s submission nor is it bound to follow the views or recommendations of the Assessors. The Tribunal is independent and exercises its independence through the determinations it makes.
5. This method was followed for the 2008 annual review. The Government submission recommended an increase limited to 2.5 percent. The Government had made a similar submission in 2007 and the Tribunal accepted the Government’s submission and determined 2.5 percent for the SES in its 2007 determination but noted

“...Tribunal’s determination takes effect from 1 October 2007 and is in effect until 30 September 2008. During this period the Government may reach agreement with public sector groups regarding future wage increases. The Tribunal notes that any further award increase beyond 2.5 percent would, in accordance with the Government’s Wages Policy, only be achieved through negotiated productivity savings. The Tribunal has long maintained that the SES has a lead role in achieving productivity savings. The Tribunal will, therefore, monitor closely the results of any concluded award agreements and, should they provide for increases beyond 2.5 percent per annum the Tribunal will, pursuant to Section 24D of the Act, write to the Premier and seek a special reference to review remuneration levels for the SES.”
6. Since that determination was made all award based increases have been in the order of 3.9 percent. The Tribunal did not seek a special reference to review the 2007 remuneration, but did take the award based increases into consideration for the 2008 determination.
7. The Tribunal’s 2008 report and determination was made based on information available to it at that time. In particular the Tribunal had regard to the Government’s Wages Policy which was stated in the 2008 report ie

“...In essence this policy is to maintain the real wage improvements previously achieved by limiting increases to a net cost of 2.5 percent (representing the average CPI inflation rate over the previous decade). Increases beyond 2.5 percent are to be subject to negotiated productivity trade offs.”
8. The 2008 Determination had regard to this policy. It provided that SES officers were to receive a 2.5 percent increase subject to satisfactory performance. Consistently with the Government’s Wages Policy a further 1.4 percent increase was to be paid to SES officers in circumstances where the CEO can demonstrate that the agency has produced productivity savings sufficient for the 1.4 percent increase to be paid.
9. Since the 2008 Determination was made and its publication there has been a set of unprecedented circumstances which have impacted adversely on world, national and state economies. In these circumstances and at the direction of the Premier the Tribunal has reviewed its determination of 15 September 2008 and while it remains of the view that that Determination is fair and reasonable, particularly in light of the 4 percent per annum increase recently determined for Senior Officers, it will provide greater clarity on the 1.4 percent productivity increase.

REVIEW

10. The Tribunal is aware that a fundamental review of the SES structure is nearing completion, the first such review in over a decade. The Tribunal is advised that the review is expected to result in recommendations for significant change. Any changes to the structure arising from such recommendations will be matters for the Government and the Tribunal will have regard to these matters at the time of the 2009 annual review.

11. For the current review the Tribunal cannot ignore the Government's Wages Policy which was reiterated by the Treasurer, the Hon Eric Roozendaal MLC in his Mini Budget Speech on 12 November 2008

"I also confirm the Government's wages policy to require public sector wage increases over 2.5 percent be met through productivity improvements that deliver cost savings."

12. The SES are part of the Public Service. In similar manner to award based employees they will be required to deliver on productivity improvements and if they do so then they too should receive increases in remuneration beyond 2.5 percent.
13. The Tribunal therefore, after considering the views of the Assessors determines that the SES remuneration packages should be increased by 2.5 percent effective on and from 1 October 2008. These increases, as is usual, must be based on satisfactory performance.
14. The Tribunal also determines that an increase up to a further 1.4 percent is to be paid to each SES officer in circumstances where by June 2009 there have been quantifiable productivity increases sufficient to fund the increase for the SES in that Agency. CEOs will need to provide this information to the Director General of the Department of Premier and Cabinet by June 2009. Should the Director General consider that such productivity improvements have been met then the 1.4 percent increase can be paid effective from 1 October 2008. This process will provide a greater level of scrutiny of productivity gains specific for the SES and is not inconsistent with the Memorandum of Understanding between the Government and the Unions dated 2 October 2008 for the recent public service award increases of 4 percent which apply from 1 July 2008. Under the MOU agencies are required to provide efficiency saving strategies necessary to fund the additional 1.5 percent.
15. The new SES rates are shown in Determinations 7-9. The Tribunal will review these arrangements as part of its 2009 annual determination.

Dated: 20 November 2008.

HELEN WRIGHT,
Statutory and Other Offices Remuneration Tribunal

ANNEXURE A

DETERMINATIONS OF THE REMUNERATION
PACKAGES OF THE CHIEF EXECUTIVE SERVICE
AND SENIOR EXECUTIVE SERVICE EFFECTIVE
ON AND FROM 1 OCTOBER 2008

Determination No. 1

The remuneration package ranges for executive office holders shall be:

<i>CES/SES</i>	<i>Per annum range</i>
Remuneration Level 8	\$366,251 to \$423,150
Remuneration Level 7	\$292,051 to \$366,250
Remuneration Level 6	\$259,851 to \$292,050
Remuneration Level 5	\$225,201 to \$259,850
Remuneration Level 4	\$206,601 to \$225,200

Remuneration Level 3	\$181,901 to \$206,600
Remuneration Level 2	\$169,551 to \$181,900
Remuneration Level 1	\$144,800 to \$169,550

Determination No. 2
Recruitment Allowance

To the remuneration package amounts determined above there may be added a Recruitment Allowance up to the maximum for each level as set out hereunder, subject to the approval of the Director General of the Department of Premier and Cabinet. The Allowance will apply for new SES offices and appointment renewals, where it has been established that a specific skill is necessary for recruitment purposes and the performance of the duties of the position.

Officers in receipt of a Recruitment Allowance are not eligible for payment of a Retention Allowance.

<i>CES/SES</i>	<i>Maximum Allowance</i>
Levels 7 and 8	up to \$43,000
Levels 5 and 6	up to \$30,000
Levels 3 and 4	up to \$23,000
Levels 1 and 2	up to \$19,000

Determination No. 3
Retention Allowance

SES Officers shall be eligible for a Retention Allowance up to the maximum for each level as set out hereunder. The Allowance will apply on and from the date of approval by the Director General of the Department of Premier and Cabinet and will accrue on an annual basis or part thereof and the total amount will be payable upon the completion of the term of appointment.

Officers in receipt of a Retention Allowance are not eligible for payment of a Recruitment Allowance.

<i>CES/SES</i>	<i>Maximum Allowance</i>
Levels 7 and 8	up to \$43,000
Levels 5 and 6	up to \$30,000
Levels 3 and 4	up to \$23,000
Levels 1 and 2	up to \$19,000

Determination No. 4

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills shall be:

<i>Specialist Medical Skills</i>	<i>Per Annum range</i>
Remuneration Level 6	\$267,655 to \$327,845
Remuneration Level 5	\$266,485 to \$315,930
Remuneration Level 4	\$261,960 to \$304,015
Remuneration Level 3	\$249,965 to \$290,095
Remuneration Level 2	\$234,560 to \$272,225

Remuneration Level 1	\$216,375 to \$248,385
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Determination No. 5

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills shall be:

<i>General Medical Skills</i>	<i>Per annum range</i>
Remuneration Level 2	\$188,350 to \$218,565
Remuneration Level 1	\$173,105 to \$198,710

ANNEXURE B

DETERMINATION OF REMUNERATION OF PUBLIC OFFICE HOLDERS WHO HAVE ELECTED TO BE PROVIDED WITH EMPLOYMENT BENEFITS PURSUANT TO SECTION 11A OF THE ACT EFFECTIVE ON AND FROM 1 OCTOBER 2008

Determination No. 6

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

<i>Public Office Holder</i>	<i>Remuneration</i>
Auditor General	\$400,000
Commissioner, NSW Crime Commission	\$392,450
Full Time Member and CEO, Independent Pricing and Regulatory Tribunal	\$354,420
Electoral Commissioner	\$311,450
Valuer General	\$289,300
Public Trustee	\$272,500
Executive Manager Parliamentary Services	\$228,250

ANNEXURE C

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE BASED ON APPROVED PRODUCTIVITY INCREASES.

Increases under Determinations No. 7-9 are to be paid in accordance with the following conditions:

- The CEO of each agency, after 1 June 2009 but before 30 June 2009, is to provide the Director General, Department of Premier and Cabinet with details of productivity improvements sufficient to warrant an increase up to 1.4 percent for each SES officer in the Agency.
- Payment of any increase is to be made only after it has been authorised in writing by the Director General of the Department of Premier and Cabinet.
- Payment of any increase is to take effect on and from 1 October 2008.

Determination No. 7

The remuneration package ranges for executive office holders shall be:

<i>CES/SES</i>	<i>Per annum range</i>
Remuneration Level 8	\$371,251 to \$428,900
Remuneration Level 7	\$296,051 to \$371,250
Remuneration Level 6	\$263,401 to \$296,050
Remuneration Level 5	\$228,251 to \$263,400
Remuneration Level 4	\$209,401 to \$228,250
Remuneration Level 3	\$184,351 to \$209,400
Remuneration Level 2	\$171,851 to \$184,350
Remuneration Level 1	\$146,750 to \$171,850

Determination No. 8

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills shall be:

<i>Specialist Medical Skills</i>	<i>Per Annum range</i>
Remuneration Level 6	\$271,300 to \$332,300
Remuneration Level 5	\$270,050 to \$320,250
Remuneration Level 4	\$265,550 to \$308,150
Remuneration Level 3	\$253,400 to \$294,050
Remuneration Level 2	\$237,750 to \$275,950
Remuneration Level 1	\$219,350 to \$252,000

Determination No. 9

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills shall be:

<i>General Medical Skills</i>	<i>Per annum range</i>
Remuneration Level 2	190,900 to \$221,550
Remuneration Level 1	175,450 to \$201,450

Dated: 20 November 2008.

HELEN WRIGHT,
Statutory and Other Offices Remuneration Tribunal

SUPREME COURT EQUITY DIVISION

Commercial List and Technology and Construction List

PRACTICE NOTE SC Eq 3

Commencement

1. This Practice Note was issued on 10 December 2008 and commenced on 1 January 2009.

Application

2. This Practice Note applies to new and existing proceedings in, or to be entered in, the Commercial List or the Technology and Construction List in the Equity Division.

Definitions

3. In this Practice Note:

Court Book means the documents that a party intends to rely upon at the trial or hearing of an application

CPA means the Civil Procedure Act 2005

UCPR means the Uniform Civil Procedure Rules 2005

SCR means the Supreme Court Rules 1970

Lists mean the Commercial List or the Technology and Construction List

List Judge means a judge of the Equity Division assigned to administer the Lists and

Document has the same meaning as in the Evidence Act 1995 (NSW).

Introduction

4. The purpose of this Practice Note is to set out the case management procedures employed in the Lists for the just, quick and cheap disposal of proceedings.
5. Practice Note SC Eq 1 shall not apply to proceedings in the Lists.
6. It is expected that this Practice Note will be observed for the conduct of proceedings entered in either of the Lists.
7. A party who considers that compliance with this Practice Note will not be possible, or will not be conducive to the just, quick and cheap disposal of the proceedings, may apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such disposal.

Pleadings and Entry in the Lists

8. A matter in the Lists shall be commenced in the general form of Summons prescribed under the UCPR. There is to be filed with the Summons a List Statement, for the Commercial List a "Commercial List Statement" and for the Technology and Construction List a "Technology and Construction List Statement", setting out, in summary form, in the form of Annexure 1:
 - 8.1 the nature of the dispute
 - 8.2 the issues which the plaintiff believes are likely to arise
 - 8.3 the plaintiff's contentions
 - 8.4 the questions (if any) the plaintiff considers are appropriate to be referred to a referee for inquiry and report and
 - 8.5 a statement as to whether the parties have attempted to mediate and whether the plaintiff is willing to proceed to mediation at an appropriate time.
9. The plaintiff's contentions should:
 - 9.1 avoid formality
 - 9.2 state the allegations the plaintiff makes with adequate particulars and
 - 9.3 identify the legal grounds for the relief claimed.
10. A defendant shall file and serve a List Response, in the Commercial List a "Commercial List Response" or in the Technology and Construction List a "Technology and Construction List Response", setting out, in summary form in the form of Annexure 1:
 - 10.1 the nature of the dispute
 - 10.2 the issues which the defendant believes are likely to arise
 - 10.3 the defendant's response to the plaintiff's contentions including the legal grounds for opposition to the relief claimed in the Summons

10.4 the questions (if any) the defendant considers are appropriate to be referred to a referee for inquiry and report and

10.5 a statement as to whether the parties have attempted to mediate and whether the defendant is willing to proceed to mediation at an appropriate time.

11. The defendant's contentions should:

11.1 avoid formality

11.2 admit or deny the allegations the plaintiff makes

11.3 in so far as they do not already appear state the allegations the defendant makes including adequate particulars of those allegations and

11.4 identify the legal grounds for opposition to the relief claimed in the Summons.

12. Any Cross-Claim shall be made in the general form of Cross-Summons prescribed under the UCPR. There is to be filed and served with any Cross-Summons a List Cross-Claim Statement, in the Commercial List a "Commercial List Cross-Claim Statement" or, in the Technology and Construction List a "Technology and Construction List Cross-Claim Statement" setting out the matters listed in paragraphs 8 and 9 above in the form of Annexure 1.

13. A Cross-Defendant shall file and serve a List Cross-Claim Response, in the Commercial List a "Commercial List Cross-Claim Response" or, in the Technology and Construction List, a "Technology and Construction List Cross-Claim Response" setting out the matters listed in paragraphs 10 and 11 above in the form of Annexure 1.

14. At the time of service of any Cross-Summons the Cross-Claimant is to serve on the Cross-Defendant copies of the Summons and any other Cross-Summons together with any relevant List Statement and List Response and any List Cross-Claim Statement and List Cross-Claim Response that have been served on or by the Cross-Claimant.

15. Any party moving for an order for entry of any proceedings in either of the Lists shall move by Notice of Motion at the earliest possible time and shall file and serve with the Notice of Motion a relevant List Statement or List Response.

16. Any motion for an order for entry of proceedings in either of the Lists shall be made returnable before the List Judge on a Friday.

17. For ease of reference all List Statements and Responses (including in relation to Cross-Claims) must include a Front Sheet identifying the names of the parties and their designation as plaintiff or defendant or Cross-Claimant or Cross-Defendant. This paragraph does not apply to a Summons or Cross-Summons.

Removal from the Lists

18. Upon an order being made removing proceedings from either of the Lists and subject to paragraph 19, this Practice Note shall not apply to the proceedings from the making of that order.

19. The Court may direct that this Practice Note shall continue to apply to the proceedings to the extent stated in the direction.

20. The making of an order removing proceedings from either of the Lists shall not affect any orders made or directions given prior to such removal.
- Motions and Directions**
21. All proceedings in the Lists are case managed by the List Judge with the aim of ensuring a speedy resolution of the real issues between the parties. The Lists are administered in Court on Friday of each week. Motions are listed at 9.15 am and are called through for the purpose of ascertaining the length of the hearing and allocating a time for hearing on that or some other day. Directions in the Commercial List commence at 9.45am and directions in the Technology and Construction List commence at 12 noon. The times for the commencement of the Motions and Directions hearings may change and Practitioners should always check the daily court lists as published prior to attendance at Court on a Friday.
22. The Court's expectation of Practitioners appearing in the Lists includes that:
- 22.1 careful review of the case will be made as early as practicable for the purpose of informing the Court of its suitability for mediation, for reference out of all or some of the issues, and/or for the use of a single expert, or a Court Appointed Expert or the use of an appropriate concurrent evidence process
- 22.2 at the time the matter is set down for hearing trial counsel will provide to the Court: (1) a considered opinion of the realistic estimate of the time required for trial; and (2) the allocation of time for their client's evidence and submissions in the stopwatch system for trial
- 22.3 agreement will be reached on a timetable for the preparation of matters for trial and/or reference and/or mediation and Consent Orders will be handed up during the directions hearing
- 22.4 if there is slippage in an agreed timetable, further agreement will be reached without the need for the intervention of the Court and
- 22.5 requests for Court intervention in relation to timetabling will only be sought rarely when, for good reason, agreement has proved to be impossible.
23. To facilitate the just, quick and cheap resolution of matters Consent Orders will be made by the List Judge in Chambers on days other than Friday by application in writing to the List Judge's Associate. When Consent Orders are to be made either in Chambers or in Court varying a timetable, it is imperative that those Orders include the vacation of any date for directions hearings or the hearing of Motions that the parties no longer wish to maintain. If the proceedings settle, it is necessary to have the List Judge make Orders finalising the litigation, rather than filing Terms or Orders with the Registry. Those Orders may also be made by consent in Chambers.
24. The Lists close at 12 noon on Thursday. Any application to add a matter to the List or remove a matter from the List must be made prior to 12 noon on Thursday. Such applications are to be made in writing to the List Judge's Associate.
25. At the first and/or subsequent directions hearings orders will be made and directions given with a view to the just, quick and cheap disposal of the proceedings. The orders or directions may relate to:
- 25.1 the filing of a Summons, List Statements, List Responses or other documents
- 25.2 the filing of a Cross-Summons, List Cross-Claim Statements or Responses
- 25.3 the filing of a statement of agreed issues and the result in the proceedings according to the determination of those issues
- 25.4 the provision of any essential further particulars that are not contained in the List Statements or Responses
- 25.5 the making of admissions, pursuant to a notice to admit facts or otherwise
- 25.6 the appointment of a single expert or a Court Appointed Expert
- 25.7 the holding of conferences of experts including with a view to providing joint reports and/or agendas for use in the concurrent evidence method at trial
- 25.8 the filing of lists of documents either generally or with respect to specific matters
- 25.9 the preparation of a Scott Schedule
- 25.10 the provision of copies of documents
- 25.11 the administration and answering of interrogatories either generally or with respect to specific matters
- 25.12 the service and/or filing of affidavits or statements of evidence by a specified date or dates
- 25.13 the reference to a referee for inquiry and report of the whole of the proceedings or any question arising therein and
- 25.14 the obtaining of the assistance of any person specially qualified to advise on any matter arising in the proceedings.
26. Orders or directions relating to the provision of particulars, the filing of lists of documents and the administration of interrogatories will be made only upon proof of necessity.
- Discovery**
27. The Court endorses a flexible rather than prescriptive approach to discovery to facilitate the making of orders to best suit each case.
28. Subject to an order of the Court or unless otherwise agreed between the parties, discovery of electronically stored documents and information is to be made electronically. Discoverable documents and information that are not stored electronically should only be discovered electronically if it is more cost effective to do so.
29. Practitioners must advise their opponents at an early stage of the proceedings of potentially discoverable electronically stored information and meet to agree upon matters including:
- 29.1 the format of the electronic database for the electronic discovery
- 29.2 the protocol to be used for the electronic discovery including electronically stored information

- 29.3 the type and extent of the electronically stored information that is to be discovered and
- 29.4 whether electronically stored information is to be discovered on an agreed without prejudice basis
- 29.4.1 without the need to go through the information in detail to categorise it into privileged and non-privileged information and
- 29.4.2 without prejudice to an entitlement to subsequently claim privilege over any information that has been discovered and is claimed to be privileged under s 118 and/or s119 of the Evidence Act 1995 and/or at common law.
30. At any hearing relating to discovery (including its form and extent), the Court expects practitioners to have:
- 30.1 ascertained the probable extent of discoverable documents
- 30.2 conferred with their opponents about any issues concerning the preservation and production of discoverable documents including electronically stored information
- 30.3 given notice to their opponents of any problems reasonably expected to arise in connection with the discovery of electronically stored information, including difficulty in the recovery of deleted or lost data
- 30.4 given consideration to and conferred in relation to the particular issues involved in the collection, retention and protection of electronically stored information, including:
- 30.4.1 whether the burden and cost involved in discovering a particular document or class of documents is justified having regard to the cost of accessing the document or class of documents and the importance or likely importance of the document or class of documents to the proceedings
- 30.4.2 whether particular software or other supporting resources may be required to access electronically stored information
- 30.4.3 the manner in which documents are to be electronically formatted so that the integrity of the documents is protected
- 30.4.4 whether particular documents need to be discovered in hard copy form (such as original documents or documents larger than A3 in size)
- 30.4.5 how privileged documents should be appropriately protected
- 30.5 given consideration to preparing and, if agreed, prepared a Joint Memorandum signed by the senior practitioners who attended the discovery meeting (and who are to attend the discovery hearing) identifying:
- 30.5.1 areas of agreement on proposed discovery
- 30.5.2 areas of disagreement with a brief statement of the reasons therefore and
- 30.5.3 respective best estimates of the cost of discovery.
31. The Court will make orders for discovery having regard to the overriding purpose of the just, quick and cheap resolution of the disputes between the parties.
32. For the purposes of ensuring that the most cost efficient method of discovery is adopted by the parties, on the application of any party or of its own motion, the Court may limit the amount of costs of discovery that are able to be recovered by any party.
- Evidence
33. With the exception of evidence in support of interlocutory applications, the former practice of filing evidence as case preparation occurs is to cease. Timetables for case preparation should include provision for the serving of evidence on the other parties but not filing it with the Court. Evidence to be relied upon at trial will only be filed with the Court at the time provided for in the Usual Order for Hearing.
34. Evidence to be relied upon in support of interlocutory applications is to be served on the other parties and filed with the Court. Timetables for preparation of such applications should include provision for that process.
35. The former practice of annexing or exhibiting documents to affidavits or statements will only be permitted in interlocutory applications and otherwise with the leave of the Court or pursuant to agreement between the parties.
36. In the preparation of evidence to be relied upon at trial any documents referred to in any statement or affidavit are to be placed into the proposed Court Book in chronological order.
37. Subject to an order of the Court or unless otherwise agreed between the parties, the Proposed Court Book is to be established in electronic form.
38. Prior to the preparation of a timetable for the serving of evidence the parties are to agree on the manner in which the electronic form of Court Book (the Electronic Court Book) is to be established including, where it is to be established; which party/parties (or third party) will manage it and its format. Such agreement should be recorded in the Short Minutes of Order for the preparation of the evidence in the proceedings.
39. The Electronic Court Book is to be produced at trial. A hard copy of only those parts of the Electronic Court Book that will be essential for the Court to consider in determining the dispute between the parties is also to be produced at trial.
- Orders for reference
40. Consideration should be given throughout the course of proceedings as to whether any questions are appropriate for referral to a referee for inquiry and report.
41. Where questions are appropriate to be referred to a referee for inquiry and report, the parties should:
- 41.1 formulate the questions with precision and
- 41.2 inform the Court of:
- 41.2.1 the identity of an agreed referee or, if no agreement can be reached, the referee each suggests
- 41.2.2 the date on which the referee can commence the reference

- 41.2.3 the expected duration of the reference and
- 41.2.4 the anticipated date for delivery of the report.

- 42. An order made for reference to a referee for inquiry and report will normally be in the form of the Usual Order for Reference set out in Annexure 2.
- 43. Consent Orders for amendment to the matters referred to the Referee in the Schedule to the Usual Order for Reference may be filed with the List Judge's Associate in writing for the making of such order in Chambers. Any contested amendments are to be heard in the Motions List on Fridays.

Representation

- 44. Each party not appearing in person shall be represented at any directions hearing by a barrister or a solicitor familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
- 45. Practitioners should have communicated prior to the directions hearing with a view to agreement on directions to propose to the Court and preparation of short minutes recording the directions.

Urgent applications and liberty to apply

- 46. A party seeking ex parte or urgent orders or directions prior to the commencement of proceedings or in the course of the proceedings should telephone the Commercial List Judge's Associate, who will advise the party of the Judge to whom application should be made.
- 47. Parties have general liberty to apply and may cause proceedings to be listed at a directions hearing prior to a specified future directions hearing. A party seeking to do so should make prior arrangement with, or give appropriate notice to, any other party, and should send a fax to the List Judge's Associate who will advise the date for listing.

Listing for hearing

- 48. Where the whole, or any part, of the proceedings is/are to be heard by the Court, a date for hearing may be fixed prior to completion of interlocutory steps.
- 49. Proceedings will be fixed for hearing during a directions hearing in the Lists on Friday at which time the Court should be provided with a realistic estimate of the hearing time required and where there is to be an application for a stopwatch hearing, paragraphs 50 to 53 are applicable. Upon fixing a date for hearing the Court will normally direct that the Usual Order for Hearing set out in Annexure 3 shall apply, with or without modification.

Stopwatch Hearings

- 50. An option for matters that are heard by the Court and/or referred to Referees is the stopwatch method of trial or reference hearing. In advance of the trial or reference, the Court will make orders in respect of the estimated length of the trial or reference and the amount of time each party is permitted to utilise. The orders will allocate blocks of time to the aspects of the respective cases for examination in chief, cross-examination, re-examination and submissions. If it is in the interests of justice, the allocation of time will be adjusted by the Court or the

Referee to accommodate developments in the trial or reference.

- 51. This method of hearing is aimed at achieving a more cost effective resolution of the real issues between the parties. It will require more intensive planning by counsel and solicitors prior to trial including conferring with opposing solicitors and counsel to ascertain estimates of time for cross-examination of witnesses and submissions to be built in to the estimate for hearing.
- 52. Any party wishing to have a stopwatch hearing must notify the other party/parties in writing prior to the matter being set down for hearing or reference out. At the time the matter is set down for hearing or referred out to a Referee it is expected that solicitors or counsel briefed on hearing will be able to advise the Court:
 - 52.1 whether there is consent to a stopwatch hearing and
 - 52.2 if there is no consent, the reasons why there should not be a stopwatch hearing.
- 53. If there is consent to a stopwatch hearing counsel and/or solicitors must be in a position to advise the Court of:
 - 53.1 the joint estimate of the time for the hearing of the matter and
 - 53.2 the way in which the time is to be allocated to each party and for what aspect of the case.

Experts

- 54. The use of a single expert or a Court Appointed Expert and/or the concurrent evidence of experts is encouraged in suitable cases. The parties are to confer as early as practicable with a view to reaching agreement as to whether the use of such an expert or the concurrent evidence of experts is appropriate and, if agreed, the inclusion of such appointment and/or adoption of concurrent evidence should be accommodated in the timetable for the preparation for hearing.
- 55. Where experts' reports have been or are to be served (whether or not pursuant to an order or direction of the Court) the Court will, unless otherwise persuaded, direct, upon such terms as it thinks fit, that the parties cause the experts or some of them to confer with a view to identification of and a proper understanding of any points of difference between them and the reasons therefore and a narrowing of such points of difference. The Court may, at the same time or subsequently, direct that the parties and/or the experts prepare an agreed statement of the points of agreement, and of difference remaining, between experts following such conference and the reasons therefore (see Schedule 7 of the UCPR).

Proportionate Liability

- 56. Any party in proceedings involving an apportionable claim, who has reasonable grounds to believe that a particular person may be a concurrent wrongdoer in relation to the claim(s) must, as soon as practicable, give written notice to all other parties to the proceedings of:
 - 56.1 the identity of that person and
 - 56.2 the alleged circumstances that may make that person a concurrent wrongdoer.

Costs

57. Unless otherwise ordered, a party in whose favour an order for costs is made may proceed to assessment of such costs forthwith.
58. The cost of unnecessary photocopying and assembly of documents is unacceptable. It is incumbent on the lawyers for the parties to carefully consider the documents necessary to be included in the tender bundle. Excessive documents may attract adverse costs orders.

Mediation

59. The parties should be aware of the provisions of Part 4 of the CPA and relevant parts of the UCPR relating to mediation.
60. It is expected that prior to the commencement of proceedings in the Lists, the parties will have considered referral of their disputes to mediation. It is also expected that the lawyers, or the litigant if not legally represented, will be in a position to advise the Court on the first return date of the Summons whether:
- 60.1 the parties have attempted mediation and
- 60.2 their respective clients are willing to proceed to mediation at an appropriate time.
61. If a matter is referred to mediation by consent and/or by an order pursuant to the section 26 of the CPA, the parties are to ensure that the person(s) who is (are) able to make a decision as to whether the matter settles is present personally or by authorised nominee(s) at the mediation.

Summary judgment

62. As a general rule applications to strike out or for summary judgment will not be entertained. Sometimes applications are appropriate, but Practitioners should expect strictness in declining to entertain such applications.

Use of technology

63. The use is encouraged, where appropriate, of technology permitting the taking of evidence in, or other conduct of, proceedings by video link or conference telephone and the management of documents and transcript. Practitioners should propose the use of such technology when appropriate, and the Court may give directions involving its use: for example, in major cases with a view to statements, documents and transcript being available to all concerned on a common data base.

J. J. Spigelman, A.C.,
Chief Justice of New South Wales
10 December 2008

Related Information

See also:

- Supreme Court Practice Note SC Gen 1 – Application of Practice Notes
- Supreme Court Practice Note SC Gen 6 – Mediation
- Supreme Court Practice Note SC Gen 7 – Use of technology
- Supreme Court Practice Note SC Gen 10 – Single expert witness
- Supreme Court Practice Note SC Gen 11 – Joint conferences of expert witnesses
- Civil Procedure Act 2005
- Uniform Civil Procedure Rules 2005
- Supreme Court Rules 1970

Amendment History

This Practice Note replaces Practice Note SC Eq 3 issued on 20 July 2007.

Practice Note SC Eq 3 issued on 20 July 2007 replaced the Note issued 1 September 2006. Practice Note SC Eq 3 issued on 1 September 2006 replaced the Note issued on 17 August 2005.

Practice Note SC Eq 3 issued on 17 August 2005 replaced Former Practice Note No. 100.

ANNEXURE 1

[LIST] STATEMENT [OR] LIST CROSS CLAIM STATEMENT

[LIST] RESPONSE [OR] LIST CROSS CLAIM RESPONSE

A. NATURE OF DISPUTE

B. ISSUES LIKELY TO ARISE

C. PLAINTIFF'S [or CROSS CLAIMANT'S] CONTENTIONS

[or C DEFENDANT'S [or CROSS DEFENDANT'S] RESPONSES TO CONTENTIONS which should include reference to any relief claimed in the Summons or Cross Summons that are admitted, not admitted or denied.

D. QUESTIONS APPROPRIATE FOR REFERRAL TO A REFEREE

E. A STATEMENT AS TO WHETHER THE PARTIES HAVE ATTEMPTED MEDIATION; WHETHER THE PARTY IS WILLING TO PROCEED TO MEDIATION AT AN APPROPRIATE TIME.

ANNEXURE 2

USUAL ORDER FOR REFERENCE

- 1 Pursuant to Part 20 rule 14 of the Uniform Civil Procedure Rules (the "UCPR"), refer to [state name of referee] for enquiry and report the matter in the Schedule hereto.
- 2 Direct that (without affecting the powers of the Court as to costs) the parties, namely [state relevant parties], be jointly and severally liable to the referee for the fees payable to him.
- 3 Direct that the parties deliver to the referee forthwith a copy of this order together with a copy of Division 3 of Part 20 of the UCPR.
- 4 Direct that:
 - 4.1 subject to paras 4.2 and 4.3 hereof, the provisions of Pt 20 r 20 shall apply to the conduct of proceedings under the reference
 - 4.2 the reference will commence on [date] unless otherwise ordered by the referee
 - 4.3 the referee consider and implement such manner of conducting proceedings under the reference as will, without undue formality or delay, enable a just determination to be made including, if the referee thinks fit:
 - 4.3.1 the making of inquiries by telephone
 - 4.3.2 site inspection
 - 4.3.3 inspection of plant and equipment and
 - 4.3.4 communication with experts retained on behalf of the party

- 4.4 any evidence in chief before the referee shall, unless the referee otherwise permits, be by way of written statements signed by the maker of the statement
- 4.5 the referee submit the report to the Court in accordance with Pt 20 r 23 addressed to the Equity Division Registrar on or before [date].
- 5 Amendments to the Schedule, whether by agreement or on a contested basis, are to be the subject of an order made by the Court.
- 6 If for any reason the Referee is unable to comply with the Order for delivery of the report to the Court by the date in this Usual Order for Reference, the Referee is to provide to the List Judge an Interim Report setting out the reasons for such inability and an application to extend the time within which to deliver the report to the Court to a date when the Referee will be able to provide the Report.
- 7 Grant liberty to the referee or any party to seek directions with respect to any matter arising in proceedings under the reference upon application made on 24 hours' notice or such less notice ordered by the Court.
- 8 Reserve costs of the proceedings.
- 9 Stand the proceedings over for further directions on [date].

SCHEDULE

The whole of the proceedings; or

The following questions arising in the proceedings, namely [state the questions].

ANNEXURE 3

USUAL ORDER FOR HEARING

Experts' Reports

1. In any case in which there is expert evidence to be relied upon by the parties, the experts are to meet no later than 3 weeks before trial for the purpose of reaching agreement on as many issues as possible and producing:
 - 1.1 a joint report and
 - 1.2 any separate report(s) dealing with those matters that are unable to be agreed.
2. The joint report and any separate report(s) are to be filed and served no later than 5 working days before trial.
3. In cases in which expert evidence is to be given concurrently, the experts are to meet no later than 3 weeks prior to trial for the purpose of producing:
 - 3.1 a joint report
 - 3.2 any separate report(s) dealing with those matters that are unable to be agreed and
 - 3.3 a draft agenda for discussion of the contested issues in the concurrent evidence session at trial.
4. The joint report and any separate report(s) and the draft agenda are to be filed and served no later than 5 working days before trial.

Affidavits and Statements

5. Where no directions have been given for the service of affidavits or statements of evidence, each party shall, not less than 28 days before the date fixed for hearing, serve on each other party a statement of the evidence proposed to be led from each witness to be called by that

party, signed by the proposed witness, unless the Court otherwise orders.

6. Where directions have been given for the service of affidavits or statements of evidence, or where paragraph 2 of this order applies:
 - 6.1 a party who fails to comply with an order made for the service of affidavits or statements of evidence, or with paragraph 2 of this order, may not adduce evidence to which the order, or paragraph 2 of this order, applies without the leave of the Court
 - 6.2 at least 14 days before the date fixed for hearing each party shall, by notice in writing to each other party, state whether he or she proposes to object to the whole or any part of any affidavit or statement of evidence and the grounds for the objections
 - 6.3 the Court may, on such terms as it thinks fit, direct that the statement of evidence served, or part of it, stand as the evidence in chief of the witness, or as part of such evidence
 - 6.4 if the affidavit is not read or the maker of the statement of evidence is not called as a witness, no other party may put the affidavit or statement in evidence without the leave of the Court
 - 6.5 if the affidavit is read or the maker of the statement of evidence called as a witness, then save in relation to new matters which have arisen in the course of the trial, the party serving the affidavit or statement may not lead evidence from the deponent or the maker of the statement of evidence (as the case may be), the substance of which is not included in the affidavit or statement of evidence served without the leave of the Court
 - 6.6 whether or not the affidavit or statement of evidence or any part of it is used in evidence by the party calling the witness, if the deponent or the maker of the statement of evidence is called as a witness any other party may use the affidavit or statement of evidence or any part of it in cross-examination of the witness unless the Court otherwise orders and
 - 6.7 nothing in this order shall otherwise deprive any party of any proper objection to the admissibility of evidence.

Documents – Court Book

7. In preparing evidence for trial the plaintiff/cross-claimant is to place into the Electronic Court Book in chronological order all documents referred to in any affidavit or statement proposed to be relied upon at trial. The method of numbering of documents in the Electronic Court Book must ensure that the numbers allocated to documents do not change.
8. In responding to the plaintiff's/cross-claimant's evidence, the defendant/cross-defendant is to place into the Electronic Court Book all documents not already included that are referred to in any affidavits or statements proposed to be relied upon at trial.
9. By no later than 6 weeks before the date fixed for hearing each party must notify each other party in writing of any additional documents that party proposes should be included in the Electronic Court Book.
10. Within 10 working days thereafter each party shall advise each other party in writing:
 - 10.1 which of the specified additional documents may be included in the Electronic Court Book by consent

- 10.2 whether the authenticity of any document, and if so which, is disputed and
- 10.3 insofar as any document (already included and/or proposed to be included) may not be included in the Electronic Court Book by consent the grounds for the objection to its inclusion.
11. Not later than 3 weeks prior to the date fixed for hearing all documents, whether by consent or otherwise, sought to be relied upon by all parties are to be included in the proposed Electronic Court Book in chronological order.
12. If any party requires the tender of an original document, notice in writing should be given to all other parties no later than 4 weeks before the date fixed for hearing.
13. Subject to an order of the Court or unless otherwise agreed between the parties, compliance with paragraph 15 requires the provision of the Court Book in electronic form and a hard copy of those parts of the Court Book that it will be essential for the Court to refer to in determining the dispute between the parties.
- Filing with the Court**
14. No later than 10 working days before the hearing all parties' barristers or solicitors shall cause to be filed with the Court a folder of all affidavits, statements and reports to be relied upon at trial with an index setting out in alphabetical order:
- 14.1 the name of the deponent or maker of the statement or report
- 14.2 the date of the affidavit, statement or report and
- 14.3 a short statement identifying the role of the deponent or the maker of the statement or report.
15. No later than 5 working day before the hearing the plaintiff shall file, paginated and indexed, two copies of the Court Book intended to be tendered at the hearing by any party. The index of documents should indicate documents the tender of which is agreed and, in relation to the documents as to which there is no agreement, which documents they are and whether lodged on behalf of the plaintiff or on behalf of any other party to the proceedings and, if so, which party.
16. No later than 2 workings day before the hearing each barrister or solicitor shall cause to be filed and served a short outline of submissions; a statement of the real issues for determination; a list of authorities; and a chronology of relevant events.
17. Compliance with orders 15 and 16 is to be by delivery to the trial Judge's Associate or, if the identity of the trial Judge is unknown at the time for compliance, by delivery to the List Judge's Associate.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

ERRATUM

IN the notice published in *Government Gazette* No. 100 on 22 August 2008 on pages 7952 to 7953 errors were made in the description of the land. The Notice is amended as specified in Schedule below.

SCHEDULE

In the Schedule on page 7952 paragraph No 1 the words and figures "Lots 3, 5 and 12 in Deposited Plan 1047085 comprising the residue of land after acquisition of Lot 2 being contained within CT Vol 14418 Folio 145 (formerly known as Lot 12 in Deposited Plan 614852) identified as Part proposed Lot 120 in Surveyors Plan Reference D895-004a and D895-006a, available in the office of the Transport Infrastructure Development Corporation" are deleted and replaced with "Lot 120 in DP 1130457 held in the offices of Land and Property Information of New South Wales".

In the Schedule on page 7952 paragraph No. 2 (right column) the words and figures "Lot 4 in DP 1047085 being part of Road and being part of the land comprised in CT Vol 12776 Folios 196A and 196B identified as Part proposed Lot 120 in Surveyors Plan Reference D895-004a and D895-006a, available in the office of the Transport Infrastructure Development Corporation" are deleted and replaced with "Lot 122 in DP 1130457 held in the offices of Land and Property Information of New South Wales".

In the Schedule on page 7952 paragraph No. 3 (right column) the words and figures "Part Road widening dedicated to the public as Road by DP 614852 and restricted in depth by DP 1046092 identified as proposed Lot 121 in Surveyors Plan Reference D895-004a and D895-006a, available in the office of the Transport Infrastructure Development Corporation" are deleted and replaced with "Lot 121 in DP 1130457 held in the offices of Land and Property Information of New South Wales".

CHRIS LOCK,
Chief Executive Officer

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that the interests 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 Epping Chatswood Rail Link.

Dated this 8th day of December 2008.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE

All that piece or parcel of land situated at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales being part of Lot 1, Deposited Plan 1069715 as shown on identification plan D717-006a available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of Australand Industrial No. 122 Pty Ltd.

All that piece or parcel of land situated at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales being part of Lots 1 and 20, Deposited Plan 1043041 and part of Lots 1 and 22, Deposited Plan 1043041 as shown on identification plan D717-010, available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of the City of Ryde.

All that piece or parcel of land situated at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales being part of Lot 24, Deposited Plan 532824 as shown on identification plan D717-011a available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of The Commissioner of Main Roads.

TIDC Reference: 352713-4

TRANSPORT ADMINISTRATION ACT 1988 NO 109

THE Minister for Transport has approved of the closure of the following railway level crossing under section 99B of the Transport Administration Act 1988 No 109:

Private Accommodation Level Crossing near Coggans Creek on the Sandy Hollow to Ulan Section of the Ulan line at rail kilometres 413.982

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

PROFESSIONAL STANDARDS ACT 1994

Notification Pursuant to Section 13

Engineers Australia Scheme

PURSUANT to section 13 of the Professional Standards Act 1994, I authorise the publication of the Instrument Amending the Engineers Australia NSW Scheme. The amendments to the Scheme will commence on 13 December 2008.

JOHN HATZISTERGOS,
Attorney General

Professional Standards Act 1994 (New South Wales)
**INSTRUMENT AMENDING THE
ENGINEERS AUSTRALIA NEW SOUTH WALES SCHEME**

PREAMBLE

- A. The Institution of Engineers Australia (Engineers Australia) is an occupational association.
- B. The Engineers Australia NSW Scheme (the Scheme) commenced on 24 February 2007.
- C. This instrument of amendment is prepared by Engineers Australia for the purposes of amending the Engineers Australia NSW Scheme, in line with the Engineers Australia Schemes in the Australian Capital Territory, the Northern Territory of Australia, Queensland, South Australia, Tasmania, Victoria and Western Australia.

AMENDMENT TO THE SCHEME

1. This instrument to amend the Engineers Australia NSW Scheme is prepared under the *Professional Standards Act 1994* (NSW) (the *Act*) by the Institution of Engineers Australia (Engineers Australia) whose business address is 11 National Circuit, Barton, ACT 2006.

MONETARY CEILING

1.1. Omit clause 3.2 of the Scheme and in its place insert the following:

“3.2 The monetary ceiling (maximum amount of liability) required for the purposes of limitation of liability under this scheme at the time at which the act or omission giving rise to the cause of action occurred is to be determined according to the following table:

Class	Description	Monetary ceiling (maximum amount of liability)
1	Category A member	\$1.5 million
2	Category B member	\$4 million
3	Category C member	\$8 million
4	Category D member	\$20 million

“

CATEGORY DEFINITION

1.2. Omit Clause 3.4 of the Scheme and in its place insert the following:

“3.4 Relevant definitions for the purposes of this clause are as follows:

“**total annual fee income**” means the amount charged during a financial year for services provided by or on behalf of:

- (a) a body corporate who is a member of Engineers Australia to whom the scheme applies;
- (b) a partnership some of whose members are members of Engineers Australia to whom the scheme applies ;
- (c) a sole trader who is a member of Engineers Australia to whom this scheme applies.

“**financial year**” means a financial accounting period ending 30 June.

“**category A member**” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is less than \$1 million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is less than \$1 million; and
- (c) a sole trader whose total annual fee income for the most recent financial year is less than \$1 million.

“**category B member**” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is \$1 million or more, but is less than \$3 million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is \$1 million or more, but is less than \$3 million; and
- (c) a sole trader whose total annual fee income for the most recent financial year is \$1 million or more, but is less than \$3 million.

“**category C member**” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is \$3 million or more, but is less than \$10 million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is \$3 million or more, but is less than \$10 million; and
- (c) a sole trader whose total annual fee income for the most recent financial year is \$3 million or more, but is less than \$10 million.

“**category D member**” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is \$10m or more, but is less than \$20m.

- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is \$10m or more, but is less than \$20m.
- (c) a sole trader whose total annual fee income for the most recent financial year is \$10m or more, but is less than \$20m. “

LIABILITY THAT CANNOT BE LIMITED BY THE SCHEME

1.3. Omit Clause 3.5 of the Scheme and in its place insert the following:

“3.5 This scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$1,500,000. “

MAXIMUM AMOUNT OF DISCRETIONARY AUTHORITY

1.4. Omit Clause 4.1 of the Scheme and in its place insert the following:

“4.1 Pursuant to s24 of the *Act*, this scheme confers on Engineers Australia a discretionary authority to specify, on application of a member of Engineers Australia to whom the scheme applies, a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million, in all cases or in any specified case or class of case.”

COMMENCEMENT

2. The amendment will commence on 13 December 2008.

WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION (MEDICAL EXAMINATIONS AND REPORTS) ORDER 2009

under the

Workplace Injury Management and Workers Compensation Act 1998

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

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Schedule 1 Rates for Independent Medical Examination by General Practitioners

Schedule 2 Rates for Independent Medical Examination by Specialists

Schedule 3 Rates for Approved Medical Specialists

Schedule 4 Rates for Approved Medical Specialists on Appeal Panels

Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2009

Part 1 Preliminary

1. Name of Order

This order is the *Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2009*.

2. Commencement

This Order commences on 1 January 2009.

3. Definitions

In this Order:

the Act means the *Workplace Injury Management and Workers Compensation Act 1998*;

Approved Medical Specialist means an Approved Medical Specialist appointed by the President of the Workers Compensation Commission conducting an examination as part of dispute resolution proceedings at the Workers Compensation Commission. Schedules 3 and 4 of this Order apply.

GST means the goods and services tax payable under the GST Law;

GST Law has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;

Guidelines mean the *WorkCover Guidelines on Independent Medical Examinations and Reports* in effect from 1 November 2006; and

Late attendance means that the worker or interpreter arrives **unreasonably** late, to the degree that a full examination is prevented from being conducted in the time allocated.

Medical Examination Report means an examination and report completed by an independent medical examiner or a treating medical practitioner where additional information is required by either party to a current or potential dispute. This **does not** include reports on the routine management of the worker's injury. Fees for this type of communication are included in the relevant treatment fees order.

Medical Examination Reports may be requested to assist decision making on any part of the claim when the management reports available do not adequately address the issue. Schedules 1 and 2 of this Order apply. Medical Examination Reports are categorised as follows:

- a. **Standard Reports** are reports relating solely to a single event or injury in relation to—
 - Causation; or
 - Fitness for work; or
 - Treatment; or
 - Simple permanent impairment assessment of one body system.

- b. **Moderately Complex Reports** are—
 - reports relating to issues involving a combination of two of the following:
 - Causation
 - Fitness for Work
 - Treatment
 - Simple permanent impairment assessment of one body system

 - or

 - reports of simple permanent impairment assessment of two body systems or more than one injury to a single body system

- c. **Complex Reports** are –
 - reports relating to issues involving a combination of 3 or more of the following:
 - Causation
 - Fitness for Work
 - Treatment
 - Simple permanent impairment assessment of one body system

 - or

 - A complex method of permanent impairment assessment on single body system or multiple injuries involving more than one body system.

4. **Application of order**

This Order only applies to medical practitioners registered under the *Medical Practice Act 1992 (NSW)*.

Part 2 Fees for medical assessments**5. Fees for medical assessments**

For the purposes of section 339 of the Act, the maximum fees for the provision by health service providers of any report for use in connection with a claim for compensation or work injury damages and an appearance as a witness in proceedings before the Workers Compensation Commission or a court in connection with a claim for compensation or work injury damages is as follows:

- a) the rate of fees for a medical examination by general practitioners as set out in Schedule 1,
- b) the rate of fees for a medical examination by medical specialists as set out in Schedule 2,
- c) the rate of fees for a medical examination carried out by an approved medical specialist on referral by the Workers Compensation Commission as set out in Schedule 3,
- d) the rate of fees for a medical examination carried out by an approved medical specialist on an appeal panel as set out in Schedule 4.

6. GST

The maximum fees provided for in clause 6 are exclusive of GST.

7. PAYMENTS UNDER SCHEDULES 1 & 2

- (1) The party requesting a report as listed in these schedules is to either:
 - a. Agree the category of report being requested with the doctor and confirm the request in writing indicating that payment will be made within 10 days of receipt of a properly completed report and invoice; or
 - b. Pay in accordance with a contractual arrangement between the medical practice and the referring body on receipt of a properly completed tax invoice.

The contractual arrangement cannot agree to a fee above the maximum fee prescribed in this Order.

Schedules 1 and 2 apply to reports obtained for the purpose of proving or disproving an entitlement or the extent of an entitlement to workers compensation or work injury damages. Schedules 1 and 2 do not apply to medical or related treatment reports. Fees for those reports are fixed under section 61 of the *Workers Compensation Act 1987*.

- (2) Fees fixed in these schedules are recoverable only where the conditions for payment as set out in Part C of Schedule 6 of the *Workers Compensation Regulation 2003* have been complied with.

Part C item 4 (which applies to treating medical practitioners reports) provides:

“If a claim or dispute is resolved whether before or after proceedings commenced:

Claimant

- (a) nil fee payable, unless paragraph (b) applies, or
- (b) fee allowed in accordance with any applicable fee order where:
 - (i) request for report made to insurer; and
 - (ii) either:
 - insurer does not provide report within 14 days, or
 - report supplied by insurer does not address the report requirements of the claimant, and
 - (iii) report is served on insurer

Insurer:

(a) fee allowed in accordance with any applicable fee order”

Part C item 6 (which applies to clinical notes and records), provides conditions for payment in similar terms as above for item 4, but the period of time for an insurer to provide clinical records is fixed at 7 days.

In accordance with section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*, a medical practitioner is not entitled to be paid or recover any fee for providing a service that exceeds the fee fixed under this Order.

SCHEDULE 1
Rates for Medical Examination by General Practitioners

Payment Classification Code	Service description	Fee
IMG001 or WIG001	Examination and report in accordance with the Guidelines - standard case (see definition of medical examination)	\$446.20
IMG002 or WIG002	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of medical examination)	\$498.40
IMG005 or WIG005	Non-attendance or cancellation with less than 7 days notice	\$109.20
IMG006 or WIG006	File review	\$330.40
IMG007 or WIG007	Supplementary report where additional information is provided and requested	\$220.30
IMG008 or WIG008	Update examination and report of worker previously reviewed, where there is no intervening incident	\$278.20
IMG009 or WIG009	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2002</i>

SCHEDULE 2
Rates for Medical Examination by Medical Specialists

Payment Classification Code	Service description	Fee
IMS001 or WIS001	Examination and report in accordance with the Guidelines - standard case (see definition of medical examination)	\$603.00
IMS002 or WIS002	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of medical examination)	\$752.90
IMS003 or WIS003	ENT report (includes audiological testing)	603.00
IMS031 or WIS 031	ENT report when examination has been conducted with the assistance of an interpreter and report in accordance with Guidelines (includes audiological testing)	752.90
IMS004 or WIS004	Examination and report in accordance with the Guidelines - moderate complexity (see definition of medical examination)	\$904.00
IMS005 or WIS005	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – moderate complexity (see definition of medical examination)	\$1,055.00
IMS006 or WIS006	Examination and report in accordance with Guidelines – complex case (see definition of medical examination)	\$1,199.30
IMS007 or WIS007	Examination and report in accordance with Guidelines – complex case (see definition of medical examination)with the assistance of an Interpreter.	\$1,501.40
IMS008 or WIS008	Examination and report in accordance with the Guidelines – psychiatric	\$1,055.00
IMS091 or WIS091	Cancellation with 2 days notice	\$151.10
IMS092 or WIS092	Cancellation with less than 2 working days notice, non attendance at scheduled appointment or unreasonably late attendance by worker or interpreter that prevents full examination being conducted	\$302.10
IMS010 or WIS010	File review	\$452.00
IMS011 or WIS011	Supplementary report where additional information is provided and requested	\$301.00
IMS012 or WIS012	Update examination and report of worker previously reviewed, where there is no intervening incident	\$446.40
IMS013 or WIS013	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2002</i>

**SCHEDULE 3
Rates for Approved Medical Specialists**

These rates are payable to an Approved Medical Specialist on referral from the Workers Compensation Commission for the purpose of resolving a dispute

Service description	Fee
Examination and report in accordance with Workers Compensation Commission standards – standard case	\$1,077.40
Examination and report in accordance with Workers Compensation Commission standards - multiple medical assessments e.g. for permanent impairment and general medical disputes	\$1,443.20
Ear, nose and throat, includes audiological testing	\$1,263.10
Examination and report in accordance with the Workers Compensation Commission standards -Psychiatric	\$1802.30
Cancellation with less than 7 calendar days notice	\$359.20
Non-attendance or cancellation with less than 2 working days notice	\$718.30
Consolidation of medical assessment certificates by lead assessor	\$359.20
Re-examination + medical assessment certificate or reconsideration at request of Commission	\$539.30
When interpreter present at examination	Plus \$184.70
Miscellaneous Fee at the discretion of the Registrar or delegate	\$359.20 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2002</i> .

**SCHEDULE 4
Rates for Approved Medical Specialists on Appeal Panels**

These rates are payable to an Approved Medical Specialist when participating as a member of an Appeal Panel at the Workers Compensation Commission.

Service description	Fee
Assessment, initial telephone conference and decision on papers	\$718.30
Examination of worker and report by AMS	Fee as per Schedule 3 applies
Cancellation with less than 7 calendar days notice	\$359.20
Non-attendance or cancellation with less than 2 working days notice	\$718.30
Assessment, telephone conference, appeal hearing and decision	\$1622.20
Additional Hearing or teleconference when convened by arbitrator	\$359.20 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2002</i>

WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION (INJURY MANAGEMENT CONSULTANTS) ORDER 2009**under the Workplace Injury Management and Workers Compensation Act 1998**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 8th of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Workplace Injury Management and Workers Compensation (Injury Management Consultants) Order 2008**Part 1 Preliminary****1. Name of Order**

This order is the Workplace Injury Management and Workers Compensation (Injury Management Consultants) Order 2009.

2. Commencement

This Order commences on 1 January 2009.

3. Definitions

In this order:

the Act means the *Workplace Injury Management and Workers Compensation Act 1998*; and

GST means the goods and services tax payable under the GST Law; and

GST Law has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

4. Application of order

This order only applies to medical practitioners registered under the *Medical Practice Act 1992 (NSW)*, who are appointed by the WorkCover Authority of New South Wales as Injury Management Consultants under s45A of the Act.

Part 2 Fees for injury management consultants**5. Fees for Injury Management Consultants**

- a) For the purposes of section 339 of the Act, the maximum hourly fee for the provision of services by an injury management consultant in respect of the provision of any report for use in connection with a claim for compensation or work injury damages and an appearance as a witness in proceedings before the Workers Compensation Commission or a court in connection with a claim for compensation or work injury damages is as set out in Schedule 1; and
- b) An injury management consultant may not charge for more than 3 hours of work in the absence of express written agreement from the relevant insurer or the Workers Compensation Commission.

- c) An injury management consultant may charge a cancellation fee equivalent to half of their gazetted hourly rate in the situation where a worker provides 2 days notice of cancellation.
- d) An injury management consultant may charge a cancellation fee equivalent to their gazetted hourly rate in the situation where a worker provides less than 2 days notice of cancellation or fails to attend their scheduled appointment without notice.
- e) An injury management consultant's report is to be provided to the referrer within 10 working days of the examination, or in the case where no examination has been conducted, within 10 working days of the request having been received, or within a different timeframe if agreed between the parties.

6. GST

The maximum fees provided for in clause 6 are exclusive of GST.

SCHEDULE 1

Rates for Injury Management Consultants

Payment Classification Code	Service description	Fee
IIN 105	Assessments, examinations, discussions and report	\$257.30 per hour to a maximum of 3 hours unless authorised by the insurer or Workers Compensation Commission.
IIN 106	Cancellation with 2 days notice	\$128.70
IIN 107	Cancellation with less than 2 days notice or non attendance at scheduled appointment	\$257.30

WORKERS COMPENSATION (ORTHOPAEDIC SURGEON FEES) ORDER 2009**under the Workers Compensation Act 1987**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 61 (2) of the *Workers Compensation Act 1987*.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by an orthopaedic surgeon is a medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by orthopaedic surgeon of an injured worker's work-related injury.

The effect of the Order is to prevent orthopaedic surgeon from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order adopts the items listed as Orthopaedic Procedures in the *List of Medical Services and Fees* published by the Australian Medical Association (AMA).

Workers Compensation (Orthopaedic Surgeon Fees) Order 2009**1. Name of Order**

This Order is the Workers Compensation (Orthopaedic Surgeon Fees) Order 2009.

2. Commencement

This Order commences on 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

4. Maximum fees for treatment by orthopaedic surgeon

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by an orthopaedic surgeon, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 3 of that Schedule.
- (2) A fee charged by an orthopaedic surgeon for a patient's treatment (including the management of fractures and other conditions) will be in addition to the fee in Schedule A for the original examination and report.

5. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (a) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause, or
 - (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

6. Definitions

In this Order (including Schedule A):

Aftercare Visits has the same meaning as in the AMA List and is covered by the surgical procedure fee. However unrelated visits or incidental reasons for visits that are not regarded as routine aftercare should be explained with accounts rendered. The consulting surgeon will issue a "certificate" detailing the worker's fitness for work and anticipated aftercare, on discharge from hospital or after the first post injury consultation.

After Hours Consultations means call-outs to a public or private hospital or a private home for urgent cases before 8.00am or after 6:00pm.

Assistant at Operation means a medically qualified surgical assistant, but only where an assistant's fee is allowed for in the Commonwealth Medical Benefits Schedule, or where indicated in the WorkCover schedule or approved in advance by the insurer.

AMA List means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2008.

the Act means the *Workers Compensation Act 1987*.

Extended Initial Consultation means a consultation involving significant multiple trauma or complex "red flag" spinal conditions (systemic pathology, carcinoma, infection, fracture or nerve impingement) involving a lengthy consultation and extensive physical examination.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

Initial consultation and report covers the first consultation and the report to the referring General Practitioner and insurer.

The report will contain:

- the patient's diagnosis and present condition;
- the patient's likely fitness for pre-injury work or for alternate duties;
- the need for treatment or additional rehabilitation; and
- collateral conditions that are likely to impact on the management or the worker's condition (in accordance with privacy considerations).

Receipt of this information and "certificates" post treatment will provide sufficient information for insurers, employers and rehabilitation providers to develop management plans.

Instrument Fee covers procedures where the surgeon supplies all the equipment or specialised instruments. This fee does not apply for all operations or if only incidental instruments (non critical) are supplied by the surgeon.

Multiple Operations or Injuries refers to situations that require two or more operations or for the treatment of two or more injuries carried out at the same time. The fee for the main operation or injury is to be paid in full and 75% of the specified charge for each additional operation or injury is payable, unless specifically listed in the Schedule as a multiple procedure item.

New Tax System Price Exploitation Law means:

- (a) the *New Tax System Price Exploitation Code* as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*; and
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

Opinion on File Request includes retrieval of file from whatever source, reading time, and reporting where a request for such an opinion has been made in writing to the orthopaedic surgeon by the insurer/lawyer. Fees for this service will not to be pre-paid in whole or part.

Orthopaedic procedures are those listed in the AMA list but does not include the cost of bandages, dressings, plaster of Paris bandages, splints, metallic fixation agents, and prosthetic implants which may be charged in addition to the fee set out in the Schedule A. The fee for orthopaedic procedures includes aftercare visits.

Orthopaedic surgeon means a medical practitioner who is currently a Fellow of the Australian Orthopaedic Association or who is recognised by Medicare Australia as a specialist in orthopaedic surgery. It includes an orthopaedic surgeon who is a staff member at a public hospital providing services at the hospital.

Revision Surgery refers to a procedure carried out to correct earlier surgery. This attracts a fee of 50% of the amount for the principal procedure in the initial surgery and the fee payable for the new procedure, except where the new procedure is specified as a revision procedure in the AMA list.

Subsequent Consultation is a consultation not included in the normal aftercare that applies following surgery. The cost of the latter is included in the fee for the orthopaedic procedure.

SCHEDULE A

Maximum fees for orthopaedic surgeon

Item	Column 1 Type of service	Column 2 AMA Item(s)	Column 3 Maximum amount
<u>Consultations</u>			
1.	Initial consultation and report	AC500 (MBS 104)	\$251.80
2.	Extended initial consultation and report	AC500 (MBS104)	\$346.80
3.	Subsequent consultation	AC510 (MBS 105)	\$173.40
4.	After hours consultation		\$145.50 in addition to consultation fee
<u>Procedures</u>			
5.	Orthopaedic procedures	ML005 (MBS 46300) to MY115 (MBS 50130)	150% of AMA Schedule
6.	Instrument fee	WCO003	\$173.40
7.	Assistant at operation	MZ900	\$290.90 or 20% of total fee, whichever is greater
8.	Multiple operations or injuries		Primary operation is to be paid in full, and additional operations at 75% of scheduled fee
9.	Aftercare visits		As per AMA Schedule
<u>Insurer/lawyer requests</u>			
10.	Opinion on file request		\$173.40
11.	Telephone requests		\$33.60 per 3-5 minute phone call
12.	Lost reports and reprints		\$117.50 per report
13.	Treating Specialist Report		Please refer to the <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2009</i>
14.	Fees for providing copies of clinical notes and records		Please refer to the <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2009</i>

WORKERS COMPENSATION (SURGEON FEES) ORDER 2009**under the Workers Compensation Act 1987**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 61 (2) of the *Workers Compensation Act 1987*.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by a surgeon is a medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by surgeon of an injured worker's work-related injury.

(Note: Treatment by orthopaedic surgeon is covered by the *Workers Compensation (Orthopaedic Surgeon Fees) Order 2009*, gazetted to take effect from 1 January 2009. However, maximum fees under this Order may apply to procedures carried out by orthopaedic surgeon which are covered by the *Workers Compensation (Orthopaedic Surgeon Fees) Order 2009*).

The effect of the Order is to prevent a surgeon from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order adopts the items listed as Surgical Procedures in the *List of Medical Services and Fees* published by the Australian Medical Association (AMA).

Workers Compensation (Surgeon Fees) Order 2009**1. Name of Order**

This Order is the Workers Compensation (Surgeon Fees) Order 2009.

2. Commencement

This Order commences on 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

4. Maximum fees for treatment by surgeon

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a surgeon, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 3 of that Schedule.
- (2) A fee charged by a surgeon for a patient's treatment (including the management of fractures and other conditions) will be in addition to the fee in Schedule A for the original examination and report.

5. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (a) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause, or

- (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

6. Definitions

In this Order (including Schedule A):

Aftercare Visits has the same meaning as in the AMA List and is covered by the surgical procedure fee. However unrelated visits or incidental reasons for visits that are not regarded as routine aftercare should be explained with accounts rendered. The consulting surgeon will issue a "certificate" detailing the worker's fitness for work and anticipated aftercare, on discharge from hospital or after the first post injury consultation.

After Hours Consultations means call-outs to a public or private hospital or a private home for urgent cases before 8.00am or after 6:00pm.

Assistant at Operation means a medically qualified surgical assistant, but only where an assistant's fee is allowed for in the Commonwealth Medical Benefits Schedule, or where indicated in the WorkCover schedule or approved in advance by the insurer.

AMA List means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2008.

the Act means the *Workers Compensation Act 1987*.

Extended Initial Consultation means a consultation involving significant multiple trauma or complex "red flag" spinal conditions (systemic pathology, carcinoma, infection, fracture or nerve impingement) involving a lengthy consultation and extensive physical examination.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

Initial consultation and report covers the first consultation and the report to the referring General Practitioner and insurer.

The report will contain:

- the patient's diagnosis and present condition;
- the patient's likely fitness for pre-injury work or for alternate duties;
- the need for treatment or additional rehabilitation; and
- collateral conditions that are likely to impact on the management or the worker's condition (in accordance with privacy considerations).

Receipt of this information and "certificates" post treatment will provide sufficient information for insurers, employers and rehabilitation providers to develop management plans.

Instrument Fee covers procedures where the surgeon supplies all the equipment or specialised instruments. This fee does not apply for all operations or if only incidental instruments (non critical) are supplied by the surgeon.

Multiple Operations or Injuries refers to situations that require two or more operations or for the treatment of two or more injuries carried out at the same time. The fee for the main operation or injury is to be paid in full and 75% of the specified charge for each additional operation or injury is payable, unless specifically listed in the Schedule as a multiple procedure item.

New Tax System Price Exploitation Law means:

- (a) the *New Tax System Price Exploitation Code* as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*; and
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

Opinion on File Request includes retrieval of file from whatever source, reading time, and reporting where a request for such an opinion has been made in writing to the surgeon by the insurer/lawyer. Fees for this service will not be pre-paid in whole or part.

Revision Surgery refers to a procedure carried out to revise earlier surgery. This attracts a fee of 50% of the amount for the principal procedure in the initial surgery and the fee payable for the new procedure, except where the new procedure is specified as a revision procedure in the AMA list.

Surgical procedures are those listed in the AMA list but does not include the cost of bandages, dressings, plaster of Paris bandages, splints, metallic fixation agents, and prosthetic implants which may be charged in addition to the fee set out in the Schedule A. The fee for surgical procedures includes aftercare visits.

Subsequent Consultation is a consultation not included in the normal aftercare that applies following surgery. The cost of the latter is included in the fee for the surgical procedure.

Surgeon means a medical practitioner who is currently a Fellow of the Australasian College of Surgeon or who is recognised by Medicare Australia as a specialist. It includes a surgeon who is a staff member at a public hospital providing services at the hospital.

SCHEDULE A
Maximum fees for surgeon

Item	Column 1 Type of service	Column 2 AMA Item(s)	Column 3 Maximum amount
<u>Consultations</u>			
1.	Initial consultation and report	AC500 (MBS 104)	\$251.80
2.	Extended initial consultation and report	AC500 (MBS104)	\$346.80
3.	Subsequent consultation	AC510 (MBS 105)	\$173.40
4.	After hours consultation		\$145.50 in addition to consultation fee
<u>Procedures</u>			
5.	Surgical procedures	EA010 (MBS 30001) to MY115 (MBS 50130)	150% of AMA Schedule
6.	Instrument fee	WCO003	\$173.40
7.	Assistant at operation	MZ900	\$290.90 or 20% of total fee, whichever is greater
8.	Multiple operations or injuries		Primary operation is to be paid in full, and additional operations at 75% of scheduled fee
9.	Aftercare visits		As per AMA Schedule
<u>Insurer/lawyer requests</u>			
10.	Opinion on file request		\$173.40
11.	Telephone requests		\$33.60 per 3-5 minute phone call
12.	Lost reports and reprints		\$117.50 per report
13.	Treating specialist reports		Please refer to the <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2009</i>
14.	Fees for providing copies of clinical notes and records		Please refer to the <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2009</i>

WORKERS COMPENSATION (MEDICAL PRACTITIONER FEES) ORDER 2009**under the Workers Compensation Act 1987**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to subsection 61 (2) of the *Workers Compensation Act 1987*.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by a registered medical practitioner is one of the categories of medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by medical practitioners of an injured worker's work-related injury.

The effect of the Order is to prevent medical practitioners from recovering from the injured worker any extra charge for treatments covered by the Order.

The Order does not apply to services provided by specialist surgeons.

The Order adopts the *List of Medical Services and Fees* published by the Australian Medical Association.

Workers Compensation (Medical Practitioner Fees) Order 2009**1. Name of Order**

This Order is the Workers Compensation (Medical Practitioner Fees) Order 2009

2. Commencement

This Order commences on the 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

4. Maximum fees for medical practitioners

- (1) This clause applies to medical and related treatment provided by a medical practitioner in respect of which a fee is specified in the AMA List, except:
 - (a) Medical services identified in the AMA List by AMA numbers AC500, AC510, AC520 and AC530 (Professional Attendances by a Specialist), if these medical services are provided by a specialist surgeon;
 - (b) Medical services identified in the AMA List by AMA Numbers EA010 to MZ705 (Surgical Operations) if these medical services are provided by a specialist surgeon;
 - (c) Medical services identified in the AMA List by AMA Number MZ900 (assistant surgeon's fee);
 - (d) Medical services identified in the AMA List by AMA numbers OP200, OP210 and OP220 (magnetic resonance imaging – MRI).
- (2) The maximum amount payable for magnetic resonance imaging (MRI) is \$700 for a single region or 2 contiguous regions, and \$1050 for more than 2 contiguous regions.
- (3) The maximum amount payable for a medical certificate is \$16.00.

- (4) The maximum hourly rate payable to a General Practitioner is \$218.40. The maximum hourly rate payable to a specialist is \$302.10. The hourly rate may cover, for example, case conferences, and visits to worksites.
- (5) The maximum fee for providing copies of medical records (including specialists notes and reports) is \$30 (for 33 pages or less) and an additional \$1.00 per page if more than 33 pages.
- (6) Subject to subclauses (1), (2), (3), (4), (5), and clause 6 (Nil fee for certain medical services), the maximum amount for which an employer is liable under the Act for any claim for medical or related treatment to which this clause applies is the fee listed, in respect of the medical or related treatment concerned, in the AMA List.

5. Nil fee for certain medical services

The AMA List includes items that are not relevant to medical services provided to injured workers. As such, the fee set for the following items is nil:

- (a) All time based General Practitioner fees items (Medical services identified in the AMA List by AMA numbers AA190 – AA320)
- (b) Enhanced primary care items (Medical services identified in the AMA List by AMA numbers AA500 – AA850)
- (c) Telehealth items (Medical services identified in the AMA List by AMA numbers AP050 – AP105)

6. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - i. 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause,
 - ii. the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

7. Definitions

In this Order:

After hours services applies in an emergency where the clinic is not normally open at that time, and urgent treatment is provided. This fee is not to be utilised in the situation where a consultation is conducted within the advertised hours of a clinic.

AMA List means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2007.

The Act means *the Workers Compensation Act 1987*.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

New Tax System Price Exploitation Law means:

- a the *New Tax System Price Exploitation Code* as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*; and
- b Part VB of the *Trade Practices Act 1974* of the Commonwealth.

Specialist Surgeon means a medical practitioner who holds a fellowship of the Royal Australian College of Surgeons.

WORKERS COMPENSATION (PHYSIOTHERAPY FEES) ORDER 2009**under the Workers Compensation Act 1987**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by a registered physiotherapist is one of the categories of medical and related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a physiotherapist of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for physiotherapists generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved physiotherapists. WorkCover approved physiotherapists have participated in training courses approved or run by WorkCover.

This Order makes provision for Physiotherapy Management Plans and the approval by workers compensation insurers of certain physiotherapy services.

Workers Compensation (Physiotherapy Fees) Order 2009**1. Name of Order**

This Order is the Workers Compensation (Physiotherapy Fees) Order 2009.

2. Commencement

This Order commences on 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after 1 January 2009 whether it relates to an injury received before, on or after that date.

4. Repeal

The Workers Compensation (Physiotherapy Fees) Order 2008 is repealed.

5. Maximum fees for physiotherapy treatment generally

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a physiotherapist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a physiotherapist to provide treatment of a type specified in any of items PTX007 to PTX011 in Schedule A at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PTX014 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved physiotherapist.

6. Higher maximum fees for WorkCover approved physiotherapists

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a physiotherapist, who is a WorkCover approved physiotherapist, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a physiotherapist to provide treatment of a type specified in any of items PTA007 to PTA011 in Schedule B at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PTA014 in Column 2 of Schedule B.

7. Goods and Services Tax

- (1) The maximum fee amount for which an employer is liable under the Act in respect of the treatment types specified in:
 - (a) Items PTX012, PTX013 and PTX014 of Schedule A to this Order, and
 - (b) Items PTA012 and PTA014 of Schedule B to this Order,may be increased by the amount of any GST payable in respect of the service, and the cost as so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a physiotherapist to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (a) 10% of the maximum amount that would otherwise be payable under this Order to the physiotherapist in respect of the medical or related treatment, or
 - (b) the amount permitted under the New Tax System Price Exploitation Law,whichever is the lesser.

8. Definitions

In this Order:

Case Conference: means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and/or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the physiotherapist's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Complex treatment: means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires preapproval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

Group/class intervention: occurs where a physiotherapist delivers a common service to more than one person at the same time. Examples are aquatic physiotherapy classes and exercise groups. Maximum class size is six (6) participants. A Physiotherapy Management Plan is required for each worker participant.

GST: has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 (Cth).

Home visit: applies in cases where, due to the effects of the injuries sustained, the worker is unable to travel. The home visit must be the best and most cost-effective option allowing the physiotherapist to travel to the worker's home to deliver treatment. Provision of home treatment requires pre-approval from the insurer.

Initial consultation and treatment: means the first session provided by the physiotherapist in respect of an injury which includes:

- history taking,
- physical assessment,
- diagnostic formulation,

- goal setting and planning treatment,
- treatment/service,
- clinical recording,
- communication with referrer, and
- preparation of a management plan when indicated.

New Tax System Price Exploitation Law: means:

- a. the New Tax System price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999, and
- b. Part VB of the Trade Practices Act 1974 (Cth).

Normal practice: means premises in or from which a physiotherapist regularly operates a physiotherapy practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

Physiotherapist: means a registered physiotherapist.

Physiotherapy Management Plan: means the document used by the physiotherapist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. A Physiotherapy Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury) or
- (b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

A Physiotherapy Management Plan can request approval for up to an additional eight (8) physiotherapy consultations unless otherwise approved by the insurer.

Physiotherapy services: refers to all services delivered by a registered physiotherapist and each service is to be billed according to the Fee Schedule. Physiotherapy services may include, but are not limited to, acupuncture, aquatic physiotherapy, Pilates exercise, massage and exercise instruction.

Report Writing: occurs when a physiotherapist is requested to compile a written report providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment: means treatment sessions provided subsequent to the initial session and includes:

- re-assessment,
- intervention/treatment,
- clinical recording, and
- preparation of a Physiotherapy Management Plan when indicated.

The Act: means the Workers Compensation Act 1987.

Travel: occurs when the most appropriate clinical management of the patient requires the physiotherapist to travel away from their normal practice. Travel costs do not apply where the Physiotherapist provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide pre-approval for such a service.

Two (2) distinct areas: means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

WorkCover: means the WorkCover Authority of New South Wales.

WorkCover approved: means a physiotherapist who has, either before or after the commencement of this Order, by a date notified by WorkCover, participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

Work Related Activity assessment, consultation and treatment: means a one hour session provided on a one to one basis for a Work Related Activity delivered to a patient that is new to the practice and includes:

- review of the previous treatment,
- assessment of current condition including functional status,
- goal setting,
- treatment planning / work related activity planning,
- clinical recording,
- communication with key parties, and
- preparation of a management plan when indicated.

SCHEDULE A

Maximum fees for Physiotherapists generally

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
PTX001	Initial consultation and treatment	50
PTX002	Standard consultation and treatment	40
PTX003	Initial consultation and treatment of two (2) distinct areas	75
PTX004	Standard consultation and treatment of two (2) distinct areas	60
PTX005	Complex treatment	80
PTX006	Group/class intervention	30/participant
Home Visit		
PTX007	Initial consultation and treatment	62
PTX008	Standard consultation and treatment	50
PTX009	Initial consultation and treatment of two (2) distinct areas	94
PTX010	Standard consultation and treatment of two (2) distinct areas	75
PTX011	Complex treatment	100
Other		
PTX012	Case conference	100/hour
PTX013	Report writing	100 (maximum)
PTX014	Travel	1.00

SCHEDULE B**Maximum fees for WorkCover approved Physiotherapists**

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
PTA001	Initial consultation and treatment	72.80
PTA002	Standard consultation and treatment	61.60
PTA003	Initial consultation and treatment of two (2) distinct areas	109.70
PTA004	Standard consultation and treatment of two (2) distinct areas	92.90
PTA005	Complex treatment	123.10
PTA006	Group/class intervention	43.70/participant
Home Visit		
PTA007	Initial consultation and treatment	89.50
PTA008	Standard consultation and treatment	71.60
PTA009	Initial consultation and treatment of two (2) distinct areas	132.00
PTA010	Standard consultation and treatment of two (2) distinct areas	113.00
PTA011	Complex treatment	145.50
Other		
PTA012	Case conference, Report writing	145.40/hour 145.40 (maximum)
PTA013	Work Related Activity assessment, consultation and treatment	145.40 (maximum)
PTA014	Travel	1.40/kilometre

WORKERS COMPENSATION (CHIROPRACTIC FEES) ORDER 2009**under the Workers Compensation Act 1987**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by a registered chiropractor is one of the categories of medical and related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a chiropractor of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for chiropractors generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved chiropractors. WorkCover approved chiropractors have participated in training courses approved or run by WorkCover.

This Order makes provision for Chiropractic Management Plans and the approval by workers compensation insurers of certain chiropractic services.

1. Name of Order

This Order is the Workers Compensation (Chiropractic Fees) Order 2009.

2. Commencement

This Order commences on 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after 1 January 2009 whether it relates to an injury received before, on or after that date.

4. Repeal

The Workers Compensation (Chiropractic Fees) Order 2008 is repealed.

5. Maximum fees for chiropractic treatment generally

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a chiropractor, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a chiropractor to provide treatment of a type specified in any of items CHX005, CHX006, CHX071, CHX072 or CHX073 in Schedule A at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item CHX009 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved chiropractor.

6. Higher maximum fees for treatment by WorkCover approved chiropractors

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a chiropractor, who is a WorkCover approved chiropractor, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.

- (2) If it is reasonably necessary for a chiropractor to provide treatment of a type specified in any of items CHA005, CHA006, CHA071, CHA072 or CHA073 in Schedule B at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item CHA009 in Column 2 of Schedule B.

7. Goods and Services Tax

- (1) The maximum fee amount for which an employer is liable under the Act in respect of the treatment types specified in:
- (a) Items CHX081, CHX082 and CHX009 of Schedule A to this Order, and
 - (b) Items CHA081 and CHA009 of Schedule B to this Order,
- may be increased by the amount of any GST payable in respect of the service, and the cost as so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a chiropractor to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
- (c) 10% of the maximum amount that would otherwise be payable under this Order to the chiropractor in respect of the medical or related treatment, or
 - (d) the amount permitted under the New Tax System Price Exploitation Law,
- whichever is the lesser.

8. Definitions

In this Order:

Case Conference: means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and/or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the chiropractor's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Chiropractor: means a chiropractor registered under the Chiropractors Act 2001 or a person who is licensed or registered as a chiropractor under the law in force in another State or Territory.

Chiropractic Management Plan: means a document used by the chiropractor to indicate treatment timeframes and anticipated outcomes for an injured worker to the relevant workers compensation insurer.

A Chiropractic Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury) or
- (b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

A Chiropractic Management Plan can request approval for up to an additional eight (8) chiropractic consultations unless otherwise approved by the insurer.

A copy of the form developed by WorkCover for the Chiropractic Management Plan is at Appendix 1 of the Chiropractors' Guide to WorkCover NSW.

Complex treatment: means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires preapproval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

Group/class intervention: occurs where a chiropractor delivers a common service to more than one person at the same time. Examples are exercise and education groups. Maximum class size is six (6) participants. A Chiropractic Management Plan is required for each worker participant.

GST: has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 (Cth).

Home visit: applies in cases where, due to the effects of the injuries sustained, the worker is unable to travel. The home visit must be the best and most cost-effective option allowing the chiropractor to travel to the worker's home to deliver treatment. Provision of home treatment requires pre-approval from the insurer.

Initial consultation and treatment: means the first session provided by the chiropractor in respect of an injury which includes:

- history taking,
- physical assessment,
- diagnostic formulation,
- goal setting and planning treatment,
- treatment/service,
- clinical recording,
- communication with referrer, and
- preparation of a Chiropractic Management Plan when indicated.

New Tax System Price Exploitation Law: means

- a. the New Tax System price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999, and
- b. Part VB of the Trade Practices Act 1974 (Cth).

Normal practice: means premises in or from which a chiropractor regularly operates a chiropractic practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis.

Report Writing: occurs when a chiropractor is requested to compile a written report providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment: means treatment sessions provided subsequent to the initial session and includes:

- re-assessment,
- treatment/service,
- clinical recording, and
- preparation of a Chiropractic Management Plan.

The Act: means the Workers Compensation Act 1987.

Travel: occurs when the most appropriate clinical management of the patient requires the chiropractor to travel away from their normal practice. Travel costs do not apply where the chiropractor provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide pre-approval for such a service.

Two (2) distinct areas: means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

WorkCover: means the WorkCover Authority of New South Wales.

WorkCover approved chiropractor means a chiropractor who has participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

Work Related Activity assessment, consultation and treatment: means a one hour session provided on a one to one basis for Work Related Activity delivered to a patient that is new to the practice and includes:

- review of the previous treatment,
- assessment of current condition including functional status,
- goal setting,
- treatment / work related activity planning,
- clinical recording,
- communication with key parties, and
- preparation of a management plan when indicated.

SCHEDULE A

Maximum fees for Chiropractors generally

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
CHX001	Initial consultation and treatment	50
CHX002	Standard consultation and treatment	40
CHX031	Initial consultation and treatment of two (2) distinct areas	75
CHX032	Standard consultation and treatment of two (2) distinct areas	60
CHX033	Complex treatment	80
CHX010	Group/class intervention	30/participant
CHX004	Spine X-rays performed by a chiropractor	99.20
Home Visit		
CHX005	Initial consultation and treatment	62
CHX006	Standard consultation and treatment	50
CHX071	Initial consultation and treatment of two (2) distinct areas	94
CHX072	Standard consultation and treatment of two (2) distinct areas	75
CHX073	Complex treatment	100
Other		
CHX081	Case conference	100/hour
CHX082	Report writing	100 (maximum)
CHX009	Travel	1.00 per kilometre

SCHEDULE B
Maximum fees for WorkCover approved Chiropractors

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
CHA001	Initial consultation and treatment	72.80
CHA002	Standard consultation and treatment	61.60
CHA031	Initial consultation and treatment of two (2) distinct areas	109.70
CHA032	Standard consultation and treatment of two (2) distinct areas	92.90
CHA033	Complex treatment	123.10
CHA010	Group/class intervention	43.70/participant
CHA004	Spine X-rays performed by a chiropractor	111.00
Home Visit		
CHA005	Initial consultation and treatment	89.50
CHA006	Standard consultation and treatment	71.60
CHA071	Initial consultation and treatment of two (2) distinct areas	132.00
CHA072	Standard consultation and treatment of two (2) distinct areas	113.00
CHA073	Complex treatment	145.50
Other		
CHA081	Case conference, Report writing	145.40/hour 145.40 (maximum)
CHA082	Work Related Activity assessment, consultation and treatment	145.40 (maximum)
CHA009	Travel	1.40/kilometre

Notes on Schedules A and B

- (i) Chiropractic treatment of an injured worker is covered under the Act if the treatment is reasonably necessary as a result of his or her work injury.
- (ii) The treatments to which this Order applies do not include hospital treatment (as defined in section 59 of the Act) or occupational rehabilitation services provided by an accredited provider of such services (as defined in the same section).
- (iii) Where it is reasonably necessary for a chiropractor to make a Home Visit covered by items CHX005, CHX006, CHX071, CHX072 or CHX073 in Schedule A or items CHA005, CHA006, CHA071, CHA072 or CHA073 in Schedule B, the hourly rate for those items does not apply to the time spent traveling to or from that place. See item CHX009 in Schedule A and item CHA009 in Schedule B for amounts allowed for travel reasonably involved in making Home Visits.

WORKERS COMPENSATION (OSTEOPATHY FEES) ORDER 2009
under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by a registered osteopath is one of the categories of medical and related treatment covered under the Workers Compensation Act 1987. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an osteopath of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for osteopaths generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved osteopaths. WorkCover approved osteopaths have participated in training courses approved or run by WorkCover.

This Order makes provision for Osteopathy Management Plans and the approval by workers compensation insurers of certain osteopathy services.

1. Name of Order

This Order is the Workers Compensation (Osteopathy Fees) Order 2009.

2. Commencement

This Order commences on 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after 1 January 2009 whether it relates to an injury received before, on or after that date.

4. Repeal

The Workers Compensation (Osteopathy Fees) Order 2008 is repealed.

5. Maximum fees for osteopathy treatment generally

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a osteopath, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a osteopath to provide treatment of a type specified in any of items OSX007 to OSX011 in Schedule A at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item OSX014 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved osteopath.

6. Higher maximum fees for WorkCover approved osteopaths

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a osteopath, who is a WorkCover approved osteopath, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.

- (2) If it is reasonably necessary for an osteopath to provide treatment of a type specified in any of items OSA007 to OSA011 in Schedule B at the worker's home, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item OSA014 in Column 2 of Schedule B.

7. Goods and Services Tax

- (1) The maximum fee amount for which an employer is liable under the Act in respect of the treatment types specified in:
- (a) Items OSX012, OSX013 and OSX014 of Schedule A to this Order, and
 - (b) Items OSA012 and OSA014 of Schedule B to this Order,
- may be increased by the amount of any GST payable in respect of the service, and the cost as so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit an osteopath to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
- (a) 10% of the maximum amount that would otherwise be payable under this Order to the osteopath in respect of the medical or related treatment, or
 - (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

8. Definitions

In this Order:

Case Conference: means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and/or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the osteopath's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Complex treatment: means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires preapproval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

Group/class intervention: occurs where an osteopath delivers a common service to more than one person at the same time. Examples are exercise and education groups. Maximum class size is six (6) participants. An Osteopathy Management Plan is required for each worker participant.

GST: has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 (Cth).

Home visit: applies in cases where, due to the effects of the injuries sustained, the worker is unable to travel. The home visit must be the best and most cost-effective option allowing the osteopath to travel to the worker's home to deliver treatment. Provision of home treatment requires pre-approval from the insurer.

Initial consultation and treatment: means the first session provided by the osteopath in respect of an injury which includes:

- history taking,
- physical assessment,
- diagnostic formulation,
- goal setting and planning treatment,
- treatment/service,
- clinical recording,

- communication with referrer, and
- preparation of a management plan when indicated.

New Tax System Price Exploitation Law: means:

- (a) the New Tax System price Exploitation Code as applied as a law of New South Wales by the Price Exploitation Code (New South Wales) Act 1999, and
- (b) Part VB of the Trade Practices Act 1974 (Cth).

Normal practice: means premises in or from which an osteopath regularly operates a osteopathy practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a gymnasium, private hospital or workplace.

Osteopath: means a registered osteopath.

Osteopathy Management Plan: means the document used by the osteopath to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. A Osteopathy Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury) or
- (b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

A Osteopathy Management Plan: can request approval for up to an additional eight (8) osteopathy consultations unless otherwise approved by the insurer.

Osteopathy services: refers to all services delivered by a registered osteopath and each service is to be billed according to the Fee Schedule.

Report Writing: occurs when an osteopath is requested to compile a written report providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment means: treatment sessions provided subsequent to the initial session and includes:

- re-assessment,
- intervention/treatment,
- clinical recording, and
- preparation of a Osteopathy Management Plan when indicated.

The Act: means the Workers Compensation Act 1987.

Travel: occurs when the most appropriate clinical management of the patient requires the osteopath to travel away from their normal practice. Travel costs do not apply where the osteopath provides contracted service to facilities such as a private hospital, workplace or gymnasium. The insurer must provide pre-approval for such a service.

Two (2) distinct areas: means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

WorkCover: means the WorkCover Authority of New South Wales.

WorkCover approved: means an osteopath who has, either before or after the commencement of this Order, by a date notified by WorkCover, participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

Work Related Activity assessment, consultation and treatment: means a one hour session provided on a one to one basis for Work Related Activity delivered to a patient that is new to the practice and includes:

- review of the previous treatment,
- assessment of current condition including functional status,
- goal setting,
- treatment and work related activity planning
- clinical recording,
- communication with key parties, and
- preparation of a management plan when indicated.

SCHEDULE A

Maximum fees for Osteopaths generally

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
OSX001	Initial consultation and treatment	50
OSX002	Standard consultation and treatment	40
OSX003	Initial consultation and treatment of two (2) distinct areas	75
OSX004	Standard consultation and treatment of two (2) distinct areas	60
OSX005	Complex treatment	80
OSX006	Group/class intervention	30/participant
Home Visit		
OSX007	Initial consultation and treatment	62
OSX008	Standard consultation and treatment	50
OSX009	Initial consultation and treatment of two (2) distinct areas	94
OSX010	Standard consultation and treatment of two (2) distinct areas	75
OSX011	Complex treatment	100
Other		
OSX012	Case conference	100/hour
OSX013	Report writing	100 (maximum)
OSX014	Travel	1.00

SCHEDULE B
Maximum fees for WorkCover approved Osteopaths

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$)</i>
Normal Practice		
OSA001	Initial consultation and treatment	72.80
OSA002	Standard consultation and treatment	61.60
OSA003	Initial consultation and treatment of two (2) distinct areas	109.70
OSA004	Standard consultation and treatment of two (2) distinct areas	92.90
OSA005	Complex treatment	123.10
OSA006	Group/class intervention	43.70/participant
Home Visit		
OSA007	Initial consultation and treatment	89.50
OSA008	Standard consultation and treatment	71.60
OSA009	Initial consultation and treatment of two (2) distinct areas	132.00
OSA010	Standard consultation and treatment of two (2) distinct areas	113.00
OSA011	Complex treatment	145.50
Other		
OSA012	Case conference, Report writing	145.40/hour 145.40 (maximum)
OSA013	Work Related Activity assessment, consultation and treatment	145.40 (maximum)
OSA014	Travel	1.40/kilometre

WORKERS COMPENSATION (EXERCISE PHYSIOLOGY FEES) ORDER 2009**under the Workers Compensation Act 1987**

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

Explanatory Note

Treatment by a "remedial gymnast" is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. For the purposes of this Order, the term remedial gymnast is interchangeable with exercise physiologist. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an exercise physiologist of an injured worker's work related injury. This Order makes provision for Exercise Physiology Management Plans and the approval by workers compensation insurers of certain exercise physiology services.

1. Name of Order

This order is the *Workers Compensation (Exercise Physiology Fees) Order 2009*.

2. Commencement

This Order commences on 1 January 2009.

3. Application of Order

This Order applies to treatment provided on or after 1 January 2009, whether it relates to an injury received before, on or after that date.

4. Maximum fees for exercise physiology treatment

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a exercise physiologist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a exercise physiologist to provide treatment of a type specified in any of items 7 to 11 in Schedule A at a place other than the usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item 14 in Column 2 of Schedule A.

5. Goods and Services Tax

- (1) The maximum fee amount for which an employer is liable under the Act in respect of the treatment types specified in Schedule A to this Order may be increased by the amount of any GST payable in respect of the service, and the cost as so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit an exercise physiologist to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (a) 10% of the maximum amount that would otherwise be payable under this Order to the exercise physiologist in respect of the medical or related treatment, or
 - (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

- (3) The fees set out in Schedule A are exclusive of GST.

6. Definitions

In this Order:

Case Conference means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and/or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the exercise physiologist's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Group/class intervention occurs where an exercise physiologist delivers the same service that is, the same exercise and instruction, to more than one person at the same time. Maximum class size is six (6) participants. An Exercise Physiology Management Plan is required for each worker.

GST has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Initial consultation and treatment means the first session provided by the exercise physiologist in respect of an injury which is of one hour duration, provided on a 1:1 basis and includes:

- history taking
- physical assessment
- goal setting and planning treatment
- treatment/service
- clinical recording
- communication with referrer
- preparation of a management plan when indicated.

New Tax System Price Exploitation Law means

- (a) the New Tax System price Exploitation Code as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, and
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth

Normal practice means premises in or from which an exercise physiologist regularly operates an exercise physiology practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

Exercise physiologist means a WorkCover approved exercise physiologist.

Exercise physiology Management Plan means the document used by the exercise physiologist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. An Exercise Physiology Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for up to eight (8) consultations. If treatment is ongoing a further Exercise Physiology Management Plan must be submitted and approved before treatment can be delivered and in each such case approval can only be given for up to eight (8) consultations.

Exercise physiology services refers to all services delivered by a WorkCover approved exercise physiologist and each service is to be billed according to the Fee Schedule. Exercise physiology services are limited to exercise prescription, instruction and supervision.

Reduced supervision treatment occurs where an exercise physiologist delivers a service, which may or may not be the exact same exercise and instruction, to more than one person at the same time. Maximum number of persons per session is 3, with the exercise physiologist-to-patient ratio being one-to-one for at least 30% of the session time.

Report Writing occurs when an exercise physiologist is requested to compile a written report providing details of the worker's treatment, progress and work capacity. The insurer must provide **pre-approval** for such a service.

Standard consultation and treatment means one-to-one treatment sessions for one hour provided subsequent to the initial session and includes:

- re-assessment,
- treatment,
- recording of notes and
- preparation of a Exercise Physiology Management Plan when indicated.

The Act means the *Workers Compensation Act 1987*.

Travel occurs when the most appropriate management of the patient requires the exercise physiologist to travel away from their normal practice. Travel costs do not apply where the exercise physiologist provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide **pre-approval** for such a service.

WorkCover means the WorkCover Authority of New South Wales.

WorkCover approved means an exercise physiologist who has, either before or after the commencement of this Order, by a date notified by WorkCover, been approved by WorkCover to provide exercise physiology services for the purpose of this Order.

Schedule A

Maximum fees for exercise physiologists (excluding GST)

Item	Column 1 Type of Treatment	Column 2 Maximum Amount (\$)
EPA001	Initial consultation and treatment	116.20
EPA002	Standard consultation and treatment	116.20
EPA003	Reduced supervision treatment	50.70
EPA004	Group/class intervention	37.00/participant
EPA005	Additional expenses	As agreed with insurer
EPA006	Case conference	116.20/hour
EPA007	Report writing	116.20 (maximum)
EPA008	Travel	1.40/kilometre

WORKPLACE INJURY MANAGEMENT AND WORKER'S COMPENSATION (INDEPENDENT CONSULTANTS) FEES ORDER 2009

under the Workplace Injury Management and Workers Compensation Act 1998

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 8th day of December 2008.

JON BLACKWELL
Chief Executive Officer
WorkCover Authority

1 Name of Order

This order is the Workplace Injury Management and Worker's Compensation (Independent Consultants) Fees Order 2009.

2 Commencement

This Order commences on 1 January 2009.

3 Application of Order

This order only applies to Independent Physiotherapy, Chiropractic and Osteopathy Consultants services provided on or after 1 January 2009, whether it relates to an injury received before, on or after that date.

4 Repeal

The Workplace Injury Management and Worker's Compensation (Independent Consultants) Fees Order 2007 is repealed.

5 Definitions

In this Order:

The Act means the *Workplace Injury Management and Workers Compensation Act 1998*; and

GST means the goods and services tax payable under the GST Law; and

GST Law has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Independent Consultant means an allied health practitioner appointed by WorkCover for the purposes of providing Independent Consultations; and

Independent Consultation means a review of the treatment provided by an allied health practitioner in consultation with the treating allied health practitioner for the purposes of determining whether treatment is reasonably necessary and may include review of relevant documentation, discussion with the allied health practitioner, interview and examination of the injured worker and provision of a report.

6 Fees for Independent Consultants

- (a) This clause applies to maximum fees which may be charged and recovered by Independent Consultants.
- (b) For the purposes of section 339 of the Act, the maximum fee for provision of services in respect of the provision of any report for use in connection with a claim for compensation or an appearance as a witness in proceedings before the Commission or a court in connection with a claim for compensation is as set out in Schedule 1.

7 GST

The maximum fees set out in Schedule 1 are exclusive of GST.

Schedule 1

Service description Fee	Maximum fee (\$)
Independent Consultation (may include assessment, interview, examination, discussion and report)	\$171.30
Cancellation with notice of 2 business days or more	\$85.70
Non-attendance or cancellation with less than 2 business days notice	\$171.30

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 162

Renaming of Public Road – Welby Terrace

NOTICE is hereby given that Blacktown City Council has changed the name of Hakea Way, Acacia Gardens, to Welby Terrace.

Renaming of Public Road – Kilbenny Street

NOTICE is hereby given that Blacktown City Council has changed the name of that part of Kilmore Street, between Kilbenny and Clonmore Streets, Kellyville Ridge, to Kilbenny Street. Authorised by resolution of Council on 3 September 2008. RON MOORE, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148. [4334]

LAKE MACQUARIE CITY COUNCIL

Proposed Naming/Renaming of Roads

COUNCIL advises that in accordance with section 162.1 of the Roads Act 1993, as amended, it proposes to name/rename the following road:

<i>Location/Description</i>	<i>Proposed Name</i>
Renaming of part of Darlingup Road, Wyee, to the west of Gorokan Road only. Starting at the south-eastern prolongation of Lot 186, DP 755242 and terminating at the south-western prolongation of Lot 186, DP 755242.	Colleen Lane, Wyee.

Written objections to the proposed naming will be accepted up to one month after publication date of this Notice. The reasons for objection need to be clearly stated. For further information contact Steven Micevski on (02) 4921 0168. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310. [4335]

NAMBUCCA SHIRE COUNCIL

Roads Act 1993, Section 10

Local Government Act 1993, Section 47F

Dedication of Community Land as Public Road

IN accordance with section 10 of the Roads Act 1993 and subject to the provisions of section 47F of the Local Government Act 1993, Nambucca Shire Council dedicates as road the community land held by it and described in the Schedule below for the purpose of widening an existing Public Road. MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447.

SCHEDULE

Lots 310, 311 and 312 in Deposited Plan 836989. [4336]

NAMBUCCA SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

IN accordance with section 10 of the Roads Act 1993, Nambucca Shire Council dedicates the land held by it and described in the Schedule below as public road. MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447.

SCHEDULE

Lot 1 in Deposited Plan 1095709. [4337]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

PURSUANT to section 10 of the Roads Act 1993, Port Macquarie-Hastings Council hereby dedicates the land owned by it as detailed in the Schedule below as public road. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lots 2 and 3, Deposited Plan 1115744, Parish of Camden Haven, County of Macquarie and situate at 48-50 Kendall Road, Kendall.

Lot 3, Deposited Plan 1122513, Parish of Port Macquarie, County of Macquarie and situate at 35 Ackroyd Street, Port Macquarie. [4338]

QUEANBEYAN CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement

QUEANBEYAN CITY COUNCIL declares, with the approval of Her Excellency the Governor that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a public road. Dated at Queanbeyan, this 25th day of August 2008. GARY CHAPMAN, General Manager, Queanbeyan City Council, PO Box 90, Queanbeyan NSW 2620.

SCHEDULE

Lot 120 in DP 823513. [4339]

SINGLETON COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that Singleton Council, in pursuance of section 162 of the Roads Act 1993 and the Roads (General) Regulation 2000, has named the following roads.

<i>Description</i>	<i>New Name</i>
That section of road on the southern side of Magpie Street approximately 150m from the New England Highway entrance.	Fybrook Road.
That section of road on the eastern side of Magpie Street approximately 350m from the New England Highway entrance.	Ellsmere Avenue.
That section of road extending west off Magpie Street approximately 250m from the New England Highway entrance.	Rosedale Close.

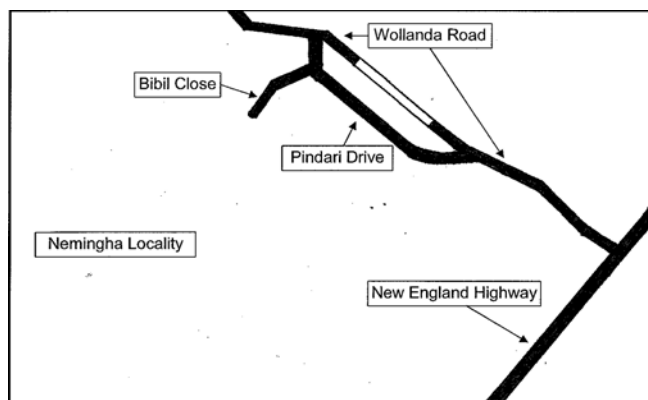
Authorised by resolution of the Council on 10 April 2006. G. WOODMAN, A/General Manager, PO Box 314, Singleton NSW 2330. [4340]

TAMWORTH REGIONAL COUNCIL

Roads Regulation 2008, Part 2, Division 2

New Road Names

NOTICE is hereby given that the Tamworth Regional Council, in accordance with the Roads Regulation 2008, Part 2, Division 2, proposes that the roads created by the subdivision of Lot 1, DP 121268; Lot 1, DP 185561; Lot 1, DP 397697; Lot 1, DP 417923; Lot 262, DP 753848 and Lot 1, DP 934913, Wollanda Road, Tintinhull, shown hereunder by named Bibil Close and Pindari Drive.



G. INGLIS, General Manager, Tamworth Regional Council, PO Box 555, Tamworth NSW 2340. [4341]

WILLOUGHBY CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that Council in pursuant of section 162 of the Roads Act 1993, has named the sections of road prescribed herein under as:

<i>Lane/Location</i>	<i>Name</i>
W58, from Bligh Street to Tunks Street, Northbridge.	Coates Lane.
W60, off Bellambi Street (westwards), Northbridge.	Fred Roberts Lane.

NICK TOBIN, General Manager, Willoughby City Council, PO Box 57, Chatswood NSW 2057. [4342]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOSEPHINE LILLIAN FORD EDWARDS, late of Hornsby, widow, who died on 10 September 2008, must send particulars of the claim to the executors, Helen Wendy Harvey, Janet Margaret Lutz, Josephine Patricia Brand and George Rodney Edwards, c.o. Frank M. Deane & Co., Solicitors, Level 9, 227 Elizabeth Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate will be distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 17 November, 2008. FRANK M. DEANE & CO., Solicitors, Level 9, 227 Elizabeth Street, Sydney NSW 2000 (DX 255, Sydney), tel.: (02) 9264 3066. Reference: FMD:V:EDW.80154. [4343]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JACK SYD RYBAK (also known as JOHN SYDNEY RYBAK), late of Fairfield, in the State of New South Wales, who died on 4th June 2008, must send particulars of the claim to the executor, Timothy Henry William Rybak, at PO Box 7084, Bondi Beach NSW 2026, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution the executor has notice. Probate was granted in New South Wales on 16th October 2008. TIMOTHY HENRY WILLIAM RYBAK, PO Box 7084, Bondi Beach NSW 2026. [4344]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MINNIE SOUTHIN, late of Mount Kuring-Gai, in the State of New South Wales, who died between 30th July 2008 and 6th August 2008, must send particulars of their claim to the executor, Rosemary Wyatt, c.o. Messrs Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted on 30th October 2008. MESSRS BARTON & CO., Solicitors, 128/121-133 Pacific Highway, Hornsby NSW 2077 (PO Box 344, Hornsby NSW 1630), (DX 9696, Hornsby), tel.: (02) 9476 1744. Reference: DFB:RS/Southin. [4345]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CAROLYN ANNE NICHOLSON, late of 484 Walls Junction Road, Bowning, in the State of New South Wales, who died on 16th May 2008, must send particulars of his claim to the executors, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 24th November 2008. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685), (DX 27551, West Ryde), tel.: (02) 9858 1533. Reference: JSF.CT.08220.

[4346]

COMPANY NOTICES

NOTICE of final meeting of members.—In the matter of the Corporations Act 2001 and in the matter of MILLAR SHARPE PTY LTD (in liquidation), ACN 001 189 331.—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final meeting of the Members of the abovenamed Company will be held on 16th January 2009, at 9:00 a.m., at the office of Crosbie Warren Sinclair, cnr Pacific Highway and Warabrook Boulevarde, Warabrook NSW 2304, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the Company disposed of and hearing any explanation that may be given by the Liquidator. Dated this 5th day of December 2008. BRENT ANTONY PERKINS, Liquidator, c.o., Crosbie Warren Sinclair, Box 29, Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000.

[4347]

NOTICE of final meeting of members.—DUNEHALL PTY. LIMITED (in voluntary liquidation), ACN 059 658 061.—Notice is hereby given that the final meeting of members of the abovenamed company will be held at the office of Brooks, Deane & Powne, Chartered Accountants, Level 11, 1 Margaret Street, Sydney NSW 2000, on Monday, 19th January 2009, to receive the liquidator's account showing how the winding up has been conducted and to hear explanations that may be given by the liquidator. Dated 5th December 2008. RICHARD ELLIOTT, Liquidator, c.o. Brooks, Deane & Powne, Chartered Accountants, 6th Floor, 72 Pitt Street, Sydney NSW 2000 (PO Box 2517, Sydney NSW 2001), tel.: (02) 9233 6111.

[4348]

OTHER NOTICES

ROMAN CATHOLIC CHURCH TRUST PROPERTY ACT 1936

IN pursuance of section 5(1) of the Roman Catholic Church Trust Property Act 1936, we, George Cardinal PELL, AC, DPhil, (OXON), F.A.C.E., the Roman Catholic Archbishop of the Archdiocese of Sydney, and Gabriel KASSAB, the Chaldean Bishop of the Chaldean Catholic Diocese of Australia and New Zealand, hereby announce the creation on 21 October 2006, of the Chaldean Catholic Diocese of Australia and New Zealand created in part out of a geographical area previously forming part of the Archdiocese of Sydney and further notify that the corporate name of the trustees of Church property for the said Diocese shall be "The Trustees of the Chaldean Catholic Diocese of Australia and New Zealand".

Dated this 4th day of December 2008.

GEORGE CARDINAL PELL,
Roman Catholic Archbishop
of the Archdiocese of Sydney

GABRIEL KASSAB,
Bishop of the Chaldean Catholic Diocese
of Australia and New Zealand

[4349]

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