



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

Number 158  
Friday, 19 December 2008

Published under authority by Government Advertising

## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 10 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 Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 111 2008 – An Act to amend the Contaminated Land Management Act 1997 to promote the better management of contaminated land and to amend certain other instruments; and for other purposes. [**Contaminated Land Management Amendment Bill**]

Act No. 112 2008 – An Act to amend the Rural Lands Protection Act 1998 to make further provision with respect to the protection of rural lands, to provide for the establishment of the State Policy Council of Livestock Health and Pest Authorities and the constitution of livestock health and pest authorities and the State Management Council of Livestock Health and Pest Authorities and to provide for the functions of those bodies; and for other purposes. [**Rural Lands Protection Amendment Bill**]

Act No. 113 2008 – An Act to amend the Security Industry Act 1997 to provide for visitor permits and to make further provision with respect to the regulation of persons in the security industry; and for other purposes. [**Security Industry Amendment Bill**]

Act No. 114 2008 – An Act to repeal certain Acts and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [**Statute Law (Miscellaneous Provisions) Bill (No 2)**]

Act No. 115 2008 – An Act to amend the Transport Administration Act 1988 and other Acts to establish Sydney Metro and to facilitate the development, implementation and operation of metro railway systems in the State. [**Transport Administration Amendment (Metro Rail) Bill**]

Act No. 116 2008 – An Act to regulate the conduct of professional combat sports; to regulate the conduct of wrestling and amateur combat sport contests; to constitute the Combat Sports Authority of New South Wales and to define its functions; to repeal the Boxing and Wrestling Control Act 1986; and for other purposes. [**Combat Sports Bill**]

Act No. 117 2008 – An Act to amend the Superannuation Administration Act 1996 to provide for the employment of the chief executive officer of STC by the STC Board; and to make a consequential amendment to the Public Sector Employment and Management Act 2002. [**Superannuation Administration Amendment (Chief Executive) Bill**]

Act No. 118 2008 – An Act to amend the Workers Compensation Act 1987 to make further provision for benefits payable under the Act and workers compensation insurance. [**Workers Compensation Legislation Amendment (Benefits) Bill**]

Act No. 119 2008 – An Act to amend the Crimes (Domestic and Personal Violence) Act 2007 with respect to applications for, and the issuing of, orders under that Act; and for other purposes. [**Crimes (Domestic and Personal Violence) Amendment Bill**]

Act No. 120 2008 – An Act to amend the Institute of Teachers Act 2004 to make further provision with respect to the accreditation of teachers; and for other purposes. [**Institute of Teachers Amendment Bill**]

Act No. 121 2008 – An Act to amend the Retirement Villages Act 1999 to make further provision with respect to the rights and obligations of residents and operators of retirement villages; to establish a scheme for the enforcement of a resident's right to receive payment under a village contract; and for other purposes. [**Retirement Villages Amendment Bill**]

Act No. 122 2008 – An Act to make miscellaneous amendments to certain State revenue and other legislation to implement Budget measures announced by the Treasurer on 11 November 2008, and to give effect to other related measures. [**State Revenue and Other Legislation Amendment (Budget Measures) Bill**]

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

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**ACTS OF PARLIAMENT ASSENTED TO**

Legislative Assembly Office, Sydney 16 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 Act passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 123 2008 – An Act to amend the Independent Commission Against Corruption Act 1988 in relation to proceedings for offences and other matters; and to amend the Protected Disclosures Act 1994 in relation to the public officials covered by that Act. [**Independent Commission Against Corruption Amendment Bill**]

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

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# Proclamations

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New South Wales

## Commencement Proclamation

under the

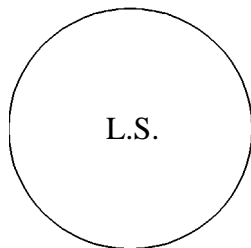
Administrative Decisions Tribunal Amendment Act 2008 No 77

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 (1) of the *Administrative Decisions Tribunal Amendment Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which the uncommenced provisions of that Act (other than Schedule 2.2) commence.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the following uncommenced provisions of the *Administrative Decisions Tribunal Amendment Act 2008* (other than Schedule 2.2):

- (a) certain amendments to the *Administrative Decisions Tribunal Act 1997* concerning the functions and procedure of the Administrative Decisions Tribunal and in the nature of statute law revision,
- (b) amendments to the *Administrative Decisions Tribunal (General) Regulation 2004*, *Anti-Discrimination Act 1977*, *Anti-Discrimination Regulation 2004*, *Building Professionals Act 2005*, *Explosives Act 2003* and *Supreme Court Act 1970*,
- (c) a provision that repeals the *Administrative Decisions Tribunal Rules (Transitional) Regulation 1998*.

Commencement Proclamation

Explanatory note

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Section 2 (3) of the Act provides for Schedule 2.2 to commence immediately before the repeal of the *Administrative Decisions Tribunal Rules (Transitional) Regulation 1998*.



New South Wales

## Commencement Proclamation

under the

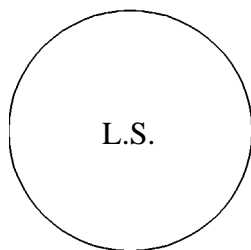
Adoption Amendment Act 2008 No 103

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 *Adoption Amendment Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which sections 1–4 and Schedule 1 [1]–[21] and [32]–[34] of that Act commence.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



LINDA BURNEY, M.P.,  
Minister for Community Services

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the *Adoption Amendment Act 2008* except for the provisions relating to access to adoption information.



New South Wales

## Commencement Proclamation

under the

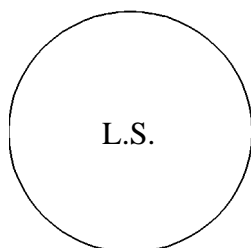
Courts and Other Legislation Amendment Act 2007 No 73

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 *Courts and Other Legislation Amendment Act 2007*, do, by this my Proclamation, appoint 1 January 2009 as the day on which Schedule 2 to that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence Schedule 2 to the *Courts and Other Legislation Amendment Act 2007* which amends the *Land and Environment Court Act 1979* in relation to privilege and conciliation conferences.



New South Wales

## Commencement Proclamation

under the

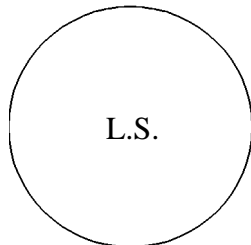
Crimes Amendment (Sexual Offences) Act 2008

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 Amendment (Sexual Offences) Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which that Act commences.

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

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

## Commencement Proclamation

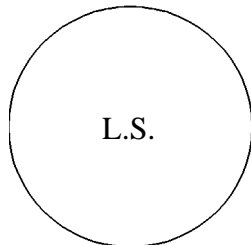
under the

Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2008 No 81

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 (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which that Act commences. Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!





New South Wales

## Commencement Proclamation

under the

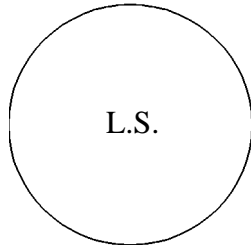
Evidence Amendment Act 2007 No 46

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 *Evidence Amendment Act 2007*, do, by this my Proclamation, appoint 1 January 2009 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

## Commencement Proclamation

under the

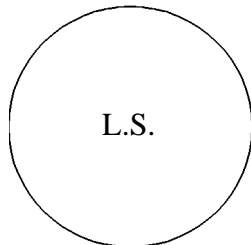
Evidence (Audio and Audio Visual Links) Amendment Act 2007  
No 75

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 *Evidence (Audio and Audio Visual Links) Amendment Act 2007*, do, by this my Proclamation, appoint 1 January 2009 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

## Commencement Proclamation

under the

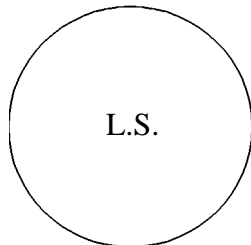
Homebush Motor Racing (Sydney 400) Act 2008 No 106

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 *Homebush Motor Racing (Sydney 400) Act 2008*, do, by this my Proclamation, appoint 19 December 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



IAN MACDONALD, M.L.C.,  
Minister for State Development

GOD SAVE THE QUEEN!



New South Wales

## Commencement Proclamation

under the

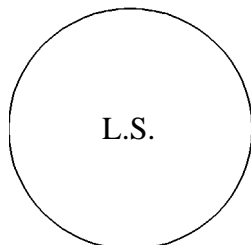
Rail Safety Act 2008 No 97

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 *Rail Safety Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



DAVID CAMPBELL, M.P.,  
Minister for Transport

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

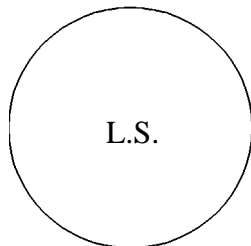
Roman Catholic Church Communities' Lands Act 1942 No 23

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 *Roman Catholic Church Communities' Lands Act 1942*, do, by this my Proclamation, add the canonical name of "Dominican Sisters of St. Cecilia Congregation" to Column 1 of Schedule 2 to that Act, and add to Column 2 of that Schedule opposite that canonical name the corporate name "Trustees of the Dominican Sisters of St. Cecilia Congregation".

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

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

Schedule 2 to the *Roman Catholic Church Communities' Lands Act 1942* contains canonical and corporate names of certain Roman Catholic orders, congregations, communities, associations and societies. By virtue of being listed in that Schedule, each organisation is a community as defined in the Act and, by virtue of the Act, the trustees of community land for each community become a body corporate and acquire the powers conferred by the Act in relation to property held by them.

The object of this Proclamation is to add the Dominican Sisters of St. Cecilia Congregation and the corporate name of the trustees of that congregation to Schedule 2 to the Act.



New South Wales

## Commencement Proclamation

under the

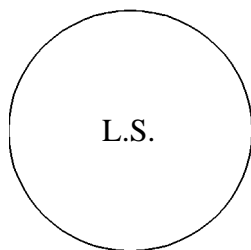
Superannuation Legislation Amendment (Family Law) Act 2003  
No 77

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 *Superannuation Legislation Amendment (Family Law) Act 2003*, do, by this my Proclamation, appoint 19 December 2008 as the day on which the uncommenced provisions of that Act (other than Schedules 1, 2 and 5) commence.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



JOSEPH TRIPODI, M.P.,  
Minister for Finance

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence amendments to the *Police Association Employees (Superannuation) Act 1969*, the *Police Regulation (Superannuation) Act 1906*, the *State Authorities Non-contributory Superannuation Act 1987*, the *State Authorities Superannuation Act 1987* and the *Superannuation Act 1916* which provide for payments under Commonwealth family law orders or agreements relating to superannuation benefits under those Acts and the subsequent reduction of benefits under those Acts of spouses subject to such orders or agreements.



New South Wales

## Commencement Proclamation

under the

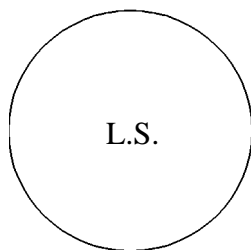
Thoroughbred Racing Amendment Act 2008 No 63

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 (1) of the *Thoroughbred Racing Amendment Act 2008*, do, by this my Proclamation, appoint 19 December 2008 as the day on which the uncommenced provisions that Act commence.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Thoroughbred Racing Amendment Act 2008* (which makes amendments to the *Thoroughbred Racing Act 1996* relating to the membership and functions of Racing NSW).



New South Wales

## Commencement Proclamation

under the

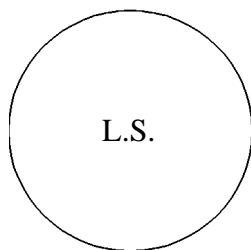
Thoroughbred Racing Further Amendment Act 2008 No 90

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 (1) of the *Thoroughbred Racing Further Amendment Act 2008*, do, by this my Proclamation, appoint 19 December 2008 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Thoroughbred Racing Further Amendment Act 2008* (which makes amendments to the *Thoroughbred Racing Act 1996* relating to the membership of Racing NSW).





New South Wales

## Commencement Proclamation

under the

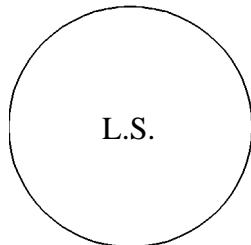
Trade Measurement Legislation Amendment Act 2007 No 49

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Trade Measurement Legislation Amendment Act 2007*, do, by this my Proclamation, appoint 1 February 2009 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the whole of the *Trade Measurement Legislation Amendment Act 2007*.



New South Wales

## Commencement Proclamation

under the

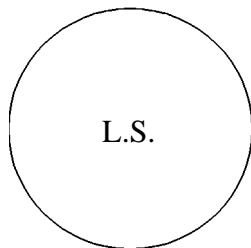
Transport Administration Amendment (Rail and Ferry Transport Authorities) Act 2008 No 98

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 *Transport Administration Amendment (Rail and Ferry Transport Authorities) Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



DAVID CAMPBELL, M.P.,  
Minister for Transport

GOD SAVE THE QUEEN!



New South Wales

## Commencement Proclamation

under the

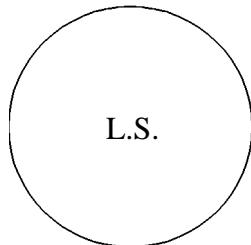
Water Management Amendment Act 2008 No 73

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 *Water Management Amendment Act 2008*, do, by this my Proclamation, appoint 1 January 2009 as the day on which Schedules 1, 2, 3 and 7.2 and 7.3 to that Act commence.

Signed and sealed at Sydney, this 17th day of December 2008.

By Her Excellency's Command,



PHILLIP COSTA, M.P.,  
Minister for Water

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the provisions of the *Water Management Amendment Act 2008* that amend the *Water Management Act 2000* in relation to offences and penalties (Schedule 1), directions and other enforcement measures (Schedule 2) and court orders and court proceedings (Schedule 3) and that make consequential amendments to the *Law Enforcement (Powers and Responsibilities) Act 2002* (Schedule 7.2) and the *Water Act 1912* (Schedule 7.3).

Schedules 5, 6 and 7.1 to the *Water Management Amendment Act 2008* commenced on the date of assent to that Act.

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## Regulations

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New South Wales

# Competition Policy Reform (New South Wales) Regulation 2008

under the

Competition Policy Reform (New South Wales) Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Competition Policy Reform (New South Wales) Act 1995*.

NATHAN REES, M.P.,  
Premier

### Explanatory note

The object of this Regulation is to authorise certain things to be done to the extent that they might otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*. The authorisation conferred by this Regulation relates to things done under Part 2A (Mandatory access standards for Newcastle coal terminals) of the *Ports and Maritime Administration Regulation 2007*.

The Regulation comprises or relates to matters arising under legislation that is substantially uniform with legislation of the Commonwealth and the other States and Territories.

The Regulation is made under section 38 (the general regulation-making power) and section 39 (regulations for exceptions under section 51 of Trade Practices Act or Code) of the *Competition Policy Reform (New South Wales) Act 1995*.

Clause 1 Competition Policy Reform (New South Wales) Regulation 2008

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## Competition Policy Reform (New South Wales) Regulation 2008

under the

Competition Policy Reform (New South Wales) Act 1995

### 1 Name of Regulation

This Regulation is the *Competition Policy Reform (New South Wales) Regulation 2008*.

### 2 Definitions

(1) In this Regulation:

**Commonwealth Act** means the *Trade Practices Act 1974* of the Commonwealth.

**Competition Code** means the *Competition Code of New South Wales*.

**exercise** a function includes perform a duty.

**function** includes power, authority or duty.

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

### 3 Object of Regulation

(1) The object of this Regulation is to authorise, for the purposes of section 51 of the Commonwealth Act and the Competition Code, particular things done in the State within a certain period after the authorisation is conferred (as specified in the authorisation).

(2) Things authorised to be done by this Regulation are authorised only to the extent (if any) that they would otherwise contravene Part IV of the Commonwealth Act and the Competition Code.

**Note.** Section 51 of the Commonwealth Act and the Competition Code provide that anything that is authorised by an Act or Regulation is to be disregarded in deciding whether a person has contravened Part IV of the Commonwealth Act and the Competition Code (which relates to restrictive trade practices).

### 4 Authorisation—mandatory access standards for Newcastle coal terminals

(1) The following are specifically authorised by this Regulation for the purposes of the Commonwealth Act and the Competition Code:

(a) any conduct of the Minister in exercising the Minister's functions under Part 2A of the *Ports and Maritime Administration*

Competition Policy Reform (New South Wales) Regulation 2008

Clause 4

- 
- Regulation 2007* (including the approval of proposed access rules under that Part),
- (b) the conduct of any person in negotiating or developing proposed access rules for approval by the Minister as approved access rules under that Part,
  - (c) the conduct of any person that is authorised or required by or under approved access rules,
  - (d) the conduct of any person for the purpose of ensuring compliance with approved access rules.
- (2) Expressions used in this clause have the same meanings as in Part 2A of the *Ports and Maritime Administration Regulation 2007*.
- (3) The authorisation conferred by this clause ceases to have effect on 1 July 2009.



New South Wales

# Criminal Procedure Further Amendment (Public Officers) Regulation 2008

under the

Criminal Procedure Act 1986

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

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

## Explanatory note

The object of this Regulation is to amend the *Criminal Procedure Regulation 2005* to declare the Police Integrity Commission to be a body whose officers and employees are public officers for the purposes of the *Criminal Procedure Act 1986*. The effect of this is to enable officers and employees of that Commission to commence and conduct prosecutions in NSW courts as public, rather than private, prosecutors, with the powers and certain of the protections conferred on public prosecutors.

This Regulation is made under the *Criminal Procedure Act 1986*, including the definition of *public officer* in section 3 (1) and section 4 (the general regulation-making power).

Clause 1 Criminal Procedure Further Amendment (Public Officers) Regulation 2008

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## **Criminal Procedure Further Amendment (Public Officers) Regulation 2008**

under the

Criminal Procedure Act 1986

### **1 Name of Regulation**

This Regulation is the *Criminal Procedure Further Amendment (Public Officers) Regulation 2008*.

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

The *Criminal Procedure Regulation 2005* is amended by inserting the following after clause 20 (q):

(r) the Police Integrity Commission.





New South Wales

# Drug Misuse and Trafficking Amendment (Police Integrity Commission Exemption) Regulation 2008

under the

Drug Misuse and Trafficking Act 1985

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Drug Misuse and Trafficking Act 1985*.

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

## Explanatory note

The object of this Regulation is to amend the *Drug Misuse and Trafficking Regulation 2006* to provide that certain authorised officers of the Police Integrity Commission are exempt from a number of sections of the *Drug Misuse and Trafficking Act 1985* relating to prohibited plants and prohibited drugs.

This Regulation is made under the *Drug Misuse and Trafficking Act 1985*, including section 45 (the general regulation-making power.)

Clause 1 Drug Misuse and Trafficking Amendment (Police Integrity Commission Exemption) Regulation 2008

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## Drug Misuse and Trafficking Amendment (Police Integrity Commission Exemption) Regulation 2008

under the

Drug Misuse and Trafficking Act 1985

### 1 Name of Regulation

This Regulation is the *Drug Misuse and Trafficking Amendment (Police Integrity Commission Exemption) Regulation 2008*.

### 2 Amendment of Drug Misuse and Trafficking Regulation 2006

The *Drug Misuse and Trafficking Regulation 2006* is amended by inserting the following after clause 5:

#### 5A Exemption for Police Integrity Commission officers

- (1) An officer of the Police Integrity Commission who has been authorised by the Commissioner for the Police Integrity Commission for the purposes of this clause is exempt from the provisions of sections 10, 23 (1) and (2) and 25 (1) and (2) of the Act in relation to every prohibited plant or prohibited drug to the extent necessary to enable the officer to carry out his or her duties as such an officer.
- (2) In this clause:  
*Commissioner for the Police Integrity Commission* has the same meaning as in the *Police Integrity Commission Act 1996*.  
*officer of the Police Integrity Commission* has the same meaning as *officer of the Commission* has in the *Police Integrity Commission Act 1996*.



New South Wales

# Entertainment Industry Amendment Regulation 2008

under the

Entertainment Industry Act 1989

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

JOHN HATZISTERGOS, M.L.C.,  
Minister for Industrial Relations

## Explanatory note

The object of this Regulation is to amend clause 6 of the *Entertainment Industry Regulation 2004*. That clause prescribes the class of persons to whom the Minister may delegate functions and consists of various public sector positions. The proposed amendment to clause 6 removes references to positions made obsolete by recent public sector restructuring and replaces them with the appropriate positions.

This Regulation is made under the *Entertainment Industry Act 1989*, including sections 53 (3) and 64 (the general regulation-making power).

Clause 1 Entertainment Industry Amendment Regulation 2008

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## **Entertainment Industry Amendment Regulation 2008**

under the

Entertainment Industry Act 1989

### **1 Name of Regulation**

This Regulation is the *Entertainment Industry Amendment Regulation 2008*.

### **2 Amendment of Entertainment Industry Regulation 2004**

The *Entertainment Industry Regulation 2004* is amended by omitting clause 6 (b) and (c) and inserting instead:

- (b) the Executive Director, Office of Industrial Relations, Department of Commerce,
- (c) the Director, Compliance Services, Industrial Relations Service Delivery, Office of Industrial Relations, Department of Commerce.



New South Wales

## Evidence Amendment (Miscellaneous) Regulation 2008

under the

Evidence Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Evidence Act 1995*.

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

### Explanatory note

The object of this Regulation is to amend the *Evidence Regulation 2005* to make amendments consequential on the commencement of the *Evidence Amendment Act 2007* (the **amending Act**). The amending Act inserts section 128A into the *Evidence Act 1995* (the **Principal Act**), which makes provision with respect to the ability to assert the privilege against self-incrimination in respect of disclosure of information in connection with search and freezing orders in civil proceedings.

This Regulation:

- (a) removes the reference to “related” events with respect to the coincidence rule in section 98 of the Principal Act to bring the Regulation into line with that section (as substituted by the amending Act), and
- (b) amends the form of the certificate for privilege against self-incrimination to include reference to section 128A of the Principal Act.

This Regulation is made under the *Evidence Act 1995*, including sections 99 and 197 (the general regulation-making power).

Clause 1 Evidence Amendment (Miscellaneous) Regulation 2008

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## **Evidence Amendment (Miscellaneous) Regulation 2008**

under the

Evidence Act 1995

### **1 Name of Regulation**

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

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Evidence Regulation 2005**

The *Evidence Regulation 2005* is amended as set out in Schedule 1.

Evidence Amendment (Miscellaneous) Regulation 2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 5 The tendency rule and the coincidence rule—form of notices**

Omit “related” from clause 5 (3) (a).

**[2] Clause 6 Privilege against self-incrimination—form of certificate**

Insert “or 128A” after “section 128” in clause 6 (1).

**[3] Schedule 1 Forms**

Omit Form 1. Insert instead:

**Form 1 Certificate under section 128 or 128A of the Evidence Act 1995**

(Clause 6)

*[Set out heading to action or matter]*

This Court certifies under section 128\*/128A\* of the *Evidence Act 1995* of New South Wales that evidence in these proceedings by [*state name of witness*] on [*state date or dates*], a record of which is attached to this certificate, is evidence\*/information\* to which section 128 (7)\*/ 128A (8)\* of that Act applies.

*A transcript, or other record, of the evidence is to be attached to this certificate, and duly authenticated by the court or its proper officer.*

Dated:

L.S.

(affix seal)

Judge or magistrate of the Court

*\* Delete if not applicable*

**Note.** Section 128 (7) of the *Evidence Act 1995* provides as follows:

(7) In any proceeding in a NSW court or before any person or body authorised by a law of this State, or by consent of parties, to hear, receive and examine evidence:

(a) evidence given by a person in respect of which a certificate under this section has been given, and

## Evidence Amendment (Miscellaneous) Regulation 2008

## Schedule 1 Amendments

- 
- (b) evidence of any information, document or thing obtained as a direct or indirect consequence of the person having given evidence,

cannot be used against the person. However, this does not apply to a criminal proceeding in respect of the falsity of the evidence.

Section 128A (8) of the *Evidence Act 1995* provides as follows:

- (8) In any proceeding in a NSW court or before any person or body authorised by a law of this State, or by consent of parties, to hear, receive and examine evidence:

- (a) evidence of information disclosed by a relevant person in respect of which a certificate has been given under this section, and

- (b) evidence of any information, document or thing obtained as a direct result or indirect consequence of the relevant person having disclosed that information,

cannot be used against the person. However, this does not apply to a criminal proceeding in respect of the falsity of the evidence concerned.





New South Wales

# Fair Trading Amendment (Treadmills) 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 a product safety standard for treadmills. The product safety standard prescribed is that treadmills must carry a warning that young children should be kept away from treadmills as they may cause severe friction burns.

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 (Treadmills) Regulation 2008

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## **Fair Trading Amendment (Treadmills) Regulation 2008**

under the

Fair Trading Act 1987

### **1 Name of Regulation**

This Regulation is the *Fair Trading Amendment (Treadmills) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 June 2009.

### **3 Amendment of Fair Trading Regulation 2007**

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

Fair Trading Amendment (Treadmills) Regulation 2008

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 3)

### Part 2, Division 4A

Insert after Division 4:

### Division 4A Treadmills

#### 17A Definition

In this Division:

*treadmill* means an exercise device that consists of an endless conveyor belt, that is either rotated manually or by a motor, on which a person can walk or jog in one place.

#### 17B Safety standard

- (1) The product safety standard prescribed for a treadmill is that it must have a label permanently attached to it, in a conspicuous position, showing the following warning:  
**WARNING:** Keep young children away from this machine at all times. Contact with the moving surface may result in severe friction burns.
- (2) The warning:
  - (a) must be visible to the user of the treadmill when it is being used, and
  - (b) must show the word "WARNING" in bold upper case letters at least 5 millimetres high, and
  - (c) must show the remaining words in lower case letters at least 2.5 millimetres high, and
  - (d) must be separate from any other warning or label on the treadmill.



New South Wales

# Gaming Machines Amendment (Transitional) Regulation 2008

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

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

## Explanatory note

Under clause 34 (4) of Schedule 1 to the *Gaming Machines Act 2001*, any matter under that Act that was being dealt with by the Liquor Administration Board before 1 July 2008 (the date on which the Board was abolished) but that had not been determined by that date is to continue to be dealt with by the former Board as if it had not been abolished. However, if any such pending matter has not been determined by the former Board within the period prescribed by the regulations, the matter may instead be dealt with by the Casino, Liquor and Gaming Control Authority. The object of this Regulation is to prescribe the period ending on 31 December 2008 as the time for handing over to the Authority any pending matters before the former Board that have not been determined.

This Regulation is made under the *Gaming Machines Act 2001*, including clause 34 (5) of Schedule 1.

Clause 1          Gaming Machines Amendment (Transitional) Regulation 2008

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## **Gaming Machines Amendment (Transitional) Regulation 2008**

under the

Gaming Machines Act 2001

### **1 Name of Regulation**

This Regulation is the *Gaming Machines Amendment (Transitional) Regulation 2008*.

### **2 Amendment of Gaming Machines Regulation 2002**

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Gaming Machines Amendment (Transitional) Regulation 2008

Amendment

Schedule 1

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## **Schedule 1      Amendment**

(Clause 2)

### **Clause 150**

Insert after clause 149:

#### **150      Time limit for determining pending matters before former Board**

For the purposes of clause 34 (5) of Schedule 1 to the Act, the period ending on 31 December 2008 is prescribed.



New South Wales

# Home Building Amendment (Claims) 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 limit the period within which a claim may be made under a home warranty insurance policy.

The Regulation will prevent a claim in respect of defective building work from being made more than 6 months after the beneficiary first becomes aware, or ought reasonably to have become aware, of the defective work or more than 6 months after the end of the period of insurance (whichever is the earlier). In the case of a claim arising from non-completion of work, the Regulation will prevent a claim from being made more than 12 months after work ceased or should have commenced.

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 (Claims) Regulation 2008

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## **Home Building Amendment (Claims) Regulation 2008**

under the

Home Building Act 1989

### **1 Name of Regulation**

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

### **2 Amendment of Home Building Regulation 2004**

The *Home Building Regulation 2004* is amended as set out in Schedule 1.



Home Building Amendment (Claims) Regulation 2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Clause 63A

Insert after clause 63:

#### 63A Period within which insurance claim must be made

- (1) A claim under a contract of insurance must be made no later than 6 months after the beneficiary first becomes aware, or ought reasonably to have become aware, of the fact or circumstance under which the claim arises or no later than 6 months after the end of the period of cover, whichever is the earlier.
- (2) Despite subclause (1), if the claim is a claim for loss arising from non-completion of work, the claim must be made:
  - (a) in the case of a claim arising from a failure to commence the work—no later than 12 months after the contract date or the date provided in the contract for commencement of work, whichever is the later, or
  - (b) in any other case—no later than 12 months after the date work ceased.
- (3) A claim cannot be made later than as permitted by this clause.
- (4) This clause applies only to a claim made after the commencement of this clause and extends to a claim made after that commencement in respect of a loss arising before that commencement.
- (5) In this clause:  
*period of cover* means the period for which the contract of insurance provides insurance cover as required by section 103B of the Act.



New South Wales

# Law Enforcement (Powers and Responsibilities) Amendment Regulation 2008

under the

Law Enforcement (Powers and Responsibilities) Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Law Enforcement (Powers and Responsibilities) Act 2002*.

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

## Explanatory note

Currently, clause 26 (a) (iv) of the *Law Enforcement (Powers and Responsibilities) Regulation 2005* provides that a child who is 16 years of age or over may consent to an adult (other than a police officer) to be the support person for the child for the purposes of police interviewing and questioning.

The object of this Regulation is to amend the *Law Enforcement (Powers and Responsibilities) Regulation 2005* to decrease the age at which a child may give such consent from 16 years to 14 years.

The amendment is consistent with similar amendments made to the *Children (Criminal Proceedings) Act 1987* by the *Children (Criminal Proceedings) Amendment Act 2008* and to the *Young Offenders Act 1997* by the *Courts and Other Legislation Amendment Act 2007*.

This Regulation is made under the *Law Enforcement (Powers and Responsibilities) Act 2002*, including sections 112 and 238 (the general regulation-making power).

Clause 1            Law Enforcement (Powers and Responsibilities) Amendment Regulation  
                         2008

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## **Law Enforcement (Powers and Responsibilities) Amendment Regulation 2008**

under the

Law Enforcement (Powers and Responsibilities) Act 2002

### **1 Name of Regulation**

This Regulation is the *Law Enforcement (Powers and Responsibilities) Amendment Regulation 2008*.

### **2 Amendment of Law Enforcement (Powers and Responsibilities) Regulation 2005**

The *Law Enforcement (Powers and Responsibilities) Regulation 2005* is amended by omitting “16 years” from clause 26 (a) (iv) and inserting instead “14 years”.



New South Wales

## Legal Profession Further Amendment (Fixed Costs) Regulation 2008

under the

Legal Profession Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 2004*.

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

### Explanatory note

The object of this Regulation is to amend the *Legal Profession Regulation 2005* to increase:

- (a) the fixed costs for recovery of certain debts and enforcement of certain judgments in the Supreme Court, the District Court and a Local Court, and
- (b) the fixed costs for legal services for probate and administration matters in the Supreme Court.

The fixed costs are being increased generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Legal Profession Act 2004*, including sections 329, 330 and 738 (the general regulation-making power).

Clause 1            Legal Profession Further Amendment (Fixed Costs) Regulation 2008

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## **Legal Profession Further Amendment (Fixed Costs) Regulation 2008**

under the

Legal Profession Act 2004

### **1 Name of Regulation**

This Regulation is the *Legal Profession Further Amendment (Fixed Costs) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Legal Profession Regulation 2005**

The *Legal Profession Regulation 2005* is amended as set out in Schedule 1.

Legal Profession Further Amendment (Fixed Costs) Regulation 2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Schedule 2

Omit the Schedule. Insert instead:

## Schedule 2 Costs for recovery of certain debts and enforcement of certain judgments

(Clause 112)

### Part 1 Supreme Court

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim including drawing/typing/checking of originating process and cheque to pay account of process server:	
	(a) for recovery of lump sum debt	\$1,020
	(b) for recovery of possession of land	\$1,283
<b>2</b>	<b>Service of additional defendants etc</b>	
	Costs of service:	
	(a) for each additional defendant	\$59
	(b) in proceedings for the recovery of land where one or more occupiers must be served with notice of proceedings, for each different address at which a notice is served	\$100
<b>3</b>	<b>Substituted service</b>	
	Costs of substituted service including drawing/typing/checking of affidavit, notice of motion and cheque to pay account of process server	\$580
<b>4</b>	<b>Service interstate or overseas</b>	
	Costs of service in another jurisdiction:	
	(a) within Australia—including obtaining leave to proceed and drawing/typing/checking notice of motion	\$222

## Legal Profession Further Amendment (Fixed Costs) Regulation 2008

## Schedule 1 Amendments

No	Item	Amount
	(b) outside Australia in a country where English is the official language—including drawing/typing/checking of request for service and notice to defendant to be served	\$152
	(c) outside Australia in a country where English is not the official language—including drawing/typing/checking of request for special service and notice to defendant to be served	\$687
<b>5</b>	<b>Default judgment</b>	
	Costs on applying for default judgment including all matters listed in item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support:	
	(a) for recovery of lump sum debt	\$1,482
	(b) for recovery of possession of land	\$1,953
<b>6</b>	<b>Foreign judgments</b>	
	Costs on obtaining certificate of judgment under section 15 of the <i>Foreign Judgments Act 1991</i> of the Commonwealth, including drawing/typing/checking of summons, minute of judgment, certificate under that section and affidavit of facts:	
	(a) if a solicitor is required to attend the court to settle judgment	\$817
	(b) if a solicitor is not so required	\$572
<b>7</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$630

**Part 2 District Court**

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$763
<b>2</b>	<b>Service of additional defendants</b>	
	Costs of service—for each additional defendant	\$59

## Legal Profession Further Amendment (Fixed Costs) Regulation 2008

Amendments

Schedule 1

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No	Item	Amount
<b>3</b>	<b>Substituted service</b>	
	Costs of substituted service including drawing/typing/checking of notice of motion, affidavit and cheque to pay account of process server	\$549
<b>4</b>	<b>Default judgment—liquidated claim, claim for possession of land or claim for detention of goods</b>	
	Costs on applying for default judgment for recovery of lump sum debt, claim for possession of land or claim for detention of goods, including all matters listed in item 1 plus drawing/typing/checking affidavit of service, notice of motion and affidavit in support	\$1,137
<b>5</b>	<b>Default judgment—unliquidated claim</b>	
	Costs on obtaining judgment in undefended proceedings including all matters listed in items 1 and 4	\$1,588
<b>6</b>	<b>Order for examination</b>	
	Costs of issuing an examination notice and obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$601
<b>7</b>	<b>Failed examination of judgment debtor</b>	
	Costs on attending examination of judgment debtor where the judgment debtor fails, without reasonable excuse:	\$258
	(a) to attend the examination, or	
	(b) to produce documents at the examination as required under the order for examination.	
<b>8</b>	<b>Arrest of judgment debtor</b>	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$258
<b>9</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$462

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## Legal Profession Further Amendment (Fixed Costs) Regulation 2008

## Schedule 1 Amendments

**Part 3 Local Court**

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$584
<b>2</b>	<b>Default judgment—liquidated claim or claim for detention of goods</b>	
	Costs on applying for default judgment for recovery of lump sum debt or claim for detention of goods, including all matters listed in item 1 plus drawing/typing/checking affidavit of service, notice of motion and affidavit in support	\$847
<b>3</b>	<b>Default judgment—unliquidated claim</b>	
	Costs on obtaining judgment in undefended proceedings including all matters listed in items 1 and 2	\$1,461
<b>4</b>	<b>Conditions applicable to items 1–3</b>	
	Items 1, 2 and 3 are alternatives, and only one of them is applicable in respect of any matter. If, in respect of any of those items, if the amount at issue in the proceedings:	
	(a) does not exceed \$1,000—the costs are 40% of the amount specified for that item, or	
	(b) exceeds \$1,000 but does not exceed \$5,000—the costs are 60% of the amount specified for that item, or	
	(c) exceeds \$5,000 but does not exceed \$20,000—the costs are 80% of the amount specified for that item, or	
	(d) exceeds \$20,000—the costs are the full amount specified for that item.	
<b>5</b>	<b>Order for examination</b>	
	Costs of issuing an examination notice and obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$348
<b>6</b>	<b>Examination of judgment debtor</b>	
	Costs on examination of judgment debtor by solicitor	\$253

## Legal Profession Further Amendment (Fixed Costs) Regulation 2008

Amendments

Schedule 1

No	Item	Amount
<b>7</b>	<b>Failed examination of judgment debtor</b>	
	Costs on attending examination of judgment debtor where the judgment debtor fails, without reasonable excuse:	\$184
	(a) to attend the examination, or	
	(b) to produce documents at the examination as required under the order for examination.	
<b>8</b>	<b>Arrest of judgment debtor</b>	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$184
<b>9</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$235

**[2] Schedule 4**

Omit the Schedule. Insert instead:

### **Schedule 4 Costs for legal services for probate and administration matters**

(Clause 114)

#### **Part 1 Obtaining first time grant or the resealing of probate**

Disclosed value of assets	Costs payable
Not exceeding \$30,000	\$560 Plus \$13.33 for each \$1,000 up to \$30,000
Exceeding \$30,000 but not exceeding \$150,000	\$960 Plus \$5.90 for each \$1,000 in excess of \$30,000
Exceeding \$150,000 but not exceeding \$1,000,000	\$1,670 Plus \$4.47 for each \$1,000 in excess of \$150,000
Exceeding \$1,000,000 but not exceeding \$3,000,000	\$5,470 Plus \$1.66 for each \$1,000 in excess of \$1,000,000

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## Legal Profession Further Amendment (Fixed Costs) Regulation 2008

## Schedule 1 Amendments

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<b>Disclosed value of assets</b>	<b>Costs payable</b>
Exceeding \$3,000,000 but not exceeding \$5,000,000	\$8,800 Plus \$1.10 for each \$1,000 in excess of \$3,000,000
Exceeding \$5,000,000 but not exceeding \$10,000,000	\$11,000 Plus \$0.90 for each \$1,000 in excess of \$5,000,000
Exceeding \$10,000,000	\$15,500

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**Part 2 Obtaining of any grant or resealing of probate after the first, up to and including the uplifting of the probate so granted or resealed**

<b>Value of assets remaining at the time of application</b>	<b>Costs payable</b>
Not exceeding \$30,000	\$460 Plus \$10.83 for each \$1,000 up to \$30,000
Exceeding \$30,000 but not exceeding \$150,000	\$785 Plus \$4.88 for each \$1,000 in excess of \$30,000
Exceeding \$150,000 but not exceeding \$1,000,000	\$1,370 Plus \$3.65 for each \$1,000 in excess of \$150,000
Exceeding \$1,000,000 but not exceeding \$3,000,000	\$4,480 Plus \$1.37 for each \$1,000 in excess of \$1,000,000
Exceeding \$3,000,000 but not exceeding \$5,000,000	\$7,230 Plus \$0.91 for each \$1,000 in excess of \$3,000,000
Exceeding \$5,000,000 but not exceeding \$10,000,000	\$9,060 Plus \$0.72 for each \$1,000 in excess of \$5,000,000
Exceeding \$10,000,000	\$12,685

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**Part 3 Obtaining first time grant of administration or of the resealing letters of administration**

Such amount as is allowed under Part 1 for the first time grant of probate and, if a law practice is required to perform any work in addition to that for which Part 1 makes provision, such additional amount as is allowed under Table 1 in Schedule G to the *Supreme Court Rules 1970*.



New South Wales

## Liquor Amendment (Restricted Trading Days) 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 enable licensed premises to trade past midnight on the morning of a restricted trading day (namely, Christmas Day or Good Friday) if the premises are otherwise authorised to trade during that period by an extended trading authorisation.

This Regulation is made under the *Liquor Act 2007*, including section 159 (the general regulation-making power).

Clause 1           Liquor Amendment (Restricted Trading Days) Regulation 2008

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## **Liquor Amendment (Restricted Trading Days) Regulation 2008**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Restricted Trading Days) Regulation 2008*.

### **2 Amendment of Liquor Regulation 2008**

The *Liquor Regulation 2008* is amended by inserting after clause 22 the following clause:

#### **22A Trading past midnight on morning of restricted trading day**

Sections 14 (3) and 25 (3) of the Act do not apply to or in respect of licensed premises during any period that the premises would otherwise be authorised to trade in accordance with an extended trading authorisation that is in force in relation to the premises.



New South Wales

# Mine Subsidence Compensation Further Amendment (Contributions) Regulation 2008

under the

Mine Subsidence Compensation Act 1961

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mine Subsidence Compensation Act 1961*.

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

## Explanatory note

The object of this Regulation is to prescribe the rates of contribution payable by the proprietors of colliery holdings to the Mine Subsidence Compensation Fund for the 2008 calendar year.

This Regulation is made under the *Mine Subsidence Compensation Act 1961*, including sections 11 and 18 (the general regulation-making power).

Clause 1            Mine Subsidence Compensation Further Amendment (Contributions)  
                         Regulation 2008

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## **Mine Subsidence Compensation Further Amendment (Contributions) Regulation 2008**

under the

Mine Subsidence Compensation Act 1961

### **1 Name of Regulation**

This Regulation is the *Mine Subsidence Compensation Further Amendment (Contributions) Regulation 2008*.

### **2 Amendment of Mine Subsidence Compensation Regulation 2007**

The *Mine Subsidence Compensation Regulation 2007* is amended as set out in Schedule 1.

Mine Subsidence Compensation Further Amendment (Contributions)  
Regulation 2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Schedule 1

Omit the Schedule. Insert instead:

### Schedule 1 Rate of contribution to Mine Subsidence Compensation Fund for 2008

(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Abel	Excepted
Aberdare North	Excepted
Airly	0.00101
Angus Place	0.23180
Antiene	Excepted
Appin	0.04527
Ashton	0.13589
Austar	0.02866
Avon	Excepted
Awaba	0.09049
Baal Bone	0.31558
Bargo	Excepted
Bayswater No 2	0.07997
Bengalla	0.09668
Berrima	0.00955
Bloomfield	0.02506
Blue Mountains	0.02000
Boggabri	0.03131
Brimdale	Excepted

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Page 3



Mine Subsidence Compensation Further Amendment (Contributions)  
Regulation 2008

Schedule 1      Amendment

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<b>Column 1</b>	<b>Column 2</b>
<b>Colliery holding</b>	<b>Rate (in \$)</b>
Camberwell	0.10103
Canyon	Excepted
Cardiff Borehole	Excepted
Chain Valley	0.04790
Charbon	0.07605
Clarence	0.05925
Cordeaux	0.00871
Cullen Valley	0.02816
Cumnock No 1	0.09912
Dartbrook	0.00100
Delta	Excepted
Dendrobium	0.04775
Donaldson Coal	0.01750
Drayton	0.10411
Duralie	0.07299
Enhance Place	0.12508
Glendell	Excepted
Glennies Creek	0.11988
Gunnedah	0.00278
Hebburn No 3	Excepted
Hunter Valley Extended	Excepted
Hunter Valley Operations	0.09960
Huntley	Excepted
Invincible	0.15170
Ivanhoe No 2	0.00170
John Darling	Excepted
Kandos No 3	0.00400
Kemira	0.00093
Lambton	Excepted

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Mine Subsidence Compensation Further Amendment (Contributions)  
Regulation 2008

Amendment

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>
<b>Colliery holding</b>	<b>Rate (in \$)</b>
Liddell	0.06348
Mandalong Mine	0.13568
Mannering	0.04595
Maules Creek	0.00033
Metropolitan	0.08773
Mitchells Flat	0.00043
Moolarben	Excepted
Mount Owen	0.15374
Mount Thorley	0.06729
Munmorah	0.00034
Muswellbrook	0.06997
Myuna	0.15169
Narama	0.07015
Narrabri	0.00051
Nattai	0.00150
New Wallsend No 2	0.00639
Newdell	Excepted
Newpac No 1	0.05738
Newstan	0.09049
North Cliff	Excepted
Northern	Excepted
NRE Avondale	0.00060
NRE No 1	0.00688
NRE Wongawilli	0.00031
Pinedale	0.00142
Preston and Preston Extended Tunnel	0.00690
Ravensworth No 2	0.08026
Rixs Creek	0.04465
Sandy Creek	Excepted

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Mine Subsidence Compensation Further Amendment (Contributions)  
Regulation 2008

Schedule 1      Amendment

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<b>Column 1</b>	<b>Column 2</b>
<b>Colliery holding</b>	<b>Rate (in \$)</b>
Saxonvale	0.33565
Springvale	0.19984
Stratford	0.05628
Tahmoor	0.04848
Tarrawonga	0.05350
Tasman	0.02852
Ulan No 2	0.23838
United	0.29340
Vickery	0.04975
Wallarrah	Excepted
Wallerawang	0.04545
Wambo	0.09850
Warkworth	0.11868
Werris Creek No 2	0.05709
West Cliff	0.18190
West Wallsend	0.15425
Western Main	0.00200
Westside	0.02637
Whitehaven	0.20307
Wilpinjong	0.13820

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New South Wales

# Passenger Transport Amendment (Manly High Speed Ferry Services) Regulation 2008

under the

Passenger Transport Act 1990

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

DAVID CAMPBELL, M.P.,  
Minister for Transport

## Explanatory note

The object of this Regulation is to amend the *Passenger Transport Regulation 2007* to exclude high speed ferry services between Manly and Circular Quay from being included as regular ferry services for the purposes of the *Passenger Transport Act 1990*. The effect of this is that those services will not be required to be subject to ferry service contracts under the new Division 1A of Part 3 of that Act (as inserted by the *Transport Administration Amendment (Rail and Ferry Transport Authorities) Act 2008*).

This Regulation is made under the *Passenger Transport Act 1990*, including the definition of *regular ferry service* in section 3 (1) and section 63 (the general regulation-making power).

Clause 1            Passenger Transport Amendment (Manly High Speed Ferry Services)  
                         Regulation 2008

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## **Passenger Transport Amendment (Manly High Speed Ferry Services) Regulation 2008**

under the

Passenger Transport Act 1990

### **1 Name of Regulation**

This Regulation is the *Passenger Transport Amendment (Manly High Speed Ferry Services) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Passenger Transport Regulation 2007**

The *Passenger Transport Regulation 2007* is amended as set out in Schedule 1.

Passenger Transport Amendment (Manly High Speed Ferry Services)  
Regulation 2008

Amendment

Schedule 1

---

## Schedule 1      Amendment

(Clause 3)

### Part 11, Division 3

Insert after Division 2 of Part 11:

### Division 3      Regular ferry services

#### 216A      Regular ferry services

For the purposes of the definition of *regular ferry service* in section 3 (1) of the Act, a high speed ferry service between Manly and Circular Quay, with an expected travelling time between those destinations of 20 minutes or less, is prescribed as a regular passenger service of a class that is not included within the meaning of that definition.



New South Wales

## Police Superannuation Amendment (Family Law) Regulation 2008

under the

Police Regulation (Superannuation) Act 1906

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Regulation (Superannuation) Act 1906*.

JOSEPH TRIPODI, M.P.,  
Minister for Finance

### Explanatory note

The object of this Regulation is to amend the *Police Superannuation Regulation 2005* to provide for the following matters relating to family law superannuation payments in respect of spouses or former spouses of contributors to the Police Superannuation Scheme:

- (a) the manner in which the superannuation interest of a contributor is to be valued for family law purposes,
- (b) the notification of contributors, and spouses or former spouses (*non-contributor spouses*), of family law superannuation entitlements resulting from agreements or orders under Commonwealth family law,
- (c) the nomination by non-contributor spouses as to where family law superannuation entitlements are to be paid,
- (d) the reduction of benefits payable to contributors whose non-contributor spouses have received family law superannuation entitlements,
- (e) the commutation of pensions payable to former contributors for the purposes of the payment to non-contributor spouses of family law superannuation entitlements,
- (f) provisions of a transitional nature.

This Regulation is made under the *Police Regulation (Superannuation) Act 1906*, including sections 14P–14R and 24 (the general regulation-making power) and clause 1 of Schedule 6 to that Act.

Clause 1      Police Superannuation Amendment (Family Law) Regulation 2008

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## **Police Superannuation Amendment (Family Law) Regulation 2008**

under the

Police Regulation (Superannuation) Act 1906

### **1 Name of Regulation**

This Regulation is the *Police Superannuation Amendment (Family Law) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 19 December 2008.

### **3 Amendment of Police Superannuation Regulation 2005**

The *Police Superannuation Regulation 2005* is amended as set out in Schedule 1.



Police Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Part 3A

Insert after Part 3:

## Part 3A Family law provisions

### 19A Interpretation

(1) In this Part:

**approved valuation method** means:

- (a) in relation to benefits under the Police Superannuation Scheme—Part 5 of Schedule 2 to the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003* made under the *Family Law (Superannuation) Regulations 2001* of the Commonwealth, or
- (b) in relation to benefits under the Police Association Superannuation Scheme—Part 6 of that Schedule.

**contributor** includes a former contributor.

**deferred benefit** means a benefit deferred under section 9B of the Act (including that section as applied by section 3 of the *Police Association Employees (Superannuation) Act 1969*).

(2) Words and expressions used in this Part have the same meanings as they have in Part 4A of the Act.

### 19B Valuation of superannuation interests

- (1) This clause applies for the purposes of Part 4A of the Act and the family law superannuation legislation.
- (2) The value of a superannuation interest of a contributor (other than of a deferred benefit) is to be determined in accordance with the approved valuation method.
- (3) The value of a superannuation interest relating to a deferred benefit is to be determined in accordance with Part 5 of Schedule 2 to the *Family Law (Superannuation) Regulations 2001* of the Commonwealth.

## Police Superannuation Amendment (Family Law) Regulation 2008

Schedule 1 Amendment

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**19C Notice to contributor and non-contributor spouse when entitlement becomes payable**

- (1) If a superannuation interest of a contributor becomes subject to a payment split, STC must notify the contributor and the non-contributor spouse in relation to the interest, in writing, that the interest is subject to a payment split.
- (2) The notice must be given:
  - (a) in the case of a payment split under a superannuation agreement or flag lifting agreement—within 28 days after the operative time for the payment split, or
  - (b) in the case of a payment split under a splitting order—within 28 days after the operative time for the payment split or after STC receives a copy of the order (whichever is the later).
- (3) The notice given to the contributor must:
  - (a) specify the estimated amount of the entitlement of the non-contributor spouse and how it was calculated, and
  - (b) specify the period within which payment of that entitlement is to be made, and
  - (c) specify the estimated effect of the payment on the entitlement of the contributor under the Police Superannuation Scheme.
- (4) The notice given to the non-contributor spouse must:
  - (a) specify the estimated amount of the entitlement of the non-contributor spouse and how it was calculated, and
  - (b) specify the circumstances in which the amount may be paid or released to the non-contributor spouse or must be transferred or rolled over to a complying superannuation fund or an RSA, and
  - (c) require the non-contributor spouse to nominate, within 28 days, whether the non-contributor spouse meets a circumstance for payment or release or, if not, to nominate a complying superannuation fund or an RSA to which the amount is to be paid, and
  - (d) specify that the amount will be credited to the First State Superannuation Fund if the nomination is not made within that period.

## Police Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

- 
- (5) For the purposes of section 14P (5) (b) of the Act, the prescribed period within which a nomination must be made by a non-contributor spouse is 28 days after the giving of the notice under this clause.
  - (6) STC is not required to give the notice if the superannuation interest ceases to be subject to a payment split within the notice period.

**19D Payment of family law superannuation entitlements**

- (1) If the amount of a family law superannuation entitlement is to be paid or released to a non-contributor spouse, the amount must be paid or released by STC when, or as soon as practicable after, a nomination is received under clause 19C (4).
- (2) If the amount of a family law superannuation entitlement is to be transferred or rolled over, the amount must be transferred or rolled over:
  - (a) to a complying superannuation fund or RSA nominated under this Part within 90 days of the nomination being made, or
  - (b) if no nomination is made within the period prescribed by this Part, to the First State Superannuation Fund within 90 days of the end of the period.
- (3) Nothing in subclause (2) (b) prevents STC from transferring or rolling over the amount of a family law superannuation entitlement to a complying superannuation fund or RSA if a nomination is made by a non-contributor spouse after the end of the period referred to in clause 19C (5).
- (4) STC must give to the contributor, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
  - (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the estimated amount of adjustment made to the benefit of the contributor.
- (5) STC must give to the non-contributor spouse, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:

## Police Superannuation Amendment (Family Law) Regulation 2008

## Schedule 1 Amendment

- 
- (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the name and contact details of the superannuation fund or RSA, if any, to which the amount was transferred or rolled over.

**Note.** Under regulation 59 of the *Family Law (Superannuation) Regulations 2001* of the Commonwealth, STC may charge reasonable fees in respect of payment splits, payment flags, flag lifting and other related matters. Such fees are payable in equal parts by the contributor and the non-contributor spouse.

**19E Reduction of benefits of contributors**

- (1) This clause applies if the amount of the family law superannuation entitlement of a non-contributor spouse is paid, released, transferred or rolled over under Part 4A of the Act (a *family law superannuation payment* is made).
- (2) A benefit payable to the contributor (including a benefit transferred under the Act), other than a deferred benefit, is to be reduced in accordance with this clause at the time it is paid to the contributor or transferred.
- (3) A deferred benefit of the contributor is to be reduced in accordance with this clause:
  - (a) if the election to make provision for the benefit was made before the superannuation entitlement of the non-contributor spouse was paid, released, transferred or rolled over, at the time the entitlement is paid, released, transferred or rolled over, or
  - (b) in any other case, when the election to make provision for the benefit takes effect.
- (4) The amount of the reduced benefit is to be calculated as follows:

$$r = v \times (1 - A \times C)$$

where:

*r* is the amount of the reduced benefit.

*v* is the amount of the benefit that would have been payable to the contributor if the family law superannuation payment had not been made.

*A* is the ratio of the amount paid in respect of the non-contributor spouse to the value of the benefit of the contributor when the payment split occurred.

## Police Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

*C* is the ratio of the benefit accrual when the payment split occurred to the benefit accrual when the benefit is payable or deferred or transferred (as the case requires).

- (5) If family law superannuation payments are made in respect of more than one spouse of the contributor, the amount of the reduced benefit (other than a deferred benefit) is to be calculated by applying to the amount of the benefit payable (as referred to in subclause (4)) the reduction factor for each family law superannuation payment. Each reduction factor is to be calculated as follows:

$$f = 1 - A \times C$$

where:

*f* is the reduction factor.

*A* and *C* have the same meanings as in subclause (4).

- (6) In this clause:

***benefit accrual*** at any point in time means the benefit accrual as at that time as determined by STC on actuarial advice.

***value of a benefit*** means the value of the benefit as determined by STC on actuarial advice.

**19F Effect of benefit reductions on superannuation allowances and other benefits**

- (1) STC may commute part of a superannuation allowance payable to a contributor for the purposes of payment of the family law superannuation entitlement of a non-contributor spouse and the amount of the superannuation allowance is to be reduced in accordance with clause 19E.
- (2) Any benefit payable under the Act to a person on the death of a contributor whose benefit has been, or is to be, reduced as a result of a family law superannuation payment is to be based on the amount of the benefit as so reduced.
- (3) Nothing in this Part affects any other right of a contributor or other person to commute a superannuation allowance or part of a superannuation allowance under the Act.

**19G Transitional provisions relating to existing family law superannuation entitlements**

- (1) This clause applies to a family law superannuation entitlement that arose under a superannuation agreement, flag lifting agreement or splitting order in force before the commencement of this Part (an ***existing entitlement***).

## Police Superannuation Amendment (Family Law) Regulation 2008

Schedule 1 Amendment

- 
- (2) If an existing entitlement consists of an interest that is not able to be calculated until a benefit becomes payable to a contributor or other person, it is taken to be operative for the purposes of section 14P of the Act when the benefit becomes so payable.
  - (3) For the purposes of the application of clause 19C to an existing entitlement, a nomination under clause 19C must be given by a non-contributor spouse within 3 months of being given notice under that clause.

**19H Transitional provision relating to all family law superannuation entitlements**

Clause 19C (2) does not apply in respect of a family law superannuation entitlement until 6 months after the commencement of this Part.



New South Wales

# Ports and Maritime Administration Amendment (Access Rules) Regulation 2008

under the

Ports and Maritime Administration Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Ports and Maritime Administration Act 1995*.

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

## Explanatory note

The object of this Regulation is to provide for the Minister for Ports and Waterways to:

- (a) set mandatory access standards for facilitating access by coal producers to the Kooragang and Carrington Coal Terminals at Newcastle, and
- (b) approve access rules proposed by the operator of the coal terminals (which are to be complied with by the operator until 30 June 2009).

This Regulation is made under the *Ports and Maritime Administration Act 1995*, including section 10B and Schedule 4.

Clause 1            Ports and Maritime Administration Amendment (Access Rules) Regulation  
                         2008

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## **Ports and Maritime Administration Amendment (Access Rules) Regulation 2008**

under the

Ports and Maritime Administration Act 1995

### **1 Name of Regulation**

This Regulation is the *Ports and Maritime Administration Amendment (Access Rules) Regulation 2008*.

### **2 Amendment of Ports and Maritime Administration Regulation 2007**

The *Ports and Maritime Administration Regulation 2007* is amended as set out in Schedule 1.



Ports and Maritime Administration Amendment (Access Rules) Regulation  
2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Part 2A

Insert after Part 2:

## Part 2A Mandatory access standards for Newcastle coal terminals

### 18A Definitions

In this Part:

*approved access rules* means access rules approved by the Minister under this Part.

*mandatory access standards* means standards set and notified by the Minister under this Part.

*Newcastle coal terminals* means land-based port facilities at Newcastle operated by Port Waratah Coal Services Limited and known as the Kooragang Coal Terminal and the Carrington Coal Terminal.

*the operator* of the Newcastle coal terminals means Port Waratah Coal Services Limited.

### 18B Minister may set mandatory access standards for Newcastle coal terminals

- (1) The Minister may set standards in connection with the operation of the Newcastle coal terminals in relation to access to those terminals during the period from 1 January 2009 to 30 June 2009, for the purpose of ensuring equitable access to those terminals during that period for all coal producers who seek it.
- (2) In setting those standards, the Minister is to have regard to the following:
  - (a) past usage of allocated access by applicants for access,
  - (b) the capacity of the terminals,
  - (c) the capacity of the port-related supply chain that connects to the terminals,
  - (d) the number and capacity of vessels available to use the terminals to load coal.
- (3) The Minister must notify the operator in writing of any standard set by the Minister under this clause.

Ports and Maritime Administration Amendment (Access Rules) Regulation  
2008

Schedule 1      Amendment

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**18C    Access rules**

- (1) The operator must provide the Minister with proposed rules (*access rules*) that will regulate the allocation of access by the operator to the Newcastle coal terminals, for the purpose of ensuring compliance by the operator with the mandatory access standards.
- (2) The Minister may direct the operator to review proposed access rules having regard to any matters directed by the Minister.
- (3) The Minister may approve proposed access rules either without modification or with such modifications as the Minister considers appropriate for ensuring compliance by the operator with the mandatory access standards.
- (4) The operator must ensure that the approved access rules are complied with by the operator during the period from 1 January 2009 to 30 June 2009.  
Maximum penalty: 500 penalty units.

**18D    Records and information**

- (1) The operator must keep such records and provide such information (including reports) to the Minister in connection with the operation of the approved access rules as the Minister may direct by notice in writing to the operator to facilitate the monitoring of compliance by the operator with the mandatory access standards.  
Maximum penalty: 250 penalty units.
- (2) The Minister may publish information provided to the Minister under this clause in such manner as the Minister thinks fit.



New South Wales

# Privacy and Personal Information Protection Amendment Regulation 2008

under the

Privacy and Personal Information Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Privacy and Personal Information Protection Act 1998*.

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

## Explanatory note

The object of this Regulation is to provide that the Department of Premier and Cabinet is exempt from the provisions of Part 6 (Public registers) of the *Privacy and Personal Information Protection Act 1998* with respect to the public register of professional lobbyists that is made available on the website of the Department. The provisions of that Part provide, amongst other things, that a public sector agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register.

This Regulation is made under the *Privacy and Personal Information Protection Act 1998*, including section 71 (the general regulation-making power).

Clause 1 Privacy and Personal Information Protection Amendment Regulation 2008

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## **Privacy and Personal Information Protection Amendment Regulation 2008**

under the

Privacy and Personal Information Protection Act 1998

### **1 Name of Regulation**

This Regulation is the *Privacy and Personal Information Protection Amendment Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Privacy and Personal Information Protection Regulation 2005**

The *Privacy and Personal Information Protection Regulation 2005* is amended by inserting the following after clause 6 (4):

- (5) The Department of Premier and Cabinet is exempt from the provisions of Part 6 of the Act with respect to the register of professional lobbyists that is made available for inspection on the website of the Department.



New South Wales

# Public Sector Employment and Management (General) Amendment (WYDCA Dissolution) Regulation 2008

under the

Public Sector Employment and Management Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Sector Employment and Management Act 2002*.

NATHAN REES, M.P.,  
Premier

## Explanatory note

The World Youth Day Co-ordination Authority is to be dissolved on 31 December 2008. Therefore, for the purposes of the audit of the financial report of that Authority due to take place in 2009, there will be no body to make the resolution (and no chief executive officer to sign a statement) required by section 41C of the *Public Finance and Audit Act 1983* or to forward the financial report and auditor's opinion to the relevant Minister as required by section 41D of that Act.

The object of this Regulation is to amend the *Public Sector Employment and Management (General) Regulation 1996* to provide that:

- (a) the Director-General of the Department of Premier and Cabinet may sign and give to the Auditor-General a statement of the kind referred to in section 41C (1B), and
- (b) that statement is taken for the purposes of section 41C to be a statement made in accordance with a resolution of the World Youth Day Co-ordination Authority and signed by the chief executive officer of that Authority, and
- (c) the Auditor-General, after all the functions conferred by section 41C have been performed, is to submit the financial report and the opinion under that section to the Director-General of the Department of Premier and Cabinet for submission to the relevant Minister.

This Regulation is made under the *Public Sector Employment and Management Act 2002*, including section 164 (the general regulation-making power) and clause 28 of Schedule 4 (Transitional provision consequent on dissolution of World Youth Day Co-ordination Authority).

Clause 1            Public Sector Employment and Management (General) Amendment  
                         (WYDCA Dissolution) Regulation 2008

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## **Public Sector Employment and Management (General) Amendment (WYDCA Dissolution) Regulation 2008**

under the

Public Sector Employment and Management Act 2002

### **1 Name of Regulation**

This Regulation is the *Public Sector Employment and Management (General) Amendment (WYDCA Dissolution) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 31 December 2008.

### **3 Amendment of Public Sector Employment and Management (General) Regulation 1996**

The *Public Sector Employment and Management (General) Regulation 1996* is amended as set out in Schedule 1.

Public Sector Employment and Management (General) Amendment  
(WYDCA Dissolution) Regulation 2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 103

Insert after clause 102:

#### 103 Transitional provision: final audit of WYDCA financial reports

- (1) The Director-General of the Department of Premier and Cabinet may sign and give to the Auditor-General a statement of the kind referred to in section 41C (1B) of the *Public Finance and Audit Act 1983* in relation to a financial report of the World Youth Day Co-ordination Authority.
- (2) The statement of the Director-General referred to in subclause (1) is taken for the purposes of section 41C of the *Public Finance and Audit Act 1983* to be a statement made in accordance with a resolution of the World Youth Day Co-ordination Authority and signed by the chief executive officer of that Authority.
- (3) Despite section 41D of the *Public Finance and Audit Act 1983*, after all the functions conferred by section 41C of that Act in relation to the financial report of the World Youth Day Co-ordination Authority have been performed, the Auditor-General or a person authorised by the Auditor-General is to submit the financial report and the opinion under that section to the Director-General of the Department of Premier and Cabinet for submission to the Minister for Planning (being the minister administering the *World Youth Day Act 2006* before its repeal).



New South Wales

# Rail Safety (Drug and Alcohol Testing) Regulation 2008

under the

Rail Safety Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2008*.

DAVID CAMPBELL, M.P.,  
Minister for Transport

## Explanatory note

The objects of this Regulation are as follows:

- (a) to set out the requirements for drug and alcohol management programs of rail transport operators,
- (b) to make it an offence for a rail safety worker to carry out rail safety work while the prescribed concentration of alcohol is present in the worker's breath or blood or while under the influence of alcohol or any other drug,
- (c) to set out the procedures for the testing of rail safety workers for alcohol or other drugs, on a random, incident-based or targeted basis, including requirements for testing after admission to hospital as a result of an accident while carrying out rail safety work,
- (d) to set out procedures for dealing with blood or urine samples taken under the Regulation and for the analysis of those samples,
- (e) to make it an offence to refuse, without a reasonable excuse, to undergo a breath test, an assessment of sobriety or a breath analysis or to provide a sample of blood or urine under the proposed Regulation,
- (f) to make it an offence for a medical practitioner or nurse, without a reasonable excuse, to refuse or fail to take a sample or to fail to comply with other requirements of the proposed Regulation,
- (g) to make it an offence to interfere or tamper with, or destroy, a sample of blood or urine provided under the proposed Regulation,



Rail Safety (Drug and Alcohol Testing) Regulation 2008

Explanatory note

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- (h) to enable evidence of the concentration of alcohol in breath or blood or of the presence or concentration of drugs, and of compliance with procedures for taking and dealing with samples, to be given in proceedings for offences under the proposed Regulation by certificates,
- (i) to require rail transport operators to notify the Independent Transport Safety and Reliability Regulator of positive analyses and tests confirming the presence of the prescribed concentration of alcohol or of a drug in a rail safety worker and other specified incidents relating to interference with testing and samples of blood or urine.

This Regulation is made under the *Rail Safety Act 2008*, including sections 19 and 174 (the general regulation-making power) and Schedule 1.

Rail Safety (Drug and Alcohol Testing) Regulation 2008

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Rail Safety (Drug and Alcohol Testing) Regulation 2008

Clause 1

Preliminary

Part 1

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## Rail Safety (Drug and Alcohol Testing) Regulation 2008

under the

Rail Safety Act 2008

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Rail Safety (Drug and Alcohol Testing) Regulation 2008*.

#### 2 Commencement

This Regulation commences on 1 January 2009.

#### 3 Definitions

(1) In this Regulation:

**analyst** means a person employed by the owner or operator of an approved laboratory as an analyst.

**approved laboratory** means:

- (a) in relation to blood samples—the laboratory at Lidcombe of the Division of Analytical Laboratories, Institute of Clinical Pathology and Medical Research, Western Sydney Area Health Service, and
- (b) in relation to urine samples—a laboratory that has been accredited by the National Association of Testing Authorities, Australia for the purposes of AS/NZS 4308:2008.

**AS/NZS 4308:2008** means Australian/New Zealand Standard AS/NZS 4308:2008 *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*.

**breath analysing instrument** and **breath analysis** have the same meanings as they have in the *Road Transport (Safety and Traffic Management) Act 1999*.

**breath test** means a test for the purpose of indicating the concentration of alcohol in a person's breath or blood, carried out on that person's breath by means of a device, not being a breath analysing instrument, of a type that complies with the requirements of AS 3547—1997, *Breath alcohol testing devices for personal use*, or of a type approved by the

Clause 3	Rail Safety (Drug and Alcohol Testing) Regulation 2008
Part 1	Preliminary

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Governor by order published in the Gazette for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

**drug** means:

- (a) alcohol, or
- (b) any other substance that is a drug within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*.

**heritage railway** means a railway operation principally involving the restoration, preservation or operation of vintage trains.

**hospital** means a public hospital or a private health facility, and includes any premises, institution or establishment that is a hospital for the purposes of section 19 of the *Road Transport (Safety and Traffic Management) Act 1999* or that is prescribed by the regulations.

**on-site drug screening device** means a device which determines the presence or absence of drugs in urine using an immunoassay technique that meets the screening test cut-off levels listed in Table 1 of AS/NZS 4308:2008.

**prescribed concentration of alcohol** means a concentration of 0.02 grammes or more of alcohol in 210 litres of breath or 100 millilitres of blood.

**prescribed incident** means any of the following that occur on railway premises:

- (a) a collision between trains,
- (b) a collision between a train and a person,
- (c) a collision between a train and a road vehicle or plant equipment,
- (d) the derailment of a train,
- (e) a breach of the rail infrastructure owner's safeworking rules,
- (f) any other incident that the ITSRR may, by notice in writing to a rail transport operator, declare to be a type of prescribed incident in respect of the operator's railway operations.

**sample**, in relation to urine, includes, if the sample is divided into portions, a portion of the sample.

**testing officer** means:

- (a) a person authorised for the time being under clause 4 as a testing officer, or
- (b) a rail safety officer.

**the Act** means the *Rail Safety Act 2008*.

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- (2) A reference in this Regulation to a police officer authorised by the Commissioner of Police to operate breath analysing instruments is a reference to a police officer so authorised under the *Road Transport (Safety and Traffic Management) Act 1999*.
  - (3) For the purposes of this Regulation, a thing is to be regarded as having been done by a medical practitioner or analyst if it is done by a person acting under the supervision or direction of the medical practitioner or analyst.
  - (4) For the purposes of this Regulation, a power to require a person to provide a sample of blood or urine includes a power to require a person to provide samples of any one or more of blood or urine.
  - (5) Notes included in the text of this Regulation do not form part of this Regulation.

#### **4 Authorisation of testing officers**

- (1) The ITSRR may, by notice in writing, authorise any person to be a testing officer for the purposes of exercising functions under this Regulation.
- (2) A rail transport operator may, by notice in writing, authorise any person to be a testing officer for the purposes of exercising functions under this Regulation.
- (3) The rail transport operator or the ITSRR may authorise as a testing officer:
  - (a) a person by name, or
  - (b) the holder from time to time of an office by reference to the title of the office concerned.
- (4) The authority of a testing officer authorised under this clause is limited:
  - (a) by any conditions or other limitations specified in the relevant notice of authorisation, and
  - (b) in the case of a testing officer authorised by a rail transport operator—to the railway specified in the accreditation of the operator.
- (5) The rail transport operator must furnish a testing officer authorised by the operator with a certificate of authorisation as a testing officer.
- (6) The ITSRR must furnish a testing officer authorised by the ITSRR with a certificate of authorisation as a testing officer.
- (7) A testing officer must, if requested to do so, produce the certificate of authorisation to any person required by the officer to submit to a breath test or to do any other thing under this Regulation.

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- (8) If a person is authorised as a testing officer by virtue of being the holder of an office, evidence that the testing officer holds the office concerned has the same effect as the production of a certificate of authorisation as a testing officer.
- (9) The ITSRR may, by notice in writing to a rail transport operator, revoke the authorisation of a person authorised as a testing officer by the operator.
- (10) The ITSRR may, by notice in writing, revoke the authorisation of a person authorised as a testing officer by the ITSRR.
- (11) A rail transport operator may, by notice in writing, revoke the authorisation of a person authorised as a testing officer by the operator.

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Clause 5

Drug and alcohol management programs

Part 2

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## **Part 2 Drug and alcohol management programs**

### **5 Matters to be included in drug and alcohol management programs**

The drug and alcohol management program of a rail transport operator must include the following:

- (a) guidelines and provision for training for managers and supervisors as to how to deal with rail safety workers whose work is or may be affected by the use of alcohol or other drugs,
- (b) confidentiality requirements and protocols for personal information obtained from rail safety workers during counselling, treatment or rehabilitation,
- (c) measures in accordance with clause 7,
- (d) a drug and alcohol policy in accordance with clause 8,
- (e) without limiting paragraph (f) or clause 9, an emphasis, in relation to rail safety workers, on drug and alcohol education and rehabilitation,
- (f) matters relating to rail safety workers in accordance with clause 9,
- (g) testing procedures in accordance with clause 10,
- (h) testing officer authorisation and training procedures in accordance with clauses 4 and 11.

### **6 Risk management principles to be applied**

In preparing a drug and alcohol management program, a rail transport operator must:

- (a) identify and assess any risks to the safety of the operator's railway operations that have arisen or may arise from the use of alcohol or other drugs by rail safety workers, and
- (b) specify the controls that are to be used by the operator to manage those risks to safety, and
- (c) include procedures for monitoring, reviewing and revising the adequacy of those controls.

### **7 Obligations of rail transport operators relating to use of alcohol or other drugs**

The drug and alcohol management program of a rail transport operator must provide for the following measures to be taken by or on behalf of the operator:

- (a) the prohibition or restriction of the availability of alcohol and other drugs to persons carrying out rail safety work,



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Part 2 Drug and alcohol management programs

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- (b) the establishment of rules relating to the use of alcohol and other drugs by rail safety workers,
- (c) the identification of rail safety workers who have alcohol or other drug related problems and, where appropriate, the referral of those workers for assessment, treatment and rehabilitation,
- (d) the use of appropriate personnel management practices, employment practices, working conditions and work arrangements to reduce any other alcohol or other drug related problems in the carrying out of railway operations,
- (e) the provision of leave, if appropriate in the circumstances, to rail safety workers for the purpose of rehabilitation and treatment programs,
- (f) the provision of information to rail safety workers about the rules relating to the use of alcohol or other drugs by rail safety workers and the risks to safety of railway operations and to personal health that may arise from the use of alcohol or other drugs by rail safety workers.

#### **8 Drug and alcohol policy**

The drug and alcohol policy of a rail transport operator must include:

- (a) the objectives of the rail transport operator in relation to the management of alcohol and other drugs, and related issues, in connection with the safety of each of the operator's railway operations, and
- (b) without limiting paragraph (a), the following objectives:
  - (i) the establishment of measures to achieve a workplace culture that supports fitness for work,
  - (ii) the reduction of risks to safety, absenteeism and other effects in the workplace of the consumption or use of alcohol and other drugs, and
- (c) the manner in which the objectives are to be achieved.

#### **9 Matters relating to rail safety workers**

- (1) The drug and alcohol management program of a rail transport operator is to set out the obligations of rail safety workers with respect to the management of alcohol and other drug use and is to set out the actions, including disciplinary sanctions, that may be taken by the rail transport operator if there is a breach of those obligations.

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Clause 9

Drug and alcohol management programs

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- (2) Without limiting subclause (1), the program is to provide for the following:
- (a) a requirement that a rail safety worker notify the rail transport operator or a nominated person if the worker is aware that the safety of rail safety work may be affected because the worker, or another worker, is affected by alcohol or any other drug (including a drug prescribed for the worker for medical or therapeutic purposes),
  - (b) the provision of education and rehabilitation measures for rail safety workers (not limited to workers who identify themselves to the operator as someone who may need those measures), including provision for information to be provided about referral to counselling, treatment and rehabilitation services (where appropriate),
  - (c) the provision of information to rail safety workers about their responsibilities, in relation to alcohol and other drug use, under the Act and this Regulation, as well as their responsibilities under the program,
  - (d) the provision of information to rail safety workers about the problems arising from the consumption or use of alcohol or other drugs and the disciplinary sanctions and other penalties applicable to workers whose work is affected by the consumption or use of alcohol or other drugs,
  - (e) appeals against disciplinary sanctions relating to the use of alcohol or other drugs,
  - (f) grievance mechanisms for dealing with complaints about the application of sanctions or the implementation of the drug and alcohol management program,
  - (g) protocols for fair procedures relating to the operation of the drug and alcohol management program and testing under this Regulation, including (but not limited to) the following matters:
    - (i) provision for privacy of individuals required to produce samples for urine testing,
    - (ii) provision for sufficient time for producing urine samples,
    - (iii) a requirement that testing, as far as practicable, take place during working hours,
    - (iv) a requirement that adequate toilet or bathroom facilities be available for persons required to produce samples for urine testing,
    - (v) a requirement that the same processes apply to all rail safety workers, having regard to any applicable medical, cultural or religious constraints,

Clause 10	Rail Safety (Drug and Alcohol Testing) Regulation 2008
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- (h) without limiting paragraph (g), protocols for fair procedures, education and assistance to rail safety workers who test positive for a prescribed medication, taken in accordance with instructions, for an identified medical condition and who have previously notified that they are taking the medication.

#### **10 Testing procedures**

- (1) The drug and alcohol management program of a rail transport operator must provide for testing on a random basis in accordance with Part 4, using risk management principles to select rail safety workers, of not less than 25% of the operator's rail safety workers in each year.
- (2) The drug and alcohol management program of a rail transport operator must provide for the testing of the operator's rail safety workers in accordance with Part 4 and clause 28.
- (3) Without limiting subclause (2) or Part 4, the drug and alcohol management program of a rail transport operator must require the testing of a rail safety worker if the operator has reasonable cause to believe that the worker is under the influence of alcohol or any other drug.
- (4) Subclause (1) does not apply to a rail transport operator engaged only in railway operations relating to the operation of a heritage railway.

#### **11 Testing officers**

- (1) This clause applies to testing officers authorised by a rail transport operator.
- (2) The drug and alcohol management program of a rail transport operator must set out:
  - (a) training requirements for testing officers that are approved by the ITSRR for the purposes of this clause, and
  - (b) requirements for qualifications of persons who provide the training that are approved by the ITSRR for the purposes of this clause.
- (3) The drug and alcohol management program of a rail transport operator must provide for the updating and revision of training requirements for testing officers.
- (4) As soon as practicable after any training is completed, a rail transport operator must give a testing officer a written training statement, signed by the person who conducted the training, setting out the following matters:
  - (a) the type and content of the training completed by the testing officer,

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- (b) the dates on which training was provided,
  - (c) the name of the person who conducted the training.
- (5) A rail transport operator must keep the following records of persons authorised by the operator as testing officers:
- (a) the names of the testing officers or of offices the holders of which are designated as testing officers,
  - (b) the responsibilities of each such testing officer under the drug and alcohol management program,
  - (c) copies of any statements issued under subclause (4).
- Maximum penalty (subclauses (4) and (5)): 20 penalty units.

Clause 12 Rail Safety (Drug and Alcohol Testing) Regulation 2008

Part 3 Offences relating to alcohol or other drugs

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### Part 3 Offences relating to alcohol or other drugs

#### 12 Offence—carrying out rail safety work with prescribed concentration of alcohol in breath or blood

A rail safety worker who carries out rail safety work while the prescribed concentration of alcohol is present in the worker's breath or blood is guilty of an offence.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

#### 13 Offence—carrying out rail safety work while under influence of alcohol or other drug

(1) A rail safety worker who carries out rail safety work while under the influence of alcohol or any other drug is guilty of an offence.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

(2) If a person is charged with an offence under this clause:

(a) the document commencing proceedings may allege the person was under the influence of more than one drug and is not liable to be dismissed on the ground of uncertainty or duplicity if each of those drugs is described in the document, and

(b) the offence is proved if the court is satisfied beyond reasonable doubt that the defendant was under the influence of:

(i) a drug described in the document commencing proceedings, or

(ii) a combination of drugs any one or more of which was or were described in the document.

#### 14 Double jeopardy

(1) A rail safety worker is not liable to be convicted of both:

(a) an offence under clause 12 of carrying out rail safety work while the prescribed concentration of alcohol is present in the worker's breath or blood, and

(b) an offence under clause 13 of carrying out that rail safety work while under the influence of alcohol or any other drug.

(2) A rail safety worker is not liable to be convicted of both:

(a) an offence under clause 13 of carrying out rail safety work while under the influence of alcohol or any other drug, and

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- (b) an offence under clause 27 of refusing or failing to submit to a breath analysis or to provide a sample of blood or urine in connection with the carrying out of that rail safety work.

Clause 15 Rail Safety (Drug and Alcohol Testing) Regulation 2008

Part 4 Testing for alcohol or other drugs

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## Part 4 Testing for alcohol or other drugs

### 15 Random and targeted testing of rail safety workers

- (1) A testing officer may require any rail safety worker who the officer has reasonable cause to believe is on duty for the purpose of carrying out rail safety work, or who the officer has reasonable cause to believe is about to carry out rail safety work:
  - (a) to undergo a breath test in accordance with the directions of the officer, or
  - (b) to provide a sample of the worker's urine for the purpose of testing for the presence of drugs,or both.
- (2) The selection of a rail safety worker for testing may be conducted on a random or targeted basis.
- (3) A rail safety worker may be:
  - (a) breath tested or required to undergo breath analysis whether or not there is any suspicion that the worker has recently consumed alcohol, or
  - (b) required to provide a urine sample whether or not there is any suspicion that the worker has recently taken drugs.
- (4) In the case of a rail safety worker who was about to carry out rail safety work, the result of any such breath test (or of any subsequent breath or other analysis) or the result of any such testing or analysis performed on a sample of the worker's urine may be used for the purposes of any disciplinary proceedings against the worker, but is not admissible in any proceedings for an offence under this Regulation.
- (5) For the purposes of this clause, a rail safety worker is to be regarded as being about to carry out rail safety work if the worker:
  - (a) has left home or a temporary residence for work (being rail safety work), and
  - (b) has not commenced work after having so left home or the temporary residence.

### 16 Testing of rail safety workers in specified situations

- (1) A testing officer or a police officer who has reasonable cause to believe that a rail safety worker has been involved in an accident or irregular incident while carrying out rail safety work may require the worker:
  - (a) to undergo a breath test in accordance with the directions of the officer, or

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(b) to provide a sample of the worker's urine for the purpose of testing for the presence of drugs, or both.

(2) Nothing in this clause limits clause 15.

**17 Assessment of sobriety if breath testing device not available**

(1) If:

(a) a testing officer or a police officer is entitled under this Regulation to require a rail safety worker to undergo a breath test, and

(b) the device required to carry out the breath test is not readily available,

the officer may require the worker to submit to an assessment of the worker's sobriety in accordance with the directions of the officer.

(2) A requirement that a rail safety worker submit to such an assessment is not open to challenge in any proceedings on the basis that the device was readily available.

**18 Breath analysis of rail safety workers following breath testing**

(1) If:

(a) it appears to a testing officer or a police officer as a result of a breath test or assessment under this Regulation that the prescribed concentration of alcohol may be present in a rail safety worker's breath or blood, or

(b) a rail safety worker who is required by a testing officer or a police officer to undergo a breath test or to submit to an assessment under this Regulation refuses or fails to do so in accordance with the directions of the officer,

the officer may require the worker to submit to a breath analysis in accordance with the directions of the officer.

(2) If a police officer is entitled to require a rail safety worker to submit to a breath analysis, the officer may:

(a) arrest the worker without a warrant, and

(b) take the worker with such force as may be necessary to a police station or such other place as the officer considers desirable and there detain the worker for the purposes of the breath analysis.

(3) If a testing officer is entitled to require a rail safety worker to submit to a breath analysis, the officer may direct the worker to attend the nearest police station, or such other place as the officer may reasonably require, and there submit to a breath analysis.



Clause 19 Rail Safety (Drug and Alcohol Testing) Regulation 2008

Part 4 Testing for alcohol or other drugs

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- (4) A breath analysis must be carried out by:
- (a) a testing officer, or
  - (b) a police officer authorised by the Commissioner of Police to operate breath analysing instruments,
- at or near a police station or such other place as the officer considers desirable.
- (5) As soon as practicable after a rail safety worker has submitted to a breath analysis the testing officer or police officer operating the breath analysing instrument must deliver to the worker a statement in writing signed by the officer specifying:
- (a) the concentration of alcohol determined by the analysis to be present in the worker's breath or blood and expressed in grammes of alcohol in 210 litres of breath or 100 millilitres of blood, and
  - (b) the day on which and time of the day at which the breath analysis was completed.
- (6) A rail safety worker who is required to submit to a breath analysis may request the testing officer or police officer making the requisition to arrange for the taking (in the presence of a testing officer or a police officer) of a sample of the worker's blood for analysis, at the worker's own expense, by:
- (a) a medical practitioner nominated by the worker, or
  - (b) a medical practitioner nominated by the officer at the worker's request.
- (7) The making of any such request or the taking of a sample of a rail safety worker's blood does not relieve the worker from the obligation imposed on the worker to submit to a breath analysis in accordance with this clause.

**19 Blood or urine samples taken at hospitals from rail safety workers involved in accidents in carrying out rail safety work**

- (1) If a rail safety worker attends or is admitted to a hospital for examination or treatment because the worker has been involved in an accident while carrying out rail safety work, a testing officer or police officer may require the worker to provide as soon as practicable a sample of the worker's blood or urine in accordance with the directions of a medical practitioner who attends the worker at the hospital.
- (2) If there is no medical practitioner present to attend the person at the hospital, the blood or urine sample is to be taken by a registered nurse who is accredited by a hospital as competent to perform the sampling procedures.

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Testing for alcohol or other drugs

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- (3) Any such medical practitioner or nurse must take the sample if informed by the testing officer or police officer that the sample is required to be taken by the practitioner or nurse under this Regulation.
  - (4) A requirement under subclause (1) need not be made directly to the rail safety worker concerned but may be made through a medical practitioner or any such nurse who attends the worker at the hospital.

## **20 Additional circumstances when blood or urine samples may be taken**

- (1) A testing officer may require a rail safety worker to provide a sample of the worker's blood or urine if:
  - (a) the officer is entitled under this Regulation to require the worker to submit to a breath analysis, and
  - (b) a breath analysing instrument is not readily available.
- (2) A testing officer who has a reasonable belief that, by the way in which a rail safety worker was acting, the worker might be under the influence of a drug, may require the worker to provide a sample of the worker's blood or urine if:
  - (a) the worker has undergone a breath test in accordance with this Regulation, and
  - (b) the result of the test does not permit the worker to be required to submit to a breath analysis, and
  - (c) the officer has required the worker to submit to a sobriety assessment and:
    - (i) the worker refuses to submit to the assessment, or
    - (ii) after the assessment is made, the officer has a reasonable belief that the worker is under the influence of a drug.

**Note.** Under clause 15, a rail safety worker may be required at any time to provide a urine sample.
- (3) A requirement that a rail safety worker provide a sample is not open to challenge in any proceedings on the basis that a breath analysing instrument was readily available.

## **21 Taking of blood or urine samples**

- (1) This clause applies if a testing officer or a police officer is entitled under this Regulation to require a rail safety worker to provide a sample of the worker's blood or urine.
- (2) The officer may require the rail safety worker to provide the sample of urine in accordance with the directions of the officer.

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- (3) The officer may require the rail safety worker to provide the sample of blood at a hospital in accordance with the directions of a medical practitioner who attends the worker.
  - (4) If there is no medical practitioner present to attend the rail safety worker at the hospital, the blood sample is to be taken by a registered nurse who is accredited by a hospital as competent to perform the sampling procedures.
  - (5) Any such medical practitioner or nurse must take a sample of blood if informed by the testing officer or police officer that the sample is required to be taken by the practitioner or nurse under this Regulation.
  - (6) If a police officer is entitled to require a rail safety worker to provide a sample of blood, the officer may:
    - (a) arrest the worker without a warrant, and
    - (b) take the worker with such force as may be necessary to a hospital and there detain the worker for the purpose of obtaining the sample.
  - (7) If a testing officer is entitled to require a rail safety worker to provide a sample of blood, the officer may direct the worker to attend the nearest hospital for the purpose of obtaining the sample.

**22 Restrictions on requiring breath test, assessment, breath analysis or sample**

A testing officer or a police officer must not require a rail safety worker to undergo a breath test, submit to an assessment or a breath analysis or provide a sample of blood or urine:

- (a) if the worker has been admitted to a hospital for medical treatment, unless the medical practitioner who attends the worker at the hospital (or, if no medical practitioner is present to attend the person, a registered nurse who is accredited by a hospital as competent to perform the sampling procedures) has been notified of the intention to make the requisition and the medical practitioner or nurse does not object on the ground that compliance would be prejudicial to the proper care or treatment of the worker, or
- (b) if it appears to the officer that it would (because of injuries sustained by the worker) be dangerous to the worker's medical condition if the worker complied with the requisition, or
- (c) at any time after the expiration of 3 hours from the time the worker carried out the rail safety work (or was due to commence the rail safety work) to which the requisition relates, or

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- (d) in the case of a person other than a worker who has been involved in an accident or irregular incident while carrying out rail safety work, after the worker has ceased to be on duty on a particular day, or
  - (e) at the worker's home.

**23 Action to be taken with respect to blood samples**

- (1) A medical practitioner, nurse or other person by whom a sample of a rail safety worker's blood is taken under this Regulation must:
  - (a) place the sample into a container, and
  - (b) fasten and seal the container, and
  - (c) mark or label the container for future identification, and
  - (d) give to the person from whom the sample is taken a certificate relating to the sample that contains sufficient information to enable the sample to be identified as a sample of that person's blood, and
  - (e) as soon as reasonably practicable after the sample is taken, hand the sample to the testing officer or police officer who was present at the time the sample was taken.
- (2) The testing officer or police officer to whom a sample of blood is handed under subclause (1) must:
  - (a) immediately on being handed the sample, place the sample in a security box of a type approved by the Commissioner of Police and lock the box, and
  - (b) as soon as reasonably practicable thereafter, arrange for the sample to be submitted to an approved laboratory for analysis by an analyst to determine the concentration of alcohol (and, where required, of other drugs) in the blood.
- (3) The person from whom the sample was taken may, within 12 months after the taking of the sample, apply to the laboratory referred to in subclause (2) for a portion of the sample to be sent, for analysis at that person's own expense, to a medical practitioner or laboratory nominated by that person.

**24 Action to be taken with respect to urine samples**

- (1) If a testing officer or police officer requires a rail safety worker to provide a sample of urine, the sample must be collected in accordance with section 2 of AS/NZS 4308:2008.
- (2) The testing officer or police officer who required the worker to provide a sample must arrange for the sample to be submitted for screening testing.

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- (3) Screening testing may be carried out:
  - (a) at the place where the sample was taken, using an on-site drug screening device, or
  - (b) by an analyst at an approved laboratory, in accordance with section 4 of AS/NZS 4308:2008.
- (4) A sample that is submitted for screening testing or confirmatory testing at an approved laboratory is to be transported in accordance with section 2 of AS/NZS 4308:2008.
- (5) If screening testing of the sample indicates that the urine contains a drug or drugs:
  - (a) in the case of a screening test conducted in accordance with subclause (3) (a)—the testing officer or police officer who required the worker to provide the sample must arrange for the sample to be submitted to an analyst at an approved laboratory for confirmatory testing in accordance with clause 25, or
  - (b) in the case of a screening test conducted in accordance with subclause (3) (b)—the analyst or another analyst at an approved laboratory is to conduct confirmatory testing in accordance with clause 25.
- (6) If confirmatory testing determines that a urine sample contains a drug or drugs, the person from whom the sample was taken may, within 3 months after the taking of the sample, apply to the laboratory at which the sample is being kept for a portion of the sample to be sent for analysis, at the person's own expense, to an approved laboratory nominated by the person.
- (7) Samples are to be stored in accordance with section 3 of AS/NZS 4308:2008.

## **25 Analysis of samples**

- (1) An analyst to whom a sample of blood is submitted for analysis under clause 23 may carry out an analysis of the sample, or of a portion of the sample, to determine the concentration of alcohol in the blood or to determine whether the blood contains alcohol or another drug or drugs, as the case requires.
- (2) An analyst to whom a sample of urine is submitted for analysis under clause 24 may carry out confirmatory testing on the sample, or a portion of the sample, to determine whether the urine contains a drug or drugs. The confirmatory testing must be carried out, and a report provided, in accordance with section 5 of AS/NZS 4308:2008.
- (3) Confirmatory testing under subclause (2) may be carried out only if screening testing determines that the urine contains a drug or drugs.

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- (4) Without limiting subclause (2), the ITSRR may, generally or in a particular case or class of cases, direct that an analysis is to be carried out in order to determine whether there is present in a sample a drug specified in Schedule 1 to the *Drug Misuse and Trafficking Act 1985*.

**26 Medical practitioners, nurses and testing officers—protection from liability**

- (1) No civil or criminal liability is incurred by a medical practitioner or nurse (nor by any person acting under the supervision or direction of the medical practitioner or nurse) in respect of anything properly and necessarily done by the practitioner or nurse in the course of taking a sample of blood or urine from a person if the practitioner or nurse:
- (a) believed on reasonable grounds that the practitioner or nurse was required under this Regulation to take the sample of blood or urine from the person, or
  - (b) was informed by a testing officer or a police officer that the person was a person from whom the practitioner or nurse was required under this Regulation to take the sample of blood or urine.
- (2) No civil or criminal liability is incurred by a testing officer in respect of anything properly and necessarily done by the officer in the course of administering a breath test or breath analysis, conducting an assessment of sobriety or taking a sample of urine in the exercise of the functions of a testing officer under this Regulation.

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Part 5	Offences relating to testing for alcohol or other drugs

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## **Part 5 Offences relating to testing for alcohol or other drugs**

### **27 Refusal to be tested**

- (1) Any rail safety worker who, when required under this Regulation to do so, refuses or fails:
  - (a) to undergo a breath test, or
  - (b) to submit to an assessment,in accordance with this Regulation is guilty of an offence.  
Maximum penalty: 10 penalty units.
- (2) Any rail safety worker who, when required under this Regulation to do so, refuses or fails:
  - (a) to submit to a breath analysis, or
  - (b) to provide a sample of his or her own blood or urine,in accordance with this Regulation is guilty of an offence.  
Maximum penalty: 25 penalty units or imprisonment for 9 months, or both.
- (3) It is a defence to a prosecution for an offence under this clause if the defendant satisfies the court that the defendant was unable on medical grounds to comply with the requirement concerned.

### **28 Failure to conduct test**

A rail transport operator must not, without reasonable excuse, fail to ensure that a rail safety worker is required:

- (a) to undergo a breath test and, if it appears to the testing officer as a result of the breath test that the prescribed concentration of alcohol may be present in the worker's breath or blood, a breath analysis, or
  - (b) to provide a sample of blood or urine,
- or both, within 3 hours immediately after the worker is involved, or is reasonably suspected of being involved, in a prescribed incident while carrying out rail safety work.
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- Maximum penalty: 250 penalty units.

### **29 Interfering with results of test**

- (1) A rail safety worker who does anything to introduce, or alter the concentration of, alcohol or any other drug in the worker's breath, blood or urine before submitting to a breath analysis or providing a sample of blood or urine under this Regulation is guilty of an offence if the worker

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does so for the purpose of preventing or restricting the use of the results of the analysis in any proceedings against the worker.

Maximum penalty: 25 penalty units or imprisonment for 9 months, or both.

- (2) A rail safety worker who does anything, or causes anything to be done, to introduce, or alter the concentration of, alcohol or any other drug in a rail safety worker's breath, blood or urine before the worker submits to a breath analysis or provides a sample of blood or urine under this Regulation is guilty of an offence if the worker does so for the purpose of preventing or restricting the use of the results of the analysis in any proceedings against the worker.

Maximum penalty: 25 penalty units or imprisonment for 9 months, or both.

### **30 Taking of samples**

- (1) Any medical practitioner or nurse who, when required under this Regulation to take a sample of blood or urine from a rail safety worker:
- (a) refuses or fails to take the sample, or
  - (b) does not comply with the requirements of clause 23 or 24 with respect to any sample taken,

is guilty of an offence.

Maximum penalty: 10 penalty units.

- (2) It is a defence to a prosecution for an offence under subclause (1) if the medical practitioner or nurse satisfies the court that:
- (a) the practitioner or nurse believed on reasonable grounds that the taking of the sample from the rail safety worker would be prejudicial to the proper care and treatment of the worker, or
  - (b) the practitioner or nurse was, because of the behaviour of the rail safety worker, unable to take the sample, or
  - (c) there was other reasonable cause for the practitioner or nurse not to take the sample.

- (3) Any person who, when taking a sample of blood or urine from a rail safety worker, does not comply with the requirements of clause 23 or 24 with respect to any sample taken is guilty of an offence.

Maximum penalty: 10 penalty units.

- (4) A person who hinders or obstructs a medical practitioner, nurse or other person in attempting to take a sample of the blood or urine of any other person under this Regulation is guilty of an offence.

Maximum penalty: 20 penalty units.



Clause 31	Rail Safety (Drug and Alcohol Testing) Regulation 2008
Part 5	Offences relating to testing for alcohol or other drugs

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### **31 Interfering or tampering with, or destroying, samples**

A person must not interfere or tamper with a sample of a person's blood or urine provided or taken under this Regulation, or destroy such a sample unless the sample is destroyed:

- (a) by or at the direction of an analyst in the course of or on completion of analysis, or
- (b) in the case of a sample handed to a person on behalf of a rail safety worker, by or at the direction of the person, or
- (c) in the case of a blood sample, after the expiration of 12 months commencing on the day on which the sample was taken, or
- (d) in the case of a urine sample, after the expiration of 3 months commencing on the day on which the sample was taken.

Maximum penalty: 20 penalty units.

Rail Safety (Drug and Alcohol Testing) Regulation 2008

Clause 32

Certificate evidence in proceedings

Part 6

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## Part 6 Certificate evidence in proceedings

### 32 Certificate evidence of concentration of alcohol in breath or blood determined by breath analysis

- (1) In proceedings for an offence under clause 12, evidence may be given of the concentration of alcohol present in the breath or blood of the person charged, as determined by a breath analysing instrument operated by:
  - (a) a testing officer, or
  - (b) a police officer authorised by the Commissioner of Police to operate breath analysing instruments.
- (2) The concentration of alcohol so determined is taken to be the concentration of alcohol in the breath or blood of the person at the time the person carried out the rail safety work to which the breath analysis relates if the breath analysis was made within 3 hours after that time, unless the defendant proves that the concentration of alcohol in the defendant's breath or blood at that time was less than 0.02 grammes of alcohol in 210 litres of breath or 100 millilitres of blood.
- (3) In proceedings for an offence under clause 12, a certificate purporting to be signed by a testing officer or a police officer and certifying that:
  - (a) the officer is duly authorised as a testing officer or (as the case requires) the police officer is authorised by the Commissioner of Police to operate breath analysing instruments, and
  - (b) the person named in the certificate submitted to a breath analysis, and
  - (c) the apparatus used by the officer to make the breath analysis was a breath analysing instrument within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, and
  - (d) the analysis was made on the day and completed at the time stated in the certificate, and
  - (e) a concentration of alcohol (determined by that breath analysing instrument and expressed in grammes of alcohol in 210 litres of breath or 100 millilitres of blood) was present in the breath or blood of that person on the day and at the time stated in the certificate, and
  - (f) a statement in writing required by clause 18 (5) was delivered in accordance with that subclause,is prima facie evidence of the particulars certified in and by the certificate.

Clause 33	Rail Safety (Drug and Alcohol Testing) Regulation 2008
Part 6	Certificate evidence in proceedings

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- (4) In proceedings for an offence under clause 12, a certificate purporting to be signed by the Commissioner of Police that the police officer named in the certificate is authorised by the Commissioner of Police to operate breath analysing instruments is prima facie evidence of the particulars certified in and by the certificate.
- (5) In any proceedings for an offence under clause 12, evidence of the condition of a breath analysing instrument or the manner in which it was operated is not to be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.

**33 Certificate evidence of concentration of alcohol in blood determined by analysis of blood sample**

- (1) In proceedings for an offence under clause 12, evidence may be given of the concentration of alcohol present in the blood of the person charged, as determined by an analysis under this Regulation of a sample of the person's blood.
- (2) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the person charged at the time the person carried out the rail safety work to which the analysed sample of blood relates, if that sample of blood was taken within 3 hours after that time, unless the defendant proves that the concentration of alcohol in the defendant's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of the blood.
- (3) In proceedings for an offence under clause 12, a certificate purporting to be signed by a medical practitioner or nurse and certifying any one or more of the following matters:
  - (a) that the practitioner or nurse was a medical practitioner or nurse who attended a specified person at a hospital,
  - (b) that the practitioner or nurse took a sample of the person's blood in accordance with this Regulation on the day and at the time stated in the certificate,
  - (c) that the practitioner or nurse dealt with the sample in accordance with clause 23,
  - (d) that the practitioner or nurse used equipment of a specified description in so taking and dealing with the sample,
  - (e) that the container was sealed, and marked or labelled, in a specified manner,is prima facie evidence of the particulars certified in and by the certificate.

Rail Safety (Drug and Alcohol Testing) Regulation 2008

Clause 33

Certificate evidence in proceedings

Part 6

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- (4) In proceedings for an offence under clause 12, a certificate purporting to be signed by a testing officer or a police officer and certifying any one or more of the following matters:
- (a) that the officer received a sample of a specified person's blood taken in accordance with this Regulation,
  - (b) that the officer arranged for the sample to be submitted for analysis by an analyst to determine the concentration of alcohol in the blood,
  - (c) that the container was sealed, and marked or labelled, in a specified manner,
- is prima facie evidence of the particulars certified in and by the certificate.
- (5) In proceedings for an offence under clause 12, a certificate purporting to be signed by an analyst and certifying any one or more of the following matters:
- (a) that the analyst received, on a specified day, a sample of a specified person's blood in a container submitted for analysis under this Regulation,
  - (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
  - (c) that, on receipt by the analyst of the container, the seal was unbroken,
  - (d) that the analyst carried out an analysis of the sample to determine the concentration of alcohol in the sample,
  - (e) that the concentration of alcohol determined pursuant to the analysis and expressed in grammes of alcohol in 100 millilitres of blood was present in that sample,
  - (f) that the analyst was, at the time of the analysis, employed by the owner or operator of an approved laboratory as an analyst,
- is prima facie evidence of the matters set out in subclause (6).
- (6) A certificate under subclause (5) is prima facie evidence:
- (a) of the particulars certified in and by the certificate, and
  - (b) that the sample was a sample of the blood of that specified person, and
  - (c) that the sample had not been tampered with before it was received by the analyst.

Clause 34	Rail Safety (Drug and Alcohol Testing) Regulation 2008
Part 6	Certificate evidence in proceedings

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### 34 Certificate evidence of presence of drugs

- (1) In proceedings for an offence under clause 13:
- (a) evidence may be given of:
    - (i) the presence of a drug, or
    - (ii) the presence of a particular concentration of a drug, in the blood or urine of the person charged, as determined pursuant to an analysis under this Regulation of a sample of the person's blood or urine, and
  - (b) the drug the presence of which is so determined or the particular concentration of the drug the presence of which is so determined, as the case may be, is taken to have been present in the blood or urine of that person at the time the person carried out the rail safety work to which the analysed sample relates,
- if the sample was taken within 3 hours after that time, unless the defendant proves the absence of the drug, or the presence of the drug in a different concentration, at that time.
- (2) In proceedings for an offence under clause 13, a certificate purporting to be signed by a medical practitioner or nurse and certifying any one or more of the following matters:
- (a) that the practitioner or nurse was a medical practitioner or nurse who attended a specified person at a hospital,
  - (b) that the practitioner or nurse took a sample of the person's blood or urine in accordance with this Regulation on the day and at the time stated in the certificate,
  - (c) that the practitioner or nurse dealt with the sample in accordance with clause 23 or 24,
- is prima facie evidence of the particulars certified in and by the certificate.
- (3) In proceedings for an offence under clause 13, a certificate purporting to be signed by a person and certifying any one or more of the following matters:
- (a) that the person took a sample of a person's urine in accordance with this Regulation on the day and at the time stated in the certificate,
  - (b) that the person dealt with the sample in accordance with clause 23 or 24,
- is prima facie evidence of the particulars certified in and by the certificate.

Rail Safety (Drug and Alcohol Testing) Regulation 2008

Clause 34

Certificate evidence in proceedings

Part 6

- 
- (4) In proceedings for an offence under clause 13, a certificate purporting to be signed by a testing officer or a police officer and certifying any one or more of the following matters:
- (a) that the officer received a sample of a specified person's blood or urine taken in accordance with this Regulation,
  - (b) that the officer arranged for the sample to be submitted for analysis (or testing and analysis) by an analyst to determine whether any drug was present in the sample,
  - (c) that the container was sealed, and marked or labelled, in a specified manner,
- is prima facie evidence of the particulars certified in and by the certificate.
- (5) In proceedings for an offence under clause 13, a certificate purporting to be signed by an analyst and certifying any one or more of the following matters:
- (a) that the analyst received, on a specified day, a sample of a specified person's blood or urine in a container submitted for analysis (or testing and analysis) under this Regulation,
  - (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
  - (c) that, on receipt by the analyst of the container, the seal was unbroken,
  - (d) that the analyst carried out an analysis of the sample to determine whether any drug was present in the sample,
  - (e) that a specified drug ascertained pursuant to the analysis was present in that sample and, if so certified, was present in that sample in a specified concentration,
  - (f) that the analyst was, at the time of the analysis, employed by the owner or operator of an approved laboratory as an analyst,
- is prima facie evidence of the matters set out in subclause (6).
- (6) A certificate under subclause (5) is prima facie evidence:
- (a) of the particulars certified in and by the certificate, and
  - (b) that the sample was a sample of the blood or urine of that specified person, and
  - (c) that the sample had not been tampered with before it was received by the analyst.
- (7) Nothing in this clause enables evidence to be given of or in relation to:
- (a) the presence of a drug other than alcohol, or

Clause 35 Rail Safety (Drug and Alcohol Testing) Regulation 2008

Part 6 Certificate evidence in proceedings

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(b) the presence of a particular concentration of a drug other than alcohol,

in the blood or urine of a person charged with an offence under clause 13, as determined by an analysis of a sample obtained under clause 19.

**35 Certificate evidence of authorisation of testing officer**

In proceedings for an offence under this Regulation, a certificate purporting to be signed by the ITSRR and certifying that the officer named in the certificate is a testing officer is prima facie evidence of the particulars certified in and by the certificate.

Rail Safety (Drug and Alcohol Testing) Regulation 2008

Clause 36

Miscellaneous

Part 7

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## Part 7 Miscellaneous

### 36 Notification of drug and alcohol testing

- (1) A rail transport operator is to notify the ITSRR, in a form approved by the ITSRR, of the following:
- (a) any analysis of blood confirming the presence of a drug (other than alcohol) in the blood of a rail safety worker,
  - (b) any analysis of blood confirming that the prescribed concentration of alcohol is present in the rail safety worker's blood,
  - (c) any analysis of urine confirming the presence of a drug in the urine of a rail safety worker,
  - (d) any breath test indicating that the prescribed concentration of alcohol is present in the rail safety worker's breath or blood,
  - (e) any breath analysis confirming that the prescribed concentration of alcohol is present in the rail safety worker's breath or blood,
  - (f) any rail safety worker who, when required to do so under this Regulation, fails to undergo a breath test, undergo a breath analysis, or provide a sample of blood or urine,
  - (g) any incident or suspected incident involving the interference or tampering with, or the destruction of, a sample of a person's blood or urine provided or taken under this Regulation in contravention of this Regulation,
  - (h) any incident or suspected incident involving something being done in contravention of this Regulation to introduce, or alter the concentration of, alcohol or any other drug in a rail safety worker's breath, blood or urine before the worker submitted to a breath analysis or provided a sample of blood or urine under this Regulation.
- Note.** Clause 3 of this Regulation provides that drug includes alcohol.
- (2) A rail transport operator is to provide the ITSRR with statistical reports relating to the conduct of alcohol and other drug testing at such times as are requested by the ITSRR, in the form provided by the ITSRR for that purpose.

### 37 Savings and transitional provisions

- (1) The *Rail Safety (Drug and Alcohol Testing) Regulation 2003* (the **old Regulation**), as in force immediately before the commencement of this Regulation, continues to apply in respect of any sample of urine or blood collected before that commencement.



Clause 37 Rail Safety (Drug and Alcohol Testing) Regulation 2008

Part 7 Miscellaneous

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- (2) A laboratory is taken to be an approved laboratory for the purposes of this Regulation if it was an approved laboratory under the old Regulation immediately before the commencement of this Regulation because it was accredited for the purposes of the Australian/New Zealand Standard AS/NZS 4308:2001, *Procedures for the collection, detection and quantitation of drugs of abuse in urine*.
- (3) A laboratory that is taken to be an approved laboratory under subclause (2) is taken to comply with any provision of this Regulation that requires compliance with AS/NZS 4308:2008 if the laboratory complies with the corresponding provision of the standard referred to in that subclause.
- (4) Subclauses (2) and (3) cease to have effect on the third anniversary of the commencement of this Regulation.



New South Wales

# Rail Safety (General) Regulation 2008

under the

Rail Safety Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2008*.

DAVID CAMPBELL, M.P.,  
Minister for Transport

## Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe requirements for safety management systems for rail transport operators,
- (b) to set out the matters that must be included in security management plans of rail transport operators,
- (c) to prescribe requirements for consultation about, matters to be included in and the provision of information about, and the testing of, emergency management plans of rail transport operators,
- (d) to prescribe requirements for health and fitness management programs of rail transport operators,
- (e) to prescribe requirements for consultation about, matters to be considered in the preparation of and requirements for fatigue management programs of rail transport operators,
- (f) to require rail transport operators to provide conditions of work for rail safety workers that provide for adequate rest and enable workers to remain alert while on duty,
- (g) to exempt rail transport operators from the requirement to comply with fatigue management standards of the *Rail Safety Act 2008* relating to work conditions, if the operators comply with risk assessment and control measures and other requirements specified in the Regulation,
- (h) to prescribe the records that rail safety operators must keep relating to the training of their rail safety workers,

## Rail Safety (General) Regulation 2008

## Explanatory note

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- (i) to specify how a review of a rail transport operator's safety management system is to be conducted,
  - (j) to require matters relating to drug and alcohol management programs, compliance with fatigue-related requirements and other matters related to fatigue management to be included in a rail transport operator's safety performance report,
  - (k) to impose conditions on the operation of private sidings by rail infrastructure managers,
  - (l) to provide for the matters to be included in applications for accreditation or variation of an accreditation or a condition or restriction on accreditation, and in notices of accreditation or variation,
  - (m) to prescribe fees for applications for accreditation and annual accreditation fees,
  - (n) to prescribe conditions of accreditation, including a condition that a rail transport operator notify the Independent Transport Safety and Reliability Regulator (the *ITSRR*) of certain specified events within specified periods,
  - (o) to prescribe the manner in which a rail transport operator may surrender an accreditation,
  - (p) to require rail infrastructure managers and rolling stock operators to provide monthly returns and annual returns to the ITSRR containing information about train journeys and track length as well as numbers of employees,
  - (q) to prescribe the incidents and events that are to be Category A and Category B notifiable occurrences and the manner of notification of those occurrences,
  - (r) to enable train safety recordings to be published or communicated for analysis or auditing procedures or by a rail transport operator or an operator's employee or contractor to an employee or contractor or the ITSRR,
  - (s) to set out procedures for the introduction of amendments to, or of new, network rules by rail infrastructure owners, including consultation procedures and to provide for registers of rules to be kept by rail infrastructure owners,
  - (t) to prescribe the matters to be included in embargo notices issued by rail safety officers,
  - (u) to enable RailCorp transit officers to be appointed as rail safety officers,
  - (v) to prescribe agencies (including rail safety regulators of other States or Territories) with whom the ITSRR may enter into information sharing agreements,
  - (w) to exempt operators of heritage railways from the requirement to be accredited under the *Rail Safety Act 2008* and to have a safety management system,
  - (x) to require rail transport operators to ensure that trains on the NSW rail network are fitted with a radio communications system complying with the requirements of the regulation and a back up means of communication in case that system fails.

This Regulation is made under the *Rail Safety Act 2008*, including sections 4 (1) (the definition of *notifiable occurrence*), 12 (2) (b), 14, 15 (1) (c) (iv), 16 (1) (b), 17, 18, 20 (1), 21 (5), 38 (2) (d) and (e), 42 (2) (a), 43, 46, 49 (1), 51 (c), 52, 55 (2) (b), 56 (2) (a), 59, 60 (2) (b) and (4), 61 (3), 63 (1), 78 (e), 98 (4) (a), 148 (1), 156 (the definition of *relevant agency*) and 174 and clause 1 (1) of Schedule 3 to that Act.

Rail Safety (General) Regulation 2008

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## Rail Safety (General) Regulation 2008

under the

Rail Safety Act 2008

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Rail Safety (General) Regulation 2008*.

#### 2 Commencement

This Regulation commences on 1 January 2009.

#### 3 Definitions

(1) In this Regulation:

*emergency service*—see clause 6.

*heritage operator* means a rail transport operator that operates a heritage railway.

*heritage railway* means a railway operation principally involving the restoration, preservation or operation of vintage trains.

*light rail stop* means any place designated for the picking up or setting down of passengers on a route declared, under section 104N (2) of the *Transport Administration Act 1988*, to be the route of a light rail system.

*NSW rail network* means the railway lines vested in or owned by or managed or controlled by a rail infrastructure owner (including passing loops and turnouts from those lines and loops and associated rail infrastructure facilities that are so vested or owned or managed or controlled).

*RailCorp* means Rail Corporation New South Wales.

*rail infrastructure owner* means a rail infrastructure owner within the meaning of the *Transport Administration Act 1988* (other than the Transport Infrastructure Development Corporation).

*station* means:

- (a) a monorail station (whether or not on railway premises), and

Rail Safety (General) Regulation 2008

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Part 1

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(b) any other station on railway premises,  
and includes any place (other than a light rail stop) designated for the  
picking up and setting down of passengers on a railway.

*the Act* means the *Rail Safety Act 2008*.

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



Clause 4 Rail Safety (General) Regulation 2008

Part 2 Safety management

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## Part 2 Safety management

### Division 1 Safety management systems generally

#### 4 General requirements for safety management systems

- (1) A safety management system of a rail transport operator must:
  - (a) include or provide for all of the matters listed in Schedule 1 that are relevant to the railway operations for which the operator is accredited, or seeking to be accredited, and
  - (b) provide a level of detail with respect to each of these matters that is appropriate, having regard to the scope and nature of those operations and any risks to safety identified as arising or that may arise from the carrying out of the railway operations, and
  - (c) provide for the risk management principles set out in subclauses (2) and (3).
- (2) If the elimination of a risk to safety is not reasonably practicable, a safety management system must provide for the following measures to be taken:
  - (a) firstly, substituting the hazard giving rise to the risk with a hazard that gives rise to a lesser risk,
  - (b) secondly, isolating the hazard from the person put at risk,
  - (c) thirdly, minimising the risk by engineering means,
  - (d) fourthly, minimising the risk by administrative means (for example, by adopting safe working practices or providing appropriate training, instruction or information),
  - (e) fifthly, using personal protection.
- (3) A safety management system must provide that a combination of the above measures is required to be taken to minimise the risk to the lowest level reasonably practicable if no single measure is sufficient for that purpose.

### Division 2 Security management plan

#### 5 Security management plan

For the purposes of section 16 (1) (b) of the Act, a security management plan must contain the following:

- (a) a list of the risks arising from the matters specified in section 16 (1) (a) of the Act,
- (b) a description of the protective and response measures to be used to manage the matters specified in section 16 (1) (a) of the Act,

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including a description of the policies, procedures, equipment and other physical resources that are proposed to be used for those measures and of any training to be provided relating to those measures,

- (c) if the rail transport operator shares a location such as a modal interchange or a port with one or more other transport operators, a description of arrangements made with those other transport operators in relation to protective and response measures to be used to manage any security incident,
- (d) procedures for the recording, reporting and analysis of security incidents,
- (e) provision for the allocation of security roles and responsibilities to appropriate people,
- (f) provision for liaison with emergency services, and other transport operators who may be affected by the implementation of the plan, to share information and carry out joint operations,
- (g) provision for the evaluation, testing and, if necessary, the revision of measures and procedures.

### **Division 3      Emergency management plans**

#### **6      Emergency services**

For the purposes of section 17 (4) of the Act, the following bodies are prescribed as *emergency services*:

- (a) NSW Police Force,
- (b) New South Wales Fire Brigades.

#### **7      Consultation about emergency management plan**

- (1) When preparing the emergency management plan for its railway operations, a rail transport operator must consult with the emergency services and the following persons:
  - (a) any other transport operators who may be affected by the implementation of an emergency management plan for its railway operations,
  - (b) any government agencies with emergency management functions with respect to the area to which the plan relates,
  - (c) any of the following, if they may be required to assist in implementing the plan:
    - (i) an entity (whether publicly or privately owned) that provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or other

Clause 8 Rail Safety (General) Regulation 2008

Part 2 Safety management

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like services under the authority of an Act of this State or the Commonwealth,

- (ii) any person who, under the authority of an Act of this State, is permitted to own or use a pipeline, or is licensed to construct or operate a pipeline.

- (2) The ITSRR may exempt a rail transport operator from the obligation to consult with any particular person or body under this clause.

**Note.** Rail transport operators also have obligations to consult about safety management systems under section 12 (3) of the Act.

### 8 Matters to be included in emergency management plans

An emergency management plan prepared under section 17 of the Act must include the following:

- (a) the types and classes of emergencies that are foreseeable in relation to the rail transport operator's railway operations,
- (b) the consequences of each type or class of emergency, including an estimate of the likely magnitude and severity of the effects of each type or class,
- (c) the risks to safety arising from those emergencies,
- (d) measures to mitigate the effects of those emergencies,
- (e) initial response procedures for dealing with those emergencies and the provision of rescue services,
- (f) recovery procedures for the restoration of railway operations if an emergency occurs and for the assistance of people affected by the occurrence of an emergency,
- (g) the allocation of emergency management roles and responsibilities within the rail transport operator's organisation, and between the operator and other organisations,
- (h) call-out procedures,
- (i) the allocation of personnel for the on-site management of an emergency,
- (j) procedures for liaison with emergency services, including when emergency services should be immediately contacted,
- (k) procedures to ensure that emergency services are provided with all information that is reasonably required to enable them to respond effectively to an emergency,
- (l) procedures for effective communications and co-operation throughout an emergency response,
- (m) procedures for ensuring site security and the preservation of evidence.

Rail Safety (General) Regulation 2008

Clause 9

Safety management

Part 2

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## 9 Keeping, maintaining and testing emergency management plans

- (1) A rail transport operator must ensure, so far as is reasonably practicable, that all employees of the operator, and all contractors engaged by the operator, who may be required to implement any emergency response procedures in the operator's emergency management plan:
  - (a) are provided with information about any applicable parts of the plan, and
  - (b) are able to do anything that may be required of them under the plan.
- (2) A rail transport operator must test the operator's emergency management plan, or parts of the plan, to ensure the plan remains effective:
  - (a) at intervals set out in the plan, and
  - (b) after any significant changes are made to the plan.
- (3) The intervals for testing a plan are to be determined by the rail transport operator in conjunction with the emergency services, if it is reasonably practicable to do so.
- (4) A rail transport operator must, so far as is reasonably practicable, arrange for the participation by relevant emergency services in the testing of an emergency management plan or parts of an emergency management plan.
- (5) A rail transport operator must ensure that in-house exercises to test the operator's emergency management plan are undertaken as often as is necessary, in the opinion of the operator, to ensure that the plan will be properly implemented should an emergency arise.
- (6) A rail transport operator must ensure that the operator's emergency management plan is readily accessible at all times, in a comprehensible form, to the following:
  - (a) all employees of the operator, and all contractors of the operator, who may be required to implement any emergency response procedures in the plan,
  - (b) all other rail transport operators who may be affected by the implementation of an emergency management plan for its railway operations,
  - (c) any of the following, if they may be required to assist in implementing the plan:
    - (i) an entity (whether publicly or privately owned) that provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or other

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like services under the authority of an Act of this State or the Commonwealth,

- (ii) any person who, under the authority of an Act of this State, is permitted to own or use a pipeline, or is licensed to construct or operate a pipeline,
- (d) the emergency services.

#### **Division 4 Health and fitness management program**

##### **10 Health and fitness management program**

- (1) The health and fitness management program of a rail transport operator must comply with Volumes 1 and 2 of the *National Standard for Health Assessment of Rail Safety Workers*, published by the National Transport Commission, as in force from time to time.
- (2) Any action taken by a rail transport operator in accordance with the standard referred to in subclause (1) before the commencement of this clause is taken to have been carried out for the purposes of this clause.

#### **Division 5 Fatigue management**

##### **11 Matters to be considered in preparing fatigue management program**

When preparing the fatigue management program for its railway operations, or changes to the fatigue management program, a rail transport operator must take into account, and assess, any fatigue-related risks to safety arising from the following:

- (a) the impact on rail safety workers of the scheduling of shift and rest periods,
- (b) without limiting paragraph (a), the impact of work scheduling and relief practices generally on social and psychological factors that may impact on performance and safety,
- (c) the kinds of rail safety work being carried out,
- (d) physiological factors arising out of work practices affecting rail safety workers, such as the effect on worker alertness and recovery of the time when work is undertaken and the length and frequency of breaks,
- (e) the need for education and training of rail safety workers to identify and manage fatigue,
- (f) the kind of rest environments that are to be provided by the operator for rail safety workers,
- (g) the physical environment in which rail safety work is to be carried out,

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- (h) any special circumstances in which rail safety work may be required to be carried out, including in emergencies or under degraded and abnormal conditions,
  - (i) the variations in shifts and rest periods that may be required by different rail safety work requirements, including different routes,
  - (j) relevant developments in research related to fatigue and any technology that may be applied to manage work-related fatigue.

## 12 Fatigue management program

- (1) The fatigue management program for rail safety workers of a rail transport operator must:
  - (a) provide for safe hours of work, and
  - (b) provide for safe periods of time between shifts, and
  - (c) specify work scheduling practices that provide for sufficient rail safety workers to be available to meet reasonably foreseeable demands for relief arrangements, and
  - (d) reflect the scope of the rail transport operations of the operator and address the operating conditions in which all of the railway operations of the operator occur, and
  - (e) require the operator to keep under review relevant developments in research related to fatigue and any technology that may be applied to manage work-related fatigue, and
  - (f) require the operator to keep under review the appropriate balance between the commercial and operational needs of the operator and the duties of the operator under the Act.
- (2) A fatigue management program must not contain provisions that are inconsistent with Schedule 2 to the Act, except to the extent that the rail transport operator is exempt from the provisions concerned.
- (3) For the purposes of this clause, hours of work or periods of time between shifts are taken to be safe if the effect of implementing those hours or periods is sufficient to eliminate, manage or control risks to safety arising from fatigue.

**Note.** Rail transport operators also have obligations to consult about safety management systems under section 12 (3) of the Act.

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**13 Fatigue management program to include monitoring of hours of work**

A rail transport operator must also include in its fatigue management program:

- (a) procedures for monitoring how actual hours of work of rail safety workers compare with the conditions of work for rail safety workers, and
- (b) procedures for monitoring the impact of changes to planned rosters due to shift swapping, overtime and on-call working, and
- (c) quantitative measures for assessing the effectiveness of the operator's fatigue management program.

**14 Alternative provisions for fatigue management**

- (1) The ITSRR may, on application by a rail transport operator, exempt the operator from the requirements of section 20 (2) of the Act.
- (2) An exemption under this clause is subject to the following conditions:
  - (a) that the rail transport operator carries out the following risk assessment and control measures to the satisfaction of the ITSRR:
    - (i) the operator identifies and assesses the major fatigue-related safety risks associated with the operations for which the exemption is sought, including any risks associated with any proposed operating standards,
    - (ii) the operator identifies and implements adequate controls to manage the risks, including operating standards to replace the requirements contained in Schedule 2 to the Act,
    - (iii) the operator specifies the evidence used to develop the operating standards,
    - (iv) the operator consults with those of its rail safety workers who are affected by the exemption in relation to the proposed operating standards,
  - (b) that the operator implements a system to monitor and report on the operation of the controls to manage the risks, being a system that is capable of monitoring actual hours worked against the operating standards, and the operator audits the operation of that system,
  - (c) that the operator reviews the operating standards when required by any incident or change in the nature of work (including patterns of work and duties of rail safety workers) covered by the exemption, or when there is reasonable evidence that the

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- operating standards are no longer valid, and obtains the approval of the ITSRR to any changes to the operating standards,
- (d) that the rail safety work is carried out in a way that complies with this Regulation,
  - (e) that the rail safety work is carried out in accordance with any applicable industrial or other agreement or award relating to the employment of the rail safety workers who carry out the work,
  - (f) that the operator complies with any requirements made by the ITSRR to provide information as to compliance with the conditions specified in this subclause,
  - (g) that the operator complies with any requirements made by the ITSRR with respect to operations covered by the exemption,
  - (h) any limitation on the period of the exemption imposed by the ITSRR in respect of a particular rail transport operator or class of rail transport operators.
- (3) An application for an exemption under this clause is to be made in writing in the form approved by the ITSRR.
  - (4) The ITSRR may cancel an exemption under this clause in respect of a rail transport operator or a class of rail transport operators or an exemption referred to in subclause (5).
  - (5) An exemption that was in force under clause 52 of the *Rail Safety (General) Regulation 2003* immediately before the repeal of that clause continues in force.
  - (6) A rail transport operator whose exemption under clause 52 of the *Rail Safety (General) Regulation 2003* was, immediately before the repeal of that clause, subject to a limitation of a kind specified under clause 52 (1) (h) of that Regulation is taken to be subject to the same limitation under subclause (2) (h).

## **Division 6      Competence and training of rail safety workers**

### **15    Records of competence**

For the purposes of section 21 (5) of the Act, the records of competence of rail safety workers that must be maintained by a rail transport operator must include the following particulars:

- (a) the rail safety training undertaken by each rail safety worker, including when, and for how long, the training was undertaken,



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- (b) the qualifications of each rail safety worker, including (if applicable):
  - (i) the units of competence undertaken to achieve the qualification, and
  - (ii) the level of qualification attained, and
  - (iii) if, and when, a re-assessment of competence is to be conducted, and
  - (iv) if, and when, any re-training is due and was undertaken,
- (c) the name of any organisation conducting training or re-training,
- (d) the name and qualifications of any person who assessed the competence of the worker.

## **Division 7 Review of safety management systems**

### **16 Review of safety management system**

- (1) A rail transport operator must comply with this clause in conducting a review of the operator's safety management system.
- (2) In consulting on a review, a rail transport operator must ensure that the persons consulted are asked for their opinion on whether, and if so, how, the safety management system can be improved.
- (3) In conducting a review, a rail transport operator must ensure the following:
  - (a) that the effectiveness of the safety management system is assessed (including an examination of the operator's records in relation to notifiable occurrences and breaches of the system),
  - (b) that the effectiveness of any revisions that were made as a result of the last review are assessed,
  - (c) that any recommendations or issues arising out of any audits or safety investigations that have occurred since the last review are taken into account,
  - (d) that any issues arising from any prohibition or improvement notices that have been issued in relation to the railway operations of the operator since the last review are taken into account,
  - (e) that any deficiencies in the system are identified,
  - (f) that methods of remedying any deficiencies are designed and assessed,
  - (g) that opinions offered as a result of consultation on the review are assessed,
  - (h) that any other suggestions for improving the system that arise during the course of the review are assessed,

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- (i) if any deficiencies or practicable improvements are identified, that a plan is created to remedy those deficiencies, or to effect those improvements (as the case may be).
  - (4) The outcomes of the review must be summarised and reported in the safety performance report required by section 15 of the Act.

## **Division 8 Safety performance reports**

### **17 Additional matters to be included in safety performance reports**

For the purposes of section 15 (1) (c) (iv) of the Act, the following information must be included by a rail transport operator in a safety performance report:

- (a) details of the operation of the operator's drug and alcohol management program,
- (b) information about compliance with the requirements of the Act and this Regulation relating to the operator's fatigue management measures and the operator's fatigue management program,
- (c) if the operator is exempt from the requirements of Schedule 2 to the Act, details of monitoring procedures, and the results of monitoring, relating to the operator's fatigue management measures and details of any review of those measures,
- (d) if the operator is exempt from the requirements of Schedule 2 to the Act, details of fatigue management performance reported in relation to any conditions and milestones agreed with the ITSRR.

## **Division 9 Private sidings**

### **18 Maintenance and operational conditions for private sidings**

- (1) For the purposes of section 60 (2) (b) of the Act, the following conditions with respect to the maintenance and operation of a private siding are imposed:
  - (a) the rail infrastructure manager must have systems and procedures for compliance with section 8 of the Act,
  - (b) the rail infrastructure manager must keep and maintain a risk register that includes the following things, at a level of detail that is appropriate having regard to the scope, nature and risks to safety of the operation of the private siding and to the operator's duties under section 8 of the Act:
    - (i) a list of the risks to safety arising from the maintenance and operation of the private siding,
    - (ii) details of the assessment of those risks (including their likelihood, likely consequences and ranking),

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- (iii) a description of any elimination or risk control measures that are to be used to manage, so far as is reasonably practicable, those risks, including, where appropriate, the identification of the person responsible for implementing the measures,
  - (c) the rail infrastructure manager must ensure that it has systems and procedures to ensure that the details in the risk register are current, so far as is reasonably practicable,
  - (d) the rail infrastructure manager must have a document that sets out how rail infrastructure within the private siding is to be maintained by the rail infrastructure owner,
  - (e) the rail infrastructure manager must provide to the ITSRR, on or before 31 March in each year, an activity statement containing the following matters:
    - (i) a declaration that the manager is not required to be accredited under the Act,
    - (ii) particulars of any notifiable occurrences that have occurred in the preceding 12 months in relation to the siding,
    - (iii) particulars of maintenance carried out on the siding in the preceding 12 months,
    - (iv) particulars of activities involving the operation of rolling stock carried out on the siding in the preceding 12 months,
    - (v) particulars of any significant changes in the railway operations carried out on the siding in the preceding 12 months.
- (2) For the purposes of section 60 (4) of the Act, the prescribed fee for registration of a private siding is an annual fee of \$150, which must be paid on or before 31 March in each year the siding is registered.

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## Part 3 Accreditation

### 19 Application for accreditation

For the purposes of section 38 (2) (d) of the Act, an application for accreditation must contain the following information:

- (a) the following identification details of the applicant:
  - (i) the applicant's name,
  - (ii) the applicant's registered business name, and trading name if that is different to the registered business name,
  - (iii) the applicant's ACN or ABN, if applicable,
  - (iv) the applicant's residential address or, in the case of a corporation, the address of the registered office or the principal place of business of the corporation,
- (b) the name and contact details of a person who has been appointed by the applicant to deal with any queries that the ITSRR may have in relation to the application,
- (c) if the applicant is accredited under a corresponding law, a copy of the notice of accreditation,
- (d) in the case of a rail infrastructure manager who does not own the rail infrastructure, documentary evidence that the applicant has, or will have, a statutory or contractual right to use the rail infrastructure or to control, or provide, access to it,
- (e) in the case of a rolling stock operator, documentary evidence that the applicant has, or will have, effective management and control of the operation or movement of rolling stock on rail infrastructure for a particular railway,
- (f) a description of the operational assets, or classes of operational assets, that the applicant intends to use or manage in the operations for which the application is made, including any stations, signal and train control centres, rolling stock for service and maintenance activities and signalling systems,
- (g) a description of the safe working systems that the applicant intends to use in the operations for which the application is made,
- (h) in addition to the requirements of section 38 (2) (c) of the Act, if the applicant is also seeking accreditation under a corresponding law, details of where, and in respect of what, the application for accreditation was made,
- (i) if electrified railway tracks will be used, details of the electrification,
- (j) a description of the applicant's fatigue management program,

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- (k) a description of the applicant's drug and alcohol management program,
- (l) details of the consultation undertaken by the applicant in relation to the applicant's safety management system, including:
  - (i) who was consulted, and
  - (ii) when and how the consultation occurred, and
  - (iii) the results of the consultation,
- (m) if the applicant is a corporation, evidence that the application has been submitted to and endorsed by its board of directors (in the case of a company within the meaning of the *Corporations Act 2001* of the Commonwealth) or its governing body (in any other case).
- (n) if the applicant is an unincorporated body, evidence that the application has been submitted to and endorsed by its governing body,
- (o) if any of the activities that it is intended to carry out under the accreditation sought are to be carried out by any other person on behalf of the applicant:
  - (i) the name and contact details of each such person, and
  - (ii) details of the activities that it is intended that the person will carry out on behalf of the applicant.

## 20 Application fees

The application fees for an application for accreditation are as follows:

- (a) \$1,000 for a heritage operator,
- (b) \$10,000 in any other case.

## 21 Notice of accreditation

For the purposes of sections 42 (2) (a) and 56 (2) (a) of the Act, a notice of accreditation must specify the following details of the accredited person:

- (a) the person's name,
- (b) the person's registered business name, and trading name if that is different to the registered business name,
- (c) the person's ACN or ABN, if applicable,
- (d) the person's residential address or, in the case of a corporation, the address of the registered office or a principal place of business of the corporation.

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## 22 Conditions of, or restrictions on, accreditation

- (1) For the purposes of section 43 of the Act, any accreditation granted to a rail transport operator is subject to the following conditions and restrictions:
- (a) if the operator is accredited under a corresponding law, the operator must advise the ITSRR in writing immediately if the operator's accreditation in the other State or Territory expires or is suspended, surrendered or revoked,
  - (b) if the operator is accredited under a corresponding law and it receives a prohibition notice or an improvement notice under the corresponding law, it must immediately give the ITSRR a copy of the notice,
  - (c) the operator must ensure that there is at all times available one of its directors or managers as a contact person should the ITSRR wish to communicate with it, and that the ITSRR is provided with sufficient details so that for any particular time the ITSRR knows who the contact person is, and how to contact that person,
  - (d) if it is not possible to comply with any requirement of subclause (2) because of an emergency, the operator must provide the required information as soon as is reasonably practicable after the decision is made or the event or change occurs, as the case requires.
- (2) For the purposes of section 43 of the Act, any accreditation granted to a rail transport operator is subject to the condition that the operator notify the ITSRR in writing of any decisions, events or proposed changes listed in column 2 of the Table to this clause, and details of consultation about such decisions, events or changes, within the period specified in column 3 of the Table.

**Table**

<b>Item</b>	<b>Decision, event or change</b>	<b>When notification must be given</b>
1	A decision to design or construct, or to commission the design or construction of, rolling stock or new railway tracks.	As soon as reasonably practicable after the decision is made.

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<b>Item</b>	<b>Decision, event or change</b>	<b>When notification must be given</b>
2	The introduction into service of rolling stock of a type not previously operated by the operator, or the re-introduction into service of rolling stock not currently operated by the operator.	At least 28 days before the date the operator intends to introduce or re-introduce the rolling stock into service.
3	A change to a safety critical element of any existing rolling stock.	At least 28 days before the date the operator intends to bring the change into operation.
4	A change to one or more of the classes of rail infrastructure used in the operator's accredited operations.	At least 28 days before the date the operator intends to introduce the new class of rail infrastructure into service.
5	A change to a safety standard for the design of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to adopt the change.
6	The decision to adopt a new safety standard for the design of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to adopt the new standard.
7	A change to the frequency of or procedures for the inspection or maintenance of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to bring the change into effect.
8	A change to any safeworking system rule or procedure relating to the conduct of the operator's railway operations.	At least 28 days before the date the operator intends to bring the change into effect.
9	A decision to introduce a new safeworking system rule or procedure relating to the conduct of the operator's railway operations.	As soon as is reasonably practicable after the decision is made.
10	The replacement of the person nominated in the safety management system as the contact person for dealing with queries in relation to the safety management system of the operator.	As soon as is reasonably practicable after it is known that the replacement will occur.

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- (3) For the purposes of subclause (2), details of consultation are to include details of the persons consulted and when and how those persons were consulted and the results of consultation.
- (4) Nothing in subclause (1) or (2):
- (a) is intended to require an accredited person to notify the ITSRR of any matter that is the subject of an application for the variation of the accreditation or that has been notified under the *Rail Safety (General) Regulation 2003*, or
  - (b) permits an accredited person to make a variation for which approval is required under the Act.

#### **23 Annual accreditation fees**

- (1) The annual accreditation fee payable by an accredited person is to be determined in accordance with Schedule 2.
- (2) If an annual accreditation fee, or part of a fee, is not paid when due, the ITSRR may impose a late payment fee of an amount equal to 15% of the outstanding amount of the annual accreditation fee.
- (3) The annual accreditation fees must be paid on or before 30 September in each year, unless the ITSRR otherwise approves in writing.

#### **24 Surrender of accreditation**

An accredited person may surrender the person's accreditation by notifying the ITSRR in writing, not less than 28 days before the proposed surrender, of the person's intention to do so and of the arrangements that are proposed in relation to the cessation of the person's railway operations.

#### **25 Variation of accreditation**

For the purposes of sections 55 (2) (b) and 57 of the Act, an application for variation of an accreditation, or variation of a condition or restriction to which an accreditation is subject, must contain the following information:

- (a) the following identification details of the applicant:
  - (i) the applicant's name,
  - (ii) the applicant's registered business name, and trading name if that is different to the registered business name,
  - (iii) the applicant's ACN or ABN, if applicable,
  - (iv) the applicant's residential address or, in the case of a corporation, the address of the registered office or the principal place of business of the corporation,



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- (b) the name and contact details of a person who has been appointed by the applicant to deal with any queries that the ITSRR may have in relation to the application,
- (c) details of the scope and nature of the proposed variation,
- (d) details of the changes that will be made to the applicant's safety management system if the proposed variation occurs,
- (e) details of any consultation that has occurred with parties who might be affected by the proposed variation, including:
  - (i) who was consulted, and
  - (ii) when and how the consultation occurred, and
  - (iii) the results of the consultation,
- (f) evidence to demonstrate that the applicant has the competence and capacity to manage the risks to safety associated with the proposed variation.

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### 26 Periodic information to be supplied

- (1) For the purposes of section 61 (3) of the Act, a rail infrastructure manager must provide to the ITSRR a monthly return that sets out for the month the length, in kilometres, of track in this State over which it has effective management and control.
- (2) For the purposes of section 61 (3) of the Act, a rolling stock operator must provide to the ITSRR a monthly return that sets out for the month the following particulars:
  - (a) the number of kilometres travelled in this State by passenger trains over which it has effective management and control,
  - (b) the number of kilometres travelled in this State by freight trains over which it has effective management and control,
  - (c) the number of journeys (either estimated or actual) made by passengers in urban areas of this State on passenger trains over which it has effective management and control,
  - (d) the number of journeys (either estimated or actual) made by passengers in non-urban areas of this State on passenger trains over which it has effective management and control.
- (3) For the purposes of section 61 (3) of the Act, a rail infrastructure manager must provide an annual return that sets out for each year commencing on 1 July (commencing with 1 July 2009):
  - (a) the length, in kilometres, of track over which it estimates it will have effective management and control, and
  - (b) the number of employees that the manager estimates are likely to be engaged in rail safety work in connection with the manager's railway operations for the year.
- (4) For the purposes of section 61 (3) of the Act, a rolling stock operator must provide an annual return that sets out for each year commencing on 1 July:
  - (a) an estimate of the matters listed in subclause (2) (a)–(d) in relation to the year, and
  - (b) the number of employees that the operator estimates are likely to be engaged in rail safety work in connection with the operator's railway operations for the year.
- (5) A rail transport operator must provide:
  - (a) a monthly return required to be provided under this clause to the ITSRR as soon as is practicable after the end of each month, and not later than the 21st day of the following month, and

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- (b) an annual return required to be provided under this clause before 29 July in the year for which the return is to be provided, or before any other date or period that is specified by the ITSRR.

**27 Notifiable occurrences and classes of notifiable occurrences**

- (1) The following are notifiable occurrences of Category A:
  - (a) an accident or incident that has caused death, serious injury or significant property damage,
  - (b) a running line derailment,
  - (c) a running line collision between rolling stock,
  - (d) a collision at a road or pedestrian level crossing between rolling stock and either a motor vehicle or a person,
  - (e) a fire or explosion on or in rail infrastructure or rolling stock that affects the safety of railway operations or that endangers one or more people,
  - (f) a suspected terrorist attack,
  - (g) any accident or incident involving a significant failure of a safety management system that could have caused death, serious injury or significant property damage,
  - (h) the theft of or from rolling stock or railway premises of a rail transport operator of security sensitive dangerous goods (within the meaning of the *Australian Dangerous Goods Code* prepared by the National Transport Commission as in force on the commencement of this Regulation) or the tampering with any such goods on rolling stock or railway premises of a rail transport operator,
  - (i) any other accident or incident that is likely to generate intense public interest or concern.
- (2) The following are notifiable occurrences of Category B:
  - (a) a derailment, other than a running line derailment,
  - (b) a collision involving rolling stock,
  - (c) any accident or incident at a road or pedestrian level crossing arising from a failure of rail infrastructure or that caused a risk to safety or damage to a person or property,
  - (d) the passing of a stop signal, or a signal with no indication, by rolling stock without authority,
  - (e) any accident or incident where rolling stock exceeds the limits of authorised movement given in a proceed authority,

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- (f) any failure of a signalling or communications system that endangers, or that has the potential to endanger, the safe operation of trains or the safety of people, or that causes or could cause damage to adjoining property,
  - (g) any slip, trip or fall by a person on, to or from a train, railway track, railway bridge, station, platform, escalator, lift or stairs, or any person being caught in the door of any rolling stock,
  - (h) any situation where a load affects, or could affect, the safe passage of trains or the safety of people, or causes or could cause damage to adjoining property,
  - (i) any accident or incident involving dangerous goods that affects, or could affect, the safety of railway operations or the safety of people, or that causes or could cause damage to adjoining property,
  - (j) any breach of a safe working system or procedure, or the detection of any irregularity or deficiency in such a system or procedure,
  - (k) any irregularity in any rail infrastructure (including electrical infrastructure and any obstruction on a running line) that could affect the safety of railway operations or the safety of people,
  - (l) any irregularity in any rolling stock that could affect the safe operation of the train or the safety of people, or cause damage to the rolling stock,
  - (m) any fire or explosion that causes damage to rail infrastructure or rolling stock, or both, or that causes the disruption or closure of a railway (even if the closure is only a precautionary measure),
  - (n) any accident or incident on railway premises where a person inflicts, or is alleged to have inflicted, an injury on another person,
  - (o) a suspected attempt to suicide,
  - (p) if a rail safety worker employed by a rail transport operator has returned a result to a test designed to determine the concentration of alcohol or other drugs in a sample of blood or urine that suggests that the worker was in breach of a relevant safety requirement concerning the use of alcohol or other drugs at a relevant time,
  - (q) the infliction of any wilful or unlawful damage to, or the defacement of, any rail infrastructure or rolling stock that could affect the safety of railway operations or the safety of people,
  - (r) any accident or incident in a rail corridor that indicates that the security of the corridor is compromised and that affects, or may affect, the safety of railway operations.

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- (3) If a Category A or B notifiable occurrence happens on, or in relation to, a rail transport operator's railway premises or railway operations, the operator must give the ITSRR or an authority specified by the ITSRR under section 63 of the Act a written report of the occurrence within 72 hours after becoming aware of the occurrence.
  - (4) A report under this clause is to be given in the manner and form approved, and contain the information required, by the ITSRR.
  - (5) The ITSRR may extend a time limit specified in this clause for giving a report by notice in writing to a rail transport operator and any such notice has effect accordingly.
  - (6) The requirement to provide a report to the ITSRR under this clause is in addition to any other requirement imposed on a rail transport operator under this Regulation or the Act to notify the ITSRR or the Chief Investigator.

#### **28 Category A occurrences also to be notified by telephone**

- (1) If a Category A notifiable occurrence happens on, or in relation to, a rail transport operator's railway premises or railway operations, the operator must notify the ITSRR or an authority specified by the ITSRR under section 63 of the Act by telephone as soon as practicable after becoming aware of the occurrence.
- (2) A rail transport operator is to provide the following information when notifying a Category A notifiable occurrence:
  - (a) the name of each rail transport operator involved in the occurrence,
  - (b) brief details of the occurrence, including the number of people injured or killed (if any), the emergency services that attended (if any) and any actions taken by the emergency services or rail transport operators in response to the occurrence,
  - (c) the name and telephone number of an individual who can be immediately contacted to provide further details of the occurrence and who, if practicable, is at the scene.

**Note.** The ITSRR has specified the Chief Investigator as the authority for this purpose, under section 63 of the Act.

#### **29 Authority and ITSRR to share information**

- (1) An authority is to provide the ITSRR with access to any details of a notification given under clause 28 that the ITSRR may require, including access to any telephone recording that may have been made.

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Safety reports and investigations

Part 4

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- (2) The ITSRR is to provide the Chief Investigator with access to any details of a notification given to the ITSRR under this Part that the Chief Investigator may require.
  - (3) This clause does not apply to a train safety recording (within the meaning of Division 3 of Part 4 of the Act), any part of a train safety recording or any information obtained from a train safety recording.

### **30 Disclosure of train safety records**

- (1) For the purposes of section 78 (e) of the Act, a train safety recording may be published or communicated by and to the persons set out in subclause (2), but only if the publication or communication is made for any of the following purposes:
  - (a) the analysis or monitoring of railway operations or rail safety or related matters,
  - (b) without limiting paragraph (a), the auditing of compliance by rail safety workers with any systems, procedures, instructions or orders relating to the carrying out of railway operations.
- (2) A train safety recording may be published or communicated:
  - (a) by a rail transport operator or an employee or contractor of the operator to another rail transport operator or an employee or contractor of another operator, or
  - (b) by an employee or contractor of a rail transport operator to the operator or another employee or contractor of the operator, or
  - (c) by a rail transport operator to an employee or contractor of the operator.
- (3) For the purposes of section 78 (e) of the Act, a train safety recording may be published or communicated by or on behalf of a rail transport operator to the ITSRR.

Clause 31	Rail Safety (General) Regulation 2008
Part 5	Network rules

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## Part 5 Network rules

### 31 Object of Part

The object of this Part is to improve the safe development of network rules of rail infrastructure owners by:

- (a) promoting the consistent development and implementation of network rules by rail infrastructure owners, and
- (b) facilitating co-operation between rail infrastructure owners to ensure that changes to network rules are effectively managed and implemented, and
- (c) ensuring (so far as is reasonably practicable) that the same network rules apply to the whole of the NSW Rail Network.

### 32 Definitions

In this Part:

**amend** the network rules includes insert a network rule or replace all network rules.

**local change** to the network rules by a rail infrastructure owner means an amendment to the rules that does not have any impact on the safety of the rail network of another rail infrastructure owner.

**network rules** means the rules and procedures relating to rail network operations for those parts of the NSW rail network managed by a rail infrastructure owner, as adopted and made by that owner, and contained in documents published by that owner, as in force from time to time.

**network-wide change** to the network rules by a rail infrastructure owner means an amendment to the rules that is not a local change to the network rules.

**stakeholder** of a rail infrastructure owner means:

- (a) a person that conducts rolling stock operations on any part of the NSW rail network of the rail infrastructure owner,
- (b) a representative of a trade union or other employee organisation, representing rail safety workers of any such operator or rail safety workers of a person referred to in paragraph (a).

### 33 Changes to network rules

A rail infrastructure owner that amends the network rules or proposes an amendment to the network rules must not fail to comply with this Part.

Maximum penalty:

- (a) in the case of a corporation—250 penalty units, or

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(b) in the case of an individual—50 penalty units.

#### **34 Consultation requirements**

- (1) A rail infrastructure owner must, before amending the network rules, consult with the other rail infrastructure owners of the NSW rail network to determine whether the other owners:
  - (a) agree as to the classification of the amendment, and
  - (b) if the amendment is a network-wide change, agree to the proposed amendment.
- (2) The consultation is to be carried out as soon as reasonably practicable after the amendment is proposed, having regard to the need to properly evaluate the consequences of the proposed amendment.

#### **35 Stakeholder consultation**

- (1) A rail infrastructure owner must undertake stakeholder consultation in accordance with this clause if:
  - (a) in the case of a network-wide change, all the rail infrastructure owners of the NSW rail network agree to amend the network rules, or
  - (b) in the case of a local change, the amendment is to the network rules of the owner.

Maximum penalty:

  - (a) in the case of a corporation—250 penalty units, or
  - (b) in the case of an individual—50 penalty units.
- (2) Each rail infrastructure owner must give notice in writing to its stakeholders and the ITSRR of a proposed amendment to the network rules.
- (3) The notice must:
  - (a) contain details of the proposed amendment, and
  - (b) if the amendment is a local change, specify the area of its operation and the reason for the local change, and
  - (c) specify the date (being not earlier than 28 days after the notice is given) by which submissions may be made to the rail infrastructure owner about the proposed amendment, and
  - (d) specify the date on which it is proposed to commence the proposed amendment.



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**36 Network-wide changes to network rules**

- (1) This clause applies to a proposed network-wide change to the network rules by a rail infrastructure owner.
- (2) The rail infrastructure owners of the NSW rail network must consider all submissions received, within the period specified in the notice given under clause 35, from stakeholders or the ITSRR and must determine whether to agree to proceed with the proposed network-wide change.
- (3) On determining to proceed with the network-wide change, the rail infrastructure owners must give the ITSRR a notice in writing containing the following:
  - (a) the proposed amendment,
  - (b) details of all risk assessments conducted,
  - (c) details of submissions made by stakeholders,
  - (d) the response of the rail infrastructure owners to the submissions and details of their agreement to the proposed amendment.
- (4) Before the network-wide change is made, the rail infrastructure owners must take into account any comments of the ITSRR about the proposed amendment that are received no later than 14 days after notice is given under subclause (3).
- (5) A rail infrastructure owner must give not less than 28 days notice in writing of the commencement of a proposed network-wide change to a network rule to the stakeholders of the owner.
- (6) A network-wide change to a network rule must be commenced by the rail infrastructure owners of the NSW rail network on the same day, unless the ITSRR has given written consent to different commencement dates.

**37 Local changes to network rules**

- (1) This clause applies to a proposed local change to the network rules by a rail infrastructure owner.
- (2) The rail infrastructure owner that is to implement the local change must consider all submissions that are received within the period specified in the notice given under clause 35 from stakeholders or the ITSRR and must determine whether to proceed with the proposed local change.
- (3) On determining to proceed with the amendment, the rail infrastructure owner must give the ITSRR a notice in writing containing the following:
  - (a) the proposed amendment,

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- (b) details of the network or networks to which the local change is to apply and the reasons for the application of the rule,
  - (c) details of all risk assessments conducted,
  - (d) details of submissions made by stakeholders,
  - (e) the response of the rail infrastructure owner to the submissions,
  - (f) details of the agreement of the rail infrastructure owners to the classification of the proposed amendment.
- (4) Before making the proposed local change, the rail infrastructure owner must take into account any comments of the ITSRR about the proposed local change that are received no later than 14 days after notice is given under subclause (3).
  - (5) A rail infrastructure owner must give not less than 28 days notice in writing of the commencement of a proposed local change to a network rule to the stakeholders of the owner.

**38 Emergency amendments to network rules**

- (1) This clause applies if a rail infrastructure owner of the NSW rail network identifies an immediate risk to safety resulting from exceptional circumstances or an emergency that requires an amendment to the network rules.
- (2) The rail infrastructure owner may amend the network rules if the owner complies with this clause.
- (3) Before making the amendment, the rail infrastructure owner must:
  - (a) take all reasonable steps to notify the other rail infrastructure owners and stakeholders of the proposed amendment and the reasons for that change, and
  - (b) take appropriate steps to mitigate any reasonably foreseeable adverse consequences arising from implementation of the amendment without stakeholders and other owners being informed of the amendment, and
  - (c) notify the ITSRR of the proposed emergency amendment in the manner approved by the ITSRR for the purposes of this clause.
- (4) An amendment referred to in this clause ceases to have effect 180 days after it is implemented, unless the rail infrastructure owner complies with clauses 35 and 36 or 37 (as applicable).
- (5) The rail infrastructure owner that implements an amendment under this clause to deal with temporary circumstances must withdraw the amendment if the circumstances change so that it is no longer necessary, or cease to exist.

Clause 39 Rail Safety (General) Regulation 2008  
Part 5 Network rules

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(6) This clause has effect despite any other provision of this Part.

### 39 Register of amendments to network rules

A rail infrastructure owner of the NSW rail network must keep and maintain a register of proposed amendments and amendments to the network rules of the owner containing the following matters:

- (a) a copy of any proposed amendment or amendment made,
- (b) the reasons for any amendment made,
- (c) particulars of the assessment of the risk of any proposed amendment,
- (d) copies of stakeholder submissions,
- (e) unique identification numbers for the proposed amendments and amendments.

Maximum penalty:

- (a) in the case of a corporation—250 penalty units, or
- (b) in the case of an individual—50 penalty units.

### 40 Dispute resolution

- (1) This clause applies to the following disputes arising under this Part:
  - (a) a dispute between rail infrastructure owners about a proposed amendment to network rules, including a dispute as to whether an amendment should be proceeded with or as to the classification of an amendment,
  - (b) a dispute between rail infrastructure owners, or between a rail infrastructure owner and a stakeholder, about whether or not a provision of this Part has been complied with.
- (2) A party to a dispute may apply in writing to the ITSRR to have a dispute dealt with under this clause.
- (3) The ITSRR must, within 28 days after receiving an application under this clause, convene a meeting of representatives of the parties to the dispute (as determined by the ITSRR) to resolve the matters in dispute.
- (4) The ITSRR may direct the parties to provide such documentation and information before the meeting as the ITSRR thinks fit.
- (5) If the matters in dispute are not resolved at the meeting, the ITSRR must determine the matters in dispute no later than 14 days after the meeting.

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- (6) A determination by the ITSRR is, for the purposes of this Part (other than any proceedings for an offence under this Part), final and binding on the parties.

**Note.** The ITSRR may delegate its functions (see section 42Q of the *Transport Administration Act 1988*).

Clause 41 Rail Safety (General) Regulation 2008

Part 6 Miscellaneous

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## Part 6 Miscellaneous

### 41 Documents to be made available for public inspection

For the purposes of section 51 (c) of the Act, each safety performance report prepared under section 15 of the Act is prescribed.

### 42 Embargo notices

For the purposes of section 98 (4) (a) of the Act, an embargo notice must contain the following particulars:

- (a) a description of the thing to which the notice applies,
- (b) either the name of the person on whom the notice is to be served or a statement that the notice is to be affixed to a thing,
- (c) the name, signature and business telephone number of the rail safety officer who issued the notice,
- (d) the date on which the notice was issued.

### 43 Persons who may be appointed as rail safety officers

For the purposes of section 148 (1) of the Act, the following classes of persons may be appointed as rail safety officers:

- (a) employees of RailCorp who hold, or are acting in, the position of transit officer (of any rank),
- (b) police officers.

### 44 Exchange of information between agencies

The following are prescribed as relevant agencies for the purposes of the definition of *relevant agency* in section 156 of the Act:

- (a) a corresponding Rail Safety Regulator,
- (b) Comcare,
- (c) the NSW Police Force.

### 45 Exemptions for heritage operators

- (1) The ITSRR may, by notice in writing, exempt a heritage operator from some or all of the provisions of section 12 and Part 3 of the Act, or any regulations made under those provisions, in respect of that heritage railway.
- (2) A notice under subclause (1) takes effect from the day specified in the notice, or if no day is specified, on the day it is given to the operator.
- (3) A notice under this clause has effect according to its tenor.

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Part 6

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- (4) The ITSRR may, by notice in writing to the exempted operator, cancel an exemption under this clause.

#### **46 Exemptions from accreditation**

- (1) The ITSRR may, by notice in writing, exempt the following persons from some or all of the provisions of Part 3, or any regulations made under those provisions:
- (a) persons who carry out railway operations, or cause railway operations to be carried out, but who are not rail transport operators,
  - (b) related bodies corporate of accredited persons.
- (2) A notice under this clause takes effect from the day specified in the notice, or if no day is specified, on the day it is given to the operator.
- (3) A notice under this clause has effect according to its tenor.
- (4) The ITSRR may, by notice in writing to the exempted person, cancel an exemption under this clause.

#### **47 Train communications systems**

- (1) A rolling stock operator must ensure that each train for which the person is responsible is, at all times when the train is on the NSW rail network, fitted with a radio communications system that complies with this clause and a back up means of communication to be used if the radio communications system fails.  
Maximum penalty: 100 penalty units.
- (2) A rail infrastructure manager must ensure that a rolling stock operator of rolling stock operated on any part of the NSW rail network vested in or owned, managed or controlled by the rail infrastructure manager complies with subclause (1).  
Maximum penalty: 100 penalty units.
- (3) A radio communications system for a train must:
- (a) enable the driver of the train to verbally communicate with any network control officer responsible for the area in which the train is operating, and
  - (b) be working at all times when the train is being operated, and
  - (c) be capable of receiving and transmitting emergency calls, and
  - (d) be fitted with an emergency button that enables an emergency call from the train to be given priority over all other calls and that enables direct communication between the train and the network control officer responsible for the area in which the train is operating, and

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Part 6 Miscellaneous

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- (e) be capable of transmitting an emergency communication in a form that will allow any network control officer responsible for the area in which the train is operating to transmit the communication to other trains in that area.
- (4) A rail transport operator is taken to comply with subclause (2) if the radio communications system fails but the back up means of communication is operational.
- (5) The ITSRR may, by notice in writing to one or more rail transport operators, exempt from the operation of this clause a particular train or class of trains.
- (6) A notice under subclause (5) takes effect from the day specified in the notice, or if no day is specified, on the day it is given to the rail transport operator concerned.
- (7) A notice under subclause (5) has effect according to its tenor.

Rail Safety (General) Regulation 2008

Safety management system content

Schedule 1

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## **Schedule 1 Safety management system content**

(Clause 4 (1) (a))

### **1 Safety policy**

- (1) A safety policy that aligns with other organisational policies of the rail transport operator and that is endorsed by the person or body controlling the operator.
- (2) A safety policy that includes an express commitment to safety, the development and maintenance of a positive safety culture and the continuous improvement of all aspects of the safety management system.

### **2 Governance and internal control arrangements**

- (1) Systems and procedures to ensure that the person or body controlling the rail transport operator, or any person managing the operator's railway operations, has sufficient knowledge:
  - (a) of the risk profile of the railway operations carried out by the operator to enable the operator to proactively manage the risks arising from those operations, and
  - (b) of the level of compliance by the organisation with its duties and obligations under the Act and this Regulation to determine whether the operator is complying with those duties and obligations, and
  - (c) to determine whether:
    - (i) the safety management system is working effectively, and
    - (ii) risks to safety are being identified, assessed and managed so far as is reasonably practicable, and
    - (iii) controls used to monitor safety and to manage risks to safety are being regularly reviewed and revised.
- (2) Systems and procedures to ensure that decisions and directions made by the person or body controlling the rail transport operator, or any person managing the operator's railway operations, that affect safety are being implemented effectively.

### **3 Management, responsibilities, accountabilities and authorities**

- (1) Policies that indicate how safety responsibilities, accountabilities, authorities and interrelationships have been determined.



## Rail Safety (General) Regulation 2008

## Schedule 1 Safety management system content

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- (2) Documents that describe the safety responsibilities, accountabilities, authorities and interrelationship between the persons who manage or carry out rail safety work for the rail transport operator, or who verify such work.
  - (3) Procedures for the reporting of risks to safety by persons with safety responsibilities.
  - (4) Documents that describe the authorities given to persons with safety responsibilities to enable them to meet those responsibilities.

**4 Regulatory compliance**

- (1) Systems and procedures for the identification of safety requirements under the Act and other safety legislation.
- (2) Systems and procedures to ensure compliance with those requirements.

**5 Document control arrangements and information management**

Systems and procedures to control and manage all documents and information relevant to the management of risks to safety associated with railway operations of the rail transport operator, including systems and procedures for the following:

- (a) the identification, creation, maintenance, management, storage and retention of records and documents,
- (b) to ensure the currency of documents required for operations,
- (c) the communication of any changes to the document control systems and procedures to rail safety workers and employees of the operator who rely on those systems and procedures to carry out their work.

**6 Review of safety management system**

- (1) Systems and procedures for the review of the safety management system in accordance with the Act and this Regulation.
- (2) Documentation of the matters set out in clause 16 (3) of this Regulation.

**7 Safety performance measures**

- (1) Systems and procedures to ensure the safety management system is effective by using key performance indicators to measure safety performance and to determine the effectiveness of the safety management system.
- (2) Systems and procedures to ensure the collection, analysis, assessment and dissemination of safety information held by the rail transport operator to persons within the operator's organisation and to other appropriate persons and organisations.

Rail Safety (General) Regulation 2008

Safety management system content

Schedule 1

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## 8 Safety audit arrangements

- (1) An audit program for the audit of the safety management system that provides for the following:
  - (a) the scheduling and frequency of audits,
  - (b) the giving of priority to the auditing of those matters that represent the greatest safety risk.
- (2) Documented audit procedures to ensure there is a process for the collection of information to determine whether the railway operations of the rail transport operator comply with the safety management system and to determine the effectiveness of the safety management system.
- (3) Procedures to ensure that auditors:
  - (a) have the skills and knowledge to undertake audits, and
  - (b) are independent from the area being audited to the maximum extent that is practicable.
- (4) Procedures for the following:
  - (a) communicating the results of audits to those persons who are responsible for the oversight of the railway operations in the area audited for review and, where appropriate, for corrective action,
  - (b) where appropriate, the registration and effective implementation of recommendations for action identified by the audit,
  - (c) the review of the effectiveness of the audit program.

## 9 Corrective action

- (1) Procedures to ensure, so far as is reasonably practicable, that corrective action is taken in response to any safety deficiencies identified following inspections, testing, audits, investigations or notifiable occurrences.
- (2) Procedures for the following:
  - (a) registering any corrective actions to be taken,
  - (b) the review of those corrective actions,
  - (c) the implementation of corrective action if it is determined that corrective action is required,
  - (d) the assigning of responsibilities for corrective action.
- (3) Procedures for giving priority, when undertaking corrective action, to those matters representing the greatest safety risk.

## Rail Safety (General) Regulation 2008

## Schedule 1 Safety management system content

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**10 Management of change**

Procedures for ensuring that changes that may affect the safety of railway operations of the rail transport operator are identified and managed, including, but not limited to, procedures for ensuring the following, so far as is reasonably practicable:

- (a) that changes are fully identified and described in the context of the railway operations,
- (b) that affected parties are identified and, if practicable, consulted,
- (c) that the roles and responsibilities of rail safety workers and employees of the operator are clearly specified with respect to the change,
- (d) that the rail safety workers and employees of the operator are fully informed and trained to understand and deal with the proposed change,
- (e) that the requirements of section 12 (2) (c) and (d) of the Act are observed in relation to any risks associated with the proposed change,
- (f) that the change, once implemented, is reviewed and assessed by the operator to determine whether or not the change has been appropriately managed.

**11 Consultation**

Systems and procedures to ensure that the same consultation as is required by section 12 (3) of the Act occurs when the safety management system is reviewed or varied.

**12 Internal communication**

Systems and procedures for the following:

- (a) the dissemination of information about the content of the safety management system to people who are to participate in the implementation of the system or who may be otherwise affected by the implementation,
- (b) the communication of the rail transport operator's safety policy and safety objectives to all persons who are to participate in the implementation of the safety management system,
- (c) the internal reporting of accidents and incidents involving the operator's railway operations, including accidents and incidents involving contractors and sub-contractors,
- (d) to support communication and the dissemination of information throughout, and between all levels of persons involved in the operator's railway operations.

Rail Safety (General) Regulation 2008

Safety management system content

Schedule 1

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### **13 Risk management**

- (1) Systems and procedures for compliance with the risk management obligations set out in section 12 (2) (c), (d) and (e) of the Act.
- (2) A risk register that includes the following:
  - (a) a list of the risks to safety identified under section 12 (2) (c) of the Act,
  - (b) details of the assessment of those risks (including their likelihood, likely consequences and ranking),
  - (c) a description of any elimination or risk control measures that are to be used to manage, so far as is reasonably practicable, those risks, including, where appropriate:
    - (i) the identification of who is responsible for implementing the measures, and
    - (ii) a reference to the general location or locations in the safety management system where more details of the measures can be found.
- (3) Systems and procedures to ensure that the details in the register are current, so far as practicable.

### **14 Human factors**

Procedures to ensure that human factor matters are taken into account during the development, operation and maintenance of the safety management system and for the integration of human factors principles and knowledge into all relevant aspects of operational and business systems.

### **15 Procurement and contract management**

Systems and procedures for the following:

- (a) the review of tender documents and contracts to ensure that safety requirements under the safety management system are adequately defined and documented in those tender documents and contracts,
- (b) to ensure that the terms of any tender document or contract do not lead to unsafe work or an activity that may affect the safety of railway operations,
- (c) the selection and control of contractors of the rail transport operator, and to ensure the monitoring of the performance of such contractors, including conducting or commissioning audits of a contractor's performance in relation to the safety aspects of the contract with the operator,

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## Schedule 1 Safety management system content

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- (d) to ensure that safety duties under the Act are being met under contracts of the operator and that those contracts provide for the taking of remedial action where necessary,
  - (e) to ensure that goods and services provided to the operator or a contractor of the operator in respect of the railway operations of the operator meet the standards and specifications required under the Act.

**16 General engineering and operational systems safety requirements**

- (1) A documented set of engineering standards and procedures, and operational systems and safety standards and procedures, to cover the following and, if relevant, the interface between any 2 or more of them:
  - (a) rail infrastructure,
  - (b) rolling stock,
  - (c) operational systems.
- (2) Details of the implementation and procedures for updating the documents specified in subclause (1).
- (3) Procedures for the control and verification of the design of structures, rolling stock, equipment and systems, in accordance with the engineering standards and procedures, and operational systems and safety standards, specified in subclause (1).
- (4) Systems, standards and procedures for the following in relation to rail infrastructure and rolling stock:
  - (a) engineering design,
  - (b) construction and installation,
  - (c) implementation and commissioning,
  - (d) system operation,
  - (e) monitoring and maintenance,
  - (f) modification,
  - (g) decommissioning or disposal.

**17 Process control**

- (1) Procedures for the rail transport operator to monitor its compliance with the standards and procedures specified in clause 16 of this Schedule, including procedures for the inspection and testing of safety related engineering and operational systems.
- (2) Procedures for the control, calibration and maintenance of all equipment used to inspect or test rail infrastructure or rolling stock.

Rail Safety (General) Regulation 2008

Safety management system content

Schedule 1

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- (3) Arrangements for the establishment and maintenance of inspection and test records to provide evidence of the condition of rail infrastructure or rolling stock.

**18 Asset management**

An asset management policy and procedures that address all phases of the asset lifecycle of the rail infrastructure or rolling stock operations.

**19 Safety interface co-ordination**

- (1) Procedures for the identification of risks to safety of railway operations and for the development of interface agreements.
- (2) Procedures for monitoring compliance with interface agreements.
- (3) Systems for the maintenance of registers required under section 33 of the Act.

**20 Management of notifiable occurrences**

- (1) Systems and procedures for the reporting of notifiable occurrences in accordance with this Regulation.
- (2) Procedures for the management of the scene of a notifiable occurrence and for the preservation of evidence where reasonably practicable.
- (3) Procedures for the management of all notifiable occurrences, including procedures to enable the determination of which notifiable occurrences are to be investigated, and how investigations are to be conducted.

**21 Security management**

Systems and procedures to ensure compliance with section 16 of the Act and Division 2 of Part 2 of this Regulation.

**22 Emergency management**

Systems and procedures to ensure compliance with section 17 of the Act and Division 3 of Part 2 of this Regulation.

**23 Health and fitness**

Systems and procedures to ensure compliance with section 18 of the Act and clause 10 of this Regulation.

**24 Drugs and alcohol**

Systems and procedures to ensure compliance with section 19 of the Act and the *Rail Safety (Drug and Alcohol Testing) Regulation 2008*.

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**25 Fatigue management**

Systems and procedures to ensure compliance with section 20 of the Act and Division 5 of Part 2 of this Regulation.

**26 Rail safety worker competence**

Procedures, and where necessary standards, to ensure compliance with section 21 of the Act and clause 15 of this Regulation.

**27 Resource availability**

Systems and procedures for the following:

- (a) estimating the resources, including people and equipment, that the rail transport operator will need to operate and maintain its railway operations,
- (b) implementing, managing and maintaining the safety management system of the operator,
- (c) preparing plans to ensure that the operator has adequate access to the resources referred to in paragraph (a).

Rail Safety (General) Regulation 2008

Accreditation fees

Schedule 2

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## Schedule 2 Accreditation fees

(Clause 23 (1))

### 1 Definitions

In this Schedule:

**actual freight kms** means the total number of kilometres travelled by trains (other than passenger trains) operated by an accredited rail transport operator in the course of the accredited railway operations of the operator, including the total number of kilometres travelled by track maintenance machines operated by the operator along the main line between worksites of the operator.

**actual passenger kms** means the total number of kilometres travelled by passenger trains operated by an accredited rail transport operator in the course of the accredited railway operations of the operator.

**actual track under the management** of a rail transport operator means the total number of kilometres of track that is owned, controlled or managed by the operator, including private sidings.

### 2 Annual accreditation fees for rail transport operators (other than heritage operators)

- (1) The annual accreditation fee for a rail transport operator (other than a heritage operator) is the fee calculated in accordance with the following formula or \$10,000, whichever is the greater amount:

$$A = (T \times tr) + (F \times fr) + (P \times pr)$$

where:

**A** means the amount of the annual accreditation fee.

**T** is the actual track under the management of the rail transport operator.

**tr** is equal to \$70.0585 (the track rate).

**F** is the actual freight kms for the rail transport operator.

**fr** is equal to \$0.0643 (the freight train rate).

**P** is the actual passenger kms for the rail transport operator.

**pr** is equal to \$0.0276 (the passenger train rate).

- (2) The annual accreditation fee for a heritage operator is:
- if the actual track under the control of the operator, or the actual passenger kms for the operator, is less than 10,000 kilometres, \$100, or
  - in any other case, \$500.





New South Wales

## Rail Safety (Offences) Regulation 2008

under the

Rail Safety Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2008*.

DAVID CAMPBELL, M.P.,  
Minister for Transport

### Explanatory note

The objects of this Regulation are as follows:

- (a) to re-make, with minor changes, the railway offences previously contained in the *Rail Safety (General) Regulation 2003*, which was repealed on the commencement of the *Rail Safety Act 2008*,
- (b) to prescribe offences under the *Rail Safety Act 2008*, the proposed Regulation and the *Rail Safety (General) Regulation 2008* that may be dealt with by issuing penalty notices and to prescribe the penalty that may be imposed for any such offence by a penalty notice.

This Regulation is made under the *Rail Safety Act 2008*, including sections 131, 139 and 174 (the general regulation-making power).

Rail Safety (Offences) Regulation 2008

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## Rail Safety (Offences) Regulation 2008

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Clause 1	Rail Safety (Offences) Regulation 2008
Part 1	Preliminary

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## Rail Safety (Offences) Regulation 2008

under the

Rail Safety Act 2008

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Rail Safety (Offences) Regulation 2008*.

#### 2 Commencement

This Regulation commences on 1 January 2009.

#### 3 Definitions

(1) In this Regulation:

**assistance animal** means an animal referred to in section 9 (Disability discrimination—guide dogs, hearing assistance dogs and trained animals) of the *Disability Discrimination Act 1992* of the Commonwealth.

**concession ticket** means a ticket issued free or at a reduced fare.

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

**drive** includes ride or draw (in relation to a vehicle) and ride or lead (in relation to an animal).

**hold**, in relation to a ticket or reservation, means be able to produce the ticket or reservation on request.

**light rail stop** means any place designated for the picking up or setting down of passengers on a route declared, under section 104N (2) of the *Transport Administration Act 1988*, to be the route of a light rail system.

**light rail system** has the same meaning as in section 104N of the *Transport Administration Act 1988*.

**monorail works** means any station, platform, monorail running line or supporting column associated with a monorail transport system.

**public area** means any part of railway premises or monorail works that the public uses or is entitled to use.

**RailCorp** means Rail Corporation New South Wales.

Rail Safety (Offences) Regulation 2008

Clause 3

Preliminary

Part 1

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***restricted area of a station*** means:

- (a) if the station has no ticket barrier—the platform, and
- (b) if the station has a ticket barrier—the platform and all other parts of the station between the platform and the ticket barrier.

***station*** means:

- (a) a monorail station (whether or not on railway premises), and
- (b) any other station on railway premises,

and includes any place (other than a light rail stop) designated for the picking up and setting down of passengers on a railway.

***the Act*** means the *Rail Safety Act 2008*.

***ticket*** includes a pass or other thing issued to a person, by or on behalf of the rail transport operator of a railway, for the purpose of authorising the person to travel on a train on the railway.

***train*** means:

- (a) a train operated by RailCorp, or
- (b) a light rail vehicle operated on a light rail system, or
- (c) the class of trains operated by a rail transport operator.

***valid ticket*** means a ticket that meets the requirements for validity set out in clause 6.

***vehicle*** includes a bicycle.

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

Clause 4 Rail Safety (Offences) Regulation 2008

Part 2 Tickets and payment of fares

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## Part 2 Tickets and payment of fares

### 4 Fare to be paid and ticket to be held

- (1) A person must not, without reasonable excuse, travel on a train unless:
- (a) the fare for the person's travel has been paid, and
  - (b) the person (or someone accompanying the person) holds a valid ticket for the person's travel.

Maximum penalty: 5 penalty units.

**Note.** Clause 3 (1) defines *hold*, in relation to a ticket, as meaning "be able to produce the ticket on request".

- (2) It is a defence to a prosecution under this clause if the person proves:
- (a) that it appeared to the person, after reasonable investigation, that no facilities were available, at the station or stop at which the person got on the train, to enable the person to pay the fare or obtain the ticket before getting on the train, or
  - (b) that the person:
    - (i) arrived at the station or stop at a time that should, in the circumstances ordinarily existing at that time of day and on that day of the week, have enabled the person to pay the fare or obtain the ticket before getting on the train, and
    - (ii) diligently took all steps reasonably necessary to pay the fare or obtain the ticket,but was unable to pay the fare or obtain the ticket due to circumstances beyond the person's control.
- (3) Subject to subclause (2), it is not a defence to a prosecution under this clause for a person to prove:
- (a) that the time taken or likely to have been taken to pay the fare or obtain the ticket before getting on the train would have prevented the person from getting on the train, or
  - (b) that the person intended to pay the fare or obtain the ticket while travelling or on arriving at a particular place.
- (4) In this clause, *train* includes any other form of transport (such as a bus) provided by a rail transport operator in substitution for a train.

### 5 Other offences in relation to fares and tickets

- (1) A person who is travelling on a train without having paid the fare for the travel concerned must not, without reasonable excuse, fail to pay the fare:
- (a) on demand made by an officer authorised in that regard by the rail transport operator of the train system, or

Rail Safety (Offences) Regulation 2008

Clause 6

Tickets and payment of fares

Part 2

- 
- (b) if the fare has not already been paid pursuant to such a demand, immediately on leaving the train at the station or stop at which the person's travel is completed.

Maximum penalty: 5 penalty units.

- (2) A person must not, knowingly and without reasonable excuse, travel on a train in a carriage or compartment of a class to which the person's ticket does not apply.

Maximum penalty: 5 penalty units.

- (3) In this clause, *train* includes any other form of transport (such as a bus) provided by the rail transport operator in substitution for a train.

## 6 Validity of tickets

- (1) A ticket is valid for travel only:
- (a) between the stations or light rail stops (or within the zone or area) specified on it, and
  - (b) on the issue date specified on it (or, if an expiry date or time is specified, until and including that date or until that time), and
  - (c) between the times (if any) specified on it, and
  - (d) in the case of a single or return ticket—if the ticket has not previously been used to authorise the travel concerned, and
  - (e) in the case of a ticket showing the name of the person to whom it was issued—by that person.
- (2) A ticket transferred in contravention of clause 7 is not a valid ticket.
- (3) A ticket is not valid unless:
- (a) the number of the ticket, and
  - (b) the issue date or the expiry date (or both) of the ticket, and
  - (c) the names of stations or light rail stops between which (or the zone or area within which) the ticket authorises travel, and
  - (d) the name (if shown) of the person to whom the ticket was issued, are legible on the ticket, and the ticket is not defaced, mutilated or altered.
- (4) However, an illegible, defaced, mutilated or altered ticket is valid if the illegibility, defacing, mutilation or alteration occurred as a result of the ordinary use of the ticket.

Clause 7 Rail Safety (Offences) Regulation 2008

Part 2 Tickets and payment of fares

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### **7 Tickets not transferable**

- (1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a portion of the ticket, to another person.  
Maximum penalty: 5 penalty units.
- (2) This clause does not apply if:
  - (a) the ticket was bought on behalf of that other person, or
  - (b) the transfer is authorised by the rail transport operator of the railway to which the ticket relates.

### **8 Concession tickets**

- (1) A person must not travel on a train on the authority of a concession ticket unless the person is, because of his or her age, occupation or status, entitled to the concession ticket.  
Maximum penalty: 5 penalty units.
- (2) A rail safety officer may require a person:
  - (a) who is travelling on a train on the authority of a concession ticket, or
  - (b) who makes a concession ticket available for inspection under clause 9, or
  - (c) who offers a concession ticket for collection or processing under clause 10 or 11,to produce to the rail safety officer evidence (for example, the person's pensioner or student concession card) that the person is entitled to the concession ticket.
- (3) A person must comply with a requirement made under subclause (2).  
Maximum penalty: 5 penalty units.
- (4) A person must not:
  - (a) in or in connection with an application for a concession ticket, or
  - (b) in purported compliance with a requirement made under this clause,knowingly give any information or tender any document that contains a false or misleading particular with respect to the age, occupation or status of the person to whom the application or direction relates.  
Maximum penalty: 5 penalty units.

### **9 Inspection of tickets**

- (1) A person who:
  - (a) is on a train, or



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Clause 10

Tickets and payment of fares

Part 2

- 
- (b) is in a restricted area of a station, or
  - (c) has just left the restricted area of a station,
- must make his or her ticket available for inspection or processing by a rail safety officer on that officer's request.

Maximum penalty: 5 penalty units.

- (2) A person who has just left the restricted area of a station does not commit an offence under subclause (1) if the person's ticket has been:
  - (a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or
  - (b) given to a rail safety officer.

#### **10 Entry to restricted area of station**

- (1) A person must not, without reasonable excuse, enter the restricted area of a station (otherwise than by getting off a train) without offering the person's ticket for processing in accordance with this clause.  
Maximum penalty: 5 penalty units.
- (2) For the purposes of this clause, a person offers a ticket for processing:
  - (a) if the station has an automatic gate or other equipment provided to read or record any details on the ticket—by putting the ticket into that gate or equipment and, if requested by a rail safety officer, by also showing the ticket to the rail safety officer, or
  - (b) if the station does not have such a gate or equipment—by showing the ticket to a rail safety officer on that officer's request.
- (3) A person must offer his or her ticket for processing in the manner specified in subclause (2) (a), unless:
  - (a) the person's ticket is not designed for insertion in automatic equipment, or
  - (b) the station concerned is not supplied with automatic equipment, or
  - (c) the person has a reasonable excuse for not using the automatic equipment (for example, the equipment is not operating or the person is accompanied by luggage that would make use of the equipment difficult).

#### **11 Leaving restricted area of station**

- (1) A person must not, without reasonable excuse, leave the restricted area of a station (otherwise than by getting on a train) without offering the person's ticket for collection or processing in accordance with this clause.  
Maximum penalty: 5 penalty units.

Clause 11      Rail Safety (Offences) Regulation 2008  
Part 2          Tickets and payment of fares

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- (2) For the purposes of this clause, a person offers a ticket for processing:
- (a) if the station has an automatic gate or other equipment provided to read or record any details on the ticket—by putting the ticket into that gate or equipment and, if requested by a rail safety officer, by also showing the ticket to the officer (unless the ticket has been captured by the gate or equipment), or
  - (b) if the station does not have such a gate or equipment—by giving or showing the ticket to a rail safety officer on that officer's request.
- (3) A person must offer his or her ticket for collection or processing in the manner specified in subclause (2) (a), unless:
- (a) the person's ticket is not designed for insertion in or passing across automatic equipment, or
  - (b) the station concerned is not supplied with automatic equipment, or
  - (c) the person has a reasonable excuse for not using the automatic equipment (for example, the equipment is not operating or the person is accompanied by luggage that would make use of the equipment difficult).

Rail Safety (Offences) Regulation 2008

Clause 12

Conduct on trains and railway premises

Part 3

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## Part 3 Conduct on trains and railway premises

### Division 1 General conduct provisions

#### 12 Conduct generally

- (1) A person must not on any train or in any public area wilfully:
  - (a) use offensive language, or
  - (b) behave offensively, or
  - (c) spit.Maximum penalty: 10 penalty units.
- (2) A person must not on any train, on any railway premises or on any part of monorail works wilfully put his or her feet, or either of them, on a seat.  
Maximum penalty: 5 penalty units.

#### 13 Luggage and soiled clothing

- (1) If, in the opinion of a rail safety officer, a person's clothing or luggage (or any other thing that the person has, or appears to intend to take, on a train):
  - (a) may soil or damage the train or the clothing or luggage of other passengers, or
  - (b) has such dimensions that it cannot be accommodated in the train without inconvenience to other passengers,the officer may direct the person to leave, or not to enter, the train.
- (2) A person must comply with a direction given under subclause (1).  
Maximum penalty: 5 penalty units.

#### 14 Smoking generally prohibited

- (1) A person must not smoke on any train or in any public area that is roofed or otherwise covered.  
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to a part of a train or public area in or on which smoking is permitted by the display of signs.
- (3) In this clause, *smoke* includes be in possession of a lighted cigarette, cigar, pipe or similar article.

Clause 15      Rail Safety (Offences) Regulation 2008  
Part 3          Conduct on trains and railway premises

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**15 Eating and drinking on trains**

- (1) A person must not eat or drink on any train in which eating and drinking is prohibited by signs displayed in the train, except with the permission of a rail safety officer.  
Maximum penalty: 5 penalty units.
- (2) This clause does not apply to a person who is eating or drinking on a train for medical reasons.

**16 Drinking of alcohol generally prohibited**

- (1) A person must not drink any intoxicating liquor on any train or in any public area.  
Maximum penalty: 10 penalty units.
- (2) This clause does not apply if the liquor that is drunk was supplied on the train, railway premises or monorail works concerned by, or with the permission of, the rail transport operator of the railway.
- (3) In this clause, *drink* includes be in possession of an opened container of intoxicating liquor.

**17 Passengers who are intoxicated**

- (1) If, in the opinion of a rail safety officer, a person on a station or a train, or at a light rail stop:
  - (a) is under the influence of intoxicating liquor or another drug, and
  - (b) is causing, or is likely to cause, a nuisance or inconvenience to other persons on the station or train or at the light rail stop,the officer may direct the person to leave the station, train or light rail stop.
- (2) A person must comply with a direction given under subclause (1).  
Maximum penalty: 10 penalty units.

**18 No unauthorised commercial activities**

- (1) A person must not carry on a commercial activity on any train or in any public area without the written permission of the rail transport operator of the relevant railway.  
Maximum penalty: 5 penalty units.

Rail Safety (Offences) Regulation 2008

Clause 19

Conduct on trains and railway premises

Part 3

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(2) For the purposes of this clause, a *commercial activity* means any one or more of the following:

- (a) the sale or hire (or the offer for sale or hire) of any thing otherwise than by means of a mobile phone call to a person who is not present on the train or in the public area concerned,
- (b) the touting or soliciting for custom, hire or employment otherwise than by means of a mobile phone call to a person who is not present on the train or in the public area concerned,
- (c) the distribution of handbills to any person,
- (d) the soliciting of money from any person (whether by way of busking or otherwise).

**19 Entry to and exit from station or other premises**

A person must not, without reasonable excuse, enter or leave a station, platform or other work or premises connected with a railway otherwise than by a place designated by the rail transport operator of the railway for entry or exit.

Maximum penalty: 5 penalty units.

**20 Entry to and exit from trains**

A person must not, without reasonable excuse, enter or leave a train:

- (a) while the train is moving, or
- (b) by getting through a window, or
- (c) in the case of a train operated on a railway other than a light rail system—except at the side of the train adjoining the platform or other place designated by the rail transport operator of the railway for persons to enter or leave the train, or
- (d) in the case of a train operated on a railway that is a light rail system—except at the side of the train adjoining the light rail stop designated by the rail transport operator for persons to enter or leave the train.

Maximum penalty: 5 penalty units.

**21 Passengers to remain wholly within trains**

A person who is on a train must not, without reasonable excuse:

- (a) protrude any part of the person's body from an open door or window of the train, or
- (b) touch any building, structure or other object outside the train.

Maximum penalty: 5 penalty units.

Clause 22	Rail Safety (Offences) Regulation 2008
Part 3	Conduct on trains and railway premises

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## 22 Certain unauthorised travel on trains

- (1) A person must not board a train, for the purpose of travelling on it, at a station at which the train is not scheduled to pick up passengers, except with the permission of a rail safety officer.  
Maximum penalty: 5 penalty units.
- (2) A person must not leave a train at a station at which the train is not scheduled to set down passengers, except with the permission of a rail safety officer.  
Maximum penalty: 5 penalty units.

## 23 Compulsory reservation of sleeping berths or seats

- (1) A person must not, except with the permission of a rail safety officer, travel on a train on which booking is compulsory without holding:
  - (a) both a valid ticket for the travel concerned and a reservation for a sleeping berth or seat, or
  - (b) a combined travel and reservation ticket.Maximum penalty: 5 penalty units.
- (2) Subclause (1) does not apply to a person who is travelling with another person who holds a valid ticket and reservation, or a combined ticket and reservation (or tickets and reservations, or combined tickets and reservations) authorising, for both persons, travel on the train concerned.  
**Note.** Clause 3 (1) defines *hold*, in relation to a ticket or reservation, as meaning "be able to produce the ticket or reservation on request".
- (3) A person is not liable to be punished under both this clause and clause 4 (1) in respect of the same travel.

## 24 Unauthorised occupation of reserved seats

- (1) The rail transport operator of a railway may, by an appropriate notice attached to (or in the vicinity of) a seat in a train used on the railway, reserve the seat for a passenger.
- (2) A rail safety officer may direct a person to leave a seat reserved for another person if the officer is not satisfied that the person is occupying the seat with the permission of either the person for whom it is reserved or a rail safety officer.
- (3) A person must comply with a direction given under subclause (2).  
Maximum penalty: 5 penalty units.

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Clause 25

Conduct on trains and railway premises

Part 3

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**25 Unauthorised occupation of sleeping berths**

- (1) A person must not, except with the permission of a rail safety officer, occupy a sleeping berth on a train:
  - (a) other than the berth allotted to the person, or
  - (b) without holding or having delivered up on the train a sleeping berth ticket or other receipt for the fare for the berth.

Maximum penalty: 5 penalty units.

- (2) A rail safety officer may direct a person contravening subclause (1) to leave the berth.
- (3) A person must comply with a direction given under subclause (2).

Maximum penalty: 5 penalty units.

**26 Unauthorised occupation of seats for aged persons or persons with a disability**

- (1) The rail transport operator of a railway may, by appropriate notice attached to (or in the vicinity of) seating in a train used on the railway, set aside that seating for persons who are aged or have a disability.
- (2) A person who is not aged and does not have a disability must not continue to occupy a seat set aside for the aged and persons with disabilities if an aged person or a person with a disability wanting to use the seat (or a person on behalf of that person) asks the person to vacate it.

Maximum penalty: 5 penalty units.

**27 No interference with train doors**

A person must not, without reasonable excuse:

- (a) block a train door, or
- (b) open a locked train door at any time, or
- (c) open an unlocked train door (other than an internal door or a door between carriages) while the train is moving, or
- (d) in any way interfere with an automatically operated train door.

Maximum penalty: 50 penalty units.

**28 No entry to crew compartment of train**

- (1) A person must not:
  - (a) enter any crew compartment of a train without the permission of a rail safety officer, or

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Part 3 Conduct on trains and railway premises

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(b) remain in the crew compartment of a train after having been requested to leave the compartment by a rail safety officer.

Maximum penalty: 10 penalty units.

(2) This clause does not apply to a rail safety officer in the execution of his or her duty.

### **29 Travel not allowed on certain parts of train**

(1) A person must not, without reasonable excuse, travel on any part of a train not intended for the conveyance of passengers.

Maximum penalty: 5 penalty units.

(2) Without limiting subclause (1), parts of a train not intended for the conveyance of passengers include the following:

- (a) the engine or locomotive,
- (b) the roof, steps and footboard,
- (c) the stairs of a double-decker train.

### **30 Unauthorised use of certain equipment**

(1) A person must not, without reasonable excuse, do any of the following:

- (a) use the public address system of a train or on a station or at a light rail stop,
- (b) use any other communications system or information system of a train or on a station or at a light rail stop or on any other part of the infrastructure of a railway, or any emergency help point for passengers, for a purpose other than the purpose for which it is provided,
- (c) apply or release any brake on a train,
- (d) use or interfere with any emergency or safety equipment on a train or on a station or at a light rail stop or on any other part of the infrastructure of a railway,
- (e) operate or otherwise interfere with any electrical or mechanical apparatus or device that is on railway premises or is attached to, or forms part of, any train or any part of monorail works, or
- (f) throw any article or thing at or towards, or otherwise interfere with, any electricity supply line or any electrical or mechanical apparatus on railway premises or situated on or about, or attached to, any part of monorail works.

Maximum penalty: 250 penalty units.



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Clause 31

Conduct on trains and railway premises

Part 3

- 
- (2) In this clause, *emergency or safety equipment* includes closed circuit television cameras, emergency help points for passengers, emergency breakdown equipment, alarms, stretchers, fire extinguishers and the like.

**31 No obstruction or hindrance**

- (1) A person must not, without reasonable excuse:
- (a) obstruct any facility in a public area, or
  - (b) hinder (whether by obstruction or by any other means) another person's use of any facility in a public area.

Maximum penalty: 10 penalty units.

- (2) Without limiting subclause (1), a facility in a public area includes the following:
- (a) the entrance to a station or light rail stop,
  - (b) the exit from a station or light rail stop,
  - (c) stairways and escalators at a station or light rail stop.

**32 Pedestrians**

A person must not, while proceeding on foot in any public area, proceed at a pace or in a manner that may cause injury or damage or that may endanger any person or property.

Maximum penalty: 5 penalty units.

**33 Use of escalators and lifts**

- (1) A person must not, while in any public area:
- (a) ride on a travelling handrail of an escalator, or
  - (b) without reasonable excuse, move while on an escalator in a direction opposite to that in which it is travelling, or
  - (c) without reasonable excuse, convey any goods on an escalator or in a lift, or
  - (d) without reasonable excuse, interfere in any manner with an escalator or lift or the working of an escalator or lift.

Maximum penalty: 5 penalty units.

- (2) In this clause, *goods* does not include shopping, strollers, prams, bicycles, surfboards or luggage.

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Part 3	Conduct on trains and railway premises

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### **34 Railway property not to be removed**

- (1) A person must not remove any property belonging to a rail transport operator from any train, any railway premises or any part of monorail works.  
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to a rail safety officer or other person in the execution of the officer's or person's duty.

### **35 Graffiti and vandalism**

- (1) A person must not:
  - (a) write, draw or affix any word, representation, character or poster on or to, or
  - (b) destroy, damage or deface,any train, any part of the infrastructure of a railway or any property on railway premises or monorail works.  
Maximum penalty: 20 penalty units.
- (2) A person must not, without reasonable excuse, have in his or her possession on any train, any part of a railway, on any railway premises or on any part of monorail works any thing intended for use in damaging property.  
Maximum penalty: 10 penalty units.
- (3) This clause does not apply to a rail safety officer in the execution of his or her duty.

### **36 Throwing things**

A person must not, without reasonable excuse, throw any thing at or from a train, a station, a light rail stop or any other part of the rail infrastructure.  
Maximum penalty: 20 penalty units.

### **37 No littering**

- (1) A person must not on any train or in any public area:
  - (a) deposit any litter, or
  - (b) deposit any thing that may endanger any person or property, otherwise than in a receptacle provided for that purpose.Maximum penalty: 10 penalty units.
- (2) A person must not abandon any building material on any train, any part of a railway, on any railway premises or on any part of monorail works.  
Maximum penalty: 5 penalty units.

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Clause 38

Conduct on trains and railway premises

Part 3

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**38 Lighting fires**

A person must not:

- (a) light a fire on, or
- (b) bring any burning substance into or onto, or cause a burning substance to be brought into or onto, or
- (c) throw or drop any burning substance on or from, or cause any burning substance to be thrown or dropped on or from,

any train, any part of a railway, any railway premises or monorail works.

Maximum penalty: 10 penalty units.

**39 Direction to leave train or premises**

- (1) If, in the opinion of a rail safety officer, a person is committing an offence under this Part, the officer may direct the person to leave the train, railway premises or part of the monorail works concerned.
- (2) A person must comply with a direction given under subclause (1).  
Maximum penalty: 10 penalty units.
- (3) A person who has been directed to leave a train, railway premises or part of a monorail works must not, without a reasonable excuse, re-enter the train, railway premises or part of a monorail works within 4 hours of the direction being given.

Maximum penalty: 10 penalty units.

**40 Gates to be closed**

A person who uses a gate at a railway crossing, or any other gate set up at the side of the railway, must shut and securely fasten the gate immediately after use.

Maximum penalty: 5 penalty units.

**41 No trespassing**

- (1) A person must not, without reasonable excuse, go onto or into, or remain on or in:
  - (a) the restricted area of a station, or
  - (b) any running lines or associated part of any rail infrastructure, or
  - (c) any workshops forming part of rail infrastructure, or
  - (d) any offices or administrative areas of a railway, or
  - (e) any other railway premises or any part of monorail works.

Maximum penalty: 50 penalty units.

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Part 3 Conduct on trains and railway premises

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- (2) Subclause (1) does not apply to:
  - (a) a rail safety officer in the execution of his or her duty, or
  - (b) a person who has the permission of the rail transport operator of the railway to enter the railway premises or part of the monorail works concerned.
- (3) A rail safety officer who has reason to believe that a person is committing an offence under subclause (1) may direct the person to leave the restricted area of the station, running lines, associated part of the rail infrastructure, workshop, office or administrative area, railway premises or monorail works concerned.
- (4) A person must comply with a direction given under subclause (3).  
Maximum penalty: 5 penalty units.

#### **42 Lost property**

- (1) A person who finds any article in a train or any public area:
  - (a) must return it to its owner, or
  - (b) must give it, or report its location, to an employee of a rail transport operator designated by the operator for the purposes of this clause or a rail safety officer.

Maximum penalty: 5 penalty units.
- (2) A rail transport operator must develop and implement procedures that comply with this clause for dealing with any lost property that is found in a train or any public area for which the operator is responsible.  
Maximum penalty: 5 penalty units.
- (3) The procedures referred to in subclause (2) are to include (but not be limited to) procedures involving:
  - (a) the keeping of registers of:
    - (i) lost property that is found, and
    - (ii) enquiries as to lost property, and
  - (b) the keeping of written records as to when and how lost property, when found, is to be returned or disposed of.
- (4) The procedures referred to in subclause (2) must be capable of being audited.

#### **43 Protection of monorail works**

- (1) A person must not enter the monorail envelope, or cause or permit anything to enter the monorail envelope, otherwise than:
  - (a) for the purpose of entering or leaving or travelling in a monorail train, or

Rail Safety (Offences) Regulation 2008

Clause 44

Conduct on trains and railway premises

Part 3

(b) in accordance with an approval granted by an authorised person.  
Maximum penalty: 5 penalty units.

- (2) In this clause, *monorail envelope* means the space around the Darling Harbour monorail, being the rectangular space within 2 metres on either side of, 4.5 metres above and 1 metre below an imaginary line running along the centre of the bottom surface of the monorail beam.

## Division 2 Crossing running lines

### 44 Definitions

In this Division:

*railway crossing* does not include any crossing over the running lines of a light rail system in a road or road related area.

*road* and *road related area* have the same meanings as in the *Road Transport (General) Act 2005*.

### 45 Crossing running lines—generally

- (1) A person must not cross or drive a vehicle over a running line except by means of a railway crossing, bridge or subway constructed for that purpose.  
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to or in respect of:
- (a) a rail safety officer or other person in the execution of his or her duty, or
  - (b) a person who takes any action referred to in this clause at the request or direction of a rail safety officer or other person in the execution of the officer's or person's duty, or
  - (c) a running line used in a road or road related area for the purpose of a light rail system.

### 46 Pedestrians crossing running line

- (1) A person on foot (unless in charge of an animal) must not, without reasonable excuse, cross over a running line at ground level at a railway crossing if a bridge or subway is provided at the crossing.  
Maximum penalty: 10 penalty units.
- (2) A person on foot must not cross over a running line at a railway crossing:
- (a) if warned not to do so by a rail safety officer, or
  - (b) contrary to a warning displayed at the railway crossing.
- Maximum penalty: 10 penalty units.

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Part 3          Conduct on trains and railway premises

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- (3) A person on foot must not cross over a running line at a railway crossing at which are installed barriers or a bell, alarm, red light or other warning device:
- (a) if barriers are installed—while those barriers are in any position other than the fully open position, or
  - (b) whether or not barriers are installed—while any bell, alarm, red light or other warning device is operating.
- Maximum penalty: 10 penalty units.
- (4) This clause does not apply to:
- (a) a rail safety officer or other person in the execution of the officer's or person's duty, or
  - (b) a person who takes any action referred to in this clause at the request or direction of a rail safety officer or other person in the execution of the officer's or person's duty.

**47 Certain vehicles crossing running line at railway crossing**

- (1) A person must not drive a vehicle across a railway crossing:
- (a) if the vehicle is carrying a load that is likely to cause any damage to railway property or to cause an obstruction, or
  - (b) contrary to a sign displayed at the railway crossing, or
  - (c) if directed not to do so by a rail safety officer.
- Maximum penalty: 10 penalty units.
- (2) Subclause (1) (a) does not apply if the vehicle and load comply with the relevant regulations under the *Road Transport (General) Act 2005* (or are the subject of a relevant permit under that Act).

**48 Driving animals across running line at ground level**

A person (with or without a vehicle) must not, at ground level, drive an animal across a running line at a railway crossing:

- (a) if warned not to do so by a rail safety officer, or
- (b) if a train is in sight and moving towards the railway crossing, or
- (c) if warning of the approach of a train has been given by a whistle or other device.

Maximum penalty: 10 penalty units.

**49 No placing of objects on running lines**

- (1) A person must not leave any object on a running line.  
Maximum penalty: 50 penalty units.

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Clause 50

Conduct on trains and railway premises

Part 3

- 
- (2) Subclause (1) does not apply to a rail safety officer in the execution of his or her duty.

### **Division 3      Animals and vehicles**

#### **50      Control of dogs on stations**

A person must not, without the permission of a rail safety officer, take a dog onto any part of a station, or have a dog in his or her charge on a station, unless the dog is under the person's direct physical control by means of a lead, chain or frame (such as those used to control assistance animals) or otherwise.

Maximum penalty: 5 penalty units.

#### **51      Animals on trains or railway premises**

- (1) A person must not take an animal onto a train intended for the conveyance of passengers, or have an animal in his or her charge on such a train, except under the conditions imposed by the rail transport operator of the relevant railway for the conveyance of the animal.

Maximum penalty: 5 penalty units.

- (2) A person must not allow an animal under the person's care or control on, or to stray onto, railway premises, except as provided by subclause (1).

Maximum penalty: 5 penalty units.

- (3) This clause does not apply to:

- (a) an assistance animal accompanying a person with a disability, or
- (b) an assistance animal in training.

#### **52      Person not to drive or ride in certain areas**

- (1) A person must not:

- (a) drive a vehicle or an animal (other than a dog controlled in accordance with clause 50 or an animal referred to in clause 51 (3)), or
- (b) allow an animal under the person's care or control to be, or
- (c) use a skateboard, roller skates or rollerblades,

on or along a platform or a pathway, subway or other way on railway premises or any part of monorail works used in connection with a station and set apart for the exclusive use of pedestrians.

Maximum penalty: 5 penalty units.

Clause 53	Rail Safety (Offences) Regulation 2008
Part 3	Conduct on trains and railway premises

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- (2) This clause does not apply:
- (a) to vehicles designed to carry persons unable to walk (such as invalid carriages), or
  - (b) to a motorised trolley being used by a rail safety officer in the execution of his or her duty, or
  - (c) in respect of:
    - (i) an animal being taken onto or from a train in accordance with the conditions referred to in clause 51 (1), or
    - (ii) an animal referred to in clause 51 (3).

### **53 Restrictions on vehicles driven on certain railway structures**

- (1) The rail transport operator of a railway may, by notice exhibited conspicuously on or near a railway road bridge or other railway structure, fix a vehicle's maximum loaded mass, maximum axle load or other load limit in respect of the bridge or structure.
- (2) A person must not drive on or over a railway road bridge or other railway structure a vehicle whose loaded mass, axle load or other load exceeds the maximum limit so fixed and notified unless:
- (a) the person has obtained the written permission of the rail transport operator of the railway concerned to do so, and
  - (b) the vehicle is driven in conformity with any conditions determined by the rail transport operator in respect of it.

Maximum penalty: 5 penalty units.

- (3) In this clause, a reference to a railway road bridge or other railway structure is a reference to a bridge or other structure that is provided for the purpose of enabling vehicles to cross a running line.

### **54 Bicycles not to be left in certain areas**

A person must not leave a bicycle on railway premises or any part of monorail works or chained or otherwise attached to any building, fence or other railway installation on railway premises or any part of monorail works, except in a cloak room, parcels office or other place designated by the rail transport operator of the relevant railway for that purpose.

Maximum penalty: 5 penalty units.



Rail Safety (Offences) Regulation 2008

Clause 55

Miscellaneous

Part 4

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## **Part 4 Miscellaneous**

### **55 Attempt to do prohibited act**

A person who attempts to do any thing that is prohibited by a provision of this Regulation is taken to have committed an offence under that provision and is punishable accordingly.

### **56 Removal of persons**

A person who refuses or fails to comply with a direction given under this Regulation to leave any train or railway premises or part of monorail works may be removed from the train or premises or part of the monorail works by a rail safety officer.

### **57 Penalty notice offences**

- (1) For the purposes of section 139 of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and
  - (b) subject to subclause (2), the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1 opposite the offence.
- (2) In the case of an offence arising under clause 4, 5, 7, 8, 9, 10 or 11 of this Regulation, the prescribed penalty for the offence is \$50 if the person who is alleged to have committed the offence is under the age of 18 years.

## Rail Safety (Offences) Regulation 2008

Schedule 1 Penalty notice offences

**Schedule 1 Penalty notice offences**

(Clause 57)

**Part 1 Offences under Rail Safety Act 2008**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Section 8 (1)	\$1,000
Section 9 (1)	\$1,000
Section 10	\$200
Section 12 (1)	\$1,000
Section 13	\$1,000
Section 14	\$500
Section 15	\$500
Section 16 (2)	\$1,000
Section 17 (3)	\$1,000
Section 20 (2)	\$1,000
Section 21 (1)	\$1,000
Section 21 (5)	\$200
Section 22 (2)	\$200
Section 23	\$1,000
Section 26 (1)	\$1,000
Section 35 (1)	\$5,500
Section 37	\$5,500
Section 51	\$200
Section 60 (2)	\$500
Section 61 (2)	\$1,500
Section 61 (3)	\$1,500
Section 63 (1)	\$600
Section 63 (4)	\$600
Section 65 (3)	\$1,000
Section 65 (4)	\$500

## Rail Safety (Offences) Regulation 2008

Penalty notice offences

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Section 65 (5)	\$500
Section 68 (3)	\$500
Section 72 (4)	\$800
Section 93 (2)	\$200
Section 98 (6)	\$500
Section 105	\$100
Section 107	\$500
Section 113 (1)	\$1,500

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### **Part 2 Offences under the Rail Safety (General) Regulation 2008**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 33	\$500
Clause 35 (1)	\$500
Clause 39	\$500
Clause 47 (1)	\$500
Clause 47 (2)	\$500

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### **Part 3 Offences under the Rail Safety (Offences) Regulation 2008**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 4 (1)	\$200
Clause 5 (1) (a)	\$200
Clause 5 (1) (b)	\$200
Clause 7 (1)	\$200
Clause 8 (1)	\$200

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## Rail Safety (Offences) Regulation 2008

Schedule 1 Penalty notice offences

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 8 (3)	\$200
Clause 9 (1)	\$200
Clause 10 (1)	\$200
Clause 11 (1)	\$200
Clause 12 (1) (a)	\$400
Clause 12 (1) (b)	\$400
Clause 12 (1) (c)	\$400
Clause 12 (2)	\$100
Clause 13 (2)	\$100
Clause 14 (1)	\$300
Clause 15 (1)	\$100
Clause 16 (1)	\$400
Clause 17 (2)	\$400
Clause 18 (1)	\$100
Clause 19	\$100
Clause 20 (a)	\$200
Clause 20 (b)	\$200
Clause 20 (c)	\$200
Clause 20 (d)	\$200
Clause 21 (a)	\$200
Clause 21 (b)	\$200
Clause 22 (1)	\$100
Clause 22 (2)	\$100
Clause 23 (1)	\$100
Clause 24 (3)	\$100
Clause 25 (1) (a)	\$100
Clause 25 (1) (b)	\$100
Clause 25 (3)	\$100
Clause 26 (2)	\$100

## Rail Safety (Offences) Regulation 2008

Penalty notice offences

Schedule 1

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 27 (a)	\$400
Clause 27 (b)	\$400
Clause 27 (c)	\$400
Clause 27 (d)	\$400
Clause 28 (1) (a)	\$400
Clause 28 (1) (b)	\$400
Clause 29 (1)	\$200
Clause 30 (1) (a)	\$400
Clause 30 (1) (b)	\$400
Clause 30 (1) (c)	\$400
Clause 30 (1) (d)	\$400
Clause 30 (1) (e)	\$400
Clause 30 (1) (f)	\$400
Clause 31 (1) (a)	\$200
Clause 31 (1) (b)	\$200
Clause 32	\$200
Clause 33 (1) (a)	\$200
Clause 33 (1) (b)	\$200
Clause 33 (1) (c)	\$100
Clause 33 (1) (d)	\$100
Clause 34 (1)	\$200
Clause 35 (1) (a)	\$400
Clause 35 (1) (b)	\$400
Clause 35 (2)	\$200
Clause 36	\$400
Clause 37 (1) (a)	\$200
Clause 37 (1) (b)	\$400
Clause 37 (2)	\$200
Clause 38 (a)	\$400

## Rail Safety (Offences) Regulation 2008

Schedule 1 Penalty notice offences

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 38 (b)	\$400
Clause 38 (c)	\$400
Clause 39 (2)	\$400
Clause 40	\$200
Clause 41 (1) (a)	\$400
Clause 41 (1) (b)	\$400
Clause 41 (1) (c)	\$400
Clause 41 (1) (d)	\$400
Clause 41 (1) (e)	\$400
Clause 41 (4)	\$200
Clause 42 (1)	\$100
Clause 43 (1)	\$100
Clause 46 (1)	\$400
Clause 46 (2) (a)	\$400
Clause 46 (2) (b)	\$400
Clause 46 (3) (a)	\$400
Clause 46 (3) (b)	\$400
Clause 47 (1) (a)	\$400
Clause 47 (1) (b)	\$400
Clause 47 (1) (c)	\$400
Clause 48 (a)	\$400
Clause 48 (b)	\$400
Clause 48 (c)	\$400
Clause 49 (1)	\$400
Clause 50	\$100
Clause 51 (1)	\$100
Clause 51 (2)	\$100
Clause 52 (1) (a)	\$100
Clause 52 (1) (b)	\$100

Rail Safety (Offences) Regulation 2008

Penalty notice offences

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 52 (1) (c)	\$100
Clause 53 (2)	\$200
Clause 54	\$100

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New South Wales

# Rural Lands Protection (General) Amendment Regulation 2008

under the

Rural Lands Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Lands Protection Act 1998*.

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

## Explanatory note

The object of this Regulation is to amend the *Rural Lands Protection (General) Regulation 2001* as a consequence of the commencement on 1 January 2009 of certain amendments to the *Rural Lands Protection Act 1998* made by the *Rural Lands Protection Amendment Act 2008*.

Specifically, this Regulation makes amendments as follows:

- (a) to specify that certain functions of the new State Management Council of Livestock Health and Pest Authorities must be carried out at least 3 months before the commencement of each financial year,
- (b) to set out a new method for calculating general, animal health and special purpose rates that are levied under the *Rural Lands Protection Act 1998*,
- (c) to prescribe new minimum areas of rateable land for the new livestock health and pest districts created on 1 January 2009,
- (d) to remove obsolete provisions relating to elections of members of the former State Council of Rural Lands Protection Boards,
- (e) to alter references to “rural lands protections boards” in the *Rural Lands Protection (General) Regulation 2001* to “livestock health and pest authorities” (which replace them).

This Regulation is made under the *Rural Lands Protection Act 1998*, including sections 25 (1), 31 (2) (a), 62 (4) and 243 (the general regulation-making power) and clause 1 of Schedule 7.



Clause 1 Rural Lands Protection (General) Amendment Regulation 2008

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## **Rural Lands Protection (General) Amendment Regulation 2008**

under the

Rural Lands Protection Act 1998

### **1 Name of Regulation**

This Regulation is the *Rural Lands Protection (General) Amendment Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Rural Lands Protection (General) Regulation 2001**

The *Rural Lands Protection (General) Regulation 2001* is amended as set out in Schedule 1.

Rural Lands Protection (General) Amendment Regulation 2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

[1] **Parts 2 and 2A**

Omit the Part. Insert instead:

### Part 2 State Council

#### 5 Operating plans, budgets and reports: section 25 (1)

For the purposes of section 25 (1) of the Act, the State Council must, at least 3 months before the commencement of each financial year, provide an annual operating plan and budget for the operations of the State Council for that following financial year to the Minister and the Policy Council.

#### 5A Authorities to contribute to State Council's fund: section 31

For the purposes of section 31 (2) (a), the State Council must, at least 3 months before the commencement of each financial year, determine the amount of money that it requires authorities to contribute to the State Council's fund to enable it to carry out its functions during that following financial year.

### Part 2A Livestock health and pest authorities

#### 5B Elections of elected directors of boards of authorities

Schedule 2 has effect.

[2] **Clause 7**

Omit clauses 7 and 8. Insert instead:

#### 7 Making of rates

- (1) A general rate and an animal health rate for each year are to be made by an authority by a resolution of the board of the authority. The resolutions may be made in the previous year but must be made by 31 March of the year to which they relate.

**Note.** Under section 79 of the Act, the State Council (with the approval of the Minister) may extend the time within which the rates may be made.

- (2) A special purpose rate (if any) is to be made by an authority by resolution of the board of the authority.

## Rural Lands Protection (General) Amendment Regulation 2008

## Schedule 1 Amendments

- 
- (3) A general rate, or a special purpose rate (if any), for rateable land is to consist of:
- (a) a base amount for each holding of rateable land (determined by the State Council), and
  - (b) an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district or for each constituent part (within the meaning of clause 44 of Schedule 7 to the Act) of the district.
- (4) An animal health rate for rateable land is to consist of:
- (a) a base amount for each holding of rateable land (determined by the State Council), and
  - (b) an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district, or for each constituent part (within the meaning of clause 44 of Schedule 7 to the Act) of the district, for which the annual returns lodged in the year preceding the year in which the rate is payable indicate that at least 50 stock units were kept on the land as at 30 June in the year.
- (5) The amount payable under a rate in respect of rateable land is calculated in accordance with the following formula:
- $$R = B + (A \times C)$$
- where:
- R** represents the amount payable under the rate.
- B** represents the base amount determined by the State Council in respect of the authority for the purposes of the rate.
- A** represents the amount, determined by the authority, payable for each stock unit in accordance with this clause.
- C** represents the notional carrying capacity of rateable land determined in accordance with clause 11.
- (6) In calculating the general rate or animal health rate payable in respect of land, the authority must disregard any part of the land used for intensive livestock production in respect of which an animal health rate is payable.

Rural Lands Protection (General) Amendment Regulation 2008

Amendments

Schedule 1

- [3] Clauses 9, 11 (2), (4) and (5), 12 (1) (a), (3) and (6), 13, 14 (1) (b), 21 (1), 24 (1), 25, 26 (2), 27 (1) and (2), 31 (3) (b), 32 (b), 33 (1), (2), (4), (5) and (6), 34 (1), 44 (1), (2) and (3), 45, 47 (3), (6) and (10), 50 (1), 55 (a), 59 (2) (e) and (3), 60 (3), 62, 63, 65 (1), 68 (1) and 70 (2)**

Omit “the board”, “a board”, “A board”, “board’s”, “appropriate board”, “responsible board”, “the boards” and “any board” wherever occurring.

Insert instead “the authority”, “an authority”, “An authority”, “authority’s”, “appropriate authority”, “responsible authority” and “the authorities”, “any authority” respectively.

- [4] Clause 9 Special purpose pest insect eradication rates**

Omit “clause 7 (4A)” from clause 9 (2) wherever occurring.

Insert instead “clause 7 (3)”.

- [5] Clause 66 Filling of casual vacancy in office of member or director**

Omit the clause.

- [6] Schedule 1 Forms**

Omit Forms 2 and 3. Insert instead:

**Form 2 Ballot-paper for election of directors**

(Sch 2, cl 13 (4))

.....  
 (insert name of district)  
 Election of .....  
 (insert number of directors to be elected)  
 Held on .....  
 (insert election day)

**Candidates**

- VALADON, Susan
- BROWN, Denise
- SMITH, John
- (Tenterfield)
- SMITH, John
- (Blackacre)
- DAVIS, Ron

## Rural Lands Protection (General) Amendment Regulation 2008

## Schedule 1 Amendments

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(The following directions are to appear on the front or the back of the ballot-paper. If the directions appear on the back of the ballot-paper, an appropriate reference to their appearance on the back must be made on the front of the ballot-paper.)

**Directions for voting**

*(here insert the following direction if only one candidate is to be elected)*

- 1 In marking your vote on this ballot-paper, you must place a clearly legible tick or cross in the square opposite the name of the candidate to whom you desire to give your vote.

*(here insert the following direction if 2 candidates are to be elected)*

- 1 In marking your vote on this ballot-paper you must place a clearly legible tick or a cross in the squares opposite the names of 2 candidates.

**[7] Schedule 2**

Omit Schedules 2 (as amended by Schedule 6.28 [4] and [5] to the *Rural Lands Protection Amendment Act 2008*) and 3.

Insert instead:

**Schedule 2 Elections**

(Clause 5B)

**Part 1 Preliminary****1 Definitions**

In this Schedule:

***candidate*** means a candidate for election as a director.

***close of nominations*** for an election means the final time and date fixed under clause 3 for the close of nominations for the election.

***close of the ballot*** for an election means the final date and time fixed by the returning officer for the close of the ballot for the election.

***election*** means election (including a special election) of a person to hold office as a director of a board of an authority.

***enrolment officer*** means the enrolment officer authorised by the State Council to act as the enrolment officer for an authority under Schedule 2 to the Act.

***returning officer*** means the person determined to be the returning officer for the authority in accordance with guidelines given by the State Council.

***roll*** for an election means the roll referred to in clause 11 of Schedule 2 to the Act.

Rural Lands Protection (General) Amendment Regulation 2008

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Schedule 1

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*special election* means an election referred to in clause 7A of Schedule 1 to the Act.

## **2 Functions of returning officer**

- (1) The returning officer is to conduct elections.
- (2) For the purposes of conducting an election, the returning officer may determine any matter not provided for by the Act or this Regulation.
- (3) The returning officer may delegate any of his or her functions under this Part (other than this power of delegation) to any other person other than a candidate in an election.

## **Part 2 Calling of elections**

### **3 Notice of elections**

- (1) As soon as practicable after it has been determined in accordance with the Act or this Regulation that an election is required to be held, notice of that fact is to be given to the returning officer by the State Council.
- (2) The notice is to specify the date on which the ballot for the election is to be held and is to be given to the returning officer at least 80 days before that date.
- (3) The returning officer must give notice that an election is to be held by one or more of the following means:
  - (a) display of a notice in a prominent place in the office of the authority concerned or on a community notice board at a public place within the district,
  - (b) causing notice to be published:
    - (i) in at least one newspaper circulating generally throughout New South Wales, or
    - (ii) in one or more local newspapers that, individually or collectively, circulate generally throughout the district concerned,
  - (c) giving written notice to each person entitled to vote at the election.
- (4) Notice under subclause (3) must:
  - (a) state that the election is to be held and specify the district or division involved, and
  - (b) state the number of persons to be elected, and

## Rural Lands Protection (General) Amendment Regulation 2008

## Schedule 1 Amendments

- 
- (c) call for nominations of candidates, and
  - (d) state the time and date fixed by the returning officer for the close of nominations, and
  - (e) state where nomination forms may be obtained and where nominations may be lodged, and
  - (f) state the date and time fixed for the close of enrolments for the election, and
  - (g) state the date and time fixed for the close of the ballot.
- (5) The close of nominations must not be less than 40 days before the close of the ballot.
- (6) In this clause:  
*close of enrolments* means the date (being a date not less than 20 days before the close of the ballot for the election) and time fixed by the returning officer by which people must be included in the roll for the election.

### Part 3 Nominations for elections

#### 4 Eligibility for nomination

Any person qualified for election as a director is eligible for nomination as a candidate for an election.

**Note.** Clauses 4 and 5 of Schedule 2 to the Act sets out the persons who are qualified for election as a director.

#### 5 Nomination of candidates

- (1) Any occupier of rateable land in a district, or, if the district is divided into divisions, any occupier of land in the division, may nominate a person as a candidate for an election for that district or division.
- (2) A nomination of a candidate:
  - (a) must be in the form approved by the authority concerned, and
  - (b) must contain a statement, signed by the candidate, stating that the candidate consents to the nomination, and
  - (c) must be lodged with the returning officer before the close of nominations.
- (3) Each candidate must be nominated on a separate nomination paper.

## Rural Lands Protection (General) Amendment Regulation 2008

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- 
- (4) On receipt of the nomination, the returning officer must endorse on it the date and time of receipt.

**6 Withdrawal of nomination proposals**

- (1) A candidate who has been nominated in an election may withdraw the nomination.
- (2) A withdrawal of nomination must:
- (a) be in writing, and
  - (b) contain a statement, signed by the candidate, stating that the candidate withdraws the nomination, and
  - (c) be lodged with the returning officer before the close of nominations.

**Note.** Clause 33 of this Schedule makes provision for circumstances in which a candidate dies after close of nominations and before close of the ballot.

**7 Uncontested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to be elected.

**8 Contested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

**9 Candidate information sheets**

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in or to the effect of Form 1, containing information intended for inclusion in a candidate information sheet.
- (2) If a ballot is to be held, the returning officer must compile a candidate information sheet consisting of the information submitted by the candidate.
- (3) In compiling a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information submitted by the candidate:
- (a) as the returning officer considers to be false or misleading, or



## Rural Lands Protection (General) Amendment Regulation 2008

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- (b) as the returning officer considers to be inappropriate for inclusion in the candidate information sheet, or
  - (c) as exceeds 250 words.
- (4) If a candidate does not submit any information, the returning officer may, in compiling the candidate information sheet, include in respect of the candidate the words “NO INFORMATION RECEIVED”.
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

## Part 4 Electoral roll

### 10 Electoral roll

As soon as practicable after it becomes apparent to the returning officer that a ballot must be held for an election for a board of an authority, the returning officer must notify the authority:

- (a) that a ballot is to be held for the election, and
- (b) that an electoral roll for the election is required.

**Note.** Part 4 of Schedule 2 to the Act provides for the keeping of rolls.

## Part 5 The ballot

### 11 Postal ballot

- (1) An election that is a contested election is to be determined by ballot by post.
- (2) The voting system in a contested election is to be the “first past the post” method, that is, the candidate or candidates with the most votes is or are taken to be elected. If the number of candidates to be elected cannot be determined because of an equality of votes, the candidate taken to be elected is the candidate whose name is drawn from a lot containing the names of each of the candidates having equal votes.
- (3) A candidate nominated for election is, without a ballot being held, taken to be elected if the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected.

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**12 Position on ballot-paper**

- (1) The order of candidates' names on ballot-papers for an election that is a contested election is to be determined by a ballot held by the returning officer.
- (2) The ballot is to be conducted by the returning officer in the presence of at least 2 persons who are not candidates for election.
- (3) The ballot is to be conducted in the following manner:
  - (a) the returning officer must, at the place of nomination and before all persons present, make out in respect of each candidate a slip bearing the name under which the candidate has been nominated,
  - (b) the returning officer must then enclose the slips in separate identical containers, securely seal each container and deposit all the containers in a securely fastened ballot-box,
  - (c) the returning officer must then shake and rotate the ballot-box and, on request, permit any other person present to do the same,
  - (d) the returning officer must then unfasten the ballot-box and take out and open each container one by one,
  - (e) the returning officer must then announce to the persons present, and record, the name of the candidate whose name appears on the slip enclosed in the container first taken from the ballot-box and, in consecutive order, the name of the candidates whose names appear on the slip enclosed in the container next taken from the ballot-box and so on until the placing of all names has been determined,
  - (f) the returning officer must sign the record and allow any of the persons present to do the same.
- (4) Each candidate or an agent of the candidate is entitled to be present at a ballot in accordance with this clause.
- (5) In this clause:  
*place of nomination* means the place determined by the returning officer.

**13 Form of ballot-papers**

- (1) The returning officer is to have ballot-papers printed for the election.
- (2) The names of the candidates are to be printed in one column (starting at the top) in the order determined as referred to in clause 12.

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- (3) The ballot-papers must show as the names of the candidates the names under which they were nominated. The names may be accompanied by descriptions or additions to distinguish them from each other in any case where a similarity in the names of 2 or more candidates is, in the opinion of the returning officer, likely to cause confusion.
  - (4) The ballot-papers for an election are to be in or to the effect of Form 2.

**14 Supply of ballot**

- (1) The returning officer is to provide sufficient ballot-papers for each person entitled to vote (whether in person or by proxy) in an election.
- (2) Each elector entitled to vote at an election is to be sent:
  - (a) one ballot-paper on which to record his or her vote, and
  - (b) an unsealed envelope addressed to the returning officer and bearing on the back the words "full name and address of elector in legible writing" and "signature of elector", together with appropriate spaces for the insertion of a name, address and signature and, if relevant, the division of the district for which the director is to be elected.
- (3) The returning officer is to make an appropriate notation on the roll to show that the elector has received or been sent the ballot-paper or ballot-papers.

**15 Ballot-paper**

A ballot-paper is to be initialled on the back by the returning officer (or by a person authorised by the returning officer) before the returning officer gives or sends it to an elector. The initials are to be placed so as to be easily seen when the ballot-paper is folded to conceal the elector's marks. The initials may be written or stamped.

**16 Duplicate ballot-papers**

- (1) If an elector satisfies the returning officer that he or she has spoilt by reason of accident or mistake any ballot-paper handed or sent to him or her, the returning officer may, on receipt of the spoilt ballot-paper:
  - (a) hand or send to the elector a new ballot-paper, and
  - (b) cancel and preserve the spoilt paper.

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- (2) If an elector satisfies the returning officer that he or she has not received a ballot-paper sent to him or her, the returning officer may hand or send to the elector a new ballot-paper.
  - (3) The returning officer is to maintain a record of all duplicate ballot-papers issued under this clause.

**17 Recording of votes**

In order to vote in an election, a person must:

- (a) for each vote to which the person is entitled:
  - (i) record a vote on the ballot-paper in accordance with the directions shown on it, and
  - (ii) place the completed ballot-paper in an inner envelope, and
  - (iii) seal the inner envelope, and
- (b) place each inner envelope in the outer envelope, and
- (c) write legibly the person's full name and address on, and sign, the back of the outer envelope, and
- (d) return the outer envelope to the returning officer before the close of the ballot.

**Part 6 The scrutiny****18 Ascertaining result of ballot**

The result of a ballot for an election is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

**19 Scrutineers**

- (1) At least one scrutineer, whether nominated by the candidate or otherwise, is to be present during the ballot for an election.
- (2) Each candidate at an election may nominate one person to be a scrutineer at the election.
- (3) A candidate for election may not act as a scrutineer.

**20 Informal ballot-papers**

- (1) A ballot-paper of an elector at an election is informal if:
  - (a) the elector has failed to record a vote on it in the manner directed on it, or

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- (b) it has not been initialled on the back by the returning officer, or
  - (c) it contains a mark or writing which, in the returning officer's opinion, would enable the elector to be identified.
- (2) Despite subclause (1), a ballot-paper of an elector at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares has been left blank. In such a case, the tick or cross is to be treated as a vote for only one candidate.
  - (3) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.

**21 Initial scrutiny and count**

- (1) On the close of the ballot for an election the returning officer must, in the presence of any scrutineers who are present, open the ballot-box and have the ballot-papers scrutinised in his or her presence and must reject the informal ballot-papers.
- (2) After the scrutiny at an election, the returning officer must:
  - (a) count the votes recorded for each candidate and the informal votes, and
  - (b) ascertain the results of the count in accordance with clause 11 (2), and
  - (c) inform the persons present of the result of the count.

**22 Recount**

- (1) Any candidate present when the returning officer declares the result of the count at an election may request a recount of the ballot-papers.
- (2) If such a request is made, the returning officer must again have the papers scrutinised and counted and is to inform the persons present of the results of the recount.

**23 Declaring the election**

- (1) As soon as practicable after counting the votes in an election, the returning officer is to notify the enrolment officer for the authority concerned, in writing, of the candidate or candidates elected.

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- (2) The enrolment officer is to cause notice of the candidate or candidates elected in the election to be published in:
- (a) at least one newspaper circulating generally throughout New South Wales, or
  - (b) one or more local newspapers that, individually or collectively, circulate generally throughout the district concerned.

## Part 7 Offences

### 24 Misconduct in voting

A person must not:

- (a) vote, or attempt to vote, more times than a person's voting entitlement allows in an election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote, or
- (c) make a false or misleading statement:
  - (i) to the returning officer in connection with any election, or
  - (ii) in any document that the person furnishes for the purposes of any election.

Maximum penalty: 10 penalty units.

### 25 Obstruction of electoral officials

A person must not abuse, hinder or obstruct the returning officer or a scrutineer in the exercise of his or her functions.

Maximum penalty: 10 penalty units.

### 26 Misconduct by scrutineers

- (1) A scrutineer must not:
  - (a) interfere with or influence an elector in an election, or
  - (b) at the counting of a ballot, communicate with any person except as necessary to carry out the scrutineer's functions.
- (2) A scrutineer must obey the lawful directions of the returning officer.

Maximum penalty: 10 penalty units.

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**27 Breach of secrecy**

The returning officer or a scrutineer who knows how a particular elector has voted must not disclose that knowledge.

Maximum penalty: 10 penalty units.

**28 Stuffing ballot-boxes**

(1) A person must not place in a ballot-box a ballot-paper that the person knows has not been lawfully issued to an elector.

(2) An elector must not place in the ballot-box a paper or other thing other than the ballot-paper and envelope issued to him or her.

Maximum penalty: 10 penalty units.

**29 Bribery**

A person must not, in relation to an election, or an elector at such an election, do any of the things set out in section 147 of the *Parliamentary Electorates and Elections Act 1912*.

Maximum penalty: 10 penalty units.

**30 Treating**

A candidate at an election under this Part must not, in relation to the election, do any of the things set out in section 149 of the *Parliamentary Electorates and Elections Act 1912*.

Maximum penalty: 10 penalty units.

**31 Intimidation**

A person must not, in relation to an election, or an elector at such an election, do any of the things set out in section 151 of the *Parliamentary Electorates and Elections Act 1912*.

Maximum penalty: 10 penalty units.

**Part 8 Miscellaneous****32 Decisions of returning officer final**

If the returning officer is permitted or required by this Regulation to make a decision on any matter relating to the taking of a ballot in any election, the decision of the returning officer on that matter is final.

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### 33 Death of candidate

If a candidate dies after the close of nominations and before the close of the ballot in an election:

- (a) the returning officer is to cause notice of the death to be published in one or more local newspapers that, individually or collectively, circulate generally throughout the district or division concerned, and
- (b) all proceedings after the returning officer was notified that an election was required to be held are of no effect and must be undertaken again.

### 34 Security of election materials

- (1) After the results of an election are declared, the returning officer is to parcel the marked and any unmarked ballot-papers, the roll and other papers or envelopes used in the election.
- (2) The returning officer is to seal, endorse and sign each parcel, and to allow any scrutineers entitled to be present to watch the returning officer carry out those actions and countersign the parcel.
- (3) The returning officer is to have the parcels kept securely for 12 months after the election, and then destroyed.
- (4) If a court so directs, or any legislation so requires or permits, the returning officer is to allow any person to inspect any of the election materials, except the sealed parcels of marked ballot-papers.

#### [8] Schedule 4

Omit the Schedule. Insert instead:

### Schedule 4 Minimum areas of rateable land

(Clause 6 (1))

Column 1	Column 2
District	Area in hectares
Central North	10
Central West	10
Cumberland	10



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<b>Column 1</b>	<b>Column 2</b>
<b>District</b>	<b>Area in hectares</b>
Darling	40
Hume	10
Lachlan	10
Mid-Coast	10
New England	10
North Coast	10
North West	10
Riverina	20
South East	10
Tablelands	10
Western	40

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New South Wales

## Security Industry Amendment (Fees) Regulation 2008

under the

Security Industry Act 1997

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

ANTHONY KELLY, M.I.C.,  
Minister for Police

### Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that fees payable in respect of the issue of new licences (other than a class 1 licence that will be in force for less than 1 year) under the *Security Industry Act 1997* (*the Act*) are now payable in two stages, an administrative fee that is to accompany the application for the licence, and a licence fee payable before the issue of the licence,
- (b) to increase certain fees payable in respect of the issue of new licences under the Act,
- (c) to introduce a new fingerprinting fee of \$40 if an applicant for a licence has not had his or her fingerprints taken before in relation to a licence issued under the Act.

This Regulation is made under the *Security Industry Act 1997*, including sections 14 (2) (a) and 48 (the general regulation-making power).

Clause 1 Security Industry Amendment (Fees) Regulation 2008

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## **Security Industry Amendment (Fees) Regulation 2008**

under the

Security Industry Act 1997

### **1 Name of Regulation**

This Regulation is the *Security Industry Amendment (Fees) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Security Industry Regulation 2007**

The *Security Industry Regulation 2007* is amended as set out in Schedule 1.

Security Industry Amendment (Fees) Regulation 2008

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Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 12

Omit the clause. Insert instead:

#### 12 Licence fees

(1) **Class 1 licence—less than 1 year term**

For the purposes of sections 14 (2) (a) and 48 (2) (i) of the Act, the prescribed fee in respect of a class 1 licence that will be in force for less than 1 year is \$80 to accompany an application for the licence.

**Note.** Clause 10 (b) provides for class 1 licences to be issued for less than 1 year in certain circumstances.

(2) **Class 1, class 2 and provisional licences—1 year term**

For the purposes of sections 14 (2) (a) and 48 (2) (i) of the Act, the prescribed fees in respect of a class 1, class 2 or provisional licence that will be in force for a period of 1 year are:

- (a) \$90 to accompany an application for the licence, and
- (b) \$65 to be paid before the issue of the licence.

(3) **Class 1 and 2 licences—5 year term**

For the purposes of sections 14 (2) (a) and 48 (2) (i) of the Act, the prescribed fees in respect of a class 1 or class 2 licence that will be in force for a period of 5 years are:

- (a) \$90 to accompany an application for the licence, and
- (b) \$415 to be paid before the issue of the licence.

(4) **Master licences**

For the purposes of sections 14 (2) (a) and 48 (2) (i) of the Act, the prescribed fees in respect of a master licence are as follows:

- (a) if the licensee is to be self-employed and no licensed security industry employees are to be employed by the licensee under the licence during the term of the licence:
  - (i) \$115 to accompany an application for the licence, and
  - (ii) \$360 to be paid before the issue of the licence,
- (b) if a total of no more than 10 licensed security industry employees are to be employed by the licensee during the term of the licence:

## Security Industry Amendment (Fees) Regulation 2008

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- (i) \$140 to accompany an application for the licence, and
    - (ii) \$830 to be paid before the issue of the licence,
  - (c) if a total of more than 10 and no more than 50 licensed security industry employees are to be employed by the licensee during the term of the licence:
    - (i) \$165 to accompany an application for the licence, and
    - (ii) \$1,860 to be paid before the issue of the licence,
  - (d) if a total of more than 50 licensed security industry employees are to be employed by the licensee during the term of the licence:
    - (i) \$190 to accompany an application for the licence, and
    - (ii) \$3,720 to be paid before the issue of the licence.
- (5) For the purposes of sections 14 (2) (a) and 48 (2) (i) of the Act, in addition to any fee payable under subclauses (1)–(4), an application for a licence is to be accompanied by a fingerprinting fee of \$40 if the applicant has not had his or her fingerprints taken before in relation to a licence under the Act.

**[2] Clause 24 Application for variation of master licence**

Omit clause 24 (1) and (2). Insert instead:

- (1) The Commissioner may, on the application of the holder of a master licence, vary the subclass of that licence (the *old subclass*) to another subclass (the *new subclass*).
- (2) If the fees payable under clause 12 in respect of the new subclass are higher than those payable under that clause in respect of the old subclass, the fee payable on an application under subclause (1) is the difference between those fees.



New South Wales

# State Authorities Non-contributory Superannuation Amendment (Family Law) Regulation 2008

under the

State Authorities Non-contributory Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Non-contributory Superannuation Act 1987*.

JOSEPH TRIPODI, M.P.,  
Minister for Finance

## Explanatory note

The object of this Regulation is to amend the *State Authorities Non-contributory Superannuation Regulation 2005* to provide for the following matters relating to family law superannuation payments in respect of spouses or former spouses of employees under the State Authorities Non-contributory Superannuation Scheme:

- (a) the manner in which the superannuation interest of an employee is to be valued for family law purposes,
- (b) the notification of employees, and spouses or former spouses (*non-employee spouses*), of family law superannuation entitlements resulting from agreements or orders under Commonwealth family law,
- (c) the nomination by non-employee spouses as to where family law superannuation entitlements are to be paid,
- (d) the reduction of benefits payable to employees whose non-employee spouses have received family law superannuation entitlements,
- (e) provisions of a transitional nature.

This Regulation is made under the *State Authorities Non-contributory Superannuation Act 1987*, including sections 27AJ–27AL and 36 (the general regulation-making power) and clause 1 of Schedule 5 to the Act.

Clause 1            State Authorities Non-contributory Superannuation Amendment (Family Law) Regulation 2008

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## **State Authorities Non-contributory Superannuation Amendment (Family Law) Regulation 2008**

under the

State Authorities Non-contributory Superannuation Act 1987

### **1 Name of Regulation**

This Regulation is the *State Authorities Non-contributory Superannuation Amendment (Family Law) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 19 December 2008.

### **3 Amendment of State Authorities Non-contributory Superannuation Regulation 2005**

The *State Authorities Non-contributory Superannuation Regulation 2005* is amended as set out in Schedule 1.

State Authorities Non-contributory Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Part 3A

Insert after Part 3:

## Part 3A Family law provisions

### 12A Interpretation

(1) In this Part:

*approved valuation method* means Part 9 of Schedule 2 to the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003* made under the *Family Law (Superannuation) Regulations 2001* of the Commonwealth.

*deferred benefit* means a benefit preserved under section 24 of the Act.

*employee* includes a former employee.

(2) Words and expressions used in this Part have the same meaning as they have in Part 4D of the Act.

### 12B Valuation of superannuation interests

(1) This clause applies for the purposes of Part 4D of the Act and the family law superannuation legislation.

(2) The value of a superannuation interest of an employee is to be determined in accordance with the approved valuation method.

### 12C Notice to employee and non-employee spouse when entitlement becomes payable

(1) If a superannuation interest of an employee becomes subject to a payment split, STC must notify the employee and the non-employee spouse in relation to the interest, in writing, that the interest is subject to a payment split.

(2) The notice must be given:

(a) in the case of a payment split under a superannuation agreement or flag lifting agreement—within 28 days after the operative time for the payment split, or



State Authorities Non-contributory Superannuation Amendment (Family Law) Regulation 2008

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- (b) in the case of a payment split under a splitting order—within 28 days after the operative time for the payment split or after STC receives a copy of the order (whichever is the later).
- (3) The notice given to the employee must:
  - (a) specify the estimated amount of the entitlement of the non-employee spouse and how it was calculated, and
  - (b) specify the period within which payment of that entitlement is to be made, and
  - (c) specify the estimated effect of the payment on the entitlement of the employee under the State Authorities Non-contributory Superannuation Scheme.
- (4) The notice given to the non-employee spouse must:
  - (a) specify the estimated amount of the entitlement of the non-employee spouse and how it was calculated, and
  - (b) specify the circumstances in which the amount may be paid or released to the non-employee spouse or must be transferred or rolled over to a complying superannuation fund or an RSA, and
  - (c) require the non-employee spouse to nominate, within 28 days, whether the non-employee spouse meets a circumstance for payment or release or, if not, to nominate a complying superannuation fund or an RSA to which the amount is to be paid, and
  - (d) specify that the amount will be credited to the First State Superannuation Fund if the nomination is not made within that period.
- (5) For the purposes of section 27AJ (5) (b) of the Act, the prescribed period within which a nomination must be made is 28 days after the giving of the notice under this clause.
- (6) STC is not required to give the notice if the superannuation interest ceases to be subject to a payment split within the notice period.

**12D Payment of family law superannuation entitlements**

- (1) If the amount of a family law superannuation entitlement is to be paid or released to a non-employee spouse, the amount must be paid or released by STC when, or as soon as practicable after, a nomination is received under clause 12C (4).

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- (2) If the amount of a family law superannuation entitlement is to be transferred or rolled over, the amount must be transferred or rolled over:
- (a) to a complying superannuation fund or RSA nominated under this Part within 90 days of the nomination being made, or
  - (b) if no nomination is made within the period prescribed by this Part, to the First State Superannuation Fund within 90 days of the end of the period.
- (3) Nothing in subclause (2) (b) prevents STC from transferring or rolling over the amount of a family law superannuation entitlement to a complying superannuation fund or RSA if a nomination is made by a non-employee spouse after the end of the period referred to in clause 12C (5).
- (4) STC must give to the employee, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
- (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the estimated amount of adjustment made to the benefit of the employee.
- (5) STC must give to the non-employee spouse, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
- (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the name and contact details of the superannuation fund or RSA, if any, to which the amount was transferred or rolled over.

**Note.** Under regulation 59 of the *Family Law (Superannuation) Regulations 2001* of the Commonwealth, STC may charge reasonable fees in respect of payment splits, payment flags, flag lifting and other related matters. Such fees are payable in equal parts by the employee and the non-employee spouse.

**12E Reduction of benefits of employees**

- (1) This clause applies if the amount of the family law superannuation entitlement of a non-employee spouse is paid,

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released, transferred or rolled over under Part 4D of the Act (a *family law superannuation payment* is made).

- (2) A benefit payable to the employee (including a benefit transferred under the Act), other than a deferred benefit, is to be reduced in accordance with this clause at the time it is paid to the contributor or transferred.
- (3) A deferred benefit of the employee is to be reduced in accordance with this clause:
  - (a) if the benefit was preserved before the superannuation entitlement of the non-employee spouse was paid, released, transferred or rolled over, at the time the entitlement is paid, released, transferred or rolled over, or
  - (b) in any other case, when the benefit is preserved.
- (4) The amount of the reduced benefit is to be calculated as follows:

$$r = v \times (1 - A \times C)$$

where:

*r* is the amount of the reduced benefit.

*v* is the amount of the benefit that would have been payable to the employee if the family law superannuation payment had not been made.

*A* is the ratio of the amount paid in respect of the non-employee spouse to the value of the benefit of the employee when the payment split occurred.

*C* is the ratio of the benefit accrual when the payment split occurred to the benefit accrual when the benefit is payable or deferred or transferred (as the case requires).

- (5) If family law superannuation payments are made in respect of more than one spouse of the employee, the amount of the reduced benefit (other than a deferred benefit) is to be calculated by applying to the amount of the benefit payable (as referred to in subclause (4)) the reduction factor for each family law superannuation payment. Each reduction factor is to be calculated as follows:

$$f = 1 - A \times C$$

where:

*f* is the reduction factor.

*A* and *C* have the same meanings as in subclause (4).

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(6) In this clause:

*benefit accrual* at any point in time means the benefit accrual as at that time as determined by STC on actuarial advice.

*value of a benefit* means the value of the benefit as determined by STC on actuarial advice.

**12F Effect of benefit reductions on pensions and other benefits**

Any benefit payable under the Act to a person on the death of an employee whose benefit has been, or is to be, reduced as a result of a family law superannuation payment is to be based on the amount of the benefit as so reduced.

**12G Transitional provisions relating to existing family law superannuation entitlements**

- (1) This clause applies to a family law superannuation entitlement that arose under a superannuation agreement, flag lifting agreement or splitting order in force before the commencement of this Part (an *existing entitlement*).
- (2) If an existing entitlement consists of an interest that is not able to be calculated until a benefit becomes payable to an employee or other person, it is taken to be operative for the purposes of section 27AJ of the Act when the benefit becomes so payable.
- (3) For the purposes of the application of clause 12C to an existing entitlement, a nomination under clause 12C must be given by a non-employee spouse within 3 months of being given notice under that clause.

**12H Transitional provision relating to all family law superannuation entitlements**

Clause 12C (2) does not apply in respect of a family law superannuation entitlement until 6 months after the commencement of this Part.



New South Wales

# State Authorities Superannuation Amendment (Family Law) Regulation 2008

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOSEPH TRIPODI, M.P.,  
Minister for Finance

## Explanatory note

The object of this Regulation is to amend the *State Authorities Superannuation Regulation 2005* to provide for the following matters relating to family law superannuation payments in respect of spouses of contributors or former contributors to the State Authorities Superannuation Scheme (and members or former members of certain former public sector schemes) (*contributors*):

- (a) the manner in which the superannuation interest of a contributor is to be valued for family law purposes,
- (b) the notification of contributors, and spouses or former spouses (*non-contributor spouses*), of family law superannuation entitlements resulting from agreements or orders under Commonwealth family law,
- (c) the nomination by non-contributor spouses as to where family law superannuation entitlements are to be paid,
- (d) the reduction of benefits payable to contributors whose non-contributor spouses have received family law superannuation entitlements,
- (e) provisions of a transitional nature.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including sections 45I–45K and 55 (the general regulation-making power) and clause 1 of Schedule 6 to that Act.

Clause 1            State Authorities Superannuation Amendment (Family Law) Regulation  
                         2008

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## **State Authorities Superannuation Amendment (Family Law) Regulation 2008**

under the

State Authorities Superannuation Act 1987

### **1 Name of Regulation**

This Regulation is the *State Authorities Superannuation Amendment (Family Law) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 19 December 2008.

### **3 Amendment of State Authorities Superannuation Regulation 2005**

The *State Authorities Superannuation Regulation 2005* is amended as set out in Schedule 1.

State Authorities Superannuation Amendment (Family Law) Regulation  
2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Part 3A

Insert after Part 3:

## Part 3A Family law provisions

### 23A Interpretation

- (1) In this Part:  
*approved valuation method* means Part 7 of Schedule 2 to the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003* made under the *Family Law (Superannuation) Regulations 2001* of the Commonwealth.  
*contributor* includes a former contributor.
- (2) Words and expressions used in this Part have the same meanings as they have in Part 5AA of the Act.

### 23B Application to other schemes

Without limiting section 45G of the Act, this Part applies to persons referred to in section 45G (1) of the Act in the same way as it applies to contributors.

### 23C Valuation of superannuation interests

- (1) This clause applies for the purposes of Part 5AA of the Act and the family law superannuation legislation.
- (2) The value of a superannuation interest of a contributor is to be determined in accordance with the approved valuation method.

### 23D Notice to contributor and non-contributor spouse when entitlement becomes payable

- (1) If a superannuation interest of a contributor becomes subject to a payment split, STC must notify the contributor and the non-contributor spouse in relation to the interest, in writing, that the interest is subject to a payment split.
- (2) The notice must be given:
  - (a) in the case of a payment split under a superannuation agreement or flag lifting agreement—within 28 days after the operative time for the payment split, or

State Authorities Superannuation Amendment (Family Law) Regulation  
2008

Schedule 1      Amendment

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- (b) in the case of a payment split under a splitting order—within 28 days after the operative time for the payment split or after STC receives a copy of the order (whichever is the later).
- (3) The notice given to the contributor must:
  - (a) specify the estimated amount of the entitlement of the non-contributor spouse and how it was calculated, and
  - (b) specify the period within which payment of that entitlement is to be made, and
  - (c) specify the estimated effect of the payment on the entitlement of the contributor under the State Authorities Superannuation Scheme.
- (4) The notice given to the non-contributor spouse must:
  - (a) specify the estimated amount of the entitlement of the non-contributor spouse and how it was calculated, and
  - (b) specify the circumstances in which the amount may be paid or released to the non-contributor spouse or must be transferred or rolled over to a complying superannuation fund or an RSA, and
  - (c) require the non-contributor spouse to nominate, within 28 days, whether the non-contributor spouse meets a circumstance for payment or release or, if not, to nominate a complying superannuation fund or an RSA to which the amount is to be paid, and
  - (d) specify that the amount will be credited to the First State Superannuation Fund if the nomination is not made within that period.
- (5) For the purposes of section 45I (5) (b) of the Act, the prescribed period within which a nomination must be made is 28 days after the giving of the notice under this clause.
- (6) STC is not required to give the notice if the superannuation interest ceases to be subject to a payment split within the notice period.

**23E Payment of family law superannuation entitlements**

- (1) If the amount of a family law superannuation entitlement is to be paid or released to a non-contributor spouse, the amount must be paid or released by STC when, or as soon as practicable after, a nomination is received under clause 23D (4).



State Authorities Superannuation Amendment (Family Law) Regulation  
2008

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Schedule 1

- 
- (2) If the amount of a family law superannuation entitlement is to be transferred or rolled over, the amount must be transferred or rolled over:
- (a) to a complying superannuation fund or RSA nominated under this Part within 90 days of the nomination being made, or
  - (b) if no nomination is made within the period prescribed by this Part, to the First State Superannuation Fund within 90 days of the end of the period.
- (3) Nothing in subclause (2) (b) prevents STC from transferring or rolling over the amount of a family law superannuation entitlement to a complying superannuation fund or RSA if a nomination is made by a non-contributor spouse after the end of the period referred to in clause 23D (5).
- (4) STC must give to the contributor, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
- (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the estimated amount of adjustment made to the benefit of the contributor.
- (5) STC must give to the non-contributor spouse, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
- (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the name and contact details of the superannuation fund or RSA, if any, to which the amount was transferred or rolled over.

**Note.** Under regulation 59 of the *Family Law (Superannuation) Regulations 2001* of the Commonwealth, STC may charge reasonable fees in respect of payment splits, payment flags, flag lifting and other related matters. Such fees are payable in equal parts by the contributor and the non-contributor spouse.

State Authorities Superannuation Amendment (Family Law) Regulation  
2008

Schedule 1 Amendment

**23F Reduction of benefits of contributors**

- (1) This clause applies if the amount of the family law superannuation entitlement of a non-contributor spouse is paid, released, transferred or rolled over under Part 5AA of the Act (a *family law superannuation payment* is made).
- (2) An employer financed benefit payable to the contributor (including a benefit deferred or transferred under the Act) is to be reduced in accordance with this clause at the time it is paid to the contributor or transferred.
- (3) A contributor financed benefit payable to the contributor (including a benefit deferred or transferred under the Act) is to be reduced in accordance with this clause when the superannuation entitlement of the non-contributor spouse is paid, released, transferred or rolled over.
- (4) The amount of the reduced employer financed benefit is to be calculated as follows:

$$r = v \times (1 - A \times C)$$

where:

*r* is the amount of the reduced benefit.

*v* is the amount of the benefit that would have been payable to the contributor if the family law superannuation payment had not been made.

*A* is the ratio of the amount paid in respect of the non-contributor spouse to the value of the benefit of the contributor when the payment split occurred.

*C* is the ratio of the benefit accrual when the payment split occurred to the benefit accrual when the benefit is payable or deferred or transferred (as the case requires).

- (5) If family law superannuation payments are made in respect of more than one spouse of the contributor, the amount of the reduced employer financed benefit is to be calculated by applying to the amount of the benefit payable (as referred to in subclause (4)) the reduction factor for each family law superannuation payment. Each reduction factor is to be calculated as follows:

$$f = 1 - A \times C$$

where:

*f* is the reduction factor.

*A* and *C* have the same meanings as in subclause (4).

State Authorities Superannuation Amendment (Family Law) Regulation  
2008

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- (6) The amount of the reduced contributor financed benefit is to be calculated as follows:

$$r = v \times (1 - A)$$

where:

*r* is the amount of the reduced benefit.

*v* is the amount of the benefit that would have been payable to the contributor if the family law superannuation payment had not been made.

*A* is the ratio of the amount paid in respect of the non-contributor spouse to the value of the benefit of the contributor when the payment split occurred.

- (7) In this clause:  
*benefit accrual* at any point in time means the benefit accrual as at that time as determined by STC on actuarial advice.  
*value of a benefit* means the value of the benefit as determined by STC on actuarial advice.

**23G Effect of benefit reductions on other benefits**

- (1) STC may commute part of a pension payable to a person referred to in section 45G (1) of the Act for the purposes of payment of the family law superannuation entitlement of the person's spouse and the amount of the pension is to be reduced in accordance with clause 23F.
- (2) Any benefit payable under the Act to a person on the death of a contributor whose benefit has been, or is to be, reduced as a result of a family law superannuation payment is to be based on the amount of the benefit as so reduced.
- (3) Nothing in this Part affects any other right of a person to commute a pension.

**23H Transitional provisions relating to existing family law superannuation entitlements**

- (1) This clause applies to a family law superannuation entitlement that arose under a superannuation agreement, flag lifting agreement or splitting order in force before the commencement of this Part (an *existing entitlement*).
- (2) If an existing entitlement consists of an interest that is not able to be calculated until a benefit becomes payable to a contributor or other person, it is taken to be operative for the purposes of section 45I of the Act when the benefit becomes so payable.

State Authorities Superannuation Amendment (Family Law) Regulation  
2008

Schedule 1      Amendment

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- (3) For the purposes of the application of clause 23D to an existing entitlement, a nomination under clause 23D must be given by a non-contributor spouse within 3 months of being given notice under that clause.

**23I Transitional provision relating to all family law superannuation entitlements**

Clause 23D (2) does not apply in respect of a family law superannuation entitlement until 6 months after the commencement of this Part.



New South Wales

## Superannuation Amendment (Family Law) Regulation 2008

under the

Superannuation Act 1916

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Superannuation Act 1916*.

JOSEPH TRIPODI, M.P.,  
Minister for Finance

### Explanatory note

The object of this Regulation is to amend the *Superannuation Regulation 2006* to provide for the following matters relating to family law superannuation payments in respect of spouses or former spouses of contributors to the State Superannuation Scheme:

- (a) the manner in which the superannuation interest of a contributor is to be valued for family law purposes,
- (b) the notification of contributors, and spouses or former spouses (*non-contributor spouses*), of family law superannuation entitlements resulting from agreements or orders under Commonwealth family law,
- (c) the nomination by non-contributor spouses as to where family law superannuation entitlements are to be paid,
- (d) the reduction of benefits payable to contributors whose non-contributor spouses have received family law superannuation entitlements,
- (e) the commutation of pensions payable to former contributors for the purposes of the payment to non-contributor spouses of family law superannuation entitlements,
- (f) the apportionment of family law superannuation payments from the State Superannuation Fund to reserves in that Fund,
- (g) provisions of a transitional nature.

This Regulation is made under the *Superannuation Act 1916*, including sections 33B (2A), 61WB–61WD and 86 (the general regulation-making power) and clause 1 of Schedule 25 to that Act.

Clause 1            Superannuation Amendment (Family Law) Regulation 2008

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## **Superannuation Amendment (Family Law) Regulation 2008**

under the

Superannuation Act 1916

### **1 Name of Regulation**

This Regulation is the *Superannuation Amendment (Family Law) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 19 December 2008.

### **3 Amendment of Superannuation Regulation 2006**

The *Superannuation Regulation 2006* is amended as set out in Schedule 1.

Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Part 2A

Insert after Part 2:

## Part 2A Family law provisions

### 8A Interpretation

- (1) In this Part:
  - approved valuation method* means Part 8 of Schedule 2 to the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003* made under the *Family Law (Superannuation) Regulations 2001* of the Commonwealth.
  - contributor* includes a former contributor.
  - deferred benefit* means a benefit under section 37B of the Act.
- (2) Words and expressions used in this Part have the same meanings as they have in Part 4A of the Act.

### 8B Valuation of superannuation interests

- (1) This clause applies for the purposes of Part 4A of the Act and the family law superannuation legislation.
- (2) The value of a superannuation interest (other than of a deferred benefit) of a contributor is to be determined in accordance with the approved valuation method.
- (3) The value of a superannuation interest relating to a deferred benefit is to be determined in accordance with Part 6 of Schedule 2 to the *Family Law (Superannuation) Regulations 2001* of the Commonwealth.

### 8C Notice to contributor and non-contributor spouse when entitlement becomes payable

- (1) If a superannuation interest of a contributor becomes subject to a payment split, STC must notify the contributor and the non-contributor spouse in relation to the interest, in writing, that the interest is subject to a payment split.

## Superannuation Amendment (Family Law) Regulation 2008

## Schedule 1 Amendment

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- (2) The notice must be given:
- (a) in the case of a payment split under a superannuation agreement or flag lifting agreement—within 28 days after the operative time for the payment split, or
  - (b) in the case of a payment split under a splitting order—within 28 days after the operative time for the payment split or after STC receives a copy of the order (whichever is the later).
- (3) The notice given to the contributor must:
- (a) specify the estimated amount of the entitlement of the non-contributor spouse and how it was calculated, and
  - (b) specify the period within which payment of that entitlement is to be made, and
  - (c) specify the estimated effect of the payment on the entitlement of the contributor under the State Superannuation Scheme.
- (4) The notice given to the non-contributor spouse must:
- (a) specify the estimated amount of the entitlement of the non-contributor spouse and how it was calculated, and
  - (b) specify the circumstances in which the amount may be paid or released to the non-contributor spouse or must be transferred or rolled over to a complying superannuation fund or an RSA, and
  - (c) require the non-contributor spouse to nominate, within 28 days, whether the non-contributor spouse meets a circumstance for payment or release or, if not, to nominate a complying superannuation fund or an RSA to which the amount is to be paid, and
  - (d) specify that the amount will be credited to the First State Superannuation Fund if the nomination is not made within that period.
- (5) For the purposes of section 61WB (5) (b) of the Act, the prescribed period within which a nomination must be made by a non-contributor spouse is 28 days after the giving of the notice under this clause.
- (6) STC is not required to give the notice if the superannuation interest ceases to be subject to a payment split within the notice period.



Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

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**8D Payment of family law superannuation entitlements**

- (1) If the amount of a family law superannuation entitlement is to be paid or released to a non-contributor spouse, the amount must be paid or released by STC when, or as soon as practicable after, a nomination is received under clause 8C (4).
- (2) If the amount of a family law superannuation entitlement is to be transferred or rolled over, the amount must be transferred or rolled over:
  - (a) to a complying superannuation fund or RSA nominated under this Part within 90 days of the nomination being made, or
  - (b) if no nomination is made within the period prescribed by this Part, to the First State Superannuation Fund within 90 days of the end of the period.
- (3) Nothing in subclause (2) (b) prevents STC from transferring or rolling over the amount of a family law superannuation entitlement to a complying superannuation fund or RSA if a nomination is made by a non-contributor spouse after the end of the period referred to in clause 8C (5).
- (4) STC must give to the contributor, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
  - (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and
  - (c) the estimated effect of that action on the benefit of the contributor.
- (5) STC must give to the non-contributor spouse, within 28 days after an amount of family law superannuation entitlement is paid or released or transferred or rolled over, a notice in writing stating:
  - (a) that the amount has been paid, released, transferred or rolled over, and
  - (b) the amount paid, released, transferred or rolled over and how it was calculated, and

## Superannuation Amendment (Family Law) Regulation 2008

## Schedule 1 Amendment

- (c) the name and contact details of the superannuation fund or RSA, if any, to which the amount was transferred or rolled over.

**Note.** Under regulation 59 of the *Family Law (Superannuation) Regulations 2001* of the Commonwealth, STC may charge reasonable fees in respect of payment splits, payment flags, flag lifting and other related matters. Such fees are payable in equal parts by the contributor and the non-contributor spouse.

**8E Reduction of benefits of contributors**

- (1) This clause applies if the amount of the family law superannuation entitlement of a non-contributor spouse is paid, released, transferred or rolled over under Part 4A of the Act (a *family law superannuation payment* is made).
- (2) A benefit payable to the contributor (including a benefit transferred under the Act), other than a deferred benefit, is to be reduced in accordance with this clause at the time it is paid to the contributor or transferred.
- (3) A deferred benefit of the contributor is to be reduced in accordance with this clause:
- (a) if the election to take the benefit was made before the superannuation entitlement of the non-contributor spouse was paid, released, transferred or rolled over, at the time the entitlement is paid, released, transferred or rolled over, or
- (b) in any other case, when the election to take the benefit takes effect.
- (4) The amount of the reduced benefit is to be calculated as follows:

$$r = v \times (1 - A \times C)$$

where:

*r* is the amount of the reduced benefit.

*v* is the amount of the benefit that would have been payable to the contributor if the family law superannuation payment had not been made.

*A* is the ratio of the amount paid in respect of the non-contributor spouse to the value of the benefit of the contributor when the payment split occurred.

*C* is the ratio of the benefit accrual when the payment split occurred to the benefit accrual when the benefit is payable or deferred or transferred (as the case requires).

## Superannuation Amendment (Family Law) Regulation 2008

Amendment

Schedule 1

- (5) If family law superannuation payments are made in respect of more than one spouse of the contributor, the amount of the reduced benefit (other than a deferred benefit) is to be calculated by applying to the amount of the benefit payable (as referred to in subclause (4)) the reduction factor for each family law superannuation payment. Each reduction factor is to be calculated as follows:

$$f = 1 - A \times C$$

where:

*f* is the reduction factor.

*A* and *C* have the same meanings as in subclause (4).

- (6) In this clause:

*benefit accrual* at any point in time means the benefit accrual as at that time as determined by STC on actuarial advice.

*value of a benefit* means the value of the benefit as determined by STC on actuarial advice.

#### **8F Effect of benefit reductions on pensions and other benefits**

- (1) STC may commute part of a pension payable to a contributor for the purposes of payment of the family law superannuation entitlement of a non-contributor spouse and the amount of the pension is to be reduced in accordance with clause 8E.
- (2) Any benefit payable under the Act to a person on the death of a contributor whose benefit has been, or is to be, reduced as a result of a family law superannuation payment is to be based on the amount of the benefit as so reduced.
- (3) Nothing in this Part affects any other right of a contributor or other person to commute a pension or part of a pension under the Act.

#### **8G Apportionment of benefits between reserves**

For the purposes of section 33B (2A) of the Act, the portion of a payment to be made from the contributors' reserve and the portion to be made from the employers' reserve is to be determined by STC on actuarial advice.

#### **8H Transitional provisions relating to existing family law superannuation entitlements**

- (1) This clause applies to a family law superannuation entitlement that arose under a superannuation agreement, flag lifting

## Superannuation Amendment (Family Law) Regulation 2008

## Schedule 1 Amendment

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agreement or splitting order in force before the commencement of this Part (an *existing entitlement*).

- (2) If an existing entitlement consists of an interest that is not able to be calculated until a benefit becomes payable to a contributor or other person, it is taken to be operative for the purposes of section 61WB of the Act when the benefit becomes so payable.
- (3) For the purposes of the application of clause 8C to an existing entitlement, a nomination under clause 8C must be given by a non-contributor spouse within 3 months of being given notice under that clause.

**8I Transitional provision relating to all family law superannuation entitlements**

Clause 8C (2) does not apply in respect of a family law superannuation entitlement until 6 months after the commencement of this Part.



New South Wales

# Threatened Species Conservation (Biodiversity Banking) Amendment Regulation 2008

under the

Threatened Species Conservation Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Threatened Species Conservation Act 1995*.

CARMEL TEBBUTT, M.P.,  
Minister for Climate Change and the Environment

## Explanatory note

Clause 4 (1) of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008* deals with the biobanking assessment methodology for the creation of biodiversity credits in respect of land with certain specified existing conservation obligations. However, clause 4 (2) of that Regulation provides (as a transitional measure) that clause 4 (1) does not apply to the following conservation obligations:

- (a) a restriction on use or public positive covenant under Part 4A of the *Crown Lands Act 1989* that is imposed in connection with an application to purchase land that is duly made by a lease holder in respect of that land before 1 January 2009,
- (b) a conservation agreement entered into under the *National Parks and Wildlife Act 1974* as a result of a proposal made by the landholder to the Minister administering that Act before 1 January 2009,
- (c) a trust agreement entered into under the *Nature Conservation Trust Act 2001* as a result of a proposal made by the landholder to the Nature Conservation Trust of New South Wales before 1 January 2009.

The object of this Regulation is to amend *Threatened Species Conservation (Biodiversity Banking) Regulation 2008* to extend the transitional period in relation to those conservation obligations to 10 March 2009.

This Regulation is made under the *Threatened Species Conservation Act 1995*, including sections 127B (Biobanking assessment methodology) and 150 (the general regulation-making power).

Clause 1                   Threatened Species Conservation (Biodiversity Banking) Amendment  
Regulation 2008

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## **Threatened Species Conservation (Biodiversity Banking) Amendment Regulation 2008**

under the

Threatened Species Conservation Act 1995

### **1 Name of Regulation**

This Regulation is the *Threatened Species Conservation (Biodiversity Banking) Amendment Regulation 2008*.

### **2 Amendment of Threatened Species Conservation (Biodiversity Banking) Regulation 2008**

The *Threatened Species Conservation (Biodiversity Banking) Regulation 2008* is amended by omitting “1 January 2009” from clause 4 (2) (a), (b) and (c) wherever occurring and by inserting instead “10 March 2009”.



New South Wales

# Trade Measurement Administration Amendment (Miscellaneous) Regulation 2008

under the

Trade Measurement Administration Act 1989

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

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

## Explanatory note

The object of this Regulation is to amend the *Trade Measurement Administration Regulation 2007* for the following purposes:

- (a) to provide that a public weighbridge licensee is to pay a periodic licence fee for each public weighbridge licence (currently, a periodic fee is payable for each place of business operated by a licensee even if they are operated under the same licence),
- (b) to replace certain terminology as a consequence of amendments made by the *Trade Measurement Legislation Amendment Act 2007*,
- (c) to update references to penalty notice offences under the *Trade Measurement Regulation 2007* as a consequence of amendments made to that Regulation by the *Trade Measurement Amendment Regulation 2008*.

This Regulation is made under the *Trade Measurement Administration Act 1989*, including sections 23 and 28 (the general regulation-making power).

Clause 1 Trade Measurement Administration Amendment (Miscellaneous)  
Regulation 2008

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## **Trade Measurement Administration Amendment (Miscellaneous) Regulation 2008**

under the

Trade Measurement Administration Act 1989

### **1 Name of Regulation**

This Regulation is the *Trade Measurement Administration Amendment (Miscellaneous) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 February 2009.

### **3 Amendment of Trade Measurement Administration Regulation 2007**

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



Trade Measurement Administration Amendment (Miscellaneous)  
Regulation 2008

Amendments

Schedule 1

## Schedule 1 Amendments

(Clause 3)

### [1] Schedule 2 Other fees and charges

Omit “per annum for each place at which the public weighbridge licensee carries on business” from Part 1.

Insert instead “per annum for each public weighbridge licence”.

### [2] Schedule 2, Part 1

Omit “certificate of suitability” wherever occurring.

Insert instead “weighbridge suitability statement”.

### [3] Schedule 3 Penalty notice offences

Omit the matter relating to clauses 17 and 23.

Insert instead in Columns 1 and 2, respectively:

Clause 19 (1)	\$110
Clause 19 (2)	\$110
Clause 19 (3)	\$110
Clause 22 (1)	\$110
Clause 22 (2)	\$110
Clause 22 (3)	\$110
Clause 22 (4)	\$110
Clause 23	\$110



New South Wales

# Trade Measurement Amendment 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

Under an agreement made in 1990 between the Commonwealth and most States and Territories, uniform trade measurement legislation has been enacted throughout those jurisdictions.

The ongoing review of the uniform trade measurement legislation is the responsibility of the Trade Measurement Advisory Committee (*TMAC*), that was established by the Ministerial Council on Consumer Affairs (*MCCA*).

The *TMAC* has recommended a number of amendments to the uniform legislation of a technical nature or to improve the administration of the legislation. These amendments have been approved by the *MCCA*, and are collectively known as the “batch two” amendments, so as to distinguish them from earlier “batch one” amendments. Queensland, the lead jurisdiction, has adopted the batch two amendments in the form of the *Trade Measurement (Prepacked Articles) Amendment Regulation (No.1) 2006* and the *Trade Measurement (Weighbridges) Amendment Regulation (No.1) 2006*.

The object of this Regulation is to amend the *Trade Measurement Regulation 2007* so as to maintain uniformity with other jurisdictions.

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

Clause 1 Trade Measurement Amendment Regulation 2008

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## **Trade Measurement Amendment Regulation 2008**

under the

Trade Measurement Act 1989

### **1 Name of Regulation**

This Regulation is the *Trade Measurement Amendment Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 February 2009.

### **3 Amendment of Trade Measurement Regulation 2007**

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

Trade Measurement Amendment Regulation 2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 2 Interpretation

Insert in alphabetical order in clause 2 (1):

*approved form* means a form approved by the administering authority under clause 29A.

*copy measurement ticket* means a copy measurement ticket mentioned in clause 18 (3) (b) or (4) (b) or in clause 7 (2) of Schedule 1.

*measurement ticket*, for a measurement made at a weighbridge, means a measurement ticket issued for the measurement and includes a copy measurement ticket and an original measurement ticket.

*original measurement ticket* means an original measurement ticket mentioned in clause 18 (3) (a) or (4) (c) (ii) or in clause 7 (6) of Schedule 1.

*preservation period* means:

- (a) for measurement tickets issued from a book or pad of tickets—the period for which the tickets are required to be kept under clause 18 (3) (d), or
- (b) for measurement tickets that are generated electronically—the period for which the tickets are required to be kept under clause 18 (4) (c).

*registered number* of a weighbridge means the number included in the register of licences kept by the administering authority as the registered number of the weighbridge.

### [2] Part 2, Division 2

Omit Divisions 2 and 3 from Part 2. Insert instead:

#### Division 2 Weighbridge suitability statement (public weighbridges)

##### 13 Provision of a weighbridge suitability statement when public weighbridge licence is granted

- (1) This clause applies when an application is made for the grant of a public weighbridge licence for a weighbridge.
- (2) The administering authority must advise the licensing authority whether the weighbridge is suitable for use as a public weighbridge.

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- (3) If the administering authority advises the licensing authority that the weighbridge is suitable for use as a public weighbridge and the licensing authority decides to grant the licence, the licensing authority must ensure the licence has a weighbridge suitability statement written on it.

**14 Provision of a weighbridge suitability statement in relation to an existing public weighbridge licence**

- (1) This clause applies to the provision of a weighbridge suitability statement for a weighbridge other than when the public weighbridge licence for the weighbridge is granted.
- (2) On payment of the fee for the new weighbridge suitability statement, the administering authority may provide the statement by issuing a copy of the licence with the statement written on it.
- (3) However, the administering authority must not provide the new weighbridge suitability statement unless an inspector examines the weighbridge for the administering authority and is satisfied the weighbridge is suitable for use as a public weighbridge.

**15 Suitability for use as a public weighbridge**

To decide whether a weighbridge is suitable for use as a public weighbridge, an inspector must examine the weighbridge for the administering authority and be satisfied of the following:

- (a) that there is enough room for a vehicle using the weighbridge to move onto and off the weighbridge without reversing,
- (b) that the type of weighbridge and the size of its platforms are suitable for the purpose,
- (c) that the weighbridge complies with this Regulation.

**16 When weighbridge is to be examined for issuing new weighbridge suitability statement**

The administering authority must, as far as practicable, cause an inspector to examine a public weighbridge not earlier than 1 month before the end of the period for which the weighbridge suitability statement for the public weighbridge licence is in force.

**17 Licence and sign to be displayed at public weighbridge**

- (1) A licensee for a public weighbridge must display at the weighbridge:

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- (a) the licence for the weighbridge with a current weighbridge suitability statement written on it, and
  - (b) a sign that clearly indicates, in words and figures at least 100mm high and on a background of contrasting colour:
    - (i) that the weighbridge is a public weighbridge, and
    - (ii) the registered number for the weighbridge.
- (2) The licensee must ensure:
- (a) the licence and the sign:
    - (i) are prominently displayed at the weighbridge, and
    - (ii) can be easily seen by anyone using the weighbridge, and
  - (b) the licence is properly protected from the effects of the weather.
- (3) In this clause, *licence* includes a copy of the licence.

**18 General system of measurement tickets**

- (1) A licensee for a public weighbridge must ensure measurement tickets in the approved form are able to be issued at the weighbridge for each measurement made using the weighbridge.
- (2) The measurement tickets must be:
  - (a) issued from a bound book of tickets or from a block of tickets held together at one edge to form a pad, or
  - (b) generated electronically.
- (3) If the measurement tickets are issued from a book or pad, the licensee must ensure:
  - (a) that there are clearly identifiable original measurement tickets that are numbered consecutively and retained by the licensee, and
  - (b) that there are clearly identifiable copy measurement tickets that are issued to persons for whom measurements are made, and
  - (c) that, immediately after the last issue of a copy measurement ticket from a pad of measurement tickets, all original measurement tickets and all unissued copy measurement tickets are securely bound together, and
  - (d) that a book or pad from which measurement tickets are issued is kept from when a measurement ticket is first issued from the book or pad until at least 1 year after a measurement ticket is last issued from the book or pad.

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- (4) If the measurement tickets are generated electronically, the licensee must ensure:
- (a) that particulars of measurement tickets, numbered consecutively, are created electronically, and
  - (b) printed versions of the measurement tickets, clearly identified as copy measurement tickets, are issued to persons for whom measurements are made in accordance with their numerical order, and
  - (c) that at least 1 of the following is kept for at least 1 year after a measurement is made and a copy measurement ticket is issued:
    - (i) the electronic record of the particulars included in the ticket,
    - (ii) a printed version of the original measurement ticket, clearly identified as an original measurement ticket.
- (5) Subclause (4) (a) does not apply to a copy of a measurement ticket issued under clause 7 of Schedule 1.
- (6) A book or pad of measurement tickets may contain more than 1 copy measurement ticket for each original measurement ticket.

**19 Offences by licensees**

- (1) A licensee for a public weighbridge must ensure:
- (a) that the weighbridge is kept accurately at zero when there is no load on the platform, and
  - (b) that the weighbridge platform is kept clean, and
  - (c) that the space between the weighbridge frame and the weighbridge platform is kept free from obstructions, and
  - (d) for a measurement made using the weighbridge for a person:
    - (i) appropriate care is taken to decide the measurement, and
    - (ii) an original measurement ticket and the copy measurement ticket, both in the approved form, are completed in numerical order and with appropriate care as soon as practicable, and
    - (iii) the person is issued with the copy measurement ticket for the measurement immediately after the original measurement ticket is completed.

Maximum penalty: \$2,000.

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- (2) If during the preservation period for a measurement ticket a relevant person requires the licensee to produce the measurement ticket, the licensee must ensure the following document is produced to the relevant person within a reasonable time:
- (a) for a measurement ticket issued from a book or pad of tickets—the original measurement ticket,
  - (b) for a measurement ticket generated electronically—a printed version of the original ticket.

Maximum penalty: \$2,000.

- (3) During the preservation period, a licensee for a public weighbridge must not:
- (a) if measurement tickets are issued from a book or pad of tickets, remove from a book or pad, or alter, or allow someone else to remove from a book or pad, or to alter, any original measurement ticket or any unissued copy measurement ticket, or
  - (b) if measurement tickets are generated electronically:
    - (i) delete or alter, or allow someone else to delete or alter, any electronic record of particulars included in a measurement ticket required to be kept under clause 18 (4) (c) (i), or
    - (ii) dispose of or alter, or allow someone else to dispose of or alter, any printed version of an original measurement ticket required to be kept under 18 (4) (c) (ii).

Maximum penalty: \$2,000.

- (4) In this clause, *relevant person*, in relation to the production of a measurement ticket, means:
- (a) an inspector, or
  - (b) a person with a genuine interest in examining the measurement ticket.

**Note.** An example for subclause (4) (b) is a person whose goods were on a truck being driven by someone else when the weighing happened.

## 20 If weighbridge measurement incorrect

- (1) If the licensee for a public weighbridge knows, or has reason to believe, a measurement made using the weighbridge would be incorrect, the licensee must immediately withdraw the weighbridge from use.



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- (2) If a weighbridge is withdrawn from use under subclause (1), the licensee must immediately notify the administering authority that the weighbridge has been withdrawn from use and the reason for the withdrawal.

**21 Request for measurement may be refused in some circumstances**

A licensee for a public weighbridge must ensure any request for a measurement to be made using the weighbridge during normal trading hours is not refused unless:

- (a) the weighbridge does not have the capability to make the measurement, or
- (b) the person asking for the measurement to be made is asked to pay the licensee's fee in advance and the payment is not made, or
- (c) the licensee knows, or has reason to believe, a measurement made using the weighbridge would be incorrect.

**22 Offences by operator**

- (1) An operator of a public weighbridge must not use the weighbridge for public weighing in a way that contravenes Schedule 1 or do, or omit to do, something else that contravenes Schedule 1.

Maximum penalty: \$2,000.

- (2) An operator of a public weighbridge must not use the weighbridge for public weighing if the operator knows, or has reason to believe, a measurement made using the weighbridge would be incorrect.

Maximum penalty: \$2,000.

- (3) An operator of a public weighbridge, for a measurement made using the weighbridge for a person, must not issue to the person:

- (a) the original measurement ticket for the measurement, or
- (b) a copy measurement ticket that is not a correct copy of the original measurement ticket for the measurement.

Maximum penalty: \$2,000.

- (4) During the preservation period, an operator of a public weighbridge, for a measurement made by the weighbridge for a person, must not:

- (a) if the measurement ticket was issued from a book or pad of tickets, remove from the book or pad, or alter, or allow someone else to remove from the book or pad, or to alter,

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the original measurement ticket or any unissued copy measurement ticket, or

- (b) if the measurement ticket was generated electronically:
- (i) delete or alter, or allow someone else to delete or alter, any electronic record of particulars included in the measurement ticket required to be kept under clause 18 (4) (c) (i), or
  - (ii) dispose of or alter, or allow someone else to dispose of or alter, any printed version of the original measurement ticket that is required to be kept under clause 18 (4) (c) (ii).

Maximum penalty: \$2,000.

**23 Licensee to give notice of change of particulars**

- (1) A licensee for a public weighbridge must give to the licensing authority written notice of the following:
- (a) a change in the address for service of notices on the licensee,
  - (b) for each person employed as an operator of the weighbridge:
    - (i) the full name and residential address of the person, and
    - (ii) if the person stops being employed to operate the weighbridge—the last day the person was employed to operate the weighbridge.
- (2) The licensee must give notice within 14 days after the relevant event happens.

Maximum penalty: \$1,500.

**24 When a vehicle weighing is not a use of a weighbridge as a public weighbridge**

- (1) The use of a weighbridge to measure the tare mass of a vehicle to enable it to be registered for use on a public road is not to be considered to be use as a public weighbridge for the purposes of section 43 of the Act.
- (2) Subclause (1) applies only if the operator of the weighbridge issues a written statement of the tare mass measured clearly indicating that the tare mass was measured for registration purposes only.

## Trade Measurement Amendment Regulation 2008

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- (3) Clause 22 does not apply to the operator of the weighbridge when using the weighbridge for the purpose mentioned in subclause (1).

**25 Register of licences**

- (1) For the purposes of section 47 of the Act, the prescribed particulars relating to a public weighbridge licence are as follows:
- (a) the licence number and the date it was issued,
  - (b) the licensee's name,
  - (c) the address at which notices may be served personally on the licensee,
  - (d) particulars of any conditions imposed under section 48 of the Act,
  - (e) for the weighbridge to which the licence relates:
    - (i) particulars of the weighbridge's location, and
    - (ii) the registered number given to the weighbridge by the administering authority,
  - (f) when the most recent weighbridge suitability statement for the licence was provided.
- (2) The register is open to inspection during normal business hours by any person on payment of the fee, if any, prescribed under the Administration Act.

**[3] Clause 29A**

Insert after clause 29:

**29A Approval of forms**

The administering authority may approve forms for use under this Regulation.

**[4] Clause 59 Marking of name and address on packages**

Insert "personally" after "may be served" in clause 59 (3).

**[5] Clause 59 (3)**

Insert at the end of clause 59 (3):

**Note.** A post office box address is not a place where a document may be served personally.

**[6] Clause 68 Marking by reference to minimum measurement**

Insert "or permitted" after "or required" in clause 68 (1) (a).

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**[7] Clause 69 Eggs**

Omit “mass of each egg” from clause 69 (b).

Insert instead “total mass of all of the eggs in the package”.

**[8] Clause 69 (2)**

Insert at the end of clause 69:

- (2) The measurement marking of a pre-packed article containing eggs must not include a marking by reference to the minimum mass of each egg unless each egg in the package has at least the stated minimum mass.

**[9] Clause 78**

Omit the clause. Insert instead:

**78 Unit price marking—retail sales of particular foods by mass**

- (1) This clause applies to the following pre-packed foods:
  - (a) fruit, other than whole fruit, priced according to mass,
  - (b) dried or dehydrated fruit,
  - (c) dried or dehydrated mixed fruit,
  - (d) vegetables, other than whole vegetables, priced according to mass,
  - (e) mushrooms,
  - (f) cheese or cheese products,
  - (g) dressed poultry not marked in terms of minimum mass in accordance with clause 68,
  - (h) fish, including crustaceans,
  - (i) meat,
  - (j) smallgoods, including bacon, corned beef and ham.
- (2) When a pre-packed article to which this clause applies is sold, the package containing the article must, in addition to being marked with the measurement of the article, be marked with its total price and price per kilogram unless, for the sale, the package is exposed:
  - (a) in or on a receptacle on or immediately adjacent to which the total price and price per kilogram of the article is displayed:
    - (i) in characters at least 10mm high, and

## Trade Measurement Amendment Regulation 2008

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- (ii) where that price can be readily seen and easily read, or
  - (b) in a display of packages each marked:
    - (i) as containing the same article, and
    - (ii) with the same measurement of the article.
  - (3) The marking on a package required by this clause must be made as if it were a measurement marking.
  - (4) This clause does not apply to a pre-packed article if:
    - (a) it is sold for resale, or
    - (b) the package containing the article is a rigid container.

**Note.** An example of display of packages referred to in subclause (2) (b) includes a display of packages each marked as containing a particular kind of cheese and marked with a measurement of 250g.

**[10] Part 6**

Insert after Part 5:

## **Part 6 Transitional provisions consequent on Trade Measurement Amendment Regulation 2008**

### **95 Definitions**

In this Part:

**amended Regulation** means this Regulation as amended by the amending Regulation.

**amending Act** means the *Trade Measurement Legislation Amendment Act 2007*.

**amending Regulation** means the *Trade Measurement Amendment Regulation 2008*.

**commencement** means the commencement of the amending Regulation.

**pre-amended Regulation** means this Regulation as in force immediately before its amendment by the amending Regulation.

### **96 Certificates of suitability**

- (1) This clause applies to an application for a certificate of suitability for a particular weighbridge made under the pre-amended Regulation but not decided before the commencement.

## Trade Measurement Amendment Regulation 2008

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- (2) If the fee payable under the Administration Act was paid for the application, clause 14 of the amended Regulation applies as if the fee had been paid for the purposes of that clause.

**97 Suspension of certificates of suitability**

A suspension of a certificate of suitability for a public weighbridge that is in force immediately before the commencement continues to have effect after the commencement as a suspension of a weighbridge suitability statement for the weighbridge's public weighbridge licence until either of the following happens:

- (a) the suspension is withdrawn or ends,
- (b) the public weighbridge licence to which the certificate of suitability relates is cancelled or surrendered.

**98 Display of licence**

- (1) This clause applies if, because of section 83 (2) of the Act, a particular public weighbridge is taken to be licensed under a separate public weighbridge licence.
- (2) Until the administering authority issues the licensee a copy of the licence for the public weighbridge with a weighbridge suitability statement written on it, it is sufficient compliance with clause 17 (1) (a) of the amended regulation for the licensee to display under that clause the certificate of suitability issued for the weighbridge under the pre-amended regulation and in force immediately before the commencement of the amending Act.

**99 Prescribed forms**

- (1) For 1 year after the commencement, it is sufficient compliance with a provision of the amended Regulation requiring the use of an approved form for a licensee or operator to use instead a form complying with Schedule 2 or 3 to the pre-amended regulation.
- (2) If the licensee or operator uses any such form, the licensee or operator must complete the form in the way required by the pre-amended regulation.

**[11] Schedule 1**

Omit the Schedule. Insert instead:

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**Schedule 1 Public weighbridge operator's duties**

(Clause 22)

**1 Completion and issue of measurement tickets**

- (1) The operator must not complete a measurement ticket other than for complying with this Regulation.
- (2) When a measurement is made for a person, the operator must as soon as practicable complete an original measurement ticket in the approved form and then immediately issue a copy measurement ticket in the approved form to the person.
- (3) Without limiting the particulars to be included in a measurement ticket, when completing the measurement ticket the operator must:
  - (a) if the measurement is only a measurement of the tare mass of the vehicle—indicate clearly on the measurement ticket that the measurement is of the tare mass of the vehicle, or
  - (b) if the measurement is only of the gross mass of the vehicle, animal or any other thing—indicate clearly on the measurement ticket that the measurement is of the gross mass of the vehicle, animal or thing, or
  - (c) if the measurement is a measurement made for 2 or more linked but separately registered vehicles—include on the measurement ticket the registration letters and figures for all vehicles, or
  - (d) if the measurement is a measurement of a load on a vehicle—include on the measurement ticket the measurement of the load supported by all the axles of the vehicle.
- (4) Subclause (2) is subject to clauses 4 and 5 of this Schedule.

**2 Correction of mistakes**

If the operator makes a mistake in completing a measurement ticket that is in a book or pad of tickets and the operator becomes aware of the mistake before issuing the copy measurement ticket, the operator:

- (a) must immediately cancel the original measurement ticket and any copy of it, and
- (b) must not remove the original measurement ticket or any copy of it from the book or pad.

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**3 Restriction on additional information on measurement ticket**

- (1) The operator must not, without reasonable excuse, issue a completed copy measurement ticket that has anything on it that is not required by this Regulation or an approved form.
- (2) Subclause (1) does not prevent:
  - (a) the following being printed on a measurement ticket:
    - (i) the licensee's business name, address and logo,
    - (ii) if the measurement ticket is also a tax invoice under the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, anything else necessary for the ticket to be a tax invoice, or
  - (b) additional information being written in the margin, at the bottom or on the back of the measurement ticket if the information is consistent with, and does not qualify the meaning or accuracy of, the information required to be on the ticket.

**Note.** The relevant Australian Business Number must be printed on a tax invoice.

**4 Measurement of vehicle in 2 weighings—unloaded then loaded**

- (1) This clause applies if the driver of an unloaded vehicle advises the operator that the vehicle is to be loaded within 24 hours and requests the operator to measure the tare mass of the vehicle and the gross mass of the vehicle in 2 weighings.
- (2) The operator must measure the tare mass of the vehicle and partially complete a measurement ticket for the measurement by including the tare mass on the ticket but must not issue the partially completed copy measurement ticket.
- (3) If the vehicle returns to the weighbridge with its load within 24 hours after the measurement of the tare mass is made and the driver requests a measurement of the gross mass of the vehicle, the operator must measure its gross mass, complete the partially completed measurement ticket, and issue the copy measurement ticket.
- (4) If the vehicle does not return with its load within 24 hours after the measurement of the tare mass is made, the operator must:
  - (a) issue a completed measurement ticket for the tare mass of the vehicle if requested, within 72 hours after the measurement is made, by:
    - (i) the driver, or



## Trade Measurement Amendment Regulation 2008

## Schedule 1 Amendments

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- (ii) someone else who the operator is satisfied is authorised to make the request, or
  - (b) if no request mentioned in paragraph (a) is made within 72 hours—cancel the partially completed measurement ticket at the end of that period.

**5 Measurement of vehicle in 2 weighings—loaded then unloaded**

- (1) This clause applies if the driver of a loaded vehicle advises the operator that the vehicle is to be unloaded within 24 hours and requests the operator to measure the gross mass of the vehicle and the tare mass of the vehicle in 2 weighings.
- (2) The operator must measure the gross mass of the vehicle and partially complete a measurement ticket for the measurement by including the gross mass on the ticket but must not issue the partially completed copy measurement ticket.
- (3) If the vehicle returns to the weighbridge unloaded within 24 hours after the measurement of the gross mass is made and the driver requests a measurement of the tare mass of the vehicle, the operator must measure its tare mass, complete the partially completed measurement ticket, and issue the copy measurement ticket.
- (4) If the vehicle does not return unloaded within 24 hours after the measurement of the gross mass is made, the operator must:
  - (a) issue a completed measurement ticket for the gross mass of the vehicle if requested, within 72 hours after the measurement is made, by:
    - (i) the driver, or
    - (ii) someone else who the operator is satisfied is authorised to make the request, or
  - (b) if no request mentioned in paragraph (a) is made within 72 hours—cancel the partially completed measurement ticket at the end of that period.

**6 Issue of measurement ticket for axle load measurement**

- (1) This clause applies if a measurement to be made is not an end-and-end measurement but is only for the purpose of issuing a copy measurement ticket showing each load supported by separate axles, or groups of axles, of a vehicle.
- (2) The operator may make the measurement only if:
  - (a) the approaches to the weighbridge have a smooth and level surface that:

## Trade Measurement Amendment Regulation 2008

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- (i) is paved with concrete or an approved material, and
  - (ii) is in the same horizontal plane as the top of the platform or platforms, and
  - (b) the perimeter of the approaches is clearly indicated by painted marks or in another approved way, and
  - (c) while the measurement is being made:
    - (i) the wheels on 1 or more of the axles are always on the platform or platforms and the wheels on the other axles are always within the indicated perimeter of the approaches, and
    - (ii) the brakes, gears and anything else capable of restricting the free movement of the vehicle are disengaged.

**7 Issue of copies of measurement tickets**

- (1) This clause applies if:
  - (a) a relevant person requires an operator to give the person a copy of an original measurement ticket for a measurement that has already been made, and
  - (b) the requirement is made during the preservation period or the original measurement ticket is otherwise still available.
- (2) On payment to the operator of the licensee's fee for providing the copy, the operator must give the relevant person a copy of the original measurement ticket, clearly marked as a copy measurement ticket.
- (3) The copy must include the same particulars as the original measurement ticket of which it is a copy.
- (4) The copy may be any of the following:
  - (a) a photocopy,
  - (b) a copy measurement ticket,
  - (c) a copy of a form of measurement ticket completed for the purpose of creating the copy and numbered with the number of the measurement ticket of which it is a copy,
  - (d) a printed version of a measurement ticket that was generated electronically.
- (5) The copy must not be made in a way that involves the creation of an original measurement ticket for the purpose of issuing the copy.

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- (6) However, the form of an original measurement ticket from a book or pad of measurement tickets may be used to create a copy under subclause (4) (c).
- (7) When the form of an original measurement ticket is used to create a copy under subclause (4) (c), the original measurement ticket as created must be kept for at least 1 year after the copy is created.
- (8) In this clause *relevant person*, in relation to the issue of a copy of an original measurement ticket, means:
- (a) a buyer or seller of goods whose measurement has been decided using the weighbridge, or
  - (b) another person who has an interest in the goods.
- Note.** An example for subclause (8) (b) is a person whose goods were on a truck being driven by someone else when the weighing happened.

**8 Inspector may require measurement to be made**

- (1) An inspector may require an operator to make a measurement of a loaded or unloaded vehicle.
- (2) The operator must comply with the inspector's requirement.
- (3) No fee is payable for the measurement.
- (4) In this clause, *fee* includes charge.

**[12] Schedule 2 Forms of tare mass book**

Omit the Schedule.

**[13] Schedule 3 Forms of measurement tickets**

Omit the Schedule.

**[14] Schedule 5 Expression of measurement marking**

Insert in alphabetical order of Description of article in Schedule 5 in Columns 1 and 2, respectively:

Pet litter and similar products	mass or volume
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**[15] Schedule 6 Permissible units of measurement**

Omit "grams for mass and kilometres for length" from clause 5.

Insert instead "grams or kilograms for mass and metres for length".



New South Wales

# Transport Administration (Staff) Amendment (Rail and Ferry Authorities) Regulation 2008

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Transport Administration Act 1988*.

DAVID CAMPBELL, M.P.,  
Minister for Transport

## Explanatory note

The object of this Regulation is to amend the *Transport Administration (Staff) Regulation 2005* to re-make provisions relating to disciplinary proceedings, promotion appeals and reviews and disciplinary appeals for officers of RailCorp and Sydney Ferries. These provisions are currently contained in the *State Owned Corporations Regulation 2003* which will cease to have effect as a consequence of amendments made by the *Transport Administration Amendment (Rail and Ferry Transport Authorities) Act 2008*, including the removal of the designation of RailCorp and Sydney Ferries as State owned corporations.

This Regulation is made under the *Transport Administration Act 1988*, including sections 58C, 64 and 119 (the general regulation-making power).

Clause 1            Transport Administration (Staff) Amendment (Rail and Ferry Authorities)  
                         Regulation 2008

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## **Transport Administration (Staff) Amendment (Rail and Ferry Authorities) Regulation 2008**

under the

Transport Administration Act 1988

### **1 Name of Regulation**

This Regulation is the *Transport Administration (Staff) Amendment (Rail and Ferry Authorities) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Transport Administration (Staff) Regulation 2005**

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

Transport Administration (Staff) Amendment (Rail and Ferry Authorities)  
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Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Omit “or 32” from the definition of *disciplinary appeal* in clause 3 (1).

Insert instead “, 32 or 43”.

### [2] Clause 3 (1)

Insert in appropriate alphabetical order:

*promotion appeal* means an appeal under clause 7, 22 (5), 41 or 42.

*RailCorp officer* includes an employee of RailCorp, but does not include a casual or temporary employee.

*Sydney Ferries officer* includes an employee of Sydney Ferries, but does not include a casual or temporary employee.

### [3] Part 5

Insert after Part 4:

## Part 5 RailCorp and Sydney Ferries staff

### Division 1 Interpretation

#### 36 Definitions

In this Part:

*transport corporation* means RailCorp or Sydney Ferries.

*transport corporation officer* means:

- (a) in the case of RailCorp—a RailCorp officer, or
- (b) in the case of Sydney Ferries—a Sydney Ferries officer.

### Division 2 Disciplinary proceedings

#### 37 Punishments in disciplinary proceedings

- (1) A transport corporation may impose any one or more of the following punishments in disciplinary proceedings against a transport corporation officer:

- (a) a caution or reprimand,
- (b) a fine of an amount not exceeding \$100,
- (c) reduction in position, rank or grade and pay,

Transport Administration (Staff) Amendment (Rail and Ferry Authorities)  
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- (d) suspension from duty without pay,
  - (e) dismissal.
- (2) Instead of dismissing a transport corporation officer, the transport corporation may allow the officer to resign.
  - (3) This Division must not be construed as requiring the taking of disciplinary proceedings in order that a transport corporation may dispense with the services of a transport corporation officer or other employee of the transport corporation.
  - (4) Nothing in this clause limits any other action that may be taken under any other law by a transport corporation in respect of an officer in disciplinary proceedings.

**38 Suspension of officer pending disciplinary proceedings**

- (1) A transport corporation officer may be temporarily suspended from duty:
  - (a) by the transport corporation, or
  - (b) by any other transport corporation officer who is senior in position, rank or grade,pending the institution or determination of disciplinary proceedings against the officer.
- (2) The transport corporation may at any time terminate any such suspension.
- (3) A transport corporation may withhold the payment of salary to a transport corporation officer suspended from duty.

**39 Transport corporation officers convicted of serious offences**

- (1) A transport corporation may take disciplinary proceedings against a transport corporation officer who is convicted of a serious criminal offence.
- (2) For the purposes of this clause, *serious criminal offence* means an offence committed in New South Wales that is punishable by imprisonment for 6 months or more or an offence committed elsewhere that, if it had been committed in New South Wales, would be an offence so punishable.

**40 Procedure in disciplinary hearings**

- (1) A transport corporation officer who is subject to disciplinary proceedings is entitled to be notified in writing by the transport corporation of the particulars of the alleged behaviour giving rise to the proceedings.

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- (2) A formal hearing is not required to be held before the person or body investigating the alleged behaviour, but the transport corporation officer the subject of the proceedings may make representations to that person or body.

### **Division 3 Appeals to Transport Appeal Boards**

#### **41 Promotion appeals by RailCorp officers**

- (1) For the purposes of this clause, an appointment to a position is *subject to appeal* if:
- (a) the appointment is to a RailCorp officer's position with a maximum salary that is below the minimum salary for the position of senior officer, class 1, and
  - (b) the vacancy in the position was advertised.
- (2) A RailCorp officer may appeal to a Transport Appeal Board against the appointment of a RailCorp officer to a position that is subject to appeal.
- (3) An appeal may be lodged only by a RailCorp officer who was an unsuccessful applicant for the vacant position.
- (4) Despite subclause (1), a decision to appoint:
- (a) a RailCorp officer to a position that was not advertised, or
  - (b) a person who is not a RailCorp officer to any position,
- is not subject to appeal to a Transport Appeal Board.
- (5) The only ground on which a RailCorp officer may, under this clause, appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the officer selected.

#### **42 Promotion appeals and reviews**

- (1) For the purposes of this clause, an appointment to a position is *subject to appeal* if:
- (a) the appointment is to a Sydney Ferries officer's position with a maximum salary that is below the minimum salary for the position of senior officer, band A, and
  - (b) the vacancy in the position was advertised or, if not advertised, the appointment was made by promotion.
- (2) A Sydney Ferries officer may apply for a review by Sydney Ferries of the appointment of a Sydney Ferries officer to a position that is subject to appeal.



Transport Administration (Staff) Amendment (Rail and Ferry Authorities)  
Regulation 2008

Schedule 1 Amendments

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- (3) An application for such a review may be made only:
  - (a) in the case of a vacancy that is advertised—by a Sydney Ferries officer who was an unsuccessful applicant for the vacant position, or
  - (b) in the case of a vacancy that is not advertised—by a Sydney Ferries officer who was seeking promotion to the vacant position but who was not selected.
- (4) An application for such a review must be made within 5 days of Sydney Ferries notifying its decision on the vacancy to the unsuccessful applicant or in a notice circulated among officers seeking promotion, as the case requires.
- (5) A Sydney Ferries officer entitled to apply for such a review may appeal to a Transport Appeal Board against the appointment concerned, but only if:
  - (a) the officer applied for the review and the application was not successful, or
  - (b) the officer applied for the review and the review was not completed within 15 days after the application was made.
- (6) Despite subclause (1), the decision to appoint to any position a person who is not a Sydney Ferries officer is not subject to review under this clause or to appeal to a Transport Appeal Board.
- (7) The only ground on which a Sydney Ferries officer may, under this clause, seek a review or appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the Sydney Ferries officer selected.

**43 Disciplinary appeals**

A transport corporation officer may appeal to a Transport Appeal Board against:

- (a) a decision of the transport corporation to impose a punishment referred to in clause 37 (1) (b)–(e), or
- (b) a decision to suspend the officer temporarily under clause 38.

**44 No other appeals to Transport Appeal Boards**

An appeal does not lie to a Transport Appeal Board against any decision of a transport corporation or a transport corporation officer or other employee of a transport corporation unless a right to make the appeal is expressly conferred by this Division.

Transport Administration (Staff) Amendment (Rail and Ferry Authorities)  
Regulation 2008

Amendments

Schedule 1

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**[4] Part 5 and clause 36**

Renumber as Part 6 and clause 45, respectively.



New South Wales

# Water Management (General) Amendment (Miscellaneous) Regulation 2008

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

PHILLIP COSTA, M.P.,  
Minister for Water

## Explanatory note

The object of this Regulation is to amend the *Water Management (General) Regulation 2004* so as:

- (a) to preserve the stock and domestic component of an entitlement under Part 5 of the *Water Act 1912* that was inadvertently overlooked when entitlements in relation to the Lower Murrumbidgee Groundwater Sources were being converted to access licences, and
- (b) to extend, from 30 June 2009 until 30 June 2010, the current exemption conferred on Anabranck Water (a private irrigation board) in relation to the taking over of certain water supply works, and
- (c) to establish an environmental subcategory in relation to various categories of access licence, and
- (d) to make provision of a savings or transitional nature consequent on the commencement of certain provisions of the *Water Management Amendment Act 2008*.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations) and clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature).

Clause 1            Water Management (General) Amendment (Miscellaneous) Regulation  
                         2008

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## **Water Management (General) Amendment (Miscellaneous) Regulation 2008**

under the

Water Management Act 2000

### **1 Name of Regulation**

This Regulation is the *Water Management (General) Amendment (Miscellaneous) Regulation 2008*.

### **2 Commencement**

This Regulation commences on 1 January 2009.

### **3 Amendment of Water Management (General) Regulation 2004**

The *Water Management (General) Regulation 2004* is amended as set out in Schedule 1.

Water Management (General) Amendment (Miscellaneous) Regulation  
2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

- [1] **Clause 18 Exemption from requirement for access licence**  
Omit “section 341 (1)” from clause 18 (1).  
Insert instead “sections 60A (1)–(3), 60C (1)–(4) and 60D”.
- [2] **Clause 29B New share components for existing Part 5 entitlements**  
Insert after clause 29B (2B):
- (2C) Part 5 entitlement 50BL196431 is taken also to have been replaced by a domestic and stock [Stock] access licence with a share component of a volume of 324 megalitres.
  - (2D) Subclause (2C) is taken to have commenced on 1 October 2006.
- [3] **Clause 38 Exemption from requirement for water use approval**  
Omit “section 342 (1)” from clause 38 (1). Insert instead “section 91A (1)”.
- [4] **Clause 39 Exemption from requirement for water supply work approval**  
Omit “section 343 (1) (a)” from clause 39 (1). Insert instead “section 91B (1)”.
- [5] **Clause 39 (3)**  
Omit “section 343 (1) (a1)”. Insert instead “section 91B (1)”.
- [6] **Clause 39 (4)**  
Omit “section 343 (1)”. Insert instead “section 91B (1)”.
- [7] **Clause 39A Exemption from requirement for controlled activity approval**  
Omit “section 344 (1) (a)” wherever occurring in clause 39A (1) and (2).  
Insert instead “section 91E (1)”.
- [8] **Clause 107A Exemption relating to taking over works—Anabranh Water**  
Insert “and (4)” after “section 159 (3)” in clause 107A (1).
- [9] **Clause 107A (1)**  
Omit “2009”. Insert instead “2010”.

Water Management (General) Amendment (Miscellaneous) Regulation  
2008

Schedule 1      Amendments

**[10] Schedule 3 Categories and subcategories of licences**

Insert in alphabetical order in Column 2 of Schedule 3 opposite “Regulated river (high security)”, “Regulated river (general security)”, “Unregulated river” and “Aquifer”, respectively, in Column 1 of that Schedule:

Environmental

**[11] Schedule 3**

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

Supplementary water	Environmental
Regulated river (conveyance)	Environmental
Murrumbidgee Irrigation (conveyance)	Environmental
Coleambally Irrigation (conveyance)	Environmental
Floodplain harvesting	Environmental
Unregulated river (high flow)	Environmental

**[12] Schedule 6**

Omit the Schedule. Insert instead:

**Schedule 6      Penalty notice offences**

(Clause 107)

Column 1	Column 2	Column 3
Provision of Act	Penalty for individual	Penalty for corporation
Section 60A (2)	\$750	\$1500
Section 60A (4)	\$750	\$1500
Section 60B	\$750	\$1500
Section 60C (2)	\$750	\$1500
Section 60C (4)	\$750	\$1500
Section 60D	\$750	\$1500
Section 91A (1)	\$750	\$1500
Section 91A (2)	\$750	\$1500
Section 91B (1)	\$750	\$1500

Water Management (General) Amendment (Miscellaneous) Regulation  
2008

Amendments

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision of Act</b>	<b>Penalty for individual</b>	<b>Penalty for corporation</b>
Section 91B (2)	\$750	\$1500
Section 91C (1)	\$750	\$1500
Section 91C (2)	\$750	\$1500
Section 91D (1)	\$750	\$1500
Section 91D (2)	\$750	\$1500
Section 91E (1)	\$750	\$1500
Section 91E (2)	\$750	\$1500
Section 91F (1)	\$750	\$1500
Section 91F (2)	\$750	\$1500
Section 91G	\$750	\$1500
Section 91H (1)	\$750	\$1500
Section 91H (2)	\$750	\$1500
Section 91I (2)	\$750	\$1500
Section 91J	\$750	\$1500
Section 91K (2)	\$750	\$1500
Section 120 (4)	\$750	\$1500
Section 256 (1)	\$750	\$1500
Section 318A	\$750	\$1500
Section 318B	\$750	\$1500
Section 336C (1)	\$750	\$1500
Section 340A (1)	\$750	\$1500
Section 342 (1)	\$750	\$1500
Section 342 (2)	\$750	\$1500
Section 343 (1)	\$750	\$1500
Section 345 (2)	\$750	\$1500
Section 346	\$750	\$1500

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Water Management (General) Amendment (Miscellaneous) Regulation  
2008

Schedule 1 Amendments

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**[13] Schedule 7 Savings and transitional provisions**

Insert after Part 3:

**Part 4 Provisions relating to the Water Management Amendment Act 2008**

**14 Definition**

In this Part, *the 2008 amending Act* means the *Water Management Amendment Act 2008*.

**15 Directions under former Parts 1 and 2 of Chapter 7 of the Act**

A direction that, immediately before 1 January 2009, was in force under any provision of Part 1 or 2 of Chapter 7 of the Act, as then in force, is taken to be a direction under the corresponding provision of Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act, and may be enforced accordingly.

**16 Exercise of functions under new Parts 1 and 2 of Chapter 7**

The matters in respect of which a function under Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act, may be exercised include matters arising before 1 January 2009.

**17 Authorised officers**

- (1) Any authorised officer who, immediately before 1 January 2009, was appointed for the purposes of a provision of Part 1 or 2 of Chapter 7 of the Act, as then in force, is taken to have been appointed for the corresponding provision of Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act.
- (2) Until its replacement under section 340 of the Act, an identification card or certificate of authority issued to an authorised officer before 1 January 2009 is taken to be the officer's evidence of authority for the purposes of that section.

**18 Commencement of proceedings**

Section 364 of the Act, as substituted by Schedule 1 [10] to the 2008 amending Act, extends to any offence that arose before 1 January 2009, but only if proceedings for the offence could have been commenced on that date had that section not been substituted.



Water Management (General) Amendment (Miscellaneous) Regulation  
2008

Amendments

Schedule 1

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**19 Matters to be considered in imposing penalty**

Section 364A of the Act, as inserted by Schedule 1 [10] to the 2008 amending Act, extends to any penalty to be imposed in respect of an offence committed before 1 January 2009.

**20 Continuing offences**

Section 365A of the Act, as inserted by Schedule 1 [11] to the 2008 amending Act, extends to any contravention arising on or after 1 January 2009 in respect of a requirement made by or under the Act or this Regulation before that date.

**21 Evidentiary matters**

Sections 367, 367A and 367B of the Act, as inserted by Schedule 3 [2] to the 2008 amending Act, extend to proceedings for offences arising before 1 January 2009, including proceedings commenced before that date.



New South Wales

# Weapons Prohibition Amendment Regulation 2008

under the

Weapons Prohibition Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Weapons Prohibition Act 1998*.

ANTHONY KELLY, M.I.C.,  
Minister for Police

## Explanatory note

The object of this Regulation is to make amendments to the *Weapons Prohibition Regulation 1999* consequential on the commencement of certain provisions of the *Security Industry Amendment Act 2005*. The amendments clarify the circumstances in which holders of licences under the *Security Industry Act 1997* are permitted to possess handcuffs and extendable batons.

This Regulation is made under the *Weapons Prohibition Act 1998*, including section 50 (the general regulation-making power).

Clause 1            Weapons Prohibition Amendment Regulation 2008

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## **Weapons Prohibition Amendment Regulation 2008**

under the

Weapons Prohibition Act 1998

### **1 Name of Regulation**

This Regulation is the *Weapons Prohibition Amendment Regulation 2008*.

### **2 Amendment of Weapons Prohibition Regulation 1999**

The *Weapons Prohibition Regulation 1999* is amended as set out in Schedule 1.

Weapons Prohibition Amendment Regulation 2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Schedule 1 Persons exempt from requirement for permit**

Omit clause 3 (1) (c). Insert instead:

- (c) persons employed to carry on a security activity referred to in section 4 (1) (c) (i), (iv) or (v) of the *Security Industry Act 1997* and who hold a class 1A, 1D, 1F or P1F licence under that Act,

**[2] Schedule 1, clause 3 (1) (d)**

Omit “section 4 (f)”. Insert instead “section 4 (1) (j) or (k)”.

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## Orders

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New South Wales

# Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008 Number 2

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 17th day of December 2008.

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

### Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the *Fisheries Management Act 1994 (the Act)*.

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim Order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/208297/FR22-Darling-River-EEC.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0010/208297/FR22-Darling-River-EEC.pdf).

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008 Number 2

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## **Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008 Number 2**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008 Number 2*.

### **2 Commencement and repeal**

This Order:

- (a) takes effect on the day it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

### **3 Repeal of previous order**

The *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008* is repealed.

### **4 Continuation of existing activities**

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Caridina mccullochi* (freshwater shrimp),
  - (d) *Cherax destructor* (yabby),
  - (e) *Maccullochella peelii peelii* (Murray cod),
  - (f) *Macquaria ambigua* (golden perch),
  - (g) *Nematalosa erebi* (bony bream),

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008 Number 2

Clause 4

- 
- (h) *Leiopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
  - (b) possess or sell yabby taken from the Lowland Darling River Catchment, or
  - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.
- inland restricted fishery*** has the same meaning as in the *Fisheries Management (General) Regulation 2002*.
- Lowland Darling River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).



New South Wales

# Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008 Number 2

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 17th day of December 2008.

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

## Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River is listed as an endangered ecological community under the *Fisheries Management Act 1994 (the Act)*.

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim Order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Lachlan River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/208291/FR25-Lachlan-River-EEC.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/208291/FR25-Lachlan-River-EEC.pdf).

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.



Clause 1 Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008 Number 2

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## **Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008 Number 2**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008 Number 2*.

### **2 Commencement and repeal**

This Order:

- (a) takes effect on the day it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

### **3 Repeal of previous order**

The *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008* is repealed.

### **4 Continuation of existing activities**

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Lachlan River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan River Catchment, or may carry out any routine activity in connection with any such taking or possession:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Cherax destructor* (yabby),
  - (d) *Maccullochella peelii peelii* (Murray cod),
  - (e) *Macquaria ambigua* (golden perch),
  - (f) *Nematalosa erebi* (bony bream),
  - (g) *Leiopotherapon unicolor* (spangled perch).

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008 Number 2

Clause 4

- 
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Lachlan River Catchment, or
  - (b) possess or sell yabby taken from the Lowland Lachlan River Catchment, or
  - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.
- inland restricted fishery*** has the same meaning as in the *Fisheries Management (General) Regulation 2002*.
- Lowland Lachlan River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).



New South Wales

## Health Services Amendment (Stewart House) Order 2008

under the

Health Services Act 1997

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, on the recommendation of the Minister for Health, and in pursuance of sections 43 and 62 (2) of the *Health Services Act 1997*, make the following Order.

Dated, this 17th day of December 2008.

By Her Excellency's Command,

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

### Explanatory note

The object of this Order is:

- (a) to dissolve The Stewart House Preventorium, Curl Curl, as a statutory health corporation, to transfer the assets, rights and liabilities of that statutory health corporation to Stewart House (ACN 127 072 100) and to amend the *Health Services Act 1997* accordingly, and
- (b) to amend the *Health Services Act 1997* to provide that Stewart House is an affiliated health organisation in respect of child health screening carried on at Stewart House Preventorium, Curl Curl.

This Order also includes a transitional provision to facilitate the transfer of control of Stewart House Preventorium to Stewart House as an affiliated health organisation.

This Order is made under sections 43, 44 (2) and 62 (2) of, and clause 4 of Schedule 4 to, the *Health Services Act 1997*.

Clause 1 Health Services Amendment (Stewart House) Order 2008

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## Health Services Amendment (Stewart House) Order 2008

under the

Health Services Act 1997

### 1 Name of Order

This Order is the *Health Services Amendment (Stewart House) Order 2008*.

### 2 Commencement

- (1) Except as provided by subclause (2), this Order commences on the day it is published in the Gazette.
- (2) Clause 3 and Schedule 1 commence on 1 January 2009.

### 3 Dissolution of The Stewart House Preventorium

On 1 January 2009, the statutory health corporation named “The Stewart House Preventorium, Curl Curl” is, by this Order, dissolved and its assets, rights and liabilities are transferred to Stewart House (ACN 127 072 100).

### 4 Granting of consent before dissolution of The Stewart House Preventorium

- (1) Stewart House (ACN 127 072 100) may, before 1 January 2009, make an instrument granting the consent required under section 62 (4) (b) to give effect to the amendment of Schedule 3 to the *Health Services Act 1997* by this Order.
- (2) Any such instrument takes effect on 1 January 2009.

### 5 Amendment of Health Services Act 1997 No 154

The *Health Services Act 1997* is amended as set out in Schedule 1.

Health Services Amendment (Stewart House) Order 2008

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 5)

**[1] Schedule 2 Statutory health corporations**

Omit the matter relating to “The Stewart House Preventorium, Curl Curl” from Columns 1 and 2 of Schedule 2.

**[2] Schedule 3 Affiliated health organisations**

Insert in Columns 1 and 2 of Schedule 3, respectively, in alphabetical order of name of organisation:

Stewart House

Child health screening services at Stewart House Preventorium, Curl Curl.



New South Wales

## Sydney Water Catchment Management (Special Areas Repeal) Order 2008

under the

Sydney Water Catchment Management Act 1998

, 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 44 of the *Sydney Water Catchment Management Act 1998*, make the following Order.

Dated, this 26th day of November 2008.

By Her Excellency's Command,

Minister for Water

### Explanatory note

The object of this Order is to repeal certain orders made under section 44 of the *Sydney Water Catchment Management Act 1998* that declared certain land to be a special area within the meaning of that Act.

This Order is made under section 44 (6) of the *Sydney Water Catchment Management Act 1998*.

Clause 1 Sydney Water Catchment Management (Special Areas Repeal) Order 2008

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## **Sydney Water Catchment Management (Special Areas Repeal) Order 2008**

under the

Sydney Water Catchment Management Act 1998

### **1 Name of Order**

This Order is the *Sydney Water Catchment Management (Special Areas Repeal) Order 2008*.

### **2 Repeal of certain orders declaring special areas**

The following orders are repealed:

- (a) the order declaring an area of land at Devine's Weir to be a special area, being an order published in Gazette No 103 of 29 August 1969 at page 3418,
- (b) the order declaring an area of land at O'Hare's Creek to be a special area, being an order published in Gazette No 51 of 14 April 1927 at page 1862 and amended by proclamation published in Gazette No 178 of 21 September 1934 at page 3525,
- (c) the order declaring an area of land at Penrith to be a special area, being an order published in Gazette No 113 of 8 October 1971 at page 3916,
- (d) the order declaring an area of land at Richmond to be a special area, being an order published in Gazette No 113 of 8 October 1971 at page 3916,
- (e) the order declaring an area of land at Windsor to be a special area, being an order published in Gazette No 113 of 8 October 1971 at page 3916.

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## Other Legislation

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New South Wales

### Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading "Plants":

Calomniacae

*Calomnion complanatum* (Hook.f. & Wilson)

Dated, this 12th day of December 2008.

Professor Lesley Hughes  
Chairperson of the Scientific Committee

#### Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au),
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.





New South Wales

## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the species referred to in paragraph (a) as a vulnerable species under that Act, and, as a consequence, to omit reference to that species as an endangered species and, accordingly:

- (a) Schedule 2 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Fabaceae” (under the heading “Plants”):

*Acacia macnuttiana* Maiden & Blakely

- (b) Schedule 1 to that Act is amended by omitting from Part 1 under the heading “Fabaceae” (under the heading “Plants”):

*Acacia macnuttiana* Maiden & Blakely

Dated, this 12th day of December 2008.

Professor Lesley Hughes  
Chairperson of the Scientific Committee

### Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au),  
(b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,

Notice of Final Determination

- 
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

## Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the species referred to in paragraph (a) as a critically endangered species under that Act, and, as a consequence, to omit reference to that species as an endangered species and, accordingly:

- (a) Schedule 1A to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Orchidaceae” (under the heading “Plants”):

*Diuris flavescens* D.L. Jones

- (b) Schedule 1 to that Act is amended by omitting from Part 1 under the heading “Orchidaceae” (under the heading “Plants”):

*Diuris flavescens* D.L. Jones

Dated, this 12th day of December 2008.

Professor Lesley Hughes  
Chairperson of the Scientific Committee

### Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au),  
(b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,

Notice of Final Determination

- 
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.

**OFFICIAL NOTICES****Appointments****ROYAL BOTANIC GARDENS AND DOMAIN  
TRUST ACT 1980**

## Reappointment

## Royal Botanic Gardens and Domain Trust

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 6 of the Royal Botanic Gardens and Domain Trust Act 1980, has approved the reappointment of Mr Nigel SWINN as a member of the Royal Botanic Gardens and Domain Trust from 26 July 2008 to 25 July 2012.

VERITY FIRTH, M.P.,  
Minister for Climate Change and the Environment

## Department of Lands

### ARMIDALE OFFICE

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

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

#### 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 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: Armidale. Local Government Area: Armidale Dumaresq Council. Locality: Hillgrove. Reserve No.: 72340. Public Purpose: Common. Notified: 4 July 1947. File No.: 08/9112.	The whole being Lot 306, DP No. 755834, Parish Metz, County Sandon; Lot 308, DP No. 755834, Parish Metz, County Sandon; Lot 173, DP No. 755834, Parish Metz, County Sandon; Lot 339, DP No. 755834, Parish Metz, County Sandon; Lot 378, DP No. 755834, Parish Metz, County Sandon; Lot 7010, DP No. 755834#, Parish Metz, County Sandon; Lot 311, DP No. 755834, Parish Metz, County Sandon; Lot 174, DP No. 755834, Parish Metz, County Sandon; Lot 335, DP No. 755834, Parish Metz, County Sandon and Lot 309, DP No. 755834, Parish Metz, County Sandon, of an area of 21.85 hectares.

Note: Reserve revoked automatically to accommodate Reserve 1015948 created in its place.

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

#### SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Armidale. Local Government Area: Armidale Dumaresq Council. Locality: Hillgrove. Reserve No.: 72342. Public Purpose: Common. Notified: 4 July 1947. File No.: 08/9112.	The whole being Lot 7009, DP No. 94210, Parish Metz, County Sandon and Lot 400, DP No. 755834, Parish Metz, County Sandon, of an area of 19.2 hectares.

Note: Reserve revoked automatically to accommodate Reserve 1015948 created in its place.

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

#### RESERVATION OF CROWN LAND

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

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

#### SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Armidale. Local Government Area: Armidale Dumaresq Council. Locality: Hillgrove. Lot 7010, DP No. 1125382, Parish Metz, County Sandon; Lot 7009, DP No. 94210, Parish Metz, County Sandon; Lot 173, DP No. 755834, Parish Metz, County Sandon; Lot 174, DP No. 755834, Parish Metz, County Sandon; Lot 306, DP No. 755834, Parish Metz, County Sandon; Lot 308, DP No. 755834, Parish Metz, County Sandon; Lot 309, DP No. 755834, Parish Metz, County Sandon; Lot 311, DP No. 755834, Parish Metz, County Sandon; Lot 335, DP No. 755834, Parish Metz, County Sandon; Lot 339, DP No. 755834, Parish Metz, County Sandon; Lot 378, DP No. 755834, Parish Metz, County Sandon; Lot PT 400, DP No. 755834, Parish Metz, County Sandon. Area: About 41.38 hectares. File No.: 08/9112.	Reserve No.: 1015948. Public Purpose: Public recreation.

Note: This reservation automatically revokes Reserves 72340 and 72342 for commonage notified 4 July 1947.

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

**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>
Merle SIMPSON (new member), Desmond Wayne SYDENHAM (new member), Carla SIMPSON (new member), Colin John SIMPSON (new member), Martin Graham DYE (new member), Christine BRODBECK (new member).	Hillgrove Recreational Reserve (R1015948) Trust.	Reserve No.: 1015948. Public Purpose: Public recreation. Notified: This day. File No.: 08/9112.

**Term of Office**

For a term commencing this day and expiring 31 December 2012.

**ESTABLISHMENT OF RESERVE TRUST**

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

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

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Hillgrove Recreational Reserve (R1015948) Trust.	Reserve No.: 1015948. Public Purpose: Public recreation. Notified: This day, File No.: 08/9112.

**DUBBO OFFICE**

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

**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 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: Coonabarabran. Local Government Area: Warrumbungle Shire Council. Locality: Timor. Reserve No.: 73782. Public Purpose: Generally. Notified: 27 October 1950. File No.: DB04211.	The whole being Lot 68, DP No. 416219, Parish Timor, County Gowen, of an area of 219.3 hectares.

Note: Purchase of Perpetual Lease 134702 by Antony David Marx.

**SCHEDULE 2**

<i>Column 1</i>	<i>Column 2</i>
Land District: Mudgee. Local Government Area: Mid-Western Regional Council. Locality: Pyramul Creek. Reserve No.: 96898. Public Purpose: Future public requirements. Notified: 5 August 1983. File No.: DB05 H 358.	The whole being Lot 65, DP No. 704149, Parish Waurdong, County Wellington, of an area of 73.3 hectares.

Note: Disposal of Perpetual Lease 109169 to Jennifer Gay Bell.

**GOULBURN OFFICE****159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4824 3700 Fax: (02) 4822 4287****NOTIFICATION OF CLOSING OF A ROAD**

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

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

**SCHEDULE 1****Description**

*Parish – Sutton; County – Camden;  
Land District – Moss Vale;  
L.G.A. – Wingecarribee Shire Council*

Lot 1, DP 1132957 (not being land under the Real Property Act).

File No.: GB05 H 235:JK.

Note: On closing, the title for the land in Lot 1, DP 1132957 remains vested in the State of New South Wales as Crown Land.

**SCHEDULE 2****Description**

*Parish – Young; County – Monteagle;  
Land District – Young; L.G.A. – Young Shire Council*

Lot 1, DP 1132086 (not being land under the Real Property Act).

File No.: GB04 H 45:JK.

Note: On closing, the title for the land in Lot 1, DP 1132086 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>
Andrew MILLER (re-appointment), Desmond PEARSALL (re-appointment), Eric Robert DOWLING (re-appointment), James Ray DEEGAN (re-appointment), Geoffrey John FOUNTAIN (new member), William Richard HAMILL (new member).	Bevendale Hall (R89153) and Recreation (R79892) Reserve Trust.	Reserve No.: 79892. Public Purpose: Public recreation. Notified: 13 September 1957.
		Reserve No.: 89153. Public Purpose: Public hall. Notified: 8 March 1974. File No.: GB80 R 273/2.

**Term of Office**

For a term commencing 18 March 2009 and expiring 17 March 2014.

**GRIFFITH OFFICE****2nd Floor, Griffith City Plaza,****120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680****Phone: (02) 6962 3600 Fax: (02) 6962 5670****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. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

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

**SCHEDULE**

*Parish – Tuggerabach; County – Dowling;  
Land of District – Lake Cargelligo; L.G.A. – Lachlan*

Road Closed: Lot 1 in DP 1130222.

File No.: 08/2898 (MR).

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



**HAY OFFICE**  
**126 Lachlan Street (PO Box 182), Hay NSW 2711**  
**Phone: (02) 6993 1800 Fax: (02) 6993 1135**

**ESTABLISHMENT OF RESERVE TRUST**

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

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

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SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Ambulance Service of NSW.	Reserve No.: 94732. Public Purpose: Ambulance station. Notified: 8 May 1981. File No.: HY95 R 3.

**ERRATUM**

IN the notice appearing in the *New South Wales Government Gazette* of the 5th December 2008, Folio 11741, under the heading of "NOTIFICATION OF CLOSING OF ROAD" under the subheading "Description", County of Sturt should be replaced with County of Waradgery.

File No.: HY90 H 347.

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

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**REVOCAION OF APPOINTMENT OF RESERVE TRUST**

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

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

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SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Deniliquin Council Crown Reserves Reserve Trust.	Public Purpose: Ambulance station. Notified: 8 May 1981. File No.: HY95 R 3.

**MAITLAND OFFICE**  
**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323**  
**Phone: (02) 4937 9306 Fax: (02) 4934 8417**

**ROADS ACT 1993**

**Order**

Transfer of a Crown Road to a Council

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

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

**SCHEDULE 1**

*Parish – Olney; County – Northumberland;  
 Land District – Gosford; Local Government Area – Wyong*

That part of the Crown road being part Dooralong Road from the intersection at Phil Tunks Road extending northerly 10 metres beyond the southern boundary of Lot 1, DP 505163, including Crown road being part north and through Lot 1142, DP 1037803, terminating 10 metres beyond the common boundary of Lots 1142 and 1143, DP 1037803. (See Diagram).



**SCHEDULE 2**

Roads Authority: Wyong Shire Council.  
 File No.: 08/11202.

**RESERVATION OF CROWN LAND**

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

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

**SCHEDULE 1**

*Column 1*

*Column 2*

Land District: Gosford and Metropolitan.	Reserve No.: 1016808.
Local Government Area: Gosford City Council and Hornsby Shire Council.	Public Purpose: Rural services.
Locality: Mooney Mooney and Brooklyn.	
Lot 230, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 239, DP No. 728987, Parish Cowan, County Northumberland;	
Lot 244, DP No. 823705, Parish Cowan, County Northumberland;	
Lot 218, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 229, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 243, DP No. 823705, Parish Cowan, County Northumberland;	
Lot 216, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 227, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 224, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 219, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 238, DP No. 728987, Parish Cowan, County Northumberland;	
Lot 217, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 220, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 223, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 228, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 222, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 225, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 226, DP No. 705466, Parish Cowan, County Northumberland;	
Lot 457, DP No. 704505, Parish Cowan, County Cumberland;	
Lot 458, DP No. 704505, Parish Cowan, County Cumberland;	
Lot 459, DP No. 704505, Parish Cowan, County Cumberland.	
Area: About 1.324 hectares.	
File No.: 08/6961.	

## SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Newcastle. Local Government Area: Port Stephens Council. Locality: Port Stephens. Lot 2, DP No. 1095936, Parish Sutton, County Gloucester; Lot 1, DP No. 1095936, Parish Sutton, County Gloucester; Lot 344, DP No. 705456, Parish Sutton, County Gloucester; Lot 336, DP No. 45596, Parish Sutton, County Gloucester; Lot 335, DP No. 45596, Parish Sutton, County Gloucester; Lot 337, DP No. 45596, Parish Sutton, County Gloucester; Lot 325, DP No. 45596, Parish Sutton, County Gloucester; Lot 327, DP No. 45596, Parish Sutton, County Gloucester; Lot 323, DP No. 45596, Parish Sutton, County Gloucester; Lot 324, DP No. 45596, Parish Sutton, County Gloucester; Lot 322, DP No. 45596, Parish Sutton, County Gloucester; Lot 321, DP No. 45596, Parish Sutton, County Gloucester; Lot 332, DP No. 45596, Parish Sutton, County Gloucester; Lot 331, DP No. 45596, Parish Sutton, County Gloucester; Lot 328, DP No. 45596, Parish Sutton, County Gloucester; Lot 333, DP No. 45596, Parish Sutton, County Gloucester; Lot 326, DP No. 45596, Parish Sutton, County Gloucester; Lot 330, DP No. 45596, Parish Sutton, County Gloucester; Lot 329, DP No. 45596, Parish Sutton, County Gloucester; Lot 334, DP No. 45596, Parish Sutton, County Gloucester; Lot 338, DP No. 45596, Parish Sutton, County Gloucester; Lot 339, DP No. 45596, Parish Sutton, County Gloucester; Lot 213, DP No. 729999, Parish Stowell, County Gloucester; Lot 207, DP No. 725120, Parish Stowell, County Gloucester; Lot 189, DP No. 753192, Parish Stowell, County Gloucester; Lot 197, DP No. 45608, Parish Tarean, County Gloucester; Lot 202, DP No. 45608, Parish Tarean, County Gloucester; Lot 199, DP No. 45608, Parish Tarean, County Gloucester; Lot 198, DP No. 45608, Parish Tarean, County Gloucester; Lot 207, DP No. 704464, Parish Tarean, County Gloucester;	Reserve No.: 1016788. Public Purpose: Rural services.

*Column 1* *Column 2*

Lot 212, DP No. 704464, Parish Tarean, County Gloucester; Lot 201, DP No. 45608, Parish Tarean, County Gloucester; Lot 203, DP No. 45608, Parish Tarean, County Gloucester; Lot 196, DP No. 45608, Parish Tarean, County Gloucester; Lot 204, DP No. 45608, Parish Tarean, County Gloucester; Lot 200, DP No. 45608, Parish Tarean, County Gloucester; Lot 208, DP No. 704464, Parish Tarean, County Gloucester; Lot 209, DP No. 704464, Parish Tarean, County Gloucester; Lot 210, DP No. 704464, Parish Tarean, County Gloucester. Area: About 7.587 hectares. File No.: 08/6961.	
Note: That part of R96 for access, notified 6 December 1880, comprising Lot 344, DP 705456 and Lots 1 and 2, DP1095936 is hereby revoked.	

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

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedules hereunder, is appointed as trustee of the reserve 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>
Crown Lands Reserve Trust.	Reserve No.: 1016808. Public Purpose: Rural services. Notified: This day. File No.: 08/6961.

## SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Crown Lands Reserve Trust	Reserve No.: 1016788. Public Purpose: Rural services. Notified: This day. File No.: 08/6961.

**ERRATUM**

THE notice which appeared in the *New South Wales Government Gazette* No. 53 of the 16 May 2008, Folio 3911, under the heading "RESERVATION OF CROWN LAND" notifying R1014828 for Environmental Protection. The notice indicated the whole of Lot 115, DP 40238, was within the reserve when it should have indicated that Part Lot 115, DP 40238 is reserved. The part of Lot 115 reserved is confined to the eastern side of Greenwattle Creek Road.

File No.: 08/2932/1.

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

**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 – Tupa; County – Hunter;  
Land District – Singleton; L.G.A. – Singleton*

Road Closed: Lot 1, DP 1132312 (not being land under the Real Property Act).

File No.: MD05 H 152.

## Schedule

On closing, the land within Lot 1, DP 1132312 remains vested in the State of New South Wales as Crown Land.

## Description

*Parish – Oldcastle; County – Durham;  
Land District – Scone; L.G.A. – Upper Hunter*

Road Closed: Lot 1, DP 1131041 (not being land under the Real Property Act).

File No.: MD05 H 373.

## Schedule

On closing, the land within Lot 1, DP 1131041 remains vested in the State of New South Wales as Crown Land.

**PLANS OF MANAGEMENT FOR CROWN RESERVE UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006**

A Draft Plan of Management (POM) has been prepared for the Crown reserved land described hereunder that is under the trusteeship of Dungog Shire Council.

Inspection of the draft plan can be made at Dungog Shire Council Administrative Building, Dowling Street, Dungog and the NSW Department of Lands on the corner of Newcastle Road and Banks Street, East Maitland, during normal business hours.

The Draft Plan will be on exhibition from 17 December 2008 to 31 January 2009. Submissions on the draft should be marked "Pilchers Reserve" and addressed to Terry Kavanagh, Manager of Environmental Services, Dungog Shire Council, PO Box 95, Dungog NSW 2420. Submissions will be received from 17 December 2008 to 30 January 2009.

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

## Description of Lands

*Land District – Dungog; Council Area – Dungog;  
Parishes – Dungog; County – Durham*

Reserve: R1002990, gazetted 15 Dec 2000.

Lot/DP: Lot 338, DP 1009839.

Area: 30.07 hectares.

Purpose: Environmental protection.

Locality: Pilchers Mountain.

File No.: MD95 H 359.

**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 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: Moree.  
Local Government Area:  
Moree Plains Shire.  
Reserve No.: 93329.  
Purpose: Future public requirements.  
Notified: 8 August 1980.  
File No.: ME02 H 275.

*Column 2*

That whole of Reserve 93329 comprising Lot 71 in DP 751138, Parish Yagobe, County Burnett, having an area of 519.5 hectares.

## NEWCASTLE OFFICE

437 Hunter Street, Newcastle NSW 2300 (PO Box 2185, Dangar NSW 2309)

Phone: (02) 4920 5000 Fax: (02) 4925 3489

## NOTICE OF PUBLIC PURPOSE PURSUANT TO SECTION 34A (2) (B) OF THE CROWN LANDS ACT 1989

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve specified in Column 1 of the Schedule is to be occupied for the additional purpose specified in Column 2 of the Schedule.

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

## SCHEDULE

*Column 1**Column 2*

Reserve No.: 24688. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 29 August 1896.  
Locality: Gunnedah.

Reserve No.: 83108. Communication facilities.  
Public Purpose: Horticultural  
research station (additional).  
Notified: 30 March 1961.  
Locality: Wentworth.

Reserve No.: 10595. Communication facilities.  
Public Purpose: Travelling stock.  
Notified: 8 February 1890.  
Locality: Warialda.

Reserve No.: 86928. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 25 October 1968.  
Locality: Fingal Bay.

Reserve No.: 145. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 3 April 1886.  
Locality: Harbord.

Reserve No.: 89280. Communication facilities.  
Public Purpose: Public  
recreation, preservation of  
native flora and fauna.  
Notified: 13 September 1974.  
Locality: Mount White.

Reserve No.: 10074. Communication facilities.  
Public Purpose: Travelling stock.  
Notified: 9 November 1889.  
Locality: Boooroban.

Reserve No.: 45726. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 7 September 1910.  
Locality: Narraweena.

*Column 1**Column 2*

Reserve No.: 83811. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 19 April 1962.  
Locality: Engadine.

Reserve No.: 620075. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 11 June 1886.  
Locality: Wagga Wagga.

Reserve No.: 24689. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 29 August 1896.  
Locality: Gundagai.

Reserve No.: 70736. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 13 November 1942.  
Locality: Careel Bay.

Reserve No.: 1001398. Communication facilities.  
Public Purpose: Public recreation  
and community purposes.  
Notified: 25 September 1998.  
Locality: Woronora Heights.

Reserve No.: 500462. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 7 July 1922.  
Locality: Belmore.

Reserve No.: 58243. Communication facilities.  
Public Purpose: Public recreation.  
Notified: 21 August 1925.  
Locality: Bilgola.

Reserve No.: 93229. Communication facilities.  
Public Purpose: Fire brigade  
station.  
Notified: 25 July 1980.  
Locality: Lightning Ridge.

Reserve No.: 89000. Communication facilities.  
Public Purpose: College of  
advanced education.  
Notified: 14 September 1973.  
Locality: Wagga Wagga North.

Reserve No.: 90536. Communication facilities.  
Public Purpose: Water supply.  
Notified: 1 November 1974.  
Locality: Mangrove Creek.

File No.: 08/6163.

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

**APPOINTMENT OF TRUST BOARD MEMBERS**

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

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

SCHEDULE 1

Column 1	Column 2	Column 3
Jane Lenore MacGREGOR (new member), Ronald Francis DALE (re-appointment), Richard John ROBERTS (re-appointment), Keith LUCAS (re-appointment).	Quaama Sports Ground Trust.	Dedication No.: 580101. Public Purpose: Public recreation and racecourse. Notified: 31 October 1947. File No.: NA80 R 117/4.

Term of Office

For a term commencing 19 December 2008 and expiring 18 December 2013.

SCHEDULE 2

Column 1	Column 2	Column 3
Simon Peter BATEMAN (new member), Leslie George WILTON (re-appointment), Elizabeth Mary CLARK (re-appointment).	Bemboka Showground Trust.	Reserve No.: 40788. Public Purpose: Showground. Notified: 22 August 1906. File No.: NA84 R 35/2.

Term of Office

For a term commencing 19 December 2008 and expiring 18 December 2013.

**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 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 – Meringo; County – Auckland;*  
*Land District – Bega;*  
*Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1129666 at Buckajo, subject to easement for transmission line created by DP 1129666.

File No.: NA07 H 13.

Schedule

On closing, the land within Lot 1, DP 1129666 remains vested in State of New South Wales as Crown Land.

Description

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

Lot 1 in DP 1123447 at Nelligen, subject to an easement for right of access created by DP 1123447.

File No.: NA05 H 351.

Schedule

On closing, the land within Lot 1, DP 1123447 remains vested in State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1132319 at Tarranganda.

File No.: NA07 H 45.

Schedule

On closing, the land within Lot 1, DP 1132319 remains vested in 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 1127968 at Central Tilba.

File No.: NA06 H 160.

Schedule

On closing, the land within Lot 1, DP 1127968 remains vested in the Eurobodalla Shire Council as Operational land.

**ERRATUM**

IN the *New South Wales Government Gazette* of 12 December 2008, folio 11933, under the heading of "Notification of Closing of Road" with the Description, Land District - Moruya, Parish - Bateman in the Schedule where it states "Lot 1, DP 1119181" is replaced with "Lot 2, DP 1132200".  
File No.: NA06 H 182.

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

**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 – Moruya; Council – Eurobodalla Shire*

- (1) The Crown public road known as Albert Street at Moruya, adjoining the northern boundary of Lots 65 and 68, DP 752151, Parish Moruya and County Auckland.

Crown Reference: NA04 H 102.

**SCHEDULE 2**

Roads Authority: Eurobodalla Shire Council.

Reference No.: 06.0349.S.

**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: Moruya.  
Local Government Area:  
Eurobodalla Shire Council.  
Locality: Broulee.  
Reserve No.: 755963.  
Public Purpose: Future public requirements.  
Notified: 29 June 2007.  
File No.: NA06 H 184.

*Column 2*

That part being Lot 1,  
DP 239668 (closed road  
vide New South Wales  
Government Gazette of  
2nd October 1970, Folio  
3978), Parish Tomaga,  
County St Vincent.  
Area of about 4900 square  
metres.

Note: It is intended to sell the revoked part being closed road by way of Private Treaty Sale to the adjoining landowner.

**ORANGE OFFICE**

**92 Kite Street (PO Box 2146), Orange NSW 2800**

**Phone: (02) 6391 4300 Fax: (02) 6362 3896**

**APPOINTMENT OF TRUST BOARD MEMBERS**

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

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

**SCHEDULE 1**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Bruce Roland SLADE (re-appointment), Robert PIEFKE (re-appointment), Bryson Kent TROY (re-appointment).	Bland Recreation Reserve Trust.	Reserve No.: 50687. Public Purpose: Public recreation. Notified: 19 May 1915. File No.: OE81 R 49.

## Term of Office

For a term commencing the date of this notice and expiring 18 December 2013.

**SCHEDULE 2**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Brian TISDELL (re-appointment), Lindsay Peter WOOLDRIDGE (re-appointment), Eric Lester TEAGUE (new member).	Garema Public Hall and Public Recreation Reserve Trust.	Reserve No.: 55690. Public Purpose: Public recreation. Notified: 29 September 1922.  Reserve No.: 55646. Public Purpose: Public hall. Notified: 8 September 1922. File No.: OE80 R 335.

## Term of Office

For a term commencing the date of this notice and expiring 18 December 2013.

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

THE notice appearing in *New South Wales Government Gazette* No. 157 on 12 December 2008, Folio 11937, is amended by a correction to the description of the road being closed as per the following:

Road Closed: Lot 1 in Deposited Plan 1130619, Parish Calala, County Pottinger subject to easement for right of carriageway created by Deposited Plan 1130619.

File No.: TH05 H 290.

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

**REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE**

PURSUANT to section 84 of the Crown Lands Act 1989, the dedication of Crown Land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

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

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Land District: Gunnedah. Local Government Area: Narrabri Shire Council. Locality: Boggabri. Dedication No.: 1000393. Public Purpose: Permanent common. Notified: 31 July 1896. File No.: TH79 R 392/3.	The whole being Lot 7016, DP No. 1056711, Parish Boggabri, County Pottinger; Lot 7027, DP No. 1056690, Parish Boggabri, County Pottinger and Lot 7018, DP No. 1028451, Parish Boggabri, County Pottinger, of an area of 110 hectares.

**TAREE OFFICE****98 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6591 3500 Fax: (02) 6552 2816****ASSIGNMENT OF NAME TO A RESERVE TRUST**

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

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

**SCHEDULE**

<i>Column 1</i>	<i>Column 2</i>
Crescent Head Community Pre School Reserve (R98039) Trust.	Reserve No.: 98039. Public Purpose: Community purposes. Notified: 27 December 1985. Parish: Palmerston. County: Macquarie. File No.: TE87 R 10.



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

**APPOINTMENT OF TRUST BOARD MEMBERS**

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

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

**SCHEDULE 1**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Leslie Neil WYKES (re-appointment), Bruce William BAKER (re-appointment), Malcolm Leslie REES (re-appointment).	Beckom Recreation Reserve Trust.	Reserve No.: 45330. Public Purpose: Public recreation. Notified: 8 June 1910. File No.: WA81 R 44/1.

**Term of Office**

For a term commencing the date of this notice and expiring 18 December 2013.

**SCHEDULE 2**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
John Frederick ROCHESTER (new member), Jenny OLIVER (new member), Phillip Ernest STURT (re-appointment), Henry William FOLEY (re-appointment), Francis John PIPER (re-appointment), Louise LUKE (re-appointment), Ricky William James BROAD (re-appointment).	Lacmalac Public Hall Trust.	Dedication No.: 620042. Public Purpose: Public hall site. Notified: 7 April 1922. File No.: WA80 R 151/2.

**Term of Office**

For a term commencing 1 January 2009 and expiring 18 December 2013.

**SCHEDULE 3**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Ian Patrick RHODES (re-appointment), Stuart Rodney BRUCE (re-appointment), Geoffrey Keith DAVIS (re-appointment), Malcolm Robert BRUCE (re-appointment), David Kenneth LEWIS (re-appointment).	Rennie Reserves Trust.	Reserve No.: 66805. Public Purpose: Public hall. Notified: 4 June 1937.  Reserve No.: 89747. Public Purpose: Public recreation. Notified: 12 March 1976. File No.: WA04 R 6/1.

**Term of Office**

For a term commencing 1 February 2009 and expiring 31 January 2014.

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

**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 14917	Ian Maxwell and Suzanne Morrell NEWMAN	WLL 14917	9/1057617	2447	10-Dec-2008	9-Dec-2028
WLL 16243	Barry James FAHEY, James Cyril FAHEY, Kevin Michael FAHEY, William Peter FAHEY and Brian Edward FAHEY	08/10365	173/1073508	2501	15-Dec-2008	14-Dec-2028
WLL 15069	Mihalj BOHOCKI	08/0990	178/1076808	2350	16-Dec-2008	15-Dec-2028
WLL 15000	Olga ZDRAVKOVIC	07/5144	390/1076808	2504	16-Dec-2008	15-Dec-2028
WLL 14889	Franz RATKOVIC	WLL 14889	10/1076808	2446	16-Dec-2008	15-Dec-2028
WLL 16070	Kelly HALL	08/4574	157/1076808	2493	16-Dec-2008	15-Dec-2028
WLL 16232	Milivoje KODOR and Ruza KODOR	08/9542	148/1120765	1744	16-Dec-2008	15-Dec-2028
WLL 16249	Mico RADINOVIC	08/10689	158/1120765	2544	16-Dec-2008	15-Dec-2028
WLL 16199	Hazel SCOTT and Keith BANCROFT	08/7708	169/1120765	2520	16-Dec-2008	15-Dec-2028
WLL 14975	Carlene Rose LAVENDER	WLL 14975	38/1076808	2441	16-Dec-2008	15-Dec-2028
WLL 16055	Alex BATALIGIN and Rae BATALIGIN	08/4323	50/1120765	2442	16-Dec-2008	15-Dec-2028
WLL 16251	Grant TIPLER	08/10806	13/1076808	2659	16-Dec-2008	15-Dec-2028

**ESTABLISHMENT OF RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
The Wentworth Shire Depot Reserve Trust.	Reserve No.: 85921. Public Purpose: Local government purposes. Notified: 26 August 1966. File No.: WL86 R 316/1.

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Wentworth Shire Council.	The Wentworth Shire Depot Reserve Trust.	Reserve No.: 85921. Public Purpose: Local government purposes. Notified: 26 August 1966. File No.: WL86 R 316/1.

For a term commencing the date of this notice.

ISSN 0155-6320

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## Department of Planning

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New South Wales

# State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

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. (S08/00923-1:MA)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

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## State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)*.

### 2 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which the Policy applies (being the Doonside Residential Precinct site) as a State significant site under the *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to establish appropriate zoning and other development controls for that land, and
- (c) to amend *Sydney Regional Environmental Plan No 31—Regional Parklands* to exclude its operation with respect to that land, and
- (d) to provide for a variety of housing types, and
- (e) to provide for a high standard of urban and architectural design, and
- (f) to identify high quality open space land within the site for recreational purposes and community uses, and
- (g) to protect the Bungaribee heritage site.

### 3 Land to which Policy applies

This Policy applies to certain land in the local government area of Blacktown identified on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)—Doonside Residential Precinct Site—Land Application Map held at the office of Blacktown Council.

### 4 Amendment of State Environmental Planning Policy (Major Projects) 2005

*State Environmental Planning Policy (Major Projects) 2005* is amended as set out in Schedule 1.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Clause 5

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**5 Amendment of Sydney Regional Environmental Plan No 31—Regional Parklands**

*Sydney Regional Environmental Plan No 31—Regional Parklands* is amended as set out in Schedule 2.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

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## Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(Clause 4)

### Schedule 3 State significant sites

Insert at the end of the Schedule (before the maps) with appropriate Part numbering:

## Part Doonside Residential Precinct

### Division 1 Preliminary

#### 1 Land to which Part applies

This Part applies to the land identified on the Land Application Map, referred to in this Part as the *Doonside Residential Precinct site*.

#### 2 Interpretation

(1) In this Part:

*Council* means Blacktown City Council.

*Heritage Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)—Doonside Residential Precinct Site—Heritage Map.

*Land Application Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)—Doonside Residential Precinct Site—Land Application Map.

*Land Zoning Map* means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)—Doonside Residential Precinct Site—Land Zoning Map.

(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

#### 3 Consent authority

The consent authority for development on land within the Doonside Residential Precinct site, other than development that is a project to which Part 3A of the Act applies, is the Council.



State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

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#### **4 Maps**

- (1) A reference in this Part to a named map adopted by this Part 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 Part, a map may be in, and may be kept and made available in, electronic form or paper form, or both.

#### **5 Relationship with other environmental planning instruments**

The only environmental planning instruments that apply, according to their terms, to land within the Doonside Residential Precinct site are this Policy and all other State Environmental Planning Policies except *State Environmental Planning Policy No 1—Development Standards*.

### **Division 2 Provisions relating to development within Doonside Residential Precinct site**

#### **6 Application of Division**

- (1) This Division applies to development on land in the Doonside Residential Precinct site, except as provided by subclause (2).
- (2) Clauses 9–13, 15, 17–21 do not apply to development within the Doonside Residential Precinct site to the extent that it is a project to which Part 3A of the Act applies.

#### **7 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land within the Doonside Residential Precinct site to be carried out in accordance with this Policy or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

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- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

#### **8 Land use zones**

For the purposes of this Part, land within the Doonside Residential Precinct site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:

- (a) Zone R1 General Residential,
- (b) Zone SP2 Infrastructure,
- (c) Zone RE1 Public Recreation,
- (d) Zone E3 Environmental Management.

#### **9 Objectives of the land use zones to be taken into account**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

#### **10 Zone R1 General Residential**

- (1) The objectives of Zone R1 General Residential are as follows:
- (a) to provide for the housing needs of the community,
  - (b) to provide for a variety of housing types and densities,
  - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
  - (d) to protect the heritage significance of the site,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

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- (e) to protect and enhance the natural environment for recreational purposes,
  - (f) to promote ecologically sustainable development.
- (2) Development for any of the following purposes is permitted only with development consent on land within Zone R1 General Residential:
- attached dwellings; boarding houses; car parks; child care centres; community facilities; dwelling houses; environmental protection works; group homes; hostels; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads; semi-detached dwellings; seniors housing; shop top housing.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone R1 General Residential unless it is permitted by subclause (2).

#### **11 Zone SP2 Infrastructure**

- (1) The objectives of Zone SP2 Infrastructure are as follows:
- (a) to provide for infrastructure and related uses,
  - (b) to prevent development that is not compatible with, or that may detract from, the provision of infrastructure.
- (2) Development for any of the following purposes is permitted only with development consent on land within Zone SP2 Infrastructure:
- the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone SP2 Infrastructure unless it is permitted by subclause (2).

#### **12 Zone RE1 Public Recreation**

- (1) The objectives of Zone RE1 Public Recreation are as follows:
- (a) to enable land to be used for public open space or recreational purposes,
  - (b) to provide a range of recreational settings and activities and compatible land uses,
  - (c) to enhance the natural environment for recreation purposes.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

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- (2) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:

community facilities; environmental facilities; environmental protection works; kiosks; recreation areas; roads.

- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2).

### **13 Zone E3 Environmental Management**

- (1) The objectives of Zone E3 Environmental Management are as follows:

(a) to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values,

(b) to provide for a limited range of development that does not have an adverse effect on those values.

- (2) Development for any of the following purposes is permitted only with development consent on land within Zone E3 Environmental Management:

community facilities; dwelling houses; environmental protection works; kiosks; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads.

- (3) Except as otherwise provided by this Policy, development is not permitted on land within Zone E3 Environmental Management unless it is permitted by subclause (2).

### **14 Prohibited development**

Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within that zone.

### **15 Subdivision—consent requirements**

- (1) Land within the Doonside Residential Precinct site may be subdivided, but only with development consent.

- (2) However, development consent is not required for a subdivision for the purpose only of one or more of the following:

(a) widening a public road,

(b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

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- (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional buildings,
- (d) a consolidation of lots that does not create additional lots or the opportunity for additional buildings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

**16 Exceptions to development standards—Part 3A projects**

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within the Doonside Residential Precinct site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) there are sufficient environmental planning grounds to justify exempting development by allowing flexibility in particular circumstances.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
  - (a) whether contravention of the development standard gives rise to any matter of significance for state or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General.

**17 Exceptions to development standards—other development**

- (1) This clause applies to development, other than development that is part of a project to which Part 3A of the Act applies.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

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- (2) The objectives of this clause are:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (3) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (4) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (5) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (6) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

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- (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (7) Consent must not be granted under this clause for a subdivision of land in Zone E3 if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (8) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).
- (9) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

#### **18 Exempt and complying development**

Development within the Doonside Residential Precinct site that satisfies the requirements for exempt development or complying development specified in *Blacktown Local Environmental Plan 1988* is exempt development or complying development, as appropriate.

#### **19 Heritage conservation**

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
- (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
  - (b) damage or remove the relic, or
  - (c) excavate land for the purpose of discovering, exposing or moving the relic, or

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

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- (d) damage or despoil the tree or place, or
  - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
  - (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or
  - (g) make structural changes to the interior of the building or work,
- except with the consent of the consent authority.
- (2) The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is located, even though development for that purpose would otherwise not be allowed by this Part, if the consent authority is satisfied that:
    - (a) the conservation of the heritage item is facilitated by the granting of consent, and
    - (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
    - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
    - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
    - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.
  - (3) Consent is not required under this clause if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
    - (a) is of a minor nature, or is for the maintenance of the heritage item, and
    - (b) would not adversely affect the significance of the heritage item.



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- (4) In this clause, *heritage item* means an item of heritage that is:
- (a) shown on the Heritage Map, or
  - (b) subject to an interim heritage order under the *Heritage Act 1977*, or
  - (c) listed on the State Heritage Register under that Act.

**20 Bush fire hazard reduction**

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

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**21 Infrastructure development and the use of existing buildings of the Crown**

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority that is permitted to be carried out without consent under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 34)

Schedule 2      Amendment of Sydney Regional Environmental Plan No 31—Regional Parklands

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## **Schedule 2      Amendment of Sydney Regional Environmental Plan No 31—Regional Parklands**

(Clause 5)

### **[1]      Clause 2 Land to which plan applies**

Insert in appropriate order in clause 2 (1A):

State Environmental Planning Policy (Major Projects) 2005  
(Amendment No 34)—Doonside Residential Precinct

### **[2]      Dictionary**

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

State Environmental Planning Policy (Major Projects) 2005  
(Amendment No 34)—Doonside Residential Precinct



New South Wales

## **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)**

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. (S08/01679)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

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## State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)*.

### 2 Commencement

This Policy commences on 1 January 2009.

### 3 Aims of Policy

The aims of this Policy are as follows:

- (a) to provide that a site compatibility certificate is not required for a development application made pursuant to Chapter 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the **Principal Policy**) if the application concerns:
  - (i) development for the purposes of seniors housing where the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument, or
  - (ii) development of a kind to which clause 53 (2) or (3) of the Principal Policy applies,
- (b) to clarify the relationship between the Principal Policy and local environmental planning instruments that apply in Sutherland Shire,
- (c) to clarify the application of standards for internal spaces when granting consent to a development application made pursuant to Chapter 3 of the Principal Policy for development for the purpose of a hostel or self-contained dwelling,
- (d) to omit certain provisions from the Principal Policy that cease to have effect at the end of 31 December 2008,
- (e) to make consequential amendments to *Sutherland Shire Local Environmental Plan 2006* and amendments in the nature of law revision.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Clause 4

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#### **4 Land to which Policy applies**

This Policy applies:

- (a) in respect of the aims set out in clause 3 (a) and (c)—to the land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies, and
- (b) in respect of the aim set out in clause 3 (b):
  - (i) to the land that is shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to *Sutherland Shire Local Environmental Plan 2000* (as in force immediately before its repeal) and
  - (ii) to land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, and
  - (iii) to land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A, Zone 6—Multiple Dwelling B, Zone 7—Mixed Use—Kirrawee, Zone 8—Urban Centre, Zone 9—Local Centre and Zone 10—Neighbourhood Centre under *Sutherland Shire Local Environmental Plan 2006*, and
- (c) in respect of the aim set out in clause 3 (d)—to the land referred to in clause 4 (9) of, and Schedule 2 to, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,
- (d) in respect of the aim set out in clause 3 (e)—to the land to which *Sutherland Shire Local Environmental Plan 2006* applies.

#### **5 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* is amended as set out in Schedule 1.

#### **6 Amendment of Sutherland Shire Local Environmental Plan 2006**

*Sutherland Shire Local Environmental Plan 2006* is amended as set out in Schedule 2.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Schedule 1 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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## Schedule 1 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

(Clause 5)

### [1] Clause 3 Interpretation

Insert after clause 3 (2):

- (2A) A reference in this Policy to *Sutherland Shire Local Environmental Plan 2000* is a reference to that Plan as in force immediately before the commencement of *Sutherland Shire Local Environmental Plan 2006*.

### [2] Clause 4 Land to which Policy applies

Omit the note to clause 4 (1).

### [3] Clause 4 (9)–(13)

Omit the subclauses. Insert instead:

#### (9) Application of Policy to certain land in Sutherland Shire

For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the land that is shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to *Sutherland Shire Local Environmental Plan 2000* is taken to be land that is zoned primarily for urban purposes.

**Note.** Clause 7 (2) (a) of *Sutherland Shire Local Environmental Plan 2006* continues the application of *Sutherland Shire Local Environmental Plan 2000* to the land referred to in this subclause.

- (10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.
- (11) Subclause (6) does not apply in relation to:
- (a) the land referred to in subclause (9), or
  - (b) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or
  - (c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under *Sutherland Shire Local Environmental Plan 2006*:
    - (i) Zone 4—Local Housing,

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Schedule 1

- (ii) Zone 5—Multiple Dwelling A,
- (iii) Zone 6—Multiple Dwelling B,
- (iv) Zone 7—Mixed Use—Kirrawee,
- (v) Zone 8—Urban Centre,
- (vi) Zone 9—Local Centre,
- (vii) Zone 10—Neighbourhood Centre.

**[4] Clause 5 Relationship to other environmental planning instruments**

Insert after clause 5 (1):

- (2) Despite anything to the contrary in this Policy:
  - (a) a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* relating to development for the purposes of seniors housing, and
  - (b) the provisions of clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency.

**Note.** Clause 7 (2) (a) of *Sutherland Shire Local Environmental Plan 2006* continues the application of *Sutherland Shire Local Environmental Plan 2000* to the land referred to in clause 4 (9).

Clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* (when read with clause 4 in Part 1 of Schedule 8 to that Plan):

- (a) applies the development standards in Parts 4 and 7 of Chapter 3 of this Policy to development for the purposes of seniors housing on the land referred to in clause 4 (9), and
- (b) provides for those development standards to prevail to the extent of any inconsistency with development standards set out in Part 1 of Schedule 8 to the Plan for such development on that land.

**[5] Clause 20 Special provisions concerning certain land to which this Policy applies**

Omit the clause.

**[6] Clause 24 Site compatibility certificates required for certain development applications**

Insert after clause 24 (1):

- (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Schedule 1 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

**[7] Clause 45 Vertical villages**

Omit “clause 4 (9) (b)” from clause 45 (1).

Insert instead “clause 4 (9)”.

**[8] Clause 53 Savings and transitional provisions for development applications made before SEPP (Seniors Living) 2004 (Amendment No 2)**

Insert after clause 53 (3):

- (4) Clause 24 does not apply to a development application for the purposes of development of a kind to which subclause (2) applies or extends.

**[9] Schedule 2 Special provisions relating to certain land**

Omit the Schedule.

**[10] Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings**

Omit clause 7. Insert instead:

**7 Interior: general**

- (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.
- (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.
- (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.

**[11] Schedule 3, clause 16 (b)**

Omit the paragraph. Insert instead:

- (b) a circulation space at door approaches that complies with AS 1428.1, and

**[12] Schedule 3, clause 19 (a)**

Omit the paragraph. Insert instead:

- (a) a circulation space at door approaches that complies with AS 1428.1, and



State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Amendment of Sutherland Shire Local Environmental Plan 2006

Schedule 2

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## **Schedule 2      Amendment of Sutherland Shire Local Environmental Plan 2006**

(Clause 6)

**[1]      Clause 8 Application of SEPPs and REPs**

Omit note entitled “Note about application of this plan to seniors housing” at the beginning of the clause and the note to clause 8 (1).

**[2]      Dictionary**

Omit “*State Environmental Planning Policy (Seniors Living) 2004*” wherever occurring from the definitions of *hostel*, *permanent group home*, *seniors housing* and *transitional group home*.

Insert instead “*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*”.

**[3]      Dictionary, definition of “seniors housing”**

Omit the note to the definition.



New South Wales

## **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 3)**

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. (S07/02145/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

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## **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 3)*.

### **2 Aim of Policy**

The aim of this Policy is to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

- (a) to specify development controls for land in the North Kellyville Precinct within the North West Growth Centre, and
- (b) to make other minor and consequential amendments.

### **3 Land to which Policy applies**

This Policy applies to the land to which *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* applies.

### **4 Amendment of State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006* is amended as set out in Schedule 1.

### **5 Replacement of maps**

The following maps adopted by *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* are declared by this Policy to be replaced by the maps specified below, as approved by the Minister on the making of this Policy:

- (a) the Sydney Region Growth Centres Development Control Map—North West Growth Centre is replaced by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Development Control Map (*Edition 2*),

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Clause 5

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- (b) the Sydney Region Growth Centre Zoning Map—North West Growth Centre is replaced by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Land Zoning Map (*Edition 2*),
  - (c) the Sydney Region Growth Centres Precinct Boundaries Map—North West Growth Centre is replaced by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map (*Edition 2*).

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 3 Interpretation

Omit “Sydney Region Growth Centres Precinct Boundaries Map—North West Growth Centre” wherever occurring in the definitions of *growth centre* and *growth centre precinct* in clause 3 (1).

Insert instead “North West Growth Centre Precinct Boundary Map (*Edition 2*)”.

### [2] Clause 3 (1), definition of “growth centre structure plan”

Omit the definition. Insert instead:

*growth centre structure plan* means:

- (a) in relation to the North West Growth Centre, the structure plan for the growth centre, being the explanatory notes identified by the Minister on the commencement of “*State Environmental Planning Policy (Sydney Region Growth Centres) 2006*” and the map identified by the Minister on the commencement of “*State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 3)*”, and
- (b) in relation to the South West Growth Centre, the structure plan for the growth centre (including the maps and explanatory notes) identified by the Minister on the commencement of “*State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 1)*”.

### [3] Clause 3 (1), definition of “transitional land”

Omit “Sydney Region Growth Centres Development Control Map—North West Growth Centre”.

Insert instead “North West Growth Centre Development Control Map (*Edition 2*)”.

### [4] Clause 3 (4)

Omit the subclause. Insert instead:

- (4) Notes in this Policy are provided for guidance and do not form part of this Policy.

### [5] Clause 4 Consent authority

Omit “Precinct Policy”. Insert instead “Precinct Plan”.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Amendments

Schedule 1

**[6] Clause 6A Maps**

Insert after clause 6A (3):

- (3A) 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.

**[7] Clause 7**

Omit the clause. Insert instead:

**7 Controls applying to precincts after finalisation of precinct planning process**

The provisions applying to the carrying out of development in a precinct are those specified in the Appendix listed in Column 2 of the Table to this clause opposite the precinct listed in Column 1 of that Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Precinct and Growth Centre</b>	<b>Appendix</b>
Oran Park and Turner Road Precincts, South West Growth Centre	Appendix 1
North Kellyville Precinct, North West Growth Centre	Appendix 2

**Note.** The *Environmental Planning and Assessment Regulation 2000* (clauses 275 and 276) makes provision with respect to the staged release of precincts for urban development in the Sydney Region (including with respect to development assessment during the precinct planning process). On completion of the planning process for a precinct, land use and other development controls are to be specified in the relevant Appendix listed in the Table to this clause.

**[8] Clause 8 Application of Part and of other planning instruments**

Omit "Precinct Policy" from clause 8 (3). Insert instead "Precinct Plan".

**[9] Clauses 16 (1) and 17 (1)**

Omit "Appendix 1 or" from clauses 16 (1) and 17 (1) wherever occurring. Insert instead "a Precinct Plan or in".

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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**[10] Clause 21 Land to which Part applies**

Insert after clause 21 (3):

- (4) Despite subclause (1), this Part does not apply to land in the North Kellyville Precinct as shown on the North West Growth Centre Precinct Boundary Map (*Edition 2*).

**[11] Appendix 1**

Omit "Precinct" from clause 11 where lastly occurring.

**[12] Appendix 2**

Insert after Appendix 1:

## **Appendix 2**

### **Part 1 Preliminary**

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

#### **1.1 Name of Precinct Plan**

This Plan is the *North Kellyville Precinct Plan 2008*.

#### **1.2 Aims of Precinct Plan**

The aims of this Precinct Plan are:

- (a) to make development controls for land in the North Kellyville Precinct within the North West Growth Centre that will ensure the creation of a quality environment and good design outcomes, and
- (b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Precinct, and
- (c) to promote employment, residential and recreational opportunities in the Precinct, and
- (d) to promote housing choice and affordability in the Precinct, and
- (e) to provide for the sustainable development of the Precinct.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

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Schedule 1

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### 1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the North Kellyville Precinct.

### 1.4 Definitions

In this Precinct Plan, *Council* means the Council of the Shire of Baulkham Hills.

**Note.** The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

### 1.6 Consent authority

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

### 1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.
- (2A) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

### 1.9 Application of SEPPs and REPs

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

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

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

*State Environmental Planning Policy No 1—Development Standards*



State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

- (2A) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and another environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

**Note.** This State Environmental Planning Policy also contains provisions applying development controls to the North West Growth Centre, including the North Kellyville Precinct.

**1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

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

Schedule 1

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## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Precinct Plan are as follows:

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre

#### **Special Purpose Zones**

- SP2 Infrastructure

#### **Recreation Zones**

- RE1 Public Recreation

#### **Environment Protection Zones**

- E3 Environmental Management
- E4 Environmental Living

### 2.2 Zoning of land to which Precinct Plan applies

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

### 2.3 Zone objectives and land use table

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

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- (b) a reference to a type of building or other thing does not include (despite any definition in this Precinct Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Part.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 The North Kellyville Precinct Development Control Plan sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the Land Use Table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 The North Kellyville Precinct Development Control Plan sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

**2.3A Demolition**

The demolition of a building or work may be carried out only with consent.

**Note.** The demolition of certain buildings and works is identified in the North Kellyville Precinct Development Control Plan as exempt or complying development.

**2.4 Unzoned land**

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

**2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with consent, or

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- (b) if the Schedule so provides—without consent,  
in accordance with the conditions (if any) specified in that  
Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land  
Use Table at the end of this Part or other provision of this Precinct  
Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Precinct Plan applies may be subdivided, but  
only with consent.
- (2) However, consent is not required for a subdivision for the  
purpose only of any one or more of the following:
- (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional  
dwellings, or
    - (ii) lots that are smaller than the minimum size shown  
on the Lot Size Map in relation to the land  
concerned,
  - (c) a consolidation of lots that does not create additional lots  
or the opportunity for additional dwellings,
  - (d) rectifying an encroachment on a lot,
  - (e) creating a public reserve,
  - (f) excising from a lot land that is, or is intended to be, used  
for public purposes, including drainage purposes, rural fire  
brigade or other emergency service purposes or public  
toilets.

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

## Land Use Table

### Zone R1 General Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to  
meet the day to day needs of residents.

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- To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.
- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.
- To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.
- To provide for a variety of recreational uses within open space areas.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Educational establishments; Group homes; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moveable dwellings; Nightclubs; Passenger transport facilities; Public administration buildings; Retail premises; Rural workers' dwellings; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

**Zone R2 Low Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.

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- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
  - To provide for a variety of housing types but primarily low density detached housing.
  - To support the well being of the community, including educational, recreational, community, religious and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Information and education facilities; Recreation areas; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Water recycling facilities; Waterbodies (artificial)

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage medium density housing adjoining the North Kellyville Local Centre.
- To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
- To allow for low density tourist and visitor accommodation that does not interfere with residential amenity.

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**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moveable dwellings; Nightclubs; Passenger transport facilities; Retail premises; Rural workers' dwellings; Semi-detached dwellings; Shop top housing; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

**Zone B1 Neighbourhood Centre**

**1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure the scale and type of business development is compatible with the amenity of surrounding areas.
- To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre.
- To ensure that residential development does not preclude the provision of active retail, business and community uses at street level.
- To ensure that residential development does not detract from the primary function of the zone which is to provide for retail, business and convenience uses to serve the community.
- To promote retail activities in accessible locations that encourage walking.

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- To promote a sense of place and focal points for the local community.
  - To ensure retail development does not adversely impact on the viability of retail development in the Local Centre Zone.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Business premises; Child care centres; Community facilities; Neighbourhood shops; Roads; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Biosolid waste applications; Bulky goods premises; Canal estate developments; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Moveable dwellings; Nightclubs; Passenger transport facilities; Recreation facilities (major); Residential care facilities; Residential flat buildings (other than as a component of a mixed use development); Restricted premises; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Timber and building supplies; Vehicle sales or hire premises; Waste or resource management facilities

**Zone B2 Local Centre**

**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To ensure that residential development does not preclude the provision of active uses at street level.



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- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone.
  - To ensure that retail development in the North Kellyville Local Centre is of an appropriate type and scale relative to the Rouse Hill Regional Centre.
  - To provide for residential development that contributes to the vitality of the village centre.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Attached dwellings (other than as a component of mixed use development); Biosolid waste applications; Canal estate developments; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Electricity generating works; Extractive industries; Freight transport facilities; Industries; Moveable dwellings; Multi dwelling housing (other than as a component of mixed use development); Nightclubs; Passenger transport facilities; Residential flat buildings (other than as a component of mixed use development); Restricted premises; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Waste or resource management facilities

**Zone SP2 Infrastructure**

**1 Objectives of zone**

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

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**2 Permitted without consent**

Nil

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads; Water recycling facilities; Waterbodies (artificial)

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation**

**1 Objectives of zone**

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

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone E3 Environmental Management**

**1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

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**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Drainage; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

**4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone E4 Environmental Living**

**1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Drainage; Dual occupancies; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Swimming pools; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

**4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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## Part 3 Exempt and complying development

### 3.1 Exempt development

- (1) Development of minimal environmental impact listed in the North Kellyville Precinct Development Control Plan is *exempt development*, despite any other provision of this Precinct Plan.
- (2) Development is exempt development only if it complies with the development standards and other requirements applied to the development by this Part and by the North Kellyville Precinct Development Control Plan.

### 3.2 Complying development

- (1) Development listed in the North Kellyville Precinct Development Control Plan is *complying development* if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (2) Development is complying development only if it complies with the development standards and other requirements applied to the development by this Part and by the North Kellyville Precinct Development Control Plan.
- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the North Kellyville Precinct Development Control Plan.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
*environmentally sensitive area for exempt or complying development* means 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,

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- (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 100 metres 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,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*,
- (k) land within the curtilage of a heritage item:
  - (i) that is subject to an interim heritage order under the *Heritage Act 1977* or that is listed on the State Heritage Register under that Act, or
  - (ii) that is identified as such an item in an environmental planning instrument,
- (l) land that is shown as:
  - (i) a native vegetation retention area or an existing native vegetation area on the Native Vegetation Protection Map, or
  - (ii) a riparian protection area on the Riparian Protection Area Map,
- (m) bush fire prone land under section 146 of the Act.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

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- (b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
  - (c) to encourage the efficient use of land for residential purposes.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.
  - (3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
  - (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

#### **4.1A Minimum lot sizes for other development**

Development must not be carried out on a lot in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre or Zone B2 Local Centre for any of the following purposes, if the area of the lot is less than the area specified below in relation to those purposes:

- (a) secondary dwelling—450 square metres,
- (b) dual occupancy—600 square metres,
- (c) semi-detached dwelling—600 square metres,
- (d) multi dwelling housing—1,500 square metres,
- (e) attached dwellings—1,500 square metres,
- (f) residential flat building—4,000 square metres.

#### **4.1B Residential density—North Kellyville Precinct**

- (1) The objective of this clause is to make provision with respect to the delivery of 4,500 new dwellings in the North Kellyville Precinct.
- (2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the North Kellyville Precinct unless the consent authority is satisfied that:
  - (a) a development control plan has been prepared providing for not less than 4,500 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and
  - (b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

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**4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,
  - (b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,
  - (c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,
  - (d) to provide appropriate height controls for commercial development,
  - (e) to restrict the height of buildings within the curtilage of heritage items.
- (2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) The consent authority may grant development consent for development for the purpose of an attached dwelling, a dwelling house, dual occupancy, multi dwelling housing, place of public worship or school on land in Zone R1 General Residential or Zone R2 Low Density Residential, or a dwelling house on land in Zone E4 Environmental Living, that exceeds 9 metres in height above finished ground level, if the consent authority is satisfied that the development:
  - (a) is located:
    - (i) on a prominent street corner, or
    - (ii) adjacent to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre or that is a public open space, or
    - (iii) on land with a finished ground level slope equal to or more than 15%, and
  - (b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.

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#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to control the bulk and scale of future development in the North Kellyville Precinct,
  - (b) to ensure that control of the bulk and scale in the business zones does not restrict the provision of shop top housing.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite any other provision of this Precinct Plan, any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio.

#### 4.5 Calculation of floor space ratio and site area

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

##### (2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

##### (3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or



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- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,  
(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

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(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.5A Business, office and retail floor area**

- (1) The objectives of this clause are to provide for the equitable distribution of business, office and retail floor area:
  - (a) between land in Zone B1 Neighbourhood Centre and Zone B2 Local Centre, and
  - (b) between land in the northern and southern areas of Zone B1 Neighbourhood Centre, and
  - (c) between land in the northern and southern areas of Zone B2 Local Centre.
- (2) The total gross floor area used for the purposes of business, office and retail premises on all land:
  - (a) in Zone B1 Neighbourhood Centre must not exceed 4,000 square metres, and
  - (b) in Zone B2 Local Centre must not exceed 15,000 square metres.

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- (3) Development consent must not be granted to development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the consent authority has considered the objectives of this clause.

**4.6 Exceptions to development standards**

- (1) The objectives of this clause are:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.

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- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated listed in the table to this clause,
  - (c) clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public

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purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (***the owner-initiated acquisition provisions***).

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

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

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone SP2 and marked "Local Road Widening"	Council
Zone SP2 and marked "School"	Minister administering the <i>Education Act 1990</i>
Zone SP2 and marked "Trunk Drainage"	Sydney Water Corporation
Zone RE1 and marked "Local Open Space"	Council

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

**5.1A Development on land intended to be acquired for public purposes**

- (1) The objective of this clause is to protect land that is intended to be acquired for a public purpose.
- (2) Development consent must not be granted to development on land shown on the Land Reservation Acquisition Map that has not yet been acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with that public purpose as marked on the map.

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## 5.2 Classification and reclassification of public land

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

**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

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### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
  - (a) land zoned B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or W1 Natural Waterways or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

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(2) **Home businesses**

If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the light industry must not involve the use of more than 100 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed:

- (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
- (b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 10 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the



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dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

**5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

*private service provider* means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

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### 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.  
**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item, or
  - (b) that is within a heritage conservation area.**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development

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consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
- (f) existing native vegetation areas to which clause 6.2 of this Precinct Plan applies, or
- (g) native vegetation retention areas or riparian protection areas to which clause 6.3 of this Precinct Plan applies.

#### 5.10 Heritage conservation

**Note.** Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

##### (1) Objectives

The objectives of this clause are:

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

##### (2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,

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- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
  - (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
  - (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

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

(4) **Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the

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heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage impact assessment**

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

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

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

(6) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **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 under the *Heritage Act 1977* applies):

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

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

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

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- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

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

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

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

(10) **Conservation incentives**

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

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

**5.11 Bush fire hazard reduction**

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

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

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**5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**Part 6 Additional local provisions**

**6.1 Public utility infrastructure**

- (1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

**6.2 Development controls—existing native vegetation areas**

- (1) The objective of this clause is to manage existing native vegetation areas in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.
- (2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.
- (3) This clause does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (4) The consent authority must not grant development consent for development on land to which this clause applies unless the

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consent authority is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

**6.3 Development controls—native vegetation retention areas and riparian protection areas**

- (1) The objective of this clause is to prevent the clearing of certain native vegetation.
- (2) This clause applies to land:
  - (a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or
  - (b) within a riparian protection area as shown on the Riparian Protection Area Map.
- (3) This clause does not apply to any native vegetation that the consent authority is satisfied:
  - (a) is dying or dead and is not required as the habitat of native fauna, or
  - (b) is a risk to human life or property.
- (4) This clause does not apply to any native vegetation:
  - (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- (5) A person must not clear native vegetation on land to which this clause applies without:
  - (a) approval under Part 3A of the Act, or
  - (b) development consent.  
**Note.** A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted under the *Native Vegetation Act 2003* in respect of that clearing.
- (6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:
  - (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
  - (b) that as little native vegetation as possible will be disturbed,



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- (c) that the disturbance of the native vegetation will not increase soil salinity,
  - (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
  - (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
  - (f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.
- (7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.
- (8) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Sydney Water Act 1994* or the *Surveying Act 2002*.

**6.4 Development on land in Zone E3 Environmental Management**

- (1) This clause applies to land in Zone E3 Environmental Management that is within an existing native vegetation area or native vegetation retention area as shown on the Native Vegetation Protection Map.
- (2) The consent authority must not grant development consent to development on land to which this clause applies unless the consent authority is satisfied that the proposed development:
  - (a) will be undertaken in a manner that is not inconsistent with the North Kellyville Precinct Environmental Management Plan, and
  - (b) will not result in the clearing of any native vegetation.

**6.5 Subdivision of land in Zone E4 Environmental Living**

- (1) The objectives of this clause are as follows:
  - (a) to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living,
  - (b) to encourage development that will ensure the land is managed and conserved in a holistic and sensitive manner,

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- (c) to promote high quality residential amenity in the urban environment,
  - (d) to encourage an innovative and contemporary approach to building design and location that is appropriate to the special values of the land.
- (2) This clause applies to land in Zone E4 Environmental Living.
  - (3) The consent authority may grant development consent for the subdivision of land to which this clause applies, only if:
    - (a) the land is subdivided in accordance with the *Community Land Development Act 1989* for a neighbourhood scheme, and
    - (b) each lot, other than a lot comprising neighbourhood property, to be created by the subdivision will have an area of not less than 600 square metres, and
    - (c) the subdivision will not result in more than 7.5 development lots per hectare.

### **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

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

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

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**Part 3 Land classified, or reclassified, as community land**

Column 1	Column 2
Locality	Description

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**Schedule 5 Environmental heritage**

(Clause 5.10)

**Heritage items**

Precinct	Item name	Address	Significance
North Kellyville	“Yalta”, house and immediate garden	Lot B, DP 374973, 45 Hezlett Road, Kellyville	Local

**[13] Dictionary**

Omit the Dictionary. Insert instead:

**Dictionary**

(Clause 3)

*Aboriginal object* means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or

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concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

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

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**advertisement** has the same meaning as in the Act.

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

**advertising structure** has the same meaning as in the Act.

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

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

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

**agriculture** means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

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***airstrip*** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

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

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

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

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

**Note.** The term is defined as follows:

***aquaculture*** means:

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

but does not include:

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

This Dictionary also contains definitions of ***natural water-based aquaculture***, ***pond-based aquaculture*** and ***tank-based aquaculture***.

***archaeological site*** means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in a schedule to a Precinct Plan, and
- (c) that contains one or more relics.

***attached dwelling*** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and

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- (c) none of the dwellings is located above any part of another dwelling.

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

**backpackers' accommodation** means tourist and visitor accommodation:

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

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

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

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

**Note.** For controls relating to the number of bedrooms, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**biodiversity** means biological diversity.

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

**Note.** The term is defined as follows:

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

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolid waste application** means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's

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guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**boarding house** means a building:

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

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

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

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

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

**brothel** has the same meaning as in the Act.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

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

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

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

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

whichever distance is the shortest.

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

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

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

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

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

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

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

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and



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- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
- (i) dwellings that are permitted on rural land, and
- (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

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**cellar door premises** means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**cemetery** means a building or place for the interment of deceased persons or their ashes.

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

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or

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- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

**Note.** The term is defined as follows:

**classified road** means any of the following:

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

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

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

**Note.** The term is defined as follows:

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

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

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

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal lake** means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

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

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

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and

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

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

**commercial port facility** means a facility (including any building or other structure) used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a facility having a direct structural connection between the foreshore and the waterway.

**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.

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

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council**, in relation to land to which this Policy applies, means the Council for the local government area in which the land is situated.

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

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or

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(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

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

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

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

**dual occupancy** means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

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

**dwelling house** means a building containing only one dwelling.

**earthworks** means excavation or filling.

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

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

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

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

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**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

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

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

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

**Note.** The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

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

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

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means:

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

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

- (d) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

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

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

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

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***farm stay accommodation*** means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

**Note.** For controls relating to the number of bedrooms, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

***feedlot*** means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

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

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

***filming*** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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

**Note.** The term is defined as follows:

**Definition of “fish”**

- (1) ***Fish*** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) ***Fish*** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.



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- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**flood prone and major creeks land** means the land in a growth centre precinct shown as flood prone and major creeks land and hatched blue on the North West Growth Centre Development Control Map (*Edition 2*) or on the South West Growth Centre Development Control Map (*Edition 2*).

**Note.** The maps are based on information provided by relevant local councils and State agencies. The extent of flooding on the land shown as flood prone and major creeks is an estimate only. Inquiries should be made with relevant local councils to determine the extent of flood affectation. The extent of flooding is subject to review in the precinct planning process relating to the land concerned.

**floor space ratio**—see clause 4.5 of Appendix 2.

**Floor Space Ratio Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Floor Space Ratio Map.

**food and drink premises** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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***freight transport facility*** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

***function centre*** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

***funeral chapel*** means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

***funeral home*** means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

***gross floor area*** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
  - (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement:
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

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**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a dwelling that is a permanent group home or a transitional group home.

**group home (permanent)** or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**group home (transitional)** or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**growth centre**—see clause 3 of this Policy.

**growth centre precinct**—see clause 3 of this Policy.

**growth centre structure plan**—see clause 3 of this Policy.

**hazardous industry** means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been

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employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

***hazardous storage establishment*** means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

***headland*** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

***health care professional*** means any person registered under an Act for the purpose of providing health care.

***health consulting rooms*** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

***health services facility*** means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

***heavy industry*** means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

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***Height of Buildings Map*** means the following:

- (a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Height of Buildings Map,
- (b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Height of Buildings Map.

***helipad*** means a place not open to the public used for the taking off and landing of helicopters.

***heliport*** means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

***heritage conservation area*** means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
- (b) the location and nature of which is described in a schedule to a Precinct Plan,

and includes any heritage items situated on or within that area.

***heritage conservation management plan*** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

***heritage impact statement*** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

***heritage item*** means a building, work, archaeological site, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in a schedule to a Precinct Plan, and

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- (c) specified in an inventory of heritage items that is available at the office of the Council.

**Heritage Map** means the following:

- (a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Heritage Map,
- (b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Heritage Map.

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

**highway service centre** means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or

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- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
  - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note.** For controls relating to the floor area used to carry on the business, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**home industry** means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note.** For controls relating to the floor area used to carry on the light industry, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**home occupation** means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

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- (a) the employment of persons other than those residents, or
  - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
  - (c) the display of goods, whether in a window or otherwise, or
  - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
  - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,



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- (e) transport of patients, including helipads, ambulance facilities and car parking,
  - (f) educational purposes or any other health-related use,
  - (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
  - (h) chapels,
  - (i) hospices,
  - (j) mortuaries.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

**Note.** For controls relating to the retail floor area, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**industry** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

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**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

**intensive plant agriculture** means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** For controls relating to the gross floor area, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**Land Reservation Acquisition Map** means the following:

- (a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Land Reservation Acquisition Map,
- (b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Land Reservation Acquisition Map.

**Land Zoning Map** means the following:

- (a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Land Zoning Map (*Edition 2*),

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- (b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Land Zoning Map (*Edition 3*).

**landscape and garden supplies** means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**light industry** means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

**livestock processing industry** means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Lot Size Map** means the following:

- (a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Lot Size Map,
- (b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Lot Size Map.

**maintenance**, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

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**marina** means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

**market** means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**materials recycling or recovery centre** means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

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**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

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

**Note.** The term is defined as follows:

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),

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- (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**Native Vegetation Protection Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Native Vegetation Protection Map.

**natural water-based aquaculture** means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

**Note.** Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** For controls relating to the retail floor area, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**nightclub** means premises specified in a nightclub licence under the *Liquor Act 2007*.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**North Kellyville Precinct** means the land shown within the North Kellyville Precinct on the North West Growth Centre Precinct Boundary Map (*Edition 2*).

**North Kellyville Precinct Development Control Plan** means the *North Kellyville Development Control Plan* as made by the Director-General on 28 November 2008.

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***North Kellyville Precinct Environmental Management Plan*** means the *North Kellyville Precinct Environmental Management Plan* under the *North Kellyville Precinct Development Control Plan* as in force on the commencement of Appendix 2.

***North West Growth Centre Development Control Map (Edition 2)*** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Development Control Map (*Edition 2*).

***North West Growth Centre Precinct Boundary Map (Edition 2)*** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map (*Edition 2*).

***NSW Coastal Policy*** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

***offensive industry*** means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

***offensive storage establishment*** means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

***office premises*** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

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

***Oran Park Precinct*** means the land shown within the Oran Park Precinct on the South West Growth Centre Precinct Boundary Map (*Edition 2*).

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***Oran Park Precinct Development Control Plan*** means the *Oran Park Precinct Development Control Plan* made by the Director-General on 4 December 2007.

***parking space*** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

***passenger transport facility*** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

***place of Aboriginal heritage significance*** means an area of land shown on the Heritage Map that is:

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

***place of public entertainment*** has the same meaning as in the Act.

**Note.** The term is defined as follows:

***place of public entertainment*** means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 2007* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

***place of public worship*** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

***pond-based aquaculture*** means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in



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tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

**Note.** Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**precinct** means a growth centre precinct.

**Precinct Plan** means an Appendix to this Policy.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

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**public entertainment** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**public entertainment** means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:
  - (i) as a charge for a meal or other refreshment before admission is granted, or
  - (ii) as a charge for the entertainment after admission is granted.

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

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or

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(c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

**relic** means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the local government area in which a Precinct is located, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

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

**Note.** The term is defined to mean any native vegetation other than regrowth.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Amendments

Schedule 1

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***residential accommodation*** means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

***residential care facility*** means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

***residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

***resource recovery facility*** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

***restaurant*** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

***restricted dairy*** means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

***restricted premises*** means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

***restriction facilities*** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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**retail premises** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

**Riparian Protection Area Map** means the following:

- (a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Riparian Protection Area Map,
- (b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Riparian Protection Area Map.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** For controls relating to the gross floor area, see the following:

- (a) clause 28AA of Appendix 1 in respect of Oran Park and Turner Road Precincts,
- (b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**rural industry** means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

**rural supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Amendments

Schedule 1

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**rural worker's dwelling** means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** For controls relating to the total floor area, see clause 5.4 of Appendix 2 in respect of North Kellyville Precinct.

**self-storage units** means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**semi-detached dwelling** means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**sewerage system** means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Amendments

Schedule 1

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**shop top housing** means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**South West Growth Centre Development Control Map (Edition 2)** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Development Control Map (Edition 2).

**South West Growth Centre Precinct Boundary Map (Edition 2)** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Precinct Boundary Map (Edition 2).

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**special area** means land shown as being in a special area on the Special Areas Map.

**Special Areas Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—South West Growth Centre Special Areas Map.



State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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***stock and sale yard*** means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

***storage premises*** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

***storey*** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

***swimming pool*** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined as follows:

***swimming pool*** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

***take away food and drink premises*** means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

***tank-based aquaculture*** means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

***telecommunications facility*** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Amendments

Schedule 1

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**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber and building supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

**transitional land**—see clause 3 of this Policy.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Turner Road Precinct** means the land shown within the Turner Road Precinct on the South West Growth Centre Precinct Boundary Map (*Edition 2*).

**Turner Road Precinct Development Control Plan** means the *Turner Road Precinct Development Control Plan* made by the Director-General on 4 December 2007.

**utility installation** means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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**vehicle sales or hire premises** means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal landfill facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste disposal land fill operation** means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

**waste or resource management facility** means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Amendments

Schedule 1

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**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**water supply system** means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial) or artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural) or natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 3)

Schedule 1 Amendments

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**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.



New South Wales

## **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 4)**

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. (S08/00776-1)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 4)

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## **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 4)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 4)*.

### **2 Aim of Policy**

The aim of this Policy is to ensure that the release of urban land and development on that land in the North West Growth Centre and the South West Growth Centre of the Sydney Region are carried out under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, whether the relevant development control provisions are within that Policy or a specified local environmental plan.

### **3 Land to which Policy applies**

This Policy applies to all land to which *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* applies.

### **4 Amendment of State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006* is amended as set out in Schedule 1.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006  
(Amendment No 4)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 5 Land to which Policy applies**

Insert “all” before “land”.

**[2] Clause 7A**

Omit the clause. Insert instead:

**7A Development controls for certain precincts**

- (1) Development on land within a precinct referred to in subclause (2) is to be carried out under this Policy in accordance with the provisions specified in subclause (2) in respect of that precinct.
- (2) The following provisions are specified with respect to development on land within the following precincts:
  - (a) the provisions of *Blacktown Local Environmental Plan 1988* are specified for the Colebee Precinct within the North West Growth Centre,
  - (b) the provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002* and *Liverpool Local Environmental Plan 2008* are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those plans apply.





New South Wales

## **Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S07/01047/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1            Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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## **Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)*.

### **2 Aims of plan**

The aims of this Plan are as follows:

- (a) to enable the conservation and management of Maroota Ridge State Conservation Area,
- (b) to rezone Lot 21, DP 1102562, York Road, Kellyville from Zone 2 (a) (Residential 2 (a) Zone) to Zone 6 (a) (Open Space 6 (a) (Existing and Proposed Public Recreation) Zone) to reflect the future use of the land for a cycleway link from Bernie Mullane Reserve across Smalls Creek to York Road,
- (c) to rezone part of Lot 9003, DP 1043033, River Oak Circuit, Kellyville from Zone 5 (a) (Special Uses 5 (a) (Trunk Drainage) Zone) to Zone 2 (a) (Residential 2 (a) Zone),
- (d) to reclassify (proposed) Lot 2 in subdivision of Lot 151, DP 869424, Glenhaven Road, Kellyville from community land to operational land and to formalise the use of the land for the purpose of a public bridge,
- (e) to enable minor zoning adjustments on certain land to which this Plan applies,
- (f) to provide for a 14 day notification period in respect of notifiable development under *Baulkham Hills Local Environmental Plan 2005*,
- (g) to remove *Eucalyptus nicholii* (Narrowed Leaved Peppermint) from the list of trees that may be removed without a development consent or permit granted by the Council of the Shire of Baulkham Hills,
- (h) to update the list of heritage items under *Baulkham Hills Local Environmental Plan 2005*,

- 
- (i) to update the list of exempt development under *Baulkham Hills Local Environmental Plan 2005*,
  - (j) to make other amendments to *Baulkham Hills Local Environmental Plan 2005* of a minor or consequential nature.

### 3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to land in the Maroota Ridge State Conservation Area.
- (2) With respect to the aim referred to in clause 2 (b), this plan applies to Lot 21, DP 1102562, York Road, Kellyville, as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)" deposited in the office of the Council of the Shire of Baulkham Hills.
- (3) With respect to the aim referred to in clause 2 (c), this plan applies to Lot 9003, DP 1043033, River Oak Circuit, Kellyville, as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)" deposited in the office of the Council of the Shire of Baulkham Hills.
- (4) With respect to the aim referred to in clause 2 (d), this plan applies to Lot 151, DP 869424, Glenhaven Road, Kellyville.
- (5) With respect to the aim referred to in clause 2 (e), this plan applies to the following land, as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)" deposited in the office of the Council of the Shire of Baulkham Hills:
  - (a) The Parkway, adjoining Lot 759, DP 1034497, Reserve No 455, Shelly Crescent, Beaumont Hills,
  - (b) Kirkton Place, adjoining Lot 3001, DP 1038814, Beaumont Hills,
  - (c) Part of Lot 1, DP 1002075, 'Cropley House', 84 Watkins Road, Baulkham Hills,
  - (d) Part of Lot 5, DP 1085297, Evesham Court, Reserve No 204, 23z Evesham Court, Baulkham Hills and part of Lot 6, DP 1085297, 40-52 Barina Downs Road, Baulkham Hills,
  - (e) Part of Lot 1496, DP 1016293, 70 The Parkway and Buckley Street, Beaumont Hills, adjoining Lot 1853, DP 1062498, Beaumont Hills,
  - (f) Part of Lot 901, DP 1008559, 35 Adelphi Street, Rouse Hill,
  - (g) Road connecting Sharleen Court and Prestige Avenue, Bella Vista and part of Lots 21, 22 and 23, DP 1111409, Bingara Crescent, Bella Vista.

Clause 4            Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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- (6)    With respect to the aims referred to in clause 2 (f)–(j), this plan applies to all land within the local government area of Baulkham Hills.

**4    Amendment of Baulkham Hills Local Environmental Plan 2005**

*Baulkham Hills Local Environmental Plan 2005* is amended as set out in Schedule 1.

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

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

Insert in appropriate order:

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

**[2] Clause 8 Exempt development**

Insert after clause 8 (1) (b):

- (b1) it meets the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b2) it does not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and

**[3] Clause 10 Notifiable development**

Insert at the end of the clause:

- (2) For the purposes of this clause, section 79 of the Act applies in respect of notifiable development as if a reference in that section to 30 days were a reference to 14 days.

**[4] Clause 27 Tree and bushland management**

Omit “*Eucalyptus nicholii* (Narrowed Leaved Peppermint)” from clause 27 (5) (d).

**[5] Clause 43 Land reserved for roads**

Insert at the end of the clause:

**Note.** The *Land Acquisition (Just Terms Compensation) Act 1991* may apply to land that has been reserved exclusively for public purposes.

**[6] Clause 44 Land reserved for community facilities and local open space**

Insert at the end of the clause:

**Note.** The *Land Acquisition (Just Terms Compensation) Act 1991* may apply to land that has been reserved exclusively for public purposes.

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

Schedule 1 Amendments

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[7] **Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Heritage Items**

(Clause 5 (1))

**Part 1 Archaeological Sites**

**Castle Hill Road**

Cumberland State Forest, Bellamy Quarry and Sawpit, Lots 1–7 and 15–17, DP 11133 and Lot 1, DP 343971, 89–97 Castle Hill Road, West Pennant Hills (Regional)

**Glenhaven Road**

House ruins, Lot 151, DP 869424, Cattai Creek Conservation Area Reserve No 416, No 194Z Glenhaven Road, Kellyville (Local)

**Halcrows Road**

Private burial ground, Lot 3, DP 701464, No 660 Halcrows Road, Cattai (Local)

**Loyalty Road**

Quarry, Lot 9, DP 248626, Excelsior South Reserve No 45, 10Z Loyalty Road, North Rocks (Local)

Ruins of stone cottage, Lot 1, DP 228581, Excelsior South Reserve No 45, 10Z Loyalty Road, North Rocks (Local)

**O'Briens Road**

Ruins of Merrymount, Lot 13, DP 270416, No 74 O'Briens Road, Cattai (Regional)

**Old Northern Road**

Baulkham Hills Tramway Cutting, Lot 929, DP 752028, George Suttor Reserve No 84, No 9Z Old Northern Road, Baulkham Hills (Local)

Original section of road, Lot 131, DP 752039, Crown Reserve No 74422, Old Northern Road, Maroota (Regional)

Original section of road, in front of Lot 100, DP 650454, Old Northern Road, Maroota (Regional)

Bypassed section of road, Lot 231, DP 752039, Crown Reserve R88205, Old Northern Road, Maroota (Regional)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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Bypassed section of road, in front of Lot 238, DP 752039, Old Northern Road, Maroota (Regional)

Old Northern Road, the road, between Dural and Wisemans Ferry (State)

Convict road station, Lot 4, DP 228881, Nos 5426–5514 Old Northern Road, Wisemans Ferry (State)

Two quarries, Lot 4, DP 228881, Old Northern Road, Wisemans Ferry (Regional)

Watering hole, part of road reserve adjacent to Lot 471, DP 827645, Old Northern Road, Wisemans Ferry (Regional)

Bridge and culvert, part of road reserve, near Lot 4, DP 228881, Old Northern Road, Wisemans Ferry (Local)

#### **Old Pitt Town Road**

Bypassed section of road, within road reserve in front of Nos 162–170 Old Pitt Town Road, Box Hill (Local)

#### **Old Windsor Road**

Road, culvert and remnant post and rail fencing within the road reserve between Seven Hills Road and Windsor Road (State)

#### **Pacific Park Road**

Great drain and stone cut foundations, Lot 10, DP 752039, Stone Drain Reserve, No 274 Pacific Park Road, South Maroota (State)

#### **Resolution Place**

Queens Arms Inn site, Lot 1, DP 285955, Resolution Place, Rouse Hill (Regional)

#### **River Road**

Convict built road (Mr Sharps Track), Lots 26 and 64, DP 752025, Nos 2275 and 2277–2349 River Road, Leetsvale and Lot 11, DP 1052320, Nos 2391–2429 River Road, Wisemans Ferry (State)

Convict built road (Mr Sharps Track), Crown Road Reserve between Lot 990, DP 818576 and Lot 11, DP 1052320 (between Nos 2475–2483 and 2391–2429 River Road), Wisemans Ferry (State)

Convict built road (Mr Sharps Track), within Crown land, Parish of Cornelia, (DP 752025), Wisemans Ferry (State)

#### **Speers Road**

Retaining wall, Lot 171, DP 23173, Nos 23–27 Speers Road, North Rocks (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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Dam, Lot H, DP 438487, Speers Road Crown Reserve No 37, 19–21 Speers Road, North Rocks (Local)

**Windsor Road**

Stone bridge approaches and foundation plaque, Sydney Woollen Mills, Lot 1, DP 112482, No 1 Windsor Road, Northmead (Local)

**Wisemans Ferry Road**

Quarry site, Lot 31, DP 136837, “The Ridge” No 196 Wisemans Ferry Road, Cattai (Local)

Drainage trench and gate, Pt Lot 40, DP 752039, Nos 21 and 50 Wisemans Ferry Road, Cattai (Local)

Slab hut ruin and quarry site, Lot 37, DP 752039, and Pt Lot 38, DP 136838, No 76 Wisemans Ferry Road, Cattai (Local)

Old Caddie Homestead foundations and european dugout canoe, Lot 2, DP 605329, Nos 2–18 Wisemans Ferry Road, Cattai (Regional) (State)

Hope Farm Windmill (State), Hope Farm Mill Granary (Regional) and Stockmans Cottage foundations (Regional), Pt Lot 40, DP 752039, Wisemans Ferry Road, Cattai

Horseworks, Lot 1, DP 605329, Cattai National Park, Nos 20–34 Wisemans Ferry Road, Cattai (Local)

**Part 2 Buildings, trees and works****Aberdour Avenue**

Rouse Hill Cemetery, Lot 50 and Pt Lot 51, DP 193021, Nos 10 and 12 Aberdour Avenue, Rouse Hill (Local)

**Acres Road**

House, Lot 44, DP 235228, No 29 Acres Road, Kellyville (Local)

**Annangrove Road**

House, Lot 1, DP 135820, No 37 Annangrove Road, Annangrove (Local)

House, Lot 1, DP 229987, No 44 Annangrove Road, Annangrove (Local)

House, Lot 2, DP 529043, No 221 Annangrove Road, Annangrove (Local)

House, Lot 3, DP 222080, No 288 Annangrove Road, Rouse Hill (Local)

**Balintore Drive**

House, Lot 7, DP 1093653, No 71 Balintore Drive, Castle Hill (Local)



Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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**Bettington Road**

“Strathallen”, Lot 29, SP 46498, No 49 Bettington Road, Oatlands (Local)

**Bevan Place**

“Havilah”, stables, Lot 202, DP 803443, No 25 Bevan Place, Carlingford (Local)

“Havilah House”, Lot 3, DP 788924, No 29 Bevan Place, Carlingford (Local)

**Blue Gum Road**

House, Pt Lot 4, DP 236989, No 7 Blue Gum Road, Annangrove (Local)

**Boundary Road**

House, Pt Lot 106, DP 332184, Nos 489–491 Boundary Road, Maraylya (Local)

**Campbell Road**

“Sunnycrest”, Lot 3, DP 586786, No 2 Campbell Road, Kenthurst (Local)

**Caprera Road**

“Caprera House”, Lot 21, DP 834190, No 63 Caprera Road, Northmead (Local)

**Castle Hill Road**

“Glenhope”, Lot 7, DP 1012463, No 113 Castle Hill Road, West Pennant Hills (State)

“Dunrath”, Lot 1, DP 220867, No 139 Castle Hill Road, West Pennant Hills (Local)

“Fairholme”, Lot 1, DP 135921, Lot 2, DP 135921 and Lot A, DP 329990, No 157 Castle Hill Road, Castle Hill (Local)

**Cattai Ridge Road**

House, Lot 2, DP 402457, No 41 Cattai Ridge Road, Glenorie (Local)

House, Lot 3, DP 624003, No 79 Cattai Ridge Road, Glenorie (Local)

“Abergeldie”, Lot 1, DP 540834, No 95 Cattai Ridge Road, Glenorie (Local)

House, Lot 1, DP 316917, No 124 Cattai Ridge Road, Glenorie (Local)

**Chapel Hill Road**

Uniting church and cemetery, Lot 1, DP 817086, No 520 Chapel Hill Road, Sackville North (Regional)

The Parsonage, uniting church and cemetery, Lot 3, DP 740110, No 560 Chapel Hill Road, Sackville North (Regional)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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**Clower Avenue**

“Aberdoon”, house, Lot 1, DP 1016540, 39–41 Clower Avenue, Rouse Hill (Local)

**Coonara Avenue**

“Erambie Park”, Lot 2032, DP 862072, No 37 Coonara Avenue, West Pennant Hills (Local)

**Cranstons Road**

“Broadlands”, Lot 2, DP 624488, No 15 Cranstons Road, Middle Dural (Local)

House, Lot 1, DP 514642, No 45 Cranstons Road, Middle Dural (Local)

**Cross Street**

House, Lot 1, DP 213055, No 31 Cross Street, Baulkham Hills (Local)

**Derriwong Road**

Uniting Church Cemetery, Lot 1, DP 195296, No 14 Derriwong Road, Dural (Local)

**Doris Hirst Place**

“Pine Ridge”, Lot 1, DP 1037463, No 19 Doris Hirst Place, West Pennant Hills (Local)

**Ellis Street**

Cottage, Lot 22, DP 618939, No 15 Ellis Street, Oatlands (Local)

**Englart Place**

“Chelsea Farm”, Lot 9, DP 255911, Nos 8 and 10 Englart Place, Baulkham Hills (Regional)

Norfolk Pine *Araucaria leterophylla*, marking original location of driveway for Chelsea Farm, Lot 11, DP 255911, No 14 Englart Place, Baulkham Hills (Local)

**Excelsior Avenue**

“Bellerive”, Lot 1, DP 516491, Nos 164 and 166 Excelsior Avenue, Castle Hill (Local)

**Fuggles Road**

House, Lot 5, DP 534130, No 11 Fuggles Road, Kenthurst (Local)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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Schedule 1

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**Garemyn Road**

House, Lot 1, DP 214398, No 12 Garemyn Road, Middle Dural (Local)

**Garthowen Crescent**

“Garthowen”, Lot 2, DP 533390, No 14 Garthowen Crescent, Castle Hill (Local)

**Gilbert Road**

Cemetery, Crown Reserve No 1000480, Gilbert Road, Castle Hill (Local)

**Gleeson Avenue**

Bunya Pine *Araucaria bidwillii*, marking original driveway for Chelsea Farm, Lot 1, DP 244012, Tony Burn Reserve No 171, 13Z Gleeson Avenue, Baulkham Hills (Local)

**Glenhaven Road**

“Rosenfels”, Lot 1, DP 602286, No 23 Glenhaven Road, Glenhaven (Local)  
Emmanuel Anglican Church, Lot 1, DP 1100022, No 31A Glenhaven Road, Glenhaven (Local)

**Glenroy Place**

“Glenroy”, cottage, Lot 1, DP 253879, No 1 Glenroy Place, Middle Dural (Local)

**Greyfriar Place**

“Mount Saint Francis”, Lot 5, DP 1040498, No 8 Greyfriar Place, Kellyville (Local)

**Hafey Road**

House and barn, Lot 4, DP 239886, No 1 Hafey Road, Kenthurst (Local)

**Halcrows Road**

Felton Mathew Marked Tree, Lot 18, DP 752039, Halcrows Road, Cattai (Regional)

“Rose Park”, Lot 152, DP 1019110, Nos 657–701 Halcrows Road, Cattai (Local)

William Daley’s grave, Lot 152, DP 1019110, Nos 657–701 Halcrows Road, Cattai (Local)

**Henry Street**

“The Palms”, Lot 1, DP 23482, Henry Street, Baulkham Hills (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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“Yootha Park”, Lot 7, DP 221937, No 11 Henry Street, Baulkham Hills (Local)

**Hession Road**

House, Lot 21, DP 565883, No 11 Hession Road, Nelson (Local)

**Hezlett Road**

House, Lot 222, DP 207779, No 25 Hezlett Road, Kellyville (Local)

“Yalta”, house and immediate garden, Lot B, DP 374973, No 45 Hezlett Road, Kellyville (Local)

**Hilton Place**

Cottage, Lot 1, DP 260257, No 1 Hilton Place, Kenthurst (Local)

**Jones Road**

“Lavender Cottage”, Lot 3, DP 519461, No 45A Jones Road, Kenthurst (Local)

**Kenthurst Road**

Hill Top, Lot 1, DP 34815, No 31 Kenthurst Road, Dural (Local)

House, Lot 2, DP 1039194, Nos 54–56 Kenthurst Road, Kenthurst (Local)

House, Lot 43, DP 584117, No 70 Kenthurst Road, Kenthurst (Local)

Former St Madeleine Sophie Borat Catholic Church, Lot 2, DP 943767, No 114A Kenthurst Road, Kenthurst (Local)

Kenthurst Literary Institute, Lot 12, DP 758558, No 131 Kenthurst Road, Kenthurst (Local)

**Langford Smith Close**

House, Lot 1, DP 1039914, No 19 Langford Smith Close, Kellyville (Local)

**Lawrence Road**

House, Lot 1, DP 134911, No 1 Lawrence Road, Kenthurst (Local)

House, Lot 3, DP 549342, No 11 Lawrence Road, Kenthurst (Local)

**Mackillop Drive**

St Joseph’s Novitiate, Lot 2, DP 817696, No 64 Mackillop Drive, Baulkham Hills (Local)

**Marieba Road**

House, Lot 63, DP 731202, No 2 Marieba Road, Kenthurst (Local)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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**Mary Street**

House, Lot 2, DP 591111, No 4 Mary Street, Northmead (Local)

House, Lot 63, DP 8884, No 20 Mary Street, Northmead (Local)

**McLeod Road**

“Cranston Cottage”, Lot 1, DP 244143, No 7 McLeod Road, Dural (Local)

**Melia Court**

Gate and gateposts, Lot 2010, DP 879431, No 36 Melia Court, Castle Hill (Local)

**Mount View Road**

“Longstone House”, Lot 2, DP 538286, Mount View Road, Glenorie (Local)

**Mud Island Road**

“Kelso Park”, Lot 3, DP 804271, No 422 Mud Island Road, Sackville North (Regional)

**Nelson Road**

“Rosedale”, Lot 2, DP 565176, No 55 Nelson Road, Nelson (Regional)

House, Lot 1, DP 999853, No 61 Nelson Road, Nelson (Regional)

**North Rocks Road**

“Rockcliff”, Lot 7, DP 234271, No 224 North Rocks Road, North Rocks (Local)

“Fernleigh”, Lot 20, DP 600123, No 256 North Rocks Road, North Rocks (Local)

House and outbuilding, Lot 12, DP 542855, No 381 North Rocks Road, Carlingford (Local)

**O’Briens Road**

“Bungool” (Riverside Oaks), Lot 13, DP 270416, No 74 O’Briens Road, Cattai (Regional)

**Old Castle Hill Road**

House, Lot 1, DP 585257, No 108 Old Castle Hill Road, Castle Hill (Local)

**Old Northern Road**

“Creasy’s”, Lots 16 and 17, DP 2489, Nos 11 and 13 Old Northern Road, Baulkham Hills (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

- 
- House, Lot 23, DP 739791, No 37–43 Old Northern Road, Baulkham Hills (Local)
- House, Lot 2, DP 207936, No 60 Old Northern Road, Baulkham Hills (Local)
- House, Lot B, DP 420528, No 67 Old Northern Road, Baulkham Hills (Local)
- House, Lot 1, DP 1007799, No 77 Old Northern Road, Baulkham Hills (Local)
- House, Lot 34, DP 129827, No 84 Old Northern Road, Baulkham Hills (Local)
- House, Lot D, DP 370382, No 92 Old Northern Road, Baulkham Hills (Local)
- House, Lot A, DP 333643, No 118 Old Northern Road, Baulkham Hills (Local)
- House, Lot 84, DP 846106, No 121 Old Northern Road, Baulkham Hills (Local)
- House, Lot 15, DP 845564, No 133 Old Northern Road, Baulkham Hills (Local)
- House, Lot 14, DP 845564, No 135 Old Northern Road, Baulkham Hills (Local)
- House, Lot 1, DP 562174, No 171 Old Northern Road, Castle Hill (Local)
- Durham Park, Lot 8, DP 1014035, No 8/174 Old Northern Road, Castle Hill (Local)
- House, Lot 1, DP 209652, No 182 Old Northern Road, Baulkham Hills (Local)
- Gilroy College, Lot 1, DP 850203 and Lots 9, 10 and 43–51, DP 10049, Nos 190 and 192 Old Northern Road, Baulkham Hills (Local)
- The Old Parsonage, Lot X, DP 418941, No 210 Old Northern Road, Castle Hill (Local)
- Castle Hill House, Lot 234, DP 1005876, Nos 215–219 Old Northern Road, Castle Hill (Local)
- Former St Paul’s Church, Lot 120, DP 817356, Nos 221–225 Old Northern Road, Castle Hill (State)
- “Wansbrough House”, Lot 4, DP 533918, No 230 Old Northern Road, Castle Hill (Local)
- House, Lot 81, DP 1017047, No 244 Old Northern Road, Castle Hill (Local)
- St Paul’s Cemetery, Lot 11, DP 1053193, No 247 Old Northern Road, Castle Hill (Local)
- Christadelphian Church, Lot 12, DP 1053191, No 245 Old Northern Road, Castle Hill (Local)
- Castle Hill Public School, Lot 101, DP 1000798, Nos 264 and 266 Old Northern Road, Castle Hill (Local)
- Former police station, Lot 101, DP 1000798, Nos 264 and 266 Old Northern Road, Castle Hill (Local)
- House, Lot 11, DP 1075777, No 340 Old Northern Road, Castle Hill (Local)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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House, Pt Lot 2, DP 568234, No 428 Old Northern Road, Glenhaven (Local)  
“Allens House”, Lot 37, DP 715200, No 548 Old Northern Road, Round  
Corner, Dural (Local)

House, Lot 101, DP 713628, No 600A Old Northern Road, Dural (Local)  
Dural Soldiers Memorial Hall, Lot 1, DP 656035, No 604 Old Northern Road,  
Dural (Local)

“The Pines”, Lot 11, DP 734457, Reserve No 555, No 656A Old Northern  
Road, Dural (Local)

“St Elmo”, Lot D, DP 164591, No 774 Old Northern Road, Dural (Local)

“Pinewood”, Lot 2, DP 416521, No 792 Old Northern Road, Middle Dural  
(Local)

“Carinya”, Lot 2, DP 225210, No 828 Old Northern Road, Middle Dural  
(Local)

House and barn, Lot 2, DP 231508, No 834 Old Northern Road, Middle Dural  
(Local)

McFarland Grave, 4 metres from centreline of Old Northern Road and  
368 metres north of its intersection with Wisemans Ferry Road, Maroota  
(Local)

Residence and post office, Lot 1, DP 724948, No 5556 Old Northern Road,  
Wisemans Ferry (Local)

Cable ferry, Old Northern Road, Wisemans Ferry (Regional)

#### **Owen Avenue**

“Thornbury Lodge”, Lots 9 and 10, SP 53479 and common property  
SP 53479, Nos 9–13 Owen Avenue, Baulkham Hills (Local)

#### **Pages Wharf Road**

“Pagewood”, Lot 41, DP 1093516, No 165 Pages Wharf Road, Sackville  
North (Local)

#### **Park Road**

House, Lot 2, DP 228420, No 15 Park Road, Baulkham Hills (Local)

#### **Pennant Hills Road**

“Gowan Brae Group”, comprising “Gowan Brae House”, King’s School  
Chapel, gatehouse and fence, aviary, fountain, rotunda, “The Cedars”, grave,  
19th century driveways and stables, iron palisade fence, and horseshoe  
bridge/dam and roadway, Lot 1, DP 59169, Lot A, DP 329288, Lot B,  
DP 329288, Lot A, DP 321595, Lot 2, DP 235857, Lot 1, DP 64765, Lot 1,  
DP 57491, Lot 1, DP 581960 and Lot 10, DP 812772 (Local)

House, Pt Lot 1, DP 19868, No 157 Pennant Hills Road, Carlingford (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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House, Lot 1, DP 1100015, No 159 Pennant Hills Road, Carlingford (Local)  
“Stoneleigh”, Lot 3, DP 1096405, No 570 Pennant Hills Road, West Pennant Hills (Local)

**Pitt Town Road**

House, Lot 1, DP 242302, No 29 Pitt Town Road, Kenthurst (Local)  
Fence, Lot 1, DP 549076, No 46 Pitt Town Road, Kenthurst (Local)  
House, Pt Lot 7, DP 135642, No 50 Pitt Town Road, Kenthurst (Local)  
“Speedwell”, Lot 3, DP 586852, No 68 Pitt Town Road, Kenthurst (Local)  
Cottage, Lot 1, DP 561074, No 78 Pitt Town Road, Kenthurst (Local)  
House and barn, Lot 101, DP 598991, No 79 Pitt Town Road, Kenthurst (Local)

**Porters Road**

House, Lot 2, DP 550216, No 17 Porters Road, Kenthurst (Local)  
House, Lot 2, DP 255779, No 40 Porters Road, Kenthurst (Local)  
“Maranoa”, Lot 6, DP 585099, No 42A Porters Road, Kenthurst (Local)  
House, Lot 301, DP 731027, No 75 Porters Road, Kenthurst (Local)

**Pye Avenue**

Pye’s Cottage, Lots 1–25, SP 64724, Nos 11 and 13 Pye Avenue, Northmead (Local)

**River Road**

Slab barn, Lot 2, DP 611810, No 276 River Road, Lower Portland (Local)  
“Dargle”, Lot 1, DP 109718, No 296 River Road, Lower Portland (Regional)  
Church, Lot 11, DP 818829, No 576 River Road, Lower Portland (Local)  
“Peacocks”, Lot 12, DP 818829, No 578 River Road, Lower Portland (State)  
House, Lot 2, DP 544316, Nos 827–829 River Road, Lower Portland (Local)  
Brown’s Cemetery, Lot 2, DP 34182, No 875 River Road, Lower Portland (Local)  
Rexford, Lot 1, DP 75366, No 1073 River Road, Lower Portland (Local)  
Stone dairy and fig tree, Lot 8, DP 236370, No 1324 River Road, Lower Portland (Local)  
“Berry Hill”, house, Lot 119, DP 752025, No 1832 River Road, Leets Vale (Local)  
House, Lot 2, DP 230496, No 2449 River Road, Wisemans Ferry (Local)  
House, Lot 2, DP 506468, No 3014 River Road, Wisemans Ferry (Local)



Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

Amendments

Schedule 1

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St Mary Magdalene Anglican Church, Pt Lot 37, DP 752025, No 3025 River Road, Wisemans Ferry (Local)

Police station and residence, Lot 36, DP 752025, No 3031 River Road, Wisemans Ferry (Local)

Cable ferry, Lower Portland, River Road, Lower Portland (Local)

Cable ferry, Webbs Creek, River Road, Wisemans Ferry (Local)

### **Robbins Road**

“Marklye”, Lot 2, DP 712726, Robbins Road, Box Hill (Local)

### **Sackville Ferry Road**

Cemetery, Lot 7009, DP 93097, No 437 Sackville Ferry Road, Sackville North (Local)

Brewongle Environmental Education Centre, Pt Lot 1, DP 121420, Nos 720–728 Sackville Ferry Road, Sackville North (Local)

Cable ferry, Sackville Ferry Road, Sackville (Local)

### **Seven Hills Road**

House, Lot 10, DP 858072, No 51 Seven Hills Road, Baulkham Hills (Local)

Pearce Family Graves, Lot 100, DP 707538, Seven Hills Road, Baulkham Hills (State)

### **Showground Road**

House, Lot 1, DP 840031, Nos 30–34 Showground Road, Castle Hill (Local)

“Dogwoods”, Lot 202, DP 551843, No 74 Showground Road, Castle Hill (Local)

House, Lot 1, DP 578072, No 107 Showground Road, Castle Hill (Local)

House, Lot 406, DP 860609, Nos 128–132 Showground Road, Castle Hill (Local)

### **St Johns Road**

Slab hut, Lot 31, DP 872356, No 52 St Johns Road, Maraylya (Local)

### **Stone Cottage Court**

House, Lot 27, DP 270304, No 9 Stone Cottage Court, Castle Hill (Local)

### **Success Avenue**

“Baden Farm”, Lot 503, DP 878047, No 6 Success Avenue, Kellyville (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

**Terry Road**

McCall Garden Colony, Lot 1, DP 27502, Nos 10–32 Terry Road, Box Hill (State)

**Thallon Street**

Carlingford Stock Feeds, Lot 1, DP 515583 and Lot 2, DP 503904, No 1 Thallon Street, Carlingford (Local)

**The Water Lane**

Former Hunting Lodge, Lot 174, DP 10157, No 58 The Water Lane, Rouse Hill (State)

**Valerie Avenue**

Joyce Farmhouse, Lots 36 and 46, DP 238502, Nos 15 and 15A Valerie Avenue, Baulkham Hills (Regional)

**Windermere Avenue**

Houses, Lot 15, SP 74805, Nos 3–5 Windermere Avenue, Northmead (Local)  
House, Lot 371, DP 878936, No 10 Windermere Avenue, Northmead (Local)  
House, Lot 33, DP 8884, No 18 Windermere Avenue, Northmead (Local)

**Windsor Road**

Avenue of trees leading to Castle Hill Country Club, Lot 12, DP 778671, RMB 49, Windsor Road, Baulkham Hills (Local)

House, Lot 9, DP 621494, Nos 9 and 11 Windsor Road, Kellyville (Local)

Kellyville Public School, Lot 1, DP 439294, Lot 1, DP 782320 and Lot 20, DP 206082, No 35A Windsor Road, Kellyville (Local)

“Buena Vista”, Lot 43, DP 847331, No 43 Windsor Road, Kellyville (Regional)

House, Lot 10, DP 1061802, No 115 Windsor Road, Northmead (Local)

House, Lot 1, DP 946630, No 119 Windsor Road, Northmead (Local)

House, Lot 1, DP 863720, No 145 Windsor Road, Northmead (Local)

“The Pines”, Lot 11, SP 50794, Nos 153 and 155 Windsor Road, Northmead (Local)

House, Lot 3, DP 14725, No 175 Windsor Road, Northmead (Local)

House, Lot 41, DP 841313, No 177 Windsor Road, Northmead (Local)

House, Lot 5, DP 8884, No 179 Windsor Road, Northmead (Local)

House, Lot 6, DP 8884, No 181 Windsor Road, Northmead (Local)

House, Lots 7 and 8, DP 8884, Nos 183 and 185 Windsor Road, Northmead, (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Amendments

## Schedule 1

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House, Lot 109, DP 815682, Nos 187 and 189 Windsor Road, Northmead (Local)

House, Pt Lot 1, DP 500482, No 209 Windsor Road, Northmead (Local)

House, Lot 3, DP 843608, No 215 Windsor Road, Northmead (Local)

Windsor Road, from Baulkham Hills to Box Hill (State)

House, Lot 8, SP 66335, No 227 Windsor Road, Northmead (Local)

House, Lot 1, DP 26848, No 243 Windsor Road, Northmead (Local)

House, Lot 1, DP 780848, No 245 Windsor Road, Northmead (Local)

Baulkham Hills Public School, Lot 1, DP 866897, No 257 Windsor Road, Baulkham Hills (Local)

Bull and Bush Hotel, Lot 2, DP 783941, Nos 360–378 Windsor Road, Baulkham Hills (Regional)

House, Lot 5, DP 31331, No 389A Windsor Road, Baulkham Hills (Local)

Norfolk Pine *Araucaria heterophylla*, marking original entrance to Chelsea Farm, Lot 6, DP 255472, No 468 Windsor Road, Baulkham Hills (Local)

Norfolk Pine *Araucaria heterophylla*, marking original entrance to Chelsea Farm, Lot 7, DP 255472, No 470 Windsor Road, Baulkham Hills (Regional)

St Michael's Church, Lot 100, DP 711470, No 520 Windsor Road, Baulkham Hills (Local)

House, Lot 10, DP 615435, No 523 Windsor Road, Baulkham Hills (Local)

Alliance Church, Lot 21, DP 852062, Windsor Road, Baulkham Hills (Local)

Former Divine Word Mission, Lot 1003, DP 857115, Windsor Road, Kellyville (Local)

Christchurch, Lot 10, DP 1087432, Windsor Road, Rouse Hill (Local)

Bridge structures below Windsor Road at Second Ponds Creek, Rouse Hill (Regional)

Mungerie, Lot 1, DP 270520, Windsor Road, Rouse Hill (Local)

Royal Oak Inn, Lot 101, DP 1058862, Windsor Road, Rouse Hill (State)

Rouse Hill Public School, Lot 1, DP 521503, and Lot 100, DP 1044226, Nos 831–833 Windsor Road, Rouse Hill (Local)

Former inn, Lot 11, DP 1009338, Windsor Road, Box Hill (State)

### **Wisemans Ferry Road**

“Caddie House” (Regional), barn (Local), silo and outbuildings (Local), Lot 2, DP 605329, Nos 2–18 Wisemans Ferry Road, Cattai

“Hope Farm House” (Regional), “Hope Farm Cottage” (Local), outbuilding and mill ruins (Local), Pt Lot 40, DP 752039, No 50 Wisemans Ferry Road, Cattai

Slab hut, Lot 21, DP 843427, 69 Wisemans Ferry Road, Cattai (Local)

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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“Johnstons”, Pt Lot 38, DP 136838 and Lot 37, DP 752039, No 76 Wisemans Ferry Road, Cattai (Local)

“Montrose”, Lot 101, DP 807427, No 96 Wisemans Ferry Road, Cattai (Local)

“Terry Mount”, Lot 31, DP 136837, No 196 Wisemans Ferry Road, Cattai (Local)

“Stonehouse Grove”, Lot 12, DP 811777, 1365 Wisemans Ferry Road, Cattai (Local)

**Withers Road**

House and barn, Lot 1, DP 773411, No 9 Withers Road, Kellyville (Local)

“Lintbrae”, house, Lot 1, DP 540785, Withers Road, Kellyville (Local)

Private burial ground, Lot 202, DP 858563, William Harvey Reserve No 405, Withers Road, Rouse Hill (Local)

**Part 3 Heritage conservation areas**

Balcombe Heights Community Buildings Complex, Seven Hills Road, Baulkham Hills (Regional)

Bella Vista Homestead Complex, Old Windsor Road, Baulkham Hills (State)

Old Government Farm Site (Heritage Park), Old Northern Road, Castle Hill (State)

Burnside Homes, Pennant Hills Road, North Parramatta (State)

**[8] Schedule 2**

Omit the Schedule. Insert instead:

**Schedule 2 Exempt development**

(Clause 8)

**Note.** A person may carry out an activity specified in this Schedule without getting a consent from the Council, if the person complies with the exemption criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the Building Code of Australia). However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply.

Requirements relevant to this Schedule are contained in the *Environmental Planning and Assessment Act 1979*, 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* etc.

The following are examples of relevant provisions contained in *State Environmental Planning Policy (Infrastructure) 2007*:

- (a) Schedule 1 of *State Environmental Planning Policy (Infrastructure) 2007* provides that development for the purpose of certain identification, directional,

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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community information or safety signs associated with the use of road infrastructure is exempt development,

- (b) Clause 29 (3) of *State Environmental Planning Policy (Infrastructure) 2007* provides that development for the purpose of a portable one storey classroom may be carried out by any person without consent on land on which a school is located.

**Access ramps for the disabled**

- (1) Maximum height—1m above natural ground level.
- (2) Maximum grade—1:14 (vertical: horizontal).
- (3) Must comply with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*.
- (4) Must be of structurally adequate construction.

**Advertising signs—all signs**

- (1) Must not be a moving or flashing sign or other device.
- (2) Must not be a roof-top sign.
- (3) Must not be an airborne sign or a blimp.
- (4) Must not be an A-frame board or sign.
- (5) Signs over public roads must be set back at least 600mm from the edge of the carriageway.
- (6) Sign must relate to the use of the building or land on which it is displayed.

**Advertising signs—business identification signs where home activities are allowed**

- (1) Only one per premises.
- (2) Maximum area—0.75m<sup>2</sup>.
- (3) Maximum height of freestanding sign—1.2m above natural ground level.
- (4) Must not be illuminated.

**Advertising—public notice sign displayed by a public body giving information or directions about the services provided**

- (1) Only one per 20m of street frontage, per premises.
- (2) Maximum area—3.5m<sup>2</sup>.
- (3) If located on a fence, must not project more than 100mm from the fence.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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**Advertising—real estate signs (advertising premises/land for sale or rent) in areas zoned residential, rural or commercial**

- (1) Only one per premises or street frontage, whichever is the greater.
- (2) Maximum area—2.5m<sup>2</sup>.
- (3) Must be removed when the property is sold or leased.
- (4) If located on a fence, must not project more than 100mm from the fence.

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

- (1) Only one per street frontage.
- (2) Maximum area (residential areas)—1.5m<sup>2</sup>.
- (3) Maximum area (commercial and industrial areas)—3.5m<sup>2</sup>.
- (4) Must not include commercial advertising apart from the name of any event sponsor.
- (5) Must not be displayed earlier than 28 days before the event and must be removed within 14 days after the event.

**Aerials, antennae and microwave antennae (not including satellite dishes)**

- (1) Maximum number of aerials or antennae—3.
- (2) Maximum height—6m.
- (3) Must be for domestic use only.
- (4) Must be of structurally adequate construction.

**Air conditioning units for dwellings (attached to external wall or ground mounted)**

- (1) Noise level must not exceed 5dB(A) above ambient background noise level measured at the property boundary.
- (2) Building work must not reduce the structural integrity of the building.
- (3) Any opening created must be adequately weatherproofed.

**Awnings, canopies and storm blinds on dwellings**

- (1) Maximum area—20m<sup>2</sup>.
- (2) Maximum height—2.4m above natural ground level.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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- (3) Must be located behind the building setback and must be at least 500mm from each property boundary.
  - (4) Must be of structurally adequate construction.

**Barbecues**

- (1) Maximum area—2m<sup>2</sup>.
- (2) Maximum chimney height—2m above natural ground level.
- (3) Must be located in rear yard or courtyard area.
- (4) If located behind a courtyard wall, chimney must not extend more than 200mm above the wall.
- (5) Must not be located adjoining a property boundary.
- (6) Must be of structurally adequate construction.

**Bird aviaries**

- (1) Maximum area—10m<sup>2</sup>.
- (2) Maximum height—2.1m above natural ground level.
- (3) Must be constructed of non-reflective materials.
- (4) Must be located in rear yard.
- (5) Must be located at least 500mm from each property boundary.
- (6) Must be located at least 9m from any dwelling on each adjoining property.
- (7) Must be for domestic purposes only.
- (8) Must be of structurally adequate construction.

**Cabanas, gazebos and greenhouses**

- (1) Maximum area—10m<sup>2</sup>.
- (2) Maximum height—2.4m above natural ground level.
- (3) Must not be used for habitable purposes.
- (4) Stormwater runoff must be connected to existing stormwater system.
- (5) Must be constructed of non-reflective materials.
- (6) Must be located in rear yard.
- (7) Must be located at least 500mm from each property boundary.
- (8) Must be of structurally adequate construction.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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- (9) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

**Car ports**

- (1) Maximum area—20m<sup>2</sup>.
- (2) Maximum height—2.4m above natural ground level.
- (3) Must be located behind the building setback.
- (4) Must be at least 500mm from the side and rear property boundaries.
- (5) Stormwater runoff must be connected to existing stormwater system.
- (6) Must be of structurally adequate construction.

**Clothes hoists and clothes lines**

Must be installed in accordance with manufacturer's specifications.

**Cubbyhouses**

- (1) Maximum height—2.1m above natural ground level.
- (2) Maximum area—10m<sup>2</sup>.
- (3) Must be installed in accordance with manufacturer's specifications.
- (4) Must comply with the following:
  - (a) AS 1924.1—1981, *Playground equipment for parks, schools and domestic use, Part 1: General requirements*,
  - (b) AS 1924.2—1981, *Playground equipment for parks, schools and domestic use, Part 2: Design and construction—Safety aspects*,
  - (c) AS/NZS 4486.1:1997, *Playgrounds and playground equipment, Part 1: Development, installation, inspection, maintenance and operation*.
- (5) Structure must be at least 1.2m from a pool safety fence measured in accordance with AS 1926.1—2007 *Swimming Pool Safety, Part 1: Safety barriers for swimming pools*.
- (6) Must be of structurally adequate construction.



Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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**Decks (unroofed and attached to dwellings that are not located in areas identified by the Council as bush fire prone)**

- (1) Maximum area—10m<sup>2</sup>.
- (2) Finished surface level must not be greater than 1m above existing ground level.
- (3) Boundary setbacks for existing dwelling must be maintained.
- (4) Must be of structurally adequate construction.
- (5) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

**Demolition**

- (1) May only be carried out if erection of the structure is exempt development under this Plan.
- (2) Demolition must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

**Fences—all fences**

Must be constructed so that they do not prevent the natural flow of stormwater drainage or run off.

**Fences—boundary fences**

- (1) Maximum height for side fences between the building line and street or any other public place, and front fences—1m above natural ground level.
- (2) Maximum height for side fences between the building line and the rear boundary, and for rear boundary fences—1.8m above natural ground level.
- (3) Must be constructed of timber, metal or lightweight materials.

**Fences—electric fences in rural zones**

Must be erected in accordance with AS/NZS 3014:2003, *Electrical installations—Electric fences*.

**Fences—masonry or brick fences**

Maximum height—1m above natural ground level.

**Fences—security fences around Council-owned compounds and depots**

Must be constructed of chain wire type fencing.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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**Flagpoles—in commercial or industrial zones**

- (1) Does not include a flagpole used for the display of corporate flags.
- (2) Maximum height—9m above natural ground level.
- (3) Must be installed in accordance with manufacturer's specifications.
- (4) If flagpole is to project over a public road, must be installed in accordance with the requirements of the *Local Government (General) Regulation 2005*.
- (5) Must be of structurally adequate construction.

**Flagpoles—in residential zones**

- (1) Maximum height—6m above natural ground level.
- (2) Must be installed in accordance with manufacturer's specifications.
- (3) If flagpole is to project over a public road, must be installed in accordance with the requirements of the *Local Government (General) Regulation 2005*.
- (4) Must be of structurally adequate construction.

**Fowl houses (for the keeping of chickens, hens and roosters) in rural zones**

- (1) Maximum area—50m<sup>2</sup>.
- (2) Maximum height—3m above natural ground level.
- (3) Must be structurally adequate.
- (4) Only one per property.
- (5) Must be constructed of non-reflective materials.
- (6) Must include provision for adequate drainage.
- (7) Must be located at least 9m from any dwelling.
- (8) Must be of structurally adequate construction.

**Fuel tanks used in conjunction with agricultural activities on properties in excess of 2 hectares in rural zones**

- (1) Maximum size—5,000 litres.
- (2) Must be constructed of prefabricated metal.
- (3) Must be freestanding.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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- (4) Must be erected in accordance with manufacturer's specifications.
  - (5) Must comply with AS 1940—2004, *The storage and handling of flammable and combustible liquids*.
  - (6) Must not be erected within 20m of the street boundary or within 4m of a side or rear boundary.
  - (7) Must not encroach on any registered easements.
  - (8) Must meet any applicable requirements in respect of clearance from overhead power lines.

**Garden sheds**

- (1) Maximum floor area—10m<sup>2</sup>.
- (2) Maximum height—2.1m above natural ground level.
- (3) Must be constructed of prefabricated material.
- (4) Must be freestanding.
- (5) Must be erected in accordance with manufacturer's specifications.
- (6) Must be located in the rear yard of premises.
- (7) Must be constructed of non-reflective materials.
- (8) Must be of structurally adequate construction.

**Horse stables and animal shelters in rural zones**

- (1) Maximum number of horses or animals—4.
- (2) Maximum size—50m<sup>2</sup>.
- (3) Maximum height—3m above natural ground level.
- (4) Must be constructed of cut or round timber or of metal.
- (5) Any cladding must have a low reflective finish and must be fixed in accordance with manufacturer's specifications.
- (6) Must not be erected within 20m of a road boundary or 10m from the side or rear boundaries.
- (7) Must not encroach on any registered easement.
- (8) Must be erected in accordance with the requirements of the *Local Government (General) Regulation 2005*.
- (9) Must be of structurally adequate construction.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

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**Landscaping**

Must only be landscaping works carried out in conjunction with other exempt development.

**Letter boxes (free standing or in “banks”)**

- (1) Maximum height—1.2m above natural ground level.
- (2) Must be sufficient boxes to provide one for each occupancy.
- (3) Must have appropriate numbering for each box.
- (4) Must be structurally stable with adequate footings.

**Minor alterations—commercial premises**

- (1) Internal:
  - (a) Must only be non-structural work, such as shelving, displays, benches and partitions that do not provide structural support to any part of the building.
  - (b) Floor area must not exceed 20m<sup>2</sup>.
  - (c) Must not compromise fire safety or affect accessibility to a fire exit.
  - (d) Must not change the configuration of rooms whether by removal of walls or other means of structural support.
  - (e) If alterations relate to a food premises, must be carried out in accordance with the requirements of the Food Standards Code under the *Food Act 2003*.
- (2) External:
  - (a) Must only be changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work.
  - (b) Must not be the enlargement or extension of the building or work.

**Minor alterations—residential premises**

- (1) Internal:
  - (a) Must only be replacement of doors, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes.
  - (b) Must only be alterations or renovations to previously completed buildings.

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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- (c) Must not cause reduced window arrangements for light and ventilation needs, cause reduced doorways for egress purposes or involve enclosure of open areas.
  - (2) External:
    - (a) Must only be changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work.
    - (b) Must not be the enlargement or extension of the building or work.

**Patios at ground level abutting a dwelling**

- (1) Stormwater from patio surface must not be redirected into adjoining property.
- (2) Must have sufficient step down to prevent the entry of water into the dwelling.
- (3) Must be of structurally adequate construction.
- (4) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

**Pergolas**

- (1) Maximum area—20m<sup>2</sup>.
- (2) Maximum height—2.4m above natural ground level.
- (3) Must maintain boundary setbacks required for the associated dwelling with a minimum of 900mm from a boundary.
- (4) Must be of structurally adequate construction.
- (5) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

**Playground equipment (excluding cubbyhouses)**

- (1) Residential use:
  - (a) Maximum height—2.1m above natural ground level.
  - (b) Maximum ground coverage—10m<sup>2</sup>.
  - (c) Must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.1—2007 *Swimming Pool Safety, Part 1: Safety barriers for swimming pools*.
- (2) Non-residential use:

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

- 
- (a) Maximum height—2.1m above natural ground level.
  - (b) Maximum ground coverage—10m<sup>2</sup>.
  - (c) Must have adequate safety arrangements, including soft landing surfaces.
  - (d) Must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.1—2007 *Swimming Pool Safety, Part 1: Safety barriers for swimming pools*.

**Privacy screens**

- (1) Maximum height—2.4m above natural ground level.
- (2) Maximum length—10m.
- (3) Must be installed in rear yard.
- (4) Must be constructed of translucent materials.
- (5) Must be free-standing and not attached to boundary fence without adjoining property owner's consent.
- (6) Must be of structurally adequate construction.

**Re-cladding of roofs or walls or repair and maintenance of damaged materials**

- (1) Must only involve replacing existing materials with similar materials that are compatible with the existing building and finish.
- (2) If re-cladding, must not involve structural alterations or change to the external configuration of a building.
- (3) If work involves asbestos, is not in a workplace and has a value of not more than \$12,000—if undertaken in accordance with *Working With Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by WorkCover Authority.
- (4) Work involving lead paint removal must not cause lead contamination of air or ground.

**Retaining walls**

- (1) Maximum height of 0.6m above natural ground level for retaining filling and maximum 1m below natural ground level for excavation.
- (2) Masonry walls must comply with the following:
  - (a) AS 3700—2001, *Masonry structures*,
  - (b) AS 3600—2001, *Concrete structures*,

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- (c) AS/NZS 1170.1:2002, *Structural design actions*, Part 1: *Permanent, imposed and other actions*,
  - (d) AS/NZS 1170.2:2002, *Structural design actions*, Part 2: *Wind actions*.
- (3) Timber walls must comply with the following:
- (a) AS 1720.1—1997, *Timber structures*, Part 1: *Design methods*,
  - (b) AS/NZS 1170.1:2002, *Structural design actions*, Part 1: *Permanent, imposed and other actions*,
  - (c) AS/NZS 1170.2:2002, *Structural design actions*, Part 2: *Wind actions*.
- (4) Must be constructed so that the walls do not prevent the natural flow of stormwater drainage or run-off.

#### **Sail awnings**

- (1) Maximum area—20m<sup>2</sup>.
- (2) Must be located behind the building line.
- (3) Must be attached to an external wall of a dwelling.
- (4) Must be installed in accordance with manufacturer's specifications.

#### **Satellite dishes**

Must meet the standards specified under clause 116 of *State Environmental Planning Policy (Infrastructure) 2007*.

#### **Sheds for or in conjunction with agricultural activities in Zones 1 (a), 1 (b), 1 (c) or 1 (d)**

- (1) Maximum size—50m<sup>2</sup>.
- (2) Maximum height—5m above natural ground level.
- (3) Must be constructed of non-reflective materials.
- (4) Must be constructed of prefabricated metal.
- (5) Roof water must not be discharged onto adjoining properties and must be directed to a water tank or 3m clear of any structure.
- (6) Must not be erected within 20m of a boundary adjoining a road or within 10m of rear and side boundaries.
- (7) Must not encroach into any registered easement.
- (8) Must be located clear of septic disposal area or other services.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

- 
- (9) Must not be erected within 20m of a dwelling on an adjoining property.
  - (10) Must not be a machinery or hay shed unrelated to the normal agricultural activities on the property.
  - (11) Must be of structurally adequate construction.

**Skylight and roof windows**

- (1) Maximum area of skylight—2m<sup>2</sup>.
- (2) Must be located at least 900mm from each property boundary or a wall separating attached dwellings.
- (3) Building work must not reduce the structural integrity of the building or involve structural alterations.
- (4) Any opening created by the installation must be adequately weatherproofed.
- (5) Must be installed in accordance with manufacturer's specifications.

**Solar water heaters and solar panels**

Must meet the standards specified under clause 39 of *State Environmental Planning Policy (Infrastructure) 2007*.

**Stockyards and shelters in conjunction with normal agricultural activities on the property (excluding commercial or intensive uses) in rural zones**

- (1) Maximum yard area—0.5 hectare.
- (2) Maximum height—2.7m above natural ground level.
- (3) Must be of structurally adequate construction.
- (4) Must be constructed of timber or metal.
- (5) Must not be erected within 20m of the street boundary or within 4m of a side or rear boundary.
- (6) Must not be erected within 50m of a watercourse, a dwelling on an adjoining property or any registered easement.
- (7) Must be used in association with normal agricultural activities on the property.
- (8) Must be of structurally adequate construction.

**Water features and ponds**

- (1) Maximum water depth—300mm.



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Schedule 1

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- (2) Maximum area—10m<sup>2</sup>.
  - (3) Overflow must not cause a nuisance to adjoining properties.

**Water heaters (excluding solar systems)**

- (1) Includes replacements or new installations.
- (2) Work must not reduce the structural integrity of the building or involve structural alterations.
- (3) Must be installed by a licensed tradesperson.

**Water tanks at or above ground level in rural areas**

- (1) Includes up to 2 tanks per dwelling and up to 2 tanks associated with farm buildings not near a dwelling.
- (2) Maximum capacity of 10,000 litres, or in the case of a tank installed on a lot used for an educational establishment, 25,000 litres.
- (3) Maximum height—3.0m above natural ground level (including stand).
- (4) Must be located at least 450mm from each property boundary.
- (5) Must not be situated closer to a street than an associated dwelling.
- (6) Must comply with the installation and maintenance specifications of the manufacturer or designer or the public authority that has responsibility for the supply of water to the premises on which the tank is installed.
- (7) Must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.
- (8) The installation of the tank must not involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- (9) Must be designed to capture and store only roof water from gutters or downpipes on a building.
- (10) A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.
- (11) Any overflow from the tank must be directed into an existing stormwater system.

**Water tanks at or above ground level in urban areas**

- (1) Only one per premises.

## Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

## Schedule 1 Amendments

- 
- (2) Maximum storage capacity of 10,000 litres, or in the case of a tank installed on a lot used for an educational establishment, 25,000 litres.
  - (3) Maximum height—3m above natural ground level (including stand).
  - (4) Must be located at least 450mm from each property boundary.
  - (5) Must not be situated closer to a street than an associated dwelling.
  - (6) Must comply with the installation and maintenance specifications of the manufacturer, designer or the public authority that has responsibility for the supply of water to the premises on which the tank is installed.
  - (7) Must be designed to capture and store only roof water from gutters or downpipes on a building.
  - (8) Tank must be maintained to prevent mosquito breeding or overflow.
  - (9) A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.
  - (10) Any overflow from the tank must be directed into an existing stormwater system.
  - (11) Any pump used in conjunction with the water tank must not create an offensive noise.

**Windmills in rural zones**

- (1) Must not encroach on any registered easement.
- (2) Must be freestanding.
- (3) Must be installed in accordance with the manufacturer's specifications.
- (4) Must be constructed in accordance with engineer's certification for the structure and footings.
- (5) Must meet any applicable requirements in respect of clearance from overhead power lines.

**Windows, glazed areas and external doors (excluding windows in buildings listed as heritage items or in a conservation area)**

- (1) Replacement in residential premises must be with materials that comply with:
  - (a) AS 1288—1994, *Glass in buildings—Selection and installation*, and

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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- (b) AS/NZS 2208:1996, *Safety glazing materials in buildings*.
- (2) Must not reduce the area provided for light and ventilation.
  - (3) Structural support members must not be removed.
  - (4) If for commercial or industrial premises, the reflectivity index must not exceed 20%.
  - (5) Must meet any requirements in respect of clearance from power lines.

**[9] Schedule 5 Classification and reclassification of public land as operational land**

Insert at the end of Part 1:

**Kellyville**

Cattai Creek Conservation Area Reserve No 416, Glenhaven Road      Proposed Lot 2 in subdivision of Lot 151, DP 869424, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)"



New South Wales

## **Dungog Local Environmental Plan 2006 (Amendment No 6)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N07/00130/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1           Dungog Local Environmental Plan 2006 (Amendment No 6)

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## **Dungog Local Environmental Plan 2006 (Amendment No 6)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Dungog Local Environmental Plan 2006 (Amendment No 6)*.

### **2 Aims of plan**

This plan aims to:

- (a) re-zone most of the land in the Transition 9 (a) Zone under *Dungog Local Environmental Plan 2006* to more appropriate zones to eliminate the need for subsequent spot re-zoning, and
- (b) add the Environmental Living 7 (l) Zone under *Dungog Local Environmental Plan 2006* to existing subdivisions with certain characteristics, and
- (c) clarify the provisions for dwellings and subdivisions on land in the Rural Enterprise 1 (e) and Rural Lifestyle 1 (l) Zones under *Dungog Local Environmental Plan 2006*, and
- (d) provide that home occupations do not require development consent under *Dungog Local Environmental Plan 2006*, and
- (e) specify additional vacant holdings under *Dungog Local Environmental Plan 2006*, and
- (f) specify additional development that may be carried out under *Dungog Local Environmental Plan 2006*, and
- (g) allow dwellings to be constructed on recent subdivisions approved for the purposes of additional development.

### **3 Land to which plan applies**

This plan applies to:

- (a) land situated in the local government area of Dungog as shown edged heavy black and coloured to indicate Rural 1 (a) Zone, Rural Enterprise 1 (e) Zone, Rural Lifestyle 1 (l) Zone, Environment 7 (a) Zone and Environmental Living 7 (l) Zone on

Dungog Local Environmental Plan 2006 (Amendment No 6)

Clause 4

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Sheets 1–6 of the map marked “Dungog Local Environmental Plan 2006 (Amendment No 6)” deposited in the office of Dungog Shire Council, and

- (b) with respect to the aim referred to in clause 2 (e), Lot 6, DP 38581, Lot 41, DP 863190, Lot 2, DP 587599, Lot 254, DP 705956, Lot 144, DP 752497, Lot 118, DP 752497 and Lot 123, DP 1063557, and
- (c) with respect to the aim referred to in clause 2 (f), Lot 383, DP 806712, Lot 1012, DP 590475, Lot 1, DP 770579, Lot 162, DP 1087653, Lot 25, DP 1007844, Lot 1263, DP 1099773 and Lot 65, DP 753216.

**4 Amendment of Dungog Local Environmental Plan 2006**

*Dungog Local Environmental Plan 2006* is amended as set out in Schedule 1.

## Dungog Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendments

**Schedule 1 Amendments**

(Clause 4)

**[1] Clause 20A**

Insert after clause 20:

**20A Environmental Living 7 (l) Zone**

The objectives of Zone 7 (l) are to:

- (a) provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, and
- (b) ensure that residential development does not have an adverse effect on those values.

**[2] Clause 23 General zoning controls**

Insert the second column of the following table in appropriate order by zone number in the Table to the clause:

<b>Development for the purpose of:</b>	<b>7 (l)</b>
Advertisements	c
Agriculture	c
Automotive services	x
Bed and breakfast	c
Camp or caravan sites	c
Commercial premises	x
Community facilities	x
Demolition	c
Dual occupancies	c
Dwelling-houses	c
Employment	x
Farm gate sales	c
Farm-stays	c
Forestry	c
Home employment	c
Institutions	x
Intensive agriculture	x

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<b>Development for the purpose of:</b>	<b>7 (l)</b>
Kiosks	x
Leisure areas	c
Mines	c
Multiple dwellings	x
Recreation areas	c
Recreation facilities	c
Restaurants	x
Shops	x
Tourist facilities	c
Utility installations	c
Veterinary establishments	x

**[3] Clause 23, Table**

Omit “Home employment” from Column 1. Insert instead “Home business”.

**[4] Clause 24 Development without consent**

Insert at the end of clause 24 (c):

, or

(d) a home occupation.

**[5] Clause 26 Environmental protection**

Insert “, 7 (l)” after “, 7 (a)” in clause 26 (1).

**[6] Clause 27 Buildings**

Insert “, 7 (l)” after “, 1 (e)” in clause 27 (4).

**[7] Clause 27 (6)**

Omit the subclause. Insert instead:

- (6) Consent must not be granted to the erection of a dwelling-house on land in Zone 1 (e) or 1 (l) unless it is on a lot:
  - (a) on which there is no dwelling and that has a total area of not less than 8,000 square metres, or
  - (b) created by a subdivision that complies with the provisions of clause 28 (3).



## Dungog Local Environmental Plan 2006 (Amendment No 6)

## Schedule 1 Amendments

**[8] Clause 27 (7) (a)**

Omit “1 July 1999”. Insert instead “6 April 1990.”

**[9] Clause 27 (8)**

Insert after clause 27 (7):

- (8) Consent must not be granted to the erection of a dwelling-house on land in Zone 7 (1) unless it is on a lot on which there is no dwelling-house.

**[10] Clause 28 Subdivision**

Omit clause 28 (3). Insert instead:

- (3) Consent must not be granted for a subdivision of land in Zone 1 (e) or 1 (l) unless:
- (a) the land to be subdivided has a total area of at least 5 hectares, and
  - (b) only one lot to be created for the purposes of a dwelling has an area greater than 5 hectares, and
  - (c) any lot to be created for the purposes of a dwelling that is not connected to a reticulated sewerage system has an area of not less than 8,000 square metres, and
  - (d) any lot to be created for the purposes of a dwelling that is connected to a reticulated sewerage system has an area of not less than 2,000 square metres, unless consent for a dwelling (which conforms to design quality principles approved by the Council) on the site is granted concurrently, and
  - (e) the average area of the lots to be created by the subdivision for the purposes of dwellings (excluding land which, in the opinion of the Council, is unsuitable for development because of flooding) is not less than that specified in Column 2 for the relevant development proposal specified in Column 1 of the Table to this subclause.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Development proposal</b>	<b>Average area of lots</b>
Torrens title subdivision (not including lots within a community title subdivision)	1.5 hectares

Dungog Local Environmental Plan 2006 (Amendment No 6)

Amendments

Schedule 1

Column 1	Column 2
Development proposal	Average area of lots
Lots within a community title subdivision that are connected to a reticulated sewerage system	1 hectare
Lots within a community title subdivision that are not connected to a reticulated sewerage system	1.3 hectares

**[11] Clause 28 (7)**

Insert after clause 28 (6):

- (7) Consent must not be granted for a subdivision of land in Zone 7 (1) where that subdivision will create a lot of land that is able to be used for the purposes of a dwelling unless the lot to be created has an area of at least 5 hectares.

**[12] Schedule 1 Vacant holdings**

Insert in alphabetical order of locality in Columns 1 and 2, respectively:

**East Gresford**

Durham Road Lot 6, DP 38581

**Glen Martin**

11 Horton Close Lot 41, DP 863190

47 Horton Close Lot 2, DP 587599

306 Glen Martin Road Lot 254, DP 705956

**Clarence Town**

117 Cemetery Road Lot 144, DP 752497

**Glen Oak**

Eagleton Road Lot 118, DP 752497

**Vacy**

656 Gresford Road Lot 123, DP 1063557

## Dungog Local Environmental Plan 2006 (Amendment No 6)

## Schedule 1 Amendments

**[13] Schedule 4 Additional development**

Insert in the Schedule:

Column 1	Column 2	Column 3
Land	Development for the purpose of the following:	Conditions
<b>Clarence Town</b>		
788 Limeburner's Creek Road, being Lot 162, DP 1087653, Lot 25, DP 1007844, Lot 1263, DP 1099773 and Lot 65, DP 753216	Subdivision of that part of the land in Zone 1 (l) into not more than 118 lots (exclusive of any community property lot or lots) that do not need to comply with clause 28 (3) (e)	All such lots lie within a community title subdivision, are connected to a reticulated sewerage system and are for the purposes of a dwelling-house or dual occupancy
	Subdivision of that part of the land in Zone 7 (a) into not more than 4 lots	At least 3 such lots are for the purposes of a dwelling-house or dual occupancy, and have an area of at least 4 hectares and not more than 4.5 hectares
<b>Glen Martin</b>		
345 Glen Martin Road, being Lot 383, DP 806712	Dwelling-house or dual occupancy	Nil
<b>Paterson</b>		
14-16 Prince Street, being Lot 1012, DP 590475	Dwelling-house or dual occupancy	Nil
5 Williams Street, being Lot 1, DP 770579	Dwelling-house or dual occupancy	Nil

**[14] Dictionary**

Omit the definition of *home employment*. Insert instead:

*home business* has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**[15] Dictionary**

Insert in alphabetical order:

Dungog Local Environmental Plan 2006 (Amendment No 6)

Amendments

Schedule 1

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*home occupation* has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**[16] Dictionary, definition of “the map”**

Insert in appropriate order:

Dungog Local Environmental Plan 2006 (Amendment No 6)



New South Wales

## **Gosford Local Environmental Plan No 465**

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*. (N99/00257/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 465

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## Gosford Local Environmental Plan No 465

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Gosford Local Environmental Plan No 465*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from being land under *Interim Development Order No 122—Gosford* to partly Zone No 6 (a) Open Space (Recreation) and partly Zone No 9 (c) Restricted Development (Steep Land) under the *Gosford Planning Scheme Ordinance* so as:

- (a) to implement long-term strategic planning for the protection of significant flora, fauna habitats and recreation areas through public ownership, and
- (b) to provide for residential development on that part of the land where such development is environmentally unconstrained.

### 3 Land to which plan applies

This plan applies to part of Lot 263, DP 856708, Singleton Road, Point Clare, as shown coloured dark green and edged heavy black or coloured dark brown, edged heavy black and lettered “9 (c)” on the map marked “Gosford Local Environmental Plan No 465” deposited in the office of the Council of the City of Gosford.

### 4 Amendment of Gosford Planning Scheme Ordinance

The *Gosford Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of *Scheme map* in clause 3 (1) the following words:

Gosford Local Environmental Plan No 465

Gosford Local Environmental Plan No 465

Clause 5

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**5 Amendment of Interim Development Order No 122—Gosford**

*Interim Development Order No 122—Gosford* is amended by inserting at the end of clause 2 (2A) the following words:

Land at Point Clare, being part of Lot 263, DP 856708, Singleton Road, as shown coloured dark green and edged heavy black or coloured dark brown, edged heavy black and lettered “9 (c)” on the map marked “Gosford Local Environmental Plan No 465” deposited in the office of the Council.



New South Wales

## **Great Lakes Local Environmental Plan 1996 (Amendment No 56)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0004766)

KRISTINA KENEALLY, M.P.,  
Minister for Planning



Clause 1            Great Lakes Local Environmental Plan 1996 (Amendment No 56)

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## **Great Lakes Local Environmental Plan 1996 (Amendment No 56)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 56)*.

### **2 Aims of plan**

This plan aims to amend *Great Lakes Local Environmental Plan 1996*:

- (a) to make minor changes to various zoning controls, special provisions and definitions, and
- (b) to rezone certain land and rectify mapping anomalies, and
- (c) to introduce a new zone, namely, Zone B6 Enterprise Corridor, and
- (d) to rezone certain land to the new zone.

### **3 Land to which plan applies**

- (1) In respect of the aims referred to in clause 2 (a) and (c), this plan applies to all land situated in the local government area of Great Lakes.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to certain land as shown edged heavy black on Sheets 1–3 and 5–36 of the map marked “Great Lakes Local Environmental Plan 1996 (Amendment No 56)” deposited in the office of Great Lakes Council.
- (3) In respect of the aim referred to in clause 2 (d), this plan applies to certain land as shown edged heavy black on Sheet 4 of that map.

### **4 Amendment of Great Lakes Local Environmental Plan 1996**

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

Great Lakes Local Environmental Plan 1996 (Amendment No 56)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 7 What zones apply in this plan?**

Insert after the matter relating to Zone No 3 (d) (Special Business Waterfront Zone):

Zone B6 Enterprise Corridor

**[2] Clause 8 Zone objectives and development control table**

Omit “bulky goods salesrooms or showrooms;” from item 4 (What is prohibited?) of the matter relating to Zones No 1 (a), 1 (c), 2 (f) and 7 (c) in the development control table.

Insert instead “bulky goods premises;”.

**[3] Clause 8, development control table**

Omit “; dwelling-houses” from item 2 (What is permitted without development consent?) of the matter relating to Zones No 1 (d), 2, 2 (a), 2 (b), 2 (c) and 2 (f).

**[4] Clause 8, development control table**

Insert “dwelling-houses;” in alphabetical order in item 3 (What is permitted only with development consent?) of the matter relating to Zones No 1 (d), 2 (a), 2 (b) and 2 (c).

**[5] Clause 8, development control table**

Omit “Any development not included in Item 2 or 4” from item 3 (What is permitted only with development consent?) of the matter relating to Zones No 2 and 2 (f).

Insert instead:

Development for the purpose of:

dwelling-houses; any other development not included in Item 2 or 4.

**[6] Clause 8, development control table**

Omit “utility installations.” from item 3 (What is permitted only with development consent?) of the matter relating to Zone No 2 (b).

Insert instead “utility installations; veterinary hospitals.”.

## Great Lakes Local Environmental Plan 1996 (Amendment No 56)

## Schedule 1 Amendments

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**[7] Clause 8, development control table**

Omit “bulky goods salesrooms or showrooms;” from item 3 (What is permitted only with development consent?) of the matter relating to Zone No 3 (d).

Insert instead “bulky goods premises;”.

**[8] Clause 8, development control table**

Insert after the matter relating to Zone No 3 (d) (Special Business Waterfront Zone):

**Zone B6                      Enterprise Corridor****1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to promote businesses along main roads and to encourage a mix of compatible uses, and
- (b) to provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development), and
- (c) to maintain the economic strength of centres by limiting retailing activity, and
- (d) to facilitate the establishment of bulky goods premises which do not adversely impact upon adjoining residential development and are unlikely to prejudice the viability of established commercial and industrial centres.

**2 What is permitted without development consent?**

Development for the purpose of:  
roads.

**3 What is permitted only with development consent?**

Development for the purpose of:

bulky goods premises; business premises; community facilities; hotel or motel accommodation; landscape and garden supplies; light industries; multi dwelling housing; office premises; passenger transport facilities; retail premises; timber and building supplies; warehouse or distribution centres.

Great Lakes Local Environmental Plan 1996 (Amendment No 56)

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#### 4 What is prohibited?

Any development not included in Item 2 or 3.

##### [9] Clause 8, development control table

Omit paragraph (c) from item 1 (What are the objectives of the zone?) of the matter relating to Zone No 6 (a).

Insert instead:

- (c) does not have an unacceptable impact on the amenity of adjoining areas, and
- (d) has been identified in a plan of management for the land adopted by the Council under Part 2 of Chapter 6 of the *Local Government Act 1993*.

##### [10] Clause 8, development control table

Insert "environmental facilities;" in alphabetical order in item 3 (What is permitted only with development consent?) of the matter relating to Zones No 6 (a), 7 (b), 7 (f1) and 7 (f2).

##### [11] Clause 8, development control table

Insert "restaurants;" in alphabetical order in item 3 (What is permitted only with development consent?) of the matter relating to Zone No 6 (a).

##### [12] Clause 15A

Omit the clause. Insert instead:

##### 15A Bushfire hazard reduction

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

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

##### [13] Clause 18

Omit the clause. Insert instead:

##### 18 Multiple dwellings in rural zones

###### Objective of Provision

To enable the erection of 2 attached dwellings on rural properties where the erection of a dwelling is permissible with development consent.

## Great Lakes Local Environmental Plan 1996 (Amendment No 56)

## Schedule 1 Amendments

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**Multiple dwellings in rural areas**

- (1) Despite any other provision of this plan, a person may, with the consent of the Council, on land within Zone No 1 (a), 1 (d), 7 (b) or 7 (c):
  - (a) alter or add to an existing dwelling-house that has been lawfully erected on an allotment so as to create 2 attached dwellings, or
  - (b) erect 2 attached dwellings on an allotment where the erection of a dwelling is permissible with development consent in accordance with clause 19 of this Plan.
- (2) The Council must not grant consent referred to in subclause (1) unless it is satisfied that not more than 2 dwellings will be situated on the allotment after the development has been carried out.

**[14] Clause 37**

Insert after clause 36:

**37 Land reserved or dedicated under the National Parks and Wildlife Act 1974**

Despite the other provisions of this plan, any development authorised by the *National Parks and Wildlife Act 1974* (and any development ordinarily ancillary or incidental to that development) may be carried out, without development consent, on that land to which this plan applies that is reserved or dedicated under that Act.

**[15] Dictionary, definition of "Agriculture"**

Omit the definition. Insert instead:

*Agriculture* means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) cotton cultivation,
- (d) extensive agriculture,
- (e) farm forestry,
- (f) horticulture,
- (g) intensive livestock agriculture,
- (h) rice cultivation,

Great Lakes Local Environmental Plan 1996 (Amendment No 56)

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- 
- (i) turf farming,
  - (j) viticulture.

**[16] Dictionary**

Omit the definition of *Bulky goods salesroom* or *showroom* from the Dictionary.

Insert instead in alphabetical order:

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

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

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



New South Wales

## **Kiama Local Environmental Plan 1996 (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*. (W04/00070)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 Kiama Local Environmental Plan 1996 (Amendment No 61)

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## **Kiama Local Environmental Plan 1996 (Amendment No 61)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 61)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to replace the current series of black and white zoning maps under *Kiama Local Environmental Plan 1996* with a new series of coloured zoning maps, and
- (b) to restrict certain development in Zone No 3 (a) or 3 (d) in the Kiama town centre and in Zone No 3 (a) in the Gerringong town centre, and
- (c) to rezone Lot 11, DP 626845, 1 Allowrie Street, Jamberoo, (the Jamberoo RSL Hall site) to Zone No 3 (a) General Business and ensure that its redevelopment is carried out in a way that protects and enhances the cultural heritage values of the surrounding historic town centre precinct, and
- (d) to rezone part of Lot 2, DP 740400 in Ocean Street, Kiama to Zone No 2 (a) Residential "A" and to restrict further subdivision of, and residential development on, the land.

### **3 Land to which plan applies**

This plan applies to all land to which *Kiama Local Environmental Plan 1996* applies.

### **4 Amendment of Kiama Local Environmental Plan 1996**

*Kiama Local Environmental Plan 1996* is amended as set out in Schedule 1.



Kiama Local Environmental Plan 1996 (Amendment No 61)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Definitions

Omit the definition of *the map* from clause 6 (1). Insert instead:

*the map* means Sheets 1–3 of the map marked “Kiama Local Environmental Plan 1996 (Amendment No 61)”, as amended by the maps (or specified sheets of maps) marked as follows:

Kiama Local Environmental Plan 1996 (Amendment No 61)—  
Sheets 4 and 5

### [2] Clause 8

Omit the clause. Insert instead:

#### 8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is in a zone specified below if the land is shown on the map in the way stated below in relation to that zone.

Zone No 1 (a)	Rural “A”—shown coloured cream and lettered “1 (a)”
Zone No 2 (a)	Residential “A”—shown coloured scarlet and lettered “2 (a)”
Zone No 2 (b)	Residential “B”—shown coloured scarlet and lettered “2 (b)”
Zone No 3 (a)	General Business—shown coloured blue and lettered “3 (a)”
Zone No 3 (b)	Special Business (Heritage)—shown coloured blue and lettered “3 (b)”
Zone No 3 (c)	Neighbourhood Business—shown coloured blue and lettered “3 (c)”
Zone No 3 (d)	Business (Tourist Related)—shown coloured blue and lettered “3 (d)”
Zone No 4 (b)	Extractive Industrial—shown coloured purple and lettered “4 (b)”
Zone No 4 (c)	Light Industrial—shown coloured purple and lettered “4 (c)”

## Kiama Local Environmental Plan 1996 (Amendment No 61)

## Schedule 1 Amendments

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Zone No 5 (a)	Special Uses (Schools, etc)—shown coloured yellow and lettered “5 (a)” and indicating the designated special use
Zone No 5 (b)	Special Uses (Railways)—shown coloured grey and lettered “5 (b)”
Zone No 6 (a)	Existing Recreation—shown coloured green and lettered “6 (a)”
Zone No 6 (b)	Private Recreation—shown coloured green and lettered “6 (b)”
Zone No 6 (c)	Proposed Recreation—shown coloured green and lettered “6 (c)”
Zone No 7 (b)	Rural Environmental Protection (Estuarine Wetlands)—shown coloured orange and lettered “7 (b)”
Zone No 7 (b1)	Rural Environmental Protection (Wetlands Buffer)—shown coloured orange and lettered “7 (b1)”
Zone No 7 (d)	Rural Environmental Protection (Scenic)—shown coloured orange and lettered “7 (d)”
Zone No 7 (e)	Rural Environmental Protection (Hinterland)—shown coloured orange and lettered “7 (e)”
Zone No 7 (f)	Rural Environmental Protection (Foreshore Protection)—shown coloured orange and lettered “7 (f)”
Zone No 7 (l)	Rural Environmental Protection (General)—shown coloured orange and lettered “7 (l)”
Zone No 8 (a)	National Parks—shown coloured white with green hatching and lettered “8 (a)”
Zone No 9 (a)	Proposed Arterial Road—shown coloured grey without lettering

**[3] Clause 20C**

Insert after clause 20B:

**20C Particular development prohibited in Ocean Street, Kiama**

- (1) This clause applies to land in Zone 2 (a) Residential “A” situated in Ocean Street, Kiama, being part of Lot 2, DP 740400.
- (2) Despite any other provision of this plan, development for any of the following purposes is prohibited on the land:

Kiama Local Environmental Plan 1996 (Amendment No 61)

Amendments

Schedule 1

- 
- (a) subdivision (other than for a purpose mentioned in subclause (3)),
  - (b) dual occupancy development (other than a granny flat),
  - (c) integrated housing development,
  - (d) units for aged persons,
  - (e) villa homes and courtyard houses.
- (3) Consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
  - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - (c) a minor alignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
  - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (e) rectifying an encroachment on a lot,
  - (f) creating a public reserve,
  - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

**[4] Clauses 23B and 23C**

Insert after clause 23A:

**23B Restrictions on certain development in Zone No 3 (a) or 3 (d) in the Kiama town centre and Zone No 3 (a) in the Gerringong town centre**

- (1) This clause applies to land in:
  - (a) Zone No 3 (a) or 3 (d) in the Kiama town centre, and
  - (b) Zone No 3 (a) in the Gerringong town centre.
- (2) The Council must not consent to development for the purpose of the erection of a new building or the conversion of an existing building on the land unless:

## Kiama Local Environmental Plan 1996 (Amendment No 61)

## Schedule 1 Amendments

- 
- (a) a significant part of the ground level (excluding any land used to provide vehicular access) will be available for business purposes including any associated business car parking, or
- (b) any associated residential car parking will not be located at the ground level of the building or its curtilage.
- (3) However, the Council may grant consent to such development if it is satisfied that:
- (a) providing residential car parking at a level other than the ground level is impractical because of underlying geological or water table conditions or for civil engineering design reasons, or
- (b) the scale of the proposed development is minor in the context of the remaining part of the land's potential for further development, or
- (c) the development will not inhibit or restrict the future development of the remaining ground level part of the land for business purposes and associated business car parking.
- (4) Before granting consent to development mentioned in subclause (2), the Council must consider if any associated business or residential car parking area is designed in a way that:
- (a) will enable a significant part of the ground level to be used, or to be capable of being used, for business purposes, and
- (b) includes safety design features to protect pedestrians from car movements to and from the land, and
- (c) includes good urban and architectural design outcomes that contribute positively to the town centre streetscape and enhances the attractiveness of the centre as a place to conduct business.
- (5) In this clause:
- dwelling** includes a serviced apartment but excludes a room or suite of rooms in a boarding-house, hotel or motel.
- residential car parking** means car parking required for a dwelling of any type intended for occupation by:
- (a) permanent residents, or
- (b) semi-permanent residents or tenants under rental agreements or leases, or
- (c) tourists, or
- (d) small business operators who may occupy a dwelling for the conduct of their business.

Kiama Local Environmental Plan 1996 (Amendment No 61)

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Schedule 1

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**23C Development on Lot 11, DP 626845, 1 Allowrie Street, Jamberoo (the Jamberoo RSL Hall site)**

- (1) This clause applies to development for any of the following purposes on Lot 11, DP 626845, 1 Allowrie Street, Jamberoo (the Jamberoo RSL Hall site):
  - (a) any alteration or addition to the existing RSL Hall building other than of a minor nature that does not impact on the Allowrie Street streetscape, the adjoining heritage item known as “Fredericks Store” or Reid Park,
  - (b) the erection of a building to replace the existing RSL Hall building, including any subsequent addition or alteration to the replacement building,
  - (c) any other form of development that is not routine maintenance or repairs.
- (2) Despite any other provision of this plan, the Council must not consent to the development unless:
  - (a) it has considered a heritage impact assessment report, prepared by a qualified heritage consultant, submitted with the development application, and
  - (b) it is satisfied the design of the development:
    - (i) is in keeping with heritage conservation design guidelines in the report, and
    - (ii) has been prepared by a person with recognised heritage design skills, and
    - (iii) will achieve the aims mentioned in subclause (3).
- (3) The report must provide heritage conservation design guidelines that, if followed, will protect:
  - (a) the historic streetscape in the vicinity of the land, including “Fredericks Store” and other nearby historic buildings, and
  - (b) the visual built landscape, in particular building facades or structures on the RSL Hall site, as viewed from Reid Park.



New South Wales

## **Pittwater Local Environmental Plan 1993 (Amendment No 89)**

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*. (S08/00603/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 Pittwater Local Environmental Plan 1993 (Amendment No 89)

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## **Pittwater Local Environmental Plan 1993 (Amendment No 89)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 89)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 1 (b) (Non-urban “B”) to Zone No 3 (e) (Office Business “E”) under *Pittwater Local Environmental Plan 1993*, and
- (b) to permit commercial/industrial premises on the land, and
- (c) to provide opportunity for employment-generating development.

### **3 Land to which plan applies**

This plan applies to land within the local government area of Pittwater, being Lot 17, DP 5055 (2 Daydream Street, Warriewood) and Lot 18, DP 659518 (96 Mona Vale Road, Warriewood), as shown edged heavy black on the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 89)—Sheet 1” deposited in the office of Pittwater Council.

### **4 Amendment of Pittwater Local Environmental Plan 1993**

*Pittwater Local Environmental Plan 1993* is amended as set out in Schedule 1.

Pittwater Local Environmental Plan 1993 (Amendment No 89)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 5 Interpretation**

Insert in appropriate order in the definition of *the Zoning Map* in clause 5 (1):

Pittwater Local Environmental Plan 1993 (Amendment No 89)—  
Sheet 2

**[2] Clause 30B Development of UDP land in Warriewood Valley**

Insert at the end of clause 30B (1B):

Land at Warriewood within Sector 7 of the Warriewood Valley Urban Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 89)”





New South Wales

## **Singleton Local Environmental Plan 1996 (Amendment No 45)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0000326-3)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

Clause 1 Singleton Local Environmental Plan 1996 (Amendment No 45)

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## Singleton Local Environmental Plan 1996 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No 45)*.

### 2 Aims of plan

The aims of this plan are as follows:

- (a) to introduce a new zone (Zone 4 (b) (Heavy Industrial Zone)):
  - (i) to provide principally for heavy industrial development, and
  - (ii) to separate incompatible uses, and
  - (iii) to maximise efficiency in providing utility, transport and other services,
- (b) to enable the development of a major industrial estate (the Whittingham Industrial Estate) by rezoning certain land principally for heavy industrial development and environmental conservation purposes,
- (c) to direct the development of land for urban purposes to ensure sensitivity to physical, social and natural environmental values, and environmental heritage,
- (d) to achieve ecological sustainability by the harmonious integration of the natural and the developed landscape,
- (e) to provide controls for industrial development and protect the environment,
- (f) to provide controls for the protection of potentially significant ecological areas in certain parts of the land to which this plan applies,
- (g) to prohibit development for the purposes of bulky goods premises, as defined by the *Standard Instrument (Local Environmental Plans) Order 2006*, on land proposed to be in Zone 4 (b) (Heavy Industrial Zone),

Singleton Local Environmental Plan 1996 (Amendment No 45)

Clause 3

- 
- (h) to prohibit development for the purposes of neighbourhood shops, as defined by the *Standard Instrument (Local Environmental Plans) Order 2006*, on land proposed to be in Zone 4 (b) (Heavy Industrial Zone).

**3 Land to which plan applies**

This plan applies to the Whittingham Industrial Estate, being Lot 1, DP 33992, Bell Road, Belford and Lot 4, DP 621020, Lot 1, DP 653039, Lot 2, DP 86239 and Lot 1, DP 806861, New England Highway, Whittingham, as shown edged heavy black on the map marked "Singleton Local Environmental Plan 1996 (Amendment No 45)", deposited in the office of Singleton Council.

**4 Amendment of Singleton Local Environmental Plan 1996**

*Singleton Local Environmental Plan 1996* is amended as set out in Schedule 1.

Singleton Local Environmental Plan 1996 (Amendment No 45)

Schedule 1 Amendments

---

## Schedule 1 Amendments

(Clause 4)

**[1] Clause 9 How are terms defined in this plan?**

Insert in appropriate order in the definition of *the map* in clause 9 (1):

Singleton Local Environmental Plan 1996 (Amendment No 45)

**[2] Clause 14B**

Insert after clause 14A:

**14B Development in the Whittingham Industrial Estate**

**(1) Application**

This clause applies to land in Whittingham Industrial Estate, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

**(2) Objectives**

The objectives of this clause are:

- (a) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in Whittingham Industrial Estate to satisfy needs that arise from development on the land, but only if the land is developed intensively, and
- (b) to ensure that development on land in Whittingham Industrial Estate occurs in a logical and cost-effective manner, in accordance with a staging plan, and only after a development control plan including specific controls has been prepared for the land.

**(3) Restrictions on subdivision of land**

Development consent must not be granted for the subdivision of land in Whittingham Industrial Estate if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of this clause, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

Singleton Local Environmental Plan 1996 (Amendment No 45)

Amendments

Schedule 1

- 
- (4) Subclause (3) does not apply to:
- (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (3) applies.
- (6) **Public utility infrastructure arrangements**
- Development consent must not be granted for development on land in Whittingham Industrial Estate unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (8) **Development control plan required**
- Development consent must not be granted for development on land in Whittingham Industrial Estate unless a development control plan that provides for the matters specified in subclause (9) has been prepared for the land.
- (9) The development control plan must provide for all of the following:
- (a) a staging plan for the timely and efficient release of land making provision for necessary infrastructure and sequencing, including a detailed water and sewer servicing plan,
  - (b) appropriate controls to ensure that the site is developed principally for heavier industrial uses, and uses requiring large lot area or significant areas for separation and buffering purposes,
  - (c) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a

## Singleton Local Environmental Plan 1996 (Amendment No 45)

## Schedule 1 Amendments

- 
- simple and safe movement system for private vehicles and public transport (including rail access), pedestrians and cyclists,
- (d) future rail access including appropriate controls to ensure that future development does not hinder the future provision of rail access,
  - (e) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (f) stormwater and water quality management controls,
  - (g) amelioration of natural and environmental hazards, including bushfire, flooding, land slip and erosion, and potential site contamination,
  - (h) detailed urban design controls for significant development sites,
  - (i) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,
  - (j) measures to conserve identified European and Aboriginal heritage.
- (10) Subclause (8) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if the lot that is proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone within which the land is situated.
- (11) **Generally**
- A provision of this clause prevails over any other provision of this plan to the extent of any inconsistency.

Singleton Local Environmental Plan 1996 (Amendment No 45)

Amendments

Schedule 1

(12) In this clause:

*designated State public infrastructure* means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

*public utility infrastructure*, in relation to Whittingham Industrial Estate, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

*Whittingham Industrial Estate* means Lot 1, DP 33992, Bell Road, Belford and Lot 4, DP 621020, Lot 1, DP 653039, Lot 2, DP 86239 and Lot 1, DP 806861, New England Highway, Whittingham, as shown edged heavy black on the map marked "Singleton Local Environmental Plan 1996 (Amendment No 45)", deposited in the office of Singleton Council.

**[3] Clause 15 What zones apply in this plan?**

Insert after the matter relating to Zone 4 (Industrial Zone):

Zone 4 (b) (Heavy Industrial Zone)—identified by heavy black edging and lettered "4 (b)".

**[4] Part 5 Commercial and Industrial Development**

Insert after the matter relating to Zone 4 (Industrial Zone) in the Industrial Zoning Table:

**Zone 4 (b) (Heavy Industrial Zone)**

**1 Objectives of zone**

- (a) to provide suitable areas for those industries that need to be separated from other land uses,
- (b) to encourage employment opportunities,

## Singleton Local Environmental Plan 1996 (Amendment No 45)

## Schedule 1 Amendments

- 
- (c) to minimise any adverse effect of heavy industry on other land uses,
  - (d) to facilitate opportunities for a wide range of industrial and similar land uses that complement, support or service the intended predominant heavy industrial function of the zone.

**2 Without development consent**

Exempt development.

**3 Only with development consent**

Development not included in item 2 or 4.

**4 Prohibited**

Development for the purposes of:

agriculture; bulky goods premises (as defined in the *Standard Instrument (Local Environmental Plans) Order 2006*); business premises; caravan parks; child care centres; clubs; dwellings (other than those used in conjunction with industry); educational establishments; farmstay; hospitals; hotels; housing for aged or disabled persons; motels; places of assembly; places of public worship; professional and commercial chambers; professional consulting rooms; residential flat buildings; retail plant nurseries; roadside stalls; shops (other than neighbourhood shops as defined in the *Standard Instrument (Local Environmental Plans) Order 2006*); tourist facilities.



**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 Strathfield

THE Minister administering the Environmental Planning and Assessment Act 1979 declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Environmental Planning and Assessment Act 1979.

Dated at Sydney this 26th day of March 2008.

By Her Excellency's Command

FRANK SARTOR, M.P.,  
Minister for Planning

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**SCHEDULE**

(1) ALL that piece or parcel of land situated in the Local Government Area of Strathfield, Parish of Bankstown, County of Cumberland being Lot 1 DP1087469 & Lot 2 DP1087469 off Madeline Street South Strathfield (folios not yet issued) and said to be in the ownership of the Crown.

and

(2) ALL that piece or parcel of land situated in the Local Government Area of Strathfield, Parish of Bankstown, County of Cumberland being Lot 100 DP1058394 off Madeline Street South Strathfield and being the land comprised in Folio Identifier 100/1058394 excepting thereout the easement shown on dealing No. AA224530 and said to be in the ownership of The State of New South Wales.



NSW GOVERNMENT  
**Department of Planning**

# DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS – INTERIM GUIDELINE



Development Near Rail Corridors and Busy Roads – Interim Guideline  
ISBN 978-0-7347-5504-9  
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Department of Planning 2008  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)  
DoP 08\_048

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# Part A: Introduction

## 1 Introduction

### 1.1 OVERVIEW

Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. In addition, major roads can impact on air quality due to the volume of traffic they carry.

An aim of the Guideline is to assist in reducing the health impacts of rail and road noise and adverse air quality on sensitive adjacent development.

Development near rail corridors and busy roads can impact on the structural integrity of the transport infrastructure and its engineered structures. Poorly designed and implemented earthworks can cause subsidence, deterioration of existing structures, alter existing loading profiles on tunnels and other engineered features and, in a worse case scenario, cause structural failures and collapse. For electric railways there are significant additional safety issues associated with risks of electrocution as well as risks related to the accelerated corrosive effects of electrolysis on metal surfaces.

The Guideline assists in the planning, design and assessment of development in, or adjacent to, rail corridors and busy roads.

It supports specific rail and road provisions of the State Environmental Planning Policy (Infrastructure) 2007 (the 'Infrastructure SEPP'). The key objectives of these provisions are to:

- protect the safety and integrity of key transport infrastructure from adjacent development; and
- ensure that adjacent development achieves an appropriate acoustic amenity by meeting the internal noise criteria specified in the Infrastructure SEPP.

### 1.2 APPLICATION OF THE GUIDELINE AND ITS RELATIONSHIP TO THE INFRASTRUCTURE SEPP

The Infrastructure SEPP commenced on 1 January 2008 to facilitate the effective delivery of infrastructure across the State. One of the aims of the Infrastructure SEPP is to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure.

More specifically, the Infrastructure SEPP refers to guidelines which must be taken into account where development is proposed in, or adjacent to, specific roads and railway corridors under clauses 85, 86, 87, 102 and 103 (see page 2). This Guideline fulfils that purpose. For certain development near rail corridors, the Infrastructure SEPP also prescribes a requirement for concurrence from the rail authority, including specific matters that it must take into account before deciding whether to provide concurrence.



### Infrastructure SEPP

***These guidelines must be taken into account for development under the following clauses (refer to SEPP for detail):***

#### **Clauses: Rail corridors**

**Clause 85:** any development on land that is in or immediately adjacent to a rail corridor, if the development is:

- a) likely to have an adverse effect on rail safety;
- b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or;
- c) involves the use of a crane in air space above any rail corridor.

**Clause 86:** any development (other than development to which clause 88 of the Infrastructure SEPP applies) that involves the penetration of the ground to a depth of at least 2m below ground level (existing) on land that is:

- a) within or above a rail corridor; or
- b) within 25m (measured horizontally) of a rail corridor; or
- c) within 25m (measured horizontally) of the ground directly above an underground rail corridor

*Note: the consent authority must not grant consent without consulting with the rail authority and obtaining concurrence consistent with clauses 86(2)–(5)*

#### **Clause 87\*:**

- Development for any of the following purposes that is on land that is in or immediately adjacent to a rail corridor and the consent authority considers development is likely to be adversely affected by rail noise or vibration:
  - building for residential use
  - a place of public worship
  - a hospital
  - an educational establishment or childcare centre

#### **Clauses: Road Corridors**

**Clause 102:** development for any of the following purposes that is on land in or adjacent to a road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data available on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- building for residential use
- a place of public worship
- a hospital
- an educational establishment or childcare centre

**Clause 103:** any development which involves penetration of the ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of roads or road projects as specified in schedule 2 of the SEPP.

#### **\*For Clauses 87 (Rail) and 102 (Road):**

- If the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures will be taken to ensure that the following  $LA_{eq}$  levels are not exceeded:
  - in any bedroom in the building : 35dB(A) at any time 10pm–7am
  - anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

***In other circumstances (eg. development adjacent to a road with an annual average daily traffic volume of 20,000–40,000 vehicles) these guidelines provide best practice advice.***



### 1.3 WHAT DEVELOPMENT DOES THE GUIDELINE APPLY TO?

The Guideline is primarily for consent/approval authorities and proponents (both private and public) and for their designers, architects, project managers, engineers and contractors involved with new residential and other developments alongside railway corridors and busy roads.

The *Guideline* applies to development adjacent to rail corridors and busy roads. While consideration of the Guideline is a requirement for development specified under the *Infrastructure SEPP* it can also provide a useful guide for all development that may be impacted by, or may impact on, rail corridors or busy roads:

**Busy road:** defined as

- **Roads specified in Clause 102** of the *Infrastructure SEPP*: a freeway, tollway or a transitway or any other road with an average annual traffic (AADT) volume of more than 40,000 vehicles (based on the traffic volume data provided on the website of the RTA).
- **Any other road** – with an average annual daily traffic (AADT) volume of more than 20,000 vehicles (based on the traffic volume data published on the website of the RTA)
- **Any other road** – with a high level of truck movements or bus traffic.

**Rail corridor:** as defined by clause 78 of the *Infrastructure SEPP*.

- Land that is owned, leased managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or
- Land that is zoned under an environmental planning instrument predominantly or solely for the development for purpose of a railway or rail infrastructure facilities, or
- Land in respect of which the Minister has granted approval under Part 3A or (before its repeal) Division 4 of Part 5 of the Act for the carrying out of development (or for a concept plan for a project comprising or including development) for the purpose of a railway or rail infrastructure facilities.

#### Structure of the Guideline

**Part A Introduction:** (Section 1 – this section) includes the purpose and aim of the guideline and a discussion on the relationship of the *Guideline* to the *Infrastructure SEPP*.

**Part B Strategic planning context:** (Section 2) contains general guidance for council strategic planning purposes, and also for other government agencies or private proponents investigating possible locations for residential development, places of worship, hospitals, child care centres and schools. It also provides guidance on site selection to reduce or avoid the need for mitigation measures.

**Part C Potential impacts of roads and railways on adjacent development:** contains information on development that may be impacted by rail corridors and busy roads.

- It applies specifically to new residential and other sensitive developments (or replacement or alterations and additions that require development approval) such as single/dual occupancy and multi-unit dwellings (including residential aged-care facilities), places of public worship, hospitals and educational establishments (including schools and child care centres).
- It addresses specific *Infrastructure SEPP* requirements for noise and vibration (Section 3) (refer to *Infrastructure SEPP* for specific clauses 87, 102), and also provides information on air quality specific to roads (Section 4).

**Part D Potential impacts of adjacent development on roads and railways:** contains information on development that may impact on rail corridors and busy roads.

- It applies to any development that could have an adverse effect on the safety and/or integrity of the road or rail infrastructure. There are many inherent dangers or risks associated with working within a rail or busy road corridor including safety and signalling systems, high voltage cables and overhead wiring, and movements of heavy vehicles.
- It addresses specific *Infrastructure SEPP* requirements about safety and design (Section 5) and excavation and other earthworks (Section 6) (refer to *Infrastructure SEPP* for specific clauses 85, 86, 103).

**Appendices** are also attached and are referred to at relevant points throughout the document and contain more detailed or specific information.



**Checklist**

Section	Title	When is this section relevant?
1	Introduction	Provides an overview of why the Guidelines are relevant and to which development they specifically apply
2	Linkages with the government's strategic landuse planning initiatives	Contains general guidance for council strategic planning, and for government or non-government proponents investigating potential development locations
3	Noise and vibration	When considering whether an acoustic assessment is required and whether noise and vibration mitigation measures are needed
4	Air quality	When considering how to address air quality issues for development near rail corridors and busy roads
5	Safety and design issues	When considering specific safety and design issues for development near rail corridors and busy roads
6	Excavation, earthworks and other construction related issues	When considering any excavation, earthworks, demolition or construction near rail corridors and busy roads

Appendix	Title	What does this Appendix do?
A	Sample Rail Corridor conditions	Provides examples of conditions of consent that may apply to development near or within the rail corridor
B	Acoustic planning measures	Demonstrates the level of noise reduction that can be achieved by acoustically planned dwellings
C	Acoustic treatment of residences	Explains the 'deemed to comply' dwelling construction for each category of noise treatment
D	Acoustic consultant reports: methodology for testing and compliance reporting	Outlines what needs to be included in an acoustic assessment and an acoustic assessment report

# Part B: Strategic planning context

*This Part of the Guideline contains guidance for council strategic planning purposes, and also for other government agencies or private proponents investigating possible locations for development*

## 2 Linkages with the government's strategic landuse planning initiatives

### 2.1 OVERVIEW

The *Guideline* links with key strategic planning documents and a number of initiatives, and is expected to contribute to meeting objectives and priorities in the *State Plan – A New Direction for NSW* (The State Plan). The State Plan defines overarching goals and outcomes that the government considers should shape public policy for the next 10 years.

#### **Meeting State Plan objectives and priorities:**

##### *Delivering better services*

- S6 – Increasing share of peak hour journeys on a safe and reliable public transport system
- S7 – safer roads

##### *Environment for living*

- E3 – cleaner air and progress on greenhouse gas emissions
- E5 – improved urban environment with jobs closer to home.
- E7 – improving the efficiency of the road network

An important feature of strategic planning is the integration of land uses and transport, with a key principle of locating activities, jobs and services in accessible locations close to public transport. Locating new housing and jobs in or near centres will also help reduce the distances people travel and provide additional opportunities for using more sustainable modes of transport such as walking, cycling and public transport.

As part of taking a strategic planning approach, noise and air quality issues should be considered at the strategic level to avoid or minimise the need to address them at the site specific stage. For example, site selection and consideration of site layout and urban form can assist in reducing adverse health impacts from motor vehicle emissions. Similarly considering traffic noise issues upfront at the site selection and design stage is essential for residential, hospitals, childcare centres, schools, places of worship and other sensitive development.

The land use strategies for transport corridors and centres are all important components of the Government's suite of planning initiatives to meet the priorities in the State Plan, including:

- providing places and locations for services, commercial and business activities and a range of other employment and economic activity
- increasing densities and clustering business and other activities in strategic centres
- increasing public transport use and improving liveability.

**2.2 TRANSPORT CORRIDORS IN THE URBAN CONTEXT**

Residential development often occurs along busy roads. In some cases, it is historical, the houses were there when the road was a minor road, things changed and now the road is a major arterial road servicing the area or region. In other cases, it may have been developed there because of the demand for housing close to a centre, services or public transport. In other cases, it may have been the low land costs which attracted the development. In all cases, the quality of life of the residents can be adversely affected unless appropriate site layout, design or other mitigation measures to minimise noise and air quality impacts have been integrated into the development.

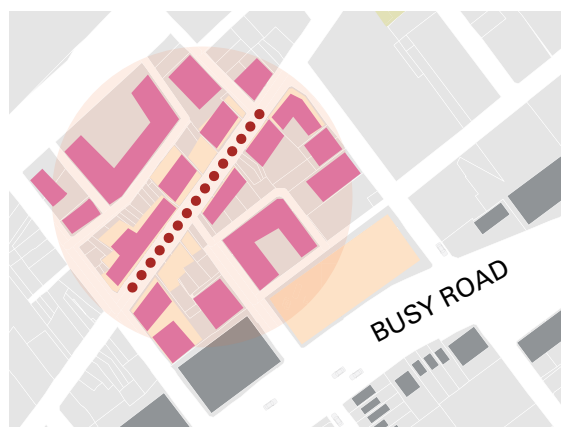
There are a number of other planning considerations relevant to development along busy roads that also need to be considered such as:

- overall visual amenity and
- the design of parking, including the use of slip roads, rear lanes and shared access ways to car parks.

Shops, warehouses and showrooms can often provide a valuable buffer between the busy road and adjacent residential and other noise and air sensitive uses. As a result, it is preferable if residential uses are not carried out along a busy road unless it is part of a development which includes adequate noise and air quality mitigation.

It is also important that centres are developed in a manner that minimises adverse noise and air pollution while also meeting the other objectives for these centres. **Figures 2.1 to 2.2** illustrate how centres near busy roads can be designed to avoid adverse noise and air quality impacts on nearby residential and other noise-sensitive development.

Where communities are already divided by a busy road (**figure 2.2**), it may be preferable to develop two separate centres. This can be a positive outcome with both centres evolving their own identity and level of self-sufficiency. Whether one centre or two, they benefit from improved liveability and amenity.



**Figure 2.1:** An example of a centre on a parallel street near a major traffic route. The “main street” of the centre is on a secondary street rather than the busy road has the potential for a more liveable centre.



**Figure 2.2:** Village evolving into two centres

A ring road network which encircles a centre can take traffic pressure off the main business district. Examples include ring roads at Maitland, Bondi Junction and Blacktown. Bypasses can perform a similar function in rural areas. The reduction in through-traffic and particularly heavy vehicles makes a more pedestrian friendly environment with benefits for noise amenity, air quality and safety.

### 2.3 LANDUSE NEAR RAILWAY STATIONS

With increasing residential densities and business activities near rail corridors, there is a growing need to better integrate landuse and transport. This particularly applies to major development near railway stations.

Locating affordable housing and concentrating business activities near stations improves accessibility and opportunities for increased rail patronage. This is particularly the case where the housing or business is within easy walking distance

from the station. Where there are transport nodes such as Chatswood or Bondi Junction, there are also benefits from bus/rail interchanges which contribute to increases in overall public transport use.

Where major developments are proposed near railway stations, proponents are encouraged to consult with councils, rail authorities and the Department of Planning early in the development process. There may be opportunities for the promotion of public transport use through, for example, the provision of commuter parking spaces near the station and, at the same time, through upgrades to railway station facilities to accommodate expected increases in rail patronage.

Similarly, where upgrades to rail infrastructure (particularly stations) are planned by State transport agencies, this may provide opportunities for new developments near rail stations which better link with the developments with the public transport network.

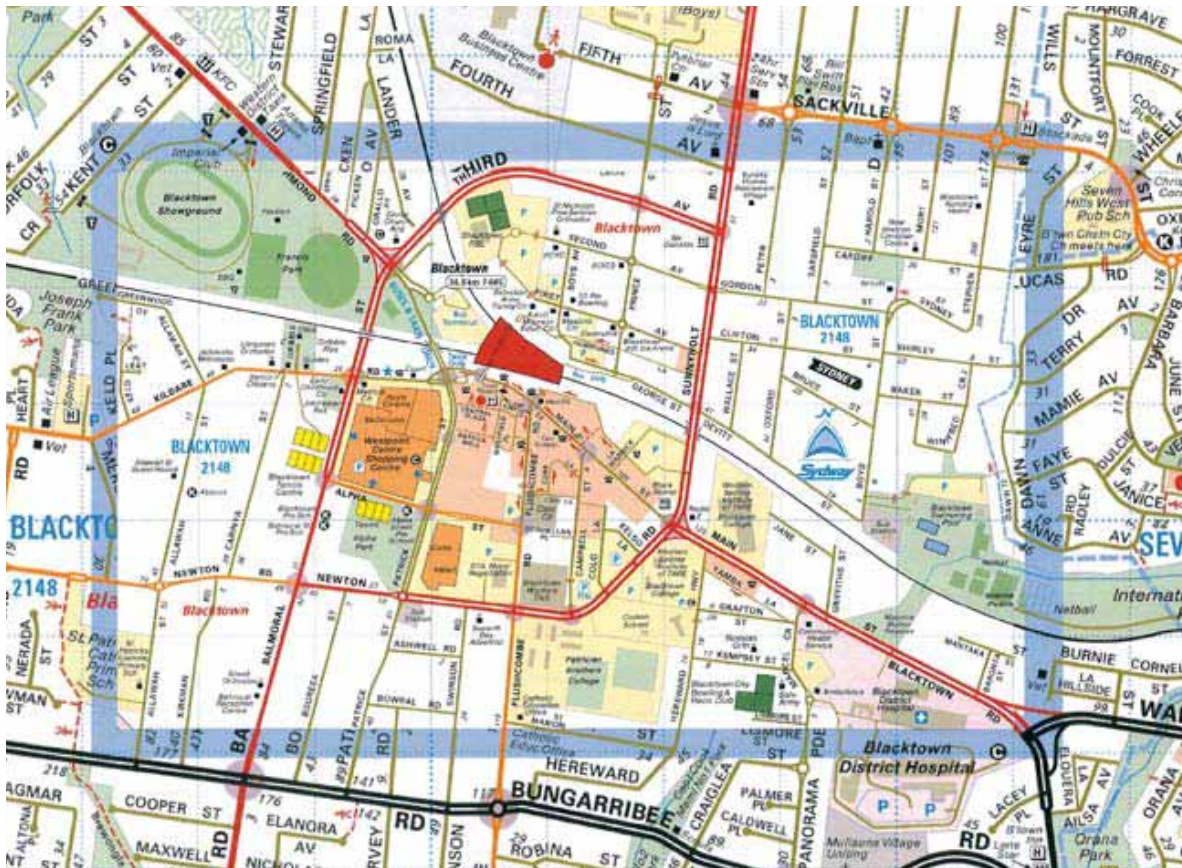


Figure 2.3: Ring road at Blacktown

## 2.4 SITE SELECTION FOR SENSITIVE DEVELOPMENT

Strategic planning should ensure that residential and other sensitive developments are sited so that the direct impacts of rail corridors and busy roads can be avoided or appropriately managed. By following the strategic planning and design recommendations in this Guideline, the need for mitigation measures at the site planning or building construction stage can be reduced or avoided all together.

### Benefits of siting new housing near existing or new centres and rail stations:

- Increased ability to access shops, schools and other services by walking, cycling or using public transport
- Improved environmental, health and social benefits from lower car use
- Improved local planning outcomes with additional housing choice and diversity.

## 2.4.1 HOUSING

The need to provide environmentally sustainable and affordable housing for a growing population with smaller household sizes will require renewal of existing urban areas.

This should only occur where adverse noise and air quality impacts of the road can be minimised and good quality high amenity residential developments are created.

Ideally, new housing should be located near a centre, within walking distance of frequent public transport and away from direct traffic and adverse noise levels.



## 2.4.2 EDUCATIONAL ESTABLISHMENTS AND CHILD CARE CENTRES

Strategic site selection from the perspective of road and rail corridors for schools and childcare centres is particularly important as young people are generally more sensitive to the effects of noise and adverse air quality than adults. In addition, very young children and babies are more sensitive to these effects than older children. The childcare day often extends beyond the typical school day to include both morning and afternoon peak hour traffic, making childcare centres particularly vulnerable to adverse noise and air quality effects.

Where new schools and childcare centres are being considered, the design should ensure that there is sufficient separation from 'busy' roads and rail corridors to avoid adverse noise and air quality impacts.

The following diagram illustrates how the strategic location of schools and child care centres can avoid adverse noise and air quality impacts from 'busy' roads.

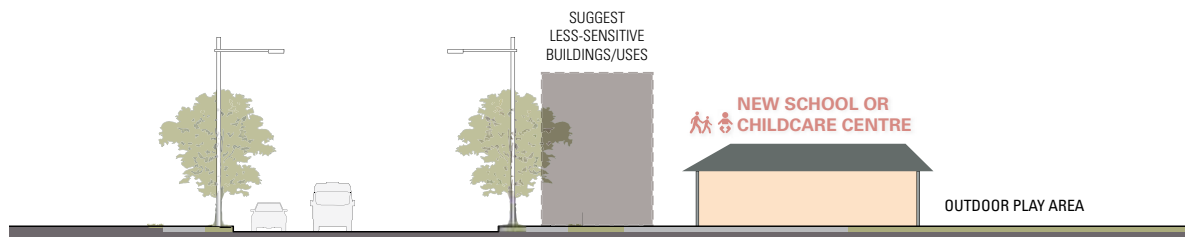


Figure 2.6: Suggested layout configuration for new childcare centres and schools

### Measures to avoid, reduce or mitigate noise and air quality impacts at schools and child care centres include:

- Redesigning or relocating buildings to locate non-sensitive services like storage, bathrooms and carparking in areas subject to noise and air pollution sources
- Creating courtyards or play areas that are protected from noise and adverse air quality by buildings
- Where sufficient land is available, selling some of the road frontage area to enable it to be used for less sensitive land uses, such as shops or businesses
- Constructing solid noise wall barriers along the road frontage, taking into consideration any impacts on amenity, solar access, vegetation and safety.

**2.4.3 OTHER SENSITIVE USES SUCH AS HOSPITALS, SENIORS HOUSING AND PLACES OF WORSHIP**

Other sensitive uses such as hospitals, seniors housing or places of worship should be located to ensure that vulnerable patients, the elderly or people engaged in religious activities are not placed in areas subject to adverse noise and air quality impacts.

Modern hospitals are usually constructed so not to be sensitive to adverse noise and air pollution as they are usually sealed buildings which have been designed to ensure that internal conditions

are suitable for patients. Efficient ambulance access to the road network is very important, often requiring links to a busy road. However, where a hospital is to be naturally ventilated with windows that open and has balcony/outdoor areas, the site layout should ensure that the areas used by patients are suitably separated from rail corridors and busy roads or incorporate design features that mitigate noise and air pollution to acceptable levels.

Similarly, seniors housing or places of worship should be located so as to minimise the effects of adverse noise and air quality on occupants.



Figure 2.7: Suggested layout arrangement for hospitals

# PART C: Development impacted by rail corridors and busy roads

*This Part contains information on development impacted by rail corridors and busy roads. It addresses the specific Infrastructure SEPP requirements for noise and vibration (Section 3) and provides additional information on air quality (Section 4).*

## 3 Noise and vibration

### 3.1 INTRODUCTION

Rail operations and busy roads generate noise and vibration.

This Guideline establishes triggers and a process to assess project specific noise levels for residential and other sensitive users as identified in the Infrastructure SEPP. By implementing the Guideline, it is anticipated that an appropriate acoustic amenity can be achieved for development near transport corridors, particularly residential development and other noise sensitive land uses. There may be instances, however, where the proponent or homeowner may choose to have an even greater level of acoustic amenity is required. In these cases, additional acoustic design or mitigation measures may be implemented.

### 3.2 HEALTH IMPLICATIONS OF ADVERSE NOISE LEVELS

Adverse levels of noise, whether the source is road or rail, rarely causes damage to hearing, but rather has psychological and physiological effects such as fatigue due to sleep deprivation. Although the research into the effects of noise on sleep is limited with varying results, it is generally considered that noise may interfere with sleep in a number of ways:

- awakening – it can cause a person to awaken repeatedly, resulting in poor sleep quality as well as other impacts
- alter sleep pattern – noise may cause sleep to change from heavier to lighter sleep
- reduce the percentage and total time in rapid eye movement (REM) sleep
- affect slow wave sleep
- increase body movement
- change cardio vascular responses

These changes can affect mood and performance the next day and may have longer term effects. This is particularly the case for sensitive groups such as young children where it can decrease their ability to learn and can impact on long-term health. The effects of high levels of noise on child cognition can include:

- reduced attention span;
- difficulties in concentrating;
- poorer discrimination and perception of speech;
- poorer memory of complex spoken information; and
- poorer reading ability and school performance.

#### Reference sources:

**Infrastructure SEPP:** rail/road internal residential noise criteria – refer cl. 87,102 of SEPP and Table 3.1 later in this Guide.

**Interim Guidelines for the Assessment of Noise from Rail Infrastructure Projects (DECC 2007):** describes the process for the assessment of potential noise impacts associated with new rail developments.

**Assessing Vibration: a technical guideline (DECC 2008):** describes the process of assessing vibration.

**Environmental Criteria for Road Traffic Noise (ECRTN) (EPA 1999):** currently under review – contains non-mandatory road traffic noise criteria for residential land use and other sensitive land uses. The Guideline has been developed, partly based on some of the criteria in that document. The ECRTN contains other non-mandatory road traffic noise level criteria that apply to such matters as passive recreation in school grounds. The relevance of these other criteria should be considered when developing plans or assessing development proposals.



### 3.3 WHEN IS NOISE AND VIBRATION LIKELY TO BE AN ISSUE

The impact of noise and vibration from road or rail infrastructure can vary considerably depending on site characteristics and layout, as well as surrounding geography and land use.

The impact from railway operations depends on a range of factors including train type and speed, operational practices, wheel maintenance, line maintenance, the extent of shielding or noise barriers, the location of certain rail infrastructure such as cross overs and steel bridges and proximity and design of adjoining development. Other areas of rail operations, such as train stabling locations, maintenance yards and depots also have the potential to result in noise and vibration impacts.

The level of traffic noise from a road is directly related to the volume, type and speed of traffic, distance (unobstructed) from a road and the type of ground cover or road surface. The influence of ground cover on noise level increases with distance from the road. Traffic noise should not exceed the noise levels recommended in the ECRTN.

At a traffic volume of 40,000 Annual Average Daily Traffic (AADT) and a speed of 70 kilometres per hour, noise levels in excess of the noise level targets in the ECRTN occur at distances out to around 100 metres from a roadway where there are no intervening structures and where the ground cover is lawn, gardens, pastures, bushland or similar. Under this Guideline only those new residential and noise sensitive building developments with a clear line-of-sight to the road traffic need to be assessed for noise mitigation measures.

### 3.4 WHAT NOISE AND VIBRATION CONCEPTS ARE RELEVANT?

The following definitions aim to assist the understanding of key technical terms relating to noise and vibration.

#### Airborne noise

Most noise is termed airborne noise, indicating that it propagates between the source and receiver primarily through the air.

Noise or sound consists of minute fluctuations in atmospheric pressure capable of detection by human hearing. Noise levels are expressed in terms of decibels, abbreviated dB or dB(A), the A indicating that the noise levels have been weighted to approximate the characteristics of normal human hearing. Because noise is measured using a logarithmic scale, 'normal' arithmetic does not apply, eg. adding two sources of sound of an equal value results in an increase of 3dB (ie. 60dB(A) plus 60dB(A) results in 63dB(A)). A change of 1 dB or 2 dB in the level of a sound is difficult for most people to detect, whilst a 3dB–5dB change corresponds to a small but noticeable change in loudness. A 10dB change roughly corresponds to a doubling or halving in loudness.

#### Ground-borne noise

Ground-borne noise propagates through the ground as vibration and is then radiated as noise by vibrating wall and floor surfaces. The ISO Standard 14837 *Mechanical vibration – Ground-borne noise and vibration arising from rail systems* defines ground borne noise as noise generated inside a building by ground-borne vibration generated from the pass-by of rolling stock on rail.

This noise has a rumbling character, which has been likened to the sound of distant rolling thunder. It is normally noticeable only in areas that are well protected from airborne noise, such as buildings adjacent to railway tunnels. Ground-borne noise is also often referred to as 'regenerated' noise.

Background noise levels and other ambient noise are important factors in determining whether ground-borne noise will affect amenity. A high background noise generally masks other noises.

#### Noise measurements are usually averaged over a period.

- Leq is termed the equivalent continuous level as the averaging process involves smoothing out fluctuations in the level of noise.
- LAeq(15h) refers to the LAeq evaluated over a fifteen-hour period between 7am and 10pm.
- LAeq (9h) refers to the LAeq evaluated over a nine-hour period between 10pm and 7am
- In the case of the LAeq (1h) descriptor, the highest 10th-percentile hourly A-weighted Leq noise level applies when the particular class of building/place is in use.
- LAm<sub>ax</sub> – refers to the maximum noise level occurring during a measurement period.

For an Leq based on averaging a number of noise events (such as rail passbys) an increase of 2dB is equivalent to:

- increasing the number of passbys by 60 percent, or
- reducing the distance between the railway and receptor by 40 percent (eg: from 25 metres to 15 metres (in a straight line)).

#### Vibration

Vibration can be measured in terms of its acceleration, displacement or velocity. Most assessments of human response to vibration are carried out in terms of averaged root mean square (rms) acceleration. Most assessments of the risk of damage to buildings use measurements of peak velocity. The common units for acceleration are metres per second per second (m/s<sup>2</sup>). As with noise, decibel units can also be used, in which case the reference level should always be stated.

### 3.5 WHEN IS AN ACOUSTIC ASSESSMENT NEEDED?

Acoustic assessments for noise sensitive developments (as defined in clauses 87 and 102 of the Infrastructure SEPP) may be required if located in the vicinity of a rail corridor or busy roads. If proponents and/or consent authorities are unsure about the likely impact, it is best to obtain preliminary acoustic advice to determine whether the development can comply with the appropriate noise and vibration criteria without special acoustic treatments.

Noise generated by road and rail sources has different characteristics and therefore must be assessed against different criteria. Road traffic noise from roads carrying more than 40 000 vehicles per day generates a continuous noise level. Rail noise sources are more intermittent but may have higher sound pressure levels.

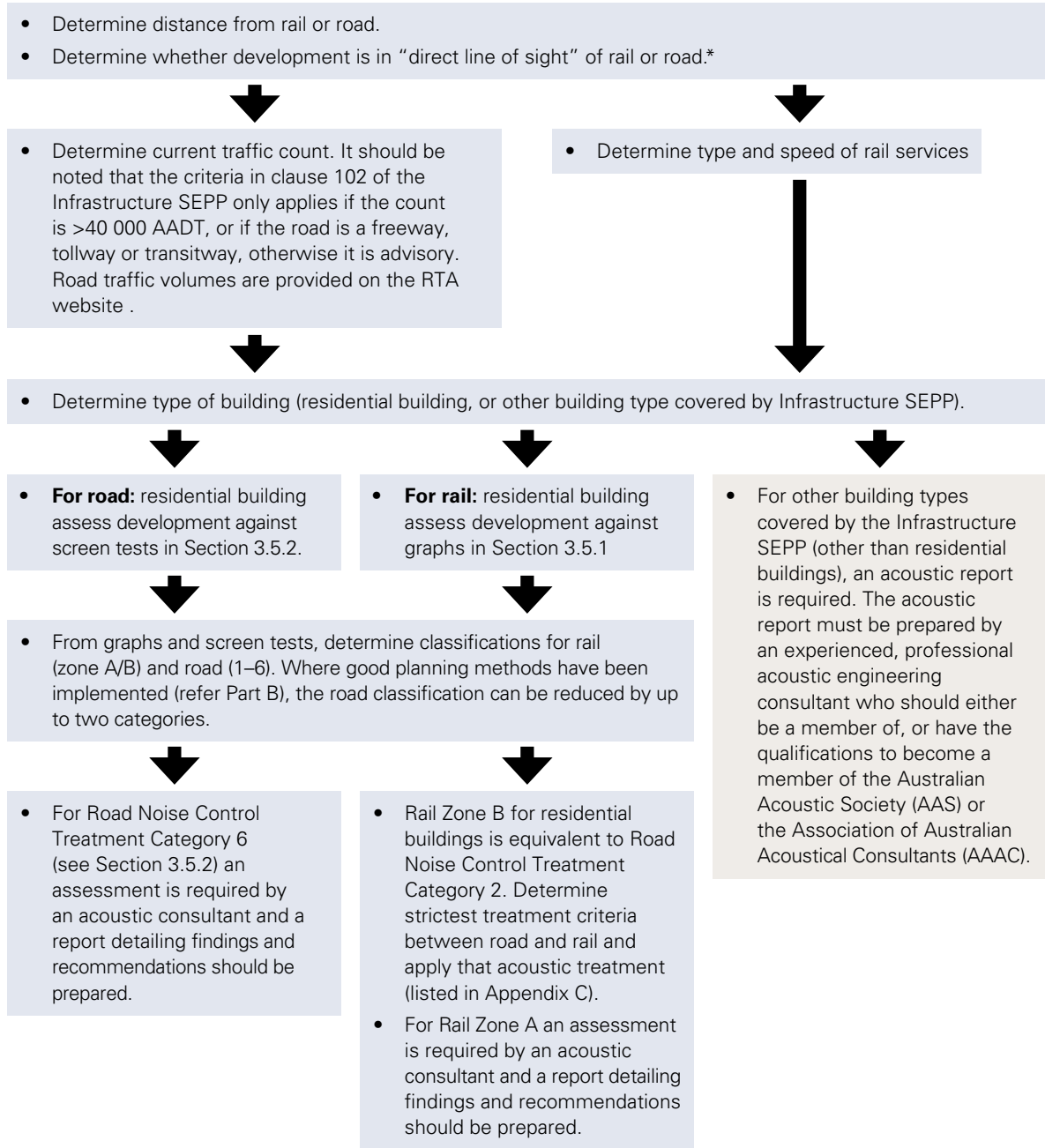
The following provides an overall summary of the assessment procedure to meet the requirements of clauses 87 and 102 of the Infrastructure SEPP. The procedure covers noise at developments for both Road and Rail.

Some commercial premises may incorporate special components that may be noise and or vibration sensitive, such as auditoria, laboratories and board rooms, and although not a specific requirement of the Infrastructure SEPP, these areas should be assessed accordingly. While low rise buildings may benefit from shielding provided by topography, barriers or other buildings, high rise buildings usually receive less shielding and noise mitigation needs to be considered at the outset in the layout and building design.

#### **For Clauses 87 (Rail) and 102 (Road):**

- If the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures will be taken to ensure that the following  $LA_{eq}$  levels are not exceeded:
  - in any bedroom in the building : 35dB(A) at any time 10pm–7am
  - anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

**ACOUSTIC ASSESSMENT PROCEDURE**



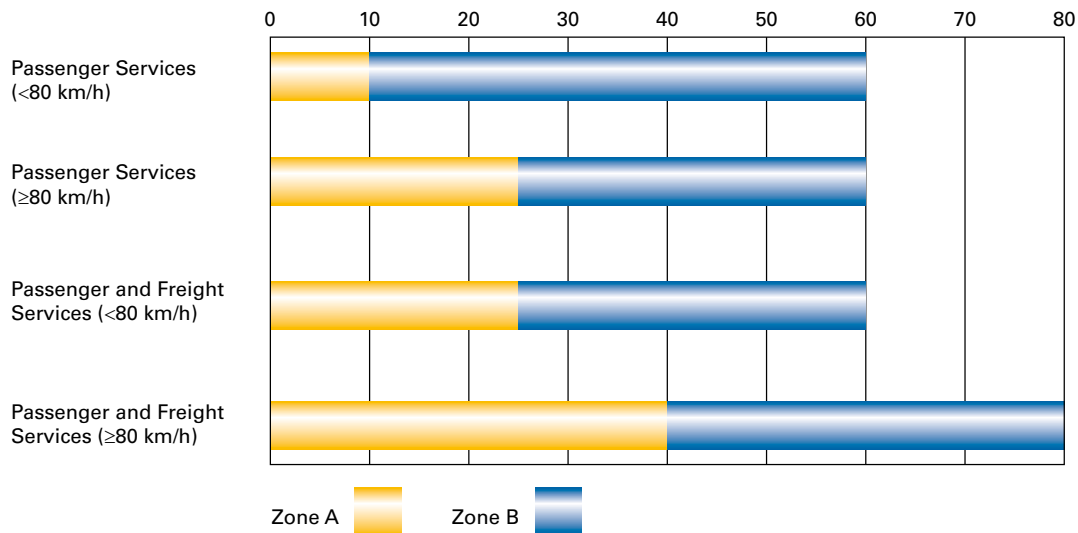
**\*Direct line-of-sight**

- Only solid objects that break the line-of-sight have an ability to reduce noise. To be effective in reducing the level of noise views to the road must be totally blocked by solid objects such as buildings, hills or topography.
- Line-of-sight of a development to the road should be an important consideration in using **Figures 3.3** and **3.4** (see pages 17–19).

### 3.5.1 RAIL CORRIDORS

#### Noise

**Figure 3.1** provides a guide as to the level of assessment required when noise sensitive developments are located in the vicinity of existing rail lines. Zones A and B are indicative acoustic assessment zones where sensitive land-uses are likely to be adversely affected. Where there are noise maps available based on actual rail movements the noise map information should be used in preference to **Figure 3.1**.



**Figure 3.1:** Acoustic Assessment Zones based on distance (m) of noise-sensitive development from operational track (not corridor)

Within Zone A, a full noise assessment should be undertaken.

For single dwelling residences in Zone B, the standard mitigation measures consistent with Road Noise Control Treatment Category 2 (refer road section below and Appendix C), for development will normally provide adequate mitigation to reduce internal noise levels to an acceptable level. If these measures are adopted as a minimum for single dwelling residences in Zone B, there should be no need for a specialist acoustic assessment. However the particular circumstances would also need to be considered.

It should be noted that the Zone B standard mitigation measures are based on having windows and external doors closed, therefore consideration of ventilation requirements for noise-exposed rooms will be required to meet the provisions of the Building Code of Australia and other relevant standards. To minimise sleep disturbance, air should be ducted into these rooms from a quiet area not exposed to rail noise or through the use of quiet, acoustically treated ventilators.

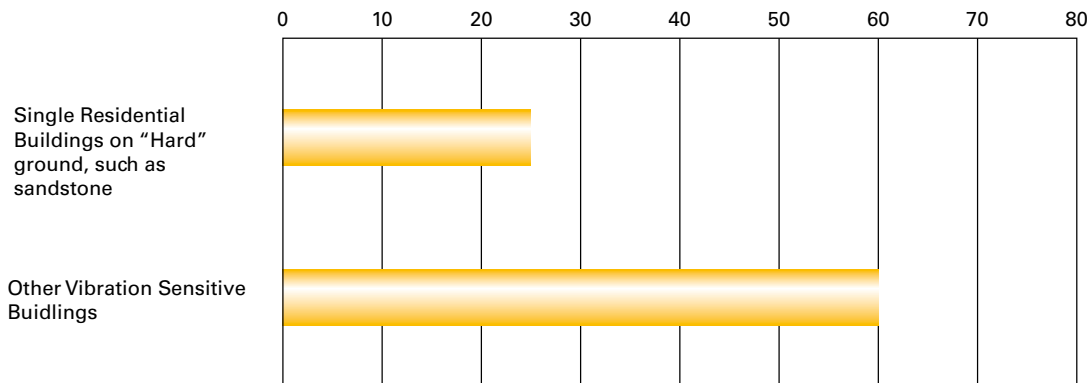
If the applicant considers that the above treatment is not warranted, then advice should be sought from an acoustic consultant to justify an alternative approach.

#### Particular considerations for Zone B:

- In locations where noise levels are higher especially next to train stabling yards, freight lines and high speed operations, it may be advisable to seek specialist acoustic advice from an acoustic consultant to confirm that the measures will achieve the desired noise criteria.
- In locations where trains are obscured from view by impervious objects such as the ground, noise barriers or other buildings, the acoustic treatment may not be needed. Trees or non-lapped paling fences are not good noise barriers and noise mitigation is still advisable in these circumstances.

**Rail Vibration**

The vibration assessment zone for typical development sites adjacent to rail corridors or above rail tunnels is shown in **Figure 3.2**. The assessment zone may need to be increased for specific areas where vibration issues are known to already exist. Refer to section 3.6.3 vibration criteria for additional information. Developments within this zone will need a vibration assessment.



**Figure 3.2:** Distance from the nearest operational track (m)

**3.5.2 BUSY ROADS**

The acoustic assessment required is different for single/dual occupancy dwellings, multiple dwelling and other sensitive developments. A more detailed level of acoustic design is needed for multiple dwelling developments because there is generally greater complexity of building design and lay-out. This complexity contributes to a greater risk of unacceptable noise with more people likely to be affected. Significant cost-savings in construction and material costs are possible if residential flat buildings are designed with traffic noise in mind from the concept design stage.

Screen tests have been developed for single dwelling developments and for residential flat buildings and other sensitive developments.

These screen tests apply **ONLY** to areas of a development (or facades of buildings) which are exposed to traffic noise and which have a direct line-of-sight.

The noise-affected facades can be on the noisy side of the building (with a direct exposure or line of sight) or on the flanks of a building (with an angled or indirect exposure to the road or rail line). The screen tests apply within a range of direct line-of-sight distances from 10 metres to 300 metres from the road kerb due to practical prediction limitations. Where a development is closer than 10 metres to the road it is likely to require special noise controls.

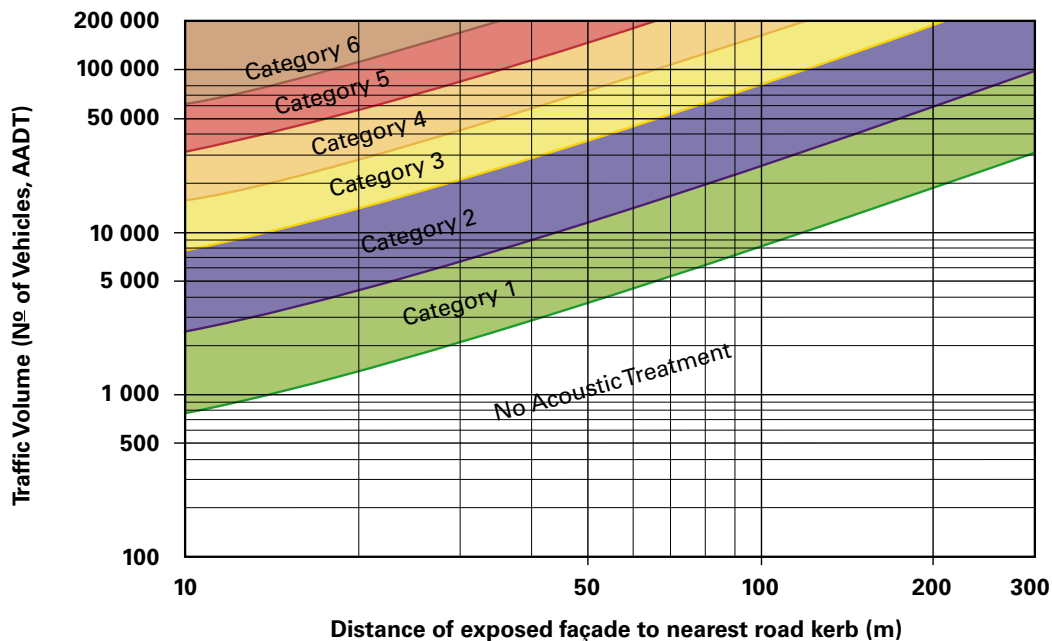
**Single dwelling and dual occupancy**

The screen test for single/dual occupancy dwellings in two traffic speed zones is shown in **Figures 3.3a** and **b**.

The screen tests take into account the volume of traffic and the distance between the proposed development and the road. If an acoustic assessment is necessary then the noise control treatment required can be selected from those recommended in Appendix C or alternate noise control treatments can be determined by a qualified acoustic engineer.

Standard noise control treatments are grouped into six categories. Category 1 areas are those likely to have low road traffic noise and Category 6 areas are likely to have the highest road traffic noise. Each category refers to a set of standard construction methods and building materials for each key element of a building with the aim of achieving the internal performance criteria for noise identified in clause 102(3) of the Infrastructure SEPP. Details on each category are provided in Appendix C. While the noise treatments identified will reduce internal noise, they are not guaranteed in every case to achieve compliance. The proponent/consent authority may therefore choose to consult an acoustic engineer to undertake a more detailed site-specific assessment in order to more accurately determine noise impacts.

**Screen Test 1(a) – Habitable Areas  
60/70 km/h**



**Figure 3.3(a):** Screen tests for habitable areas of single/dual occupancy dwellings (if any exposed façade is direct line-of-sight)

### Screen Test 1(b) – Habitable Areas 100/110 km/h

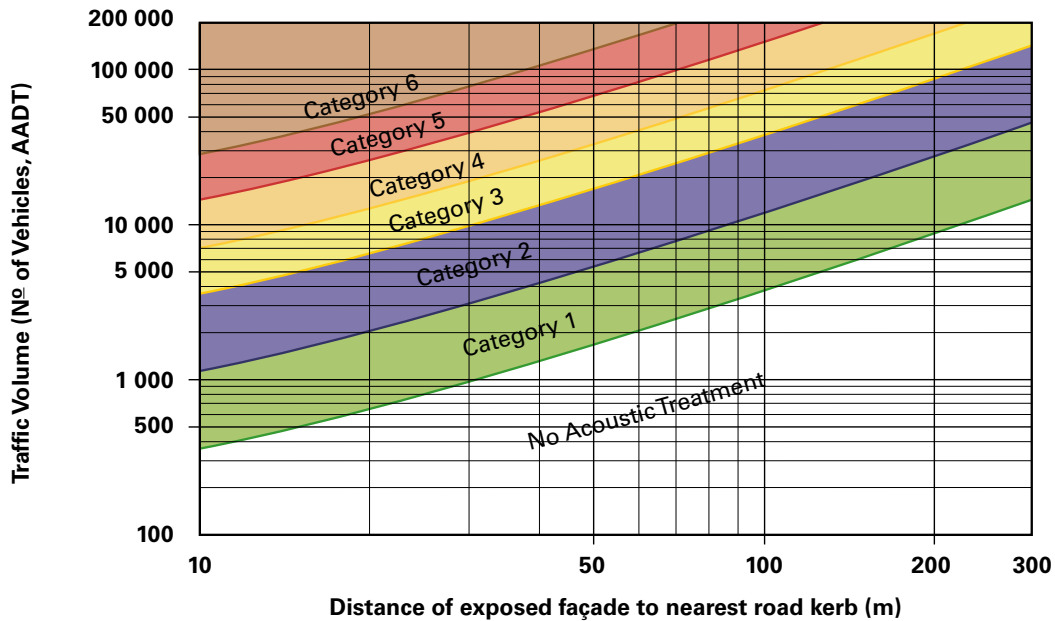


Figure 3.3(b): Screen tests for habitable areas of single/dual occupancy dwellings (if any exposed façade is direct line-of-sight)

#### Residential flat buildings and other sensitive developments

The screen tests (Figures 3.4a and b) for residential flat buildings and other sensitive developments take into account the volume of traffic and the distance between the proposed development and road. The screen test should be conducted to establish whether or not an acoustic assessment is required. If an acoustic assessment is necessary then the noise control treatment required should be determined by a qualified acoustic engineer.

### Screen Test 2(a) – Habitable Areas 60/70 km/h

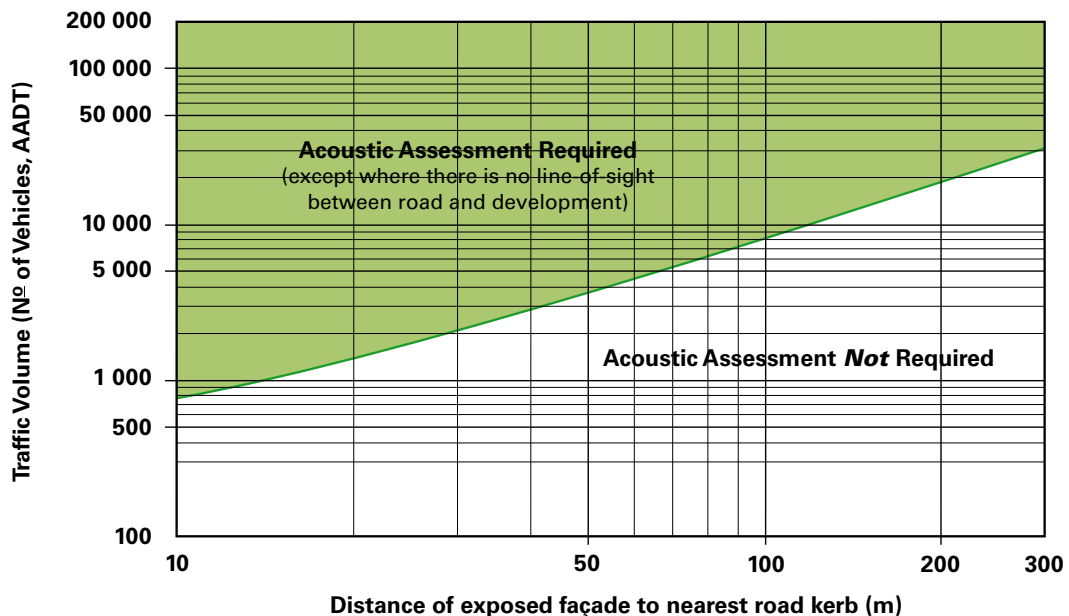


Figure 3.4(a): Screen tests for habitable areas of multiple dwellings (noting that any exposed façade is direct line-of-sight)

### Screen Test 2(b) – Habitable Areas 100/110 km/h

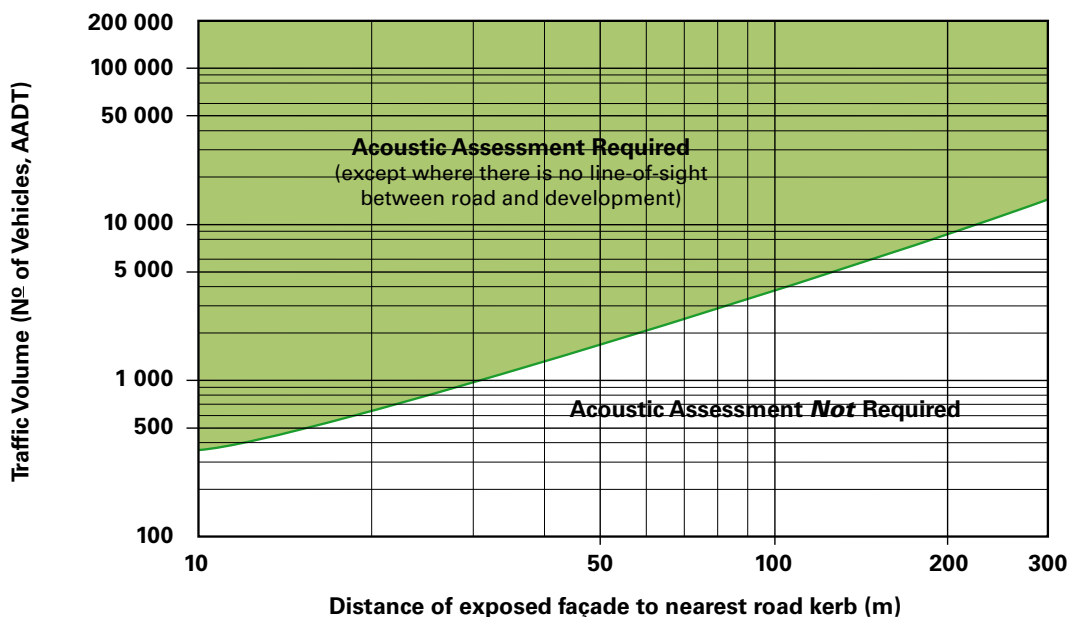


Figure 3.4(b): Screen tests for habitable areas of multiple dwellings (noting that any exposed façade is direct line-of-sight)

### 3.6 WHAT NOISE AND VIBRATION CRITERIA SHOULD BE APPLIED

#### 3.6.1 Airborne Noise

The noise criteria for residential buildings in **Table 3.1** for both road and rail are specified in the Infrastructure SEPP. Other values in **Table 3.1** are based on the Environmental Criteria for Road Traffic Noise (EPA 1999).

These criteria apply to all forms of residential buildings as well as aged care and nursing home facilities. For some residential buildings, the applicants may wish to apply more stringent design goals in response to market demand for a higher quality living environment.

The night-time ‘sleeping areas’ criterion is 5dBA more stringent than the ‘living areas’ criteria to promote passive acoustic design principles. For example, designing the building such that sleeping areas are less exposed to road or rail noise than living areas may result in less onerous requirements for glazing, wall construction and acoustic seals. If internal noise levels with windows or doors open exceed the criteria by more than 10dBA, the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.

Table 3.1: Noise criteria

Residential Buildings		
Type of occupancy	Noise Level dBA	Applicable time period
Sleeping areas (bedroom)	35	Night 10 pm to 7 am
Other habitable rooms (excl. garages, kitchens, bathrooms & hallways)	40	At any time
Non-Residential Buildings		
Type of occupancy	Recommended Max Level dBA	
Educational Institutions including child care centres	40	
Places of Worship	40	
Hospitals	- Wards	35
	- Other noise sensitive areas	45

Note: airborne noise is calculated as  $L_{eq}(9h)$  (night) and  $L_{eq}(15h)$ (day). Groundborne noise is calculated as  $L_{max}$  (slow) for 95% of rail pass-by events.



### 3.6.2 Ground borne noise

Generally, ground borne noise is associated more closely with rail operations than roads. Where buildings are constructed over or adjacent to land over tunnels, ground-borne noise may be present without the normal masking effect of airborne noise. In such cases, residential buildings should be designed so that the 95th percentile of train pass-bys complies with a ground-borne LAmax noise limit of 40dBA (daytime) or 35dBA (night-time) measured using the "slow" response time setting on a sound level meter.

*The Interim Guidelines for the Assessment of Noise from Rail Infrastructure Projects* (DECC 2007) provides further guidance on this issue.

In some rare instances, ground borne noise may be an issue for noise sensitive locations adjacent to surface or elevated track (ie. not just track in tunnel locations). These instances are uncommon, are not easily predicted, and will need to be assessed and managed on an individual basis, with the assistance of an acoustic consultant.

As a general guide, groundborne noise may be an issue in habitable rooms which are shielded from airborne noise from the railway. Examples are rooms that are not facing the railway, and where cuttings or noise barriers block the line of sight between the receiver room and the rail line. In addition, some structures such as suspended slabs can lend to vibration amplification.

### 3.6.3 Vibration criteria

Vibration levels such as the intermittent vibration emitted by trains should comply with the criteria in *Assessing Vibration: a technical guideline* (DECC 2006). The standards used for assessing the risk of vibration damage to structures are German Standard DIN 4150 Part 3 1999 and British Standard BS 7385 Part 2 1993. Human comfort is normally assessed with reference to the above British Standard or Australian Standard AS 2670.2 1990.

## 3.7 WHAT A NOISE ASSESSMENT REPORT SHOULD CONTAIN

### 3.7.1 Seeking early advice

It is best to consider noise and vibration issues in the early stages of planning for the development. Each location may be different.

Some of the factors affecting the level of noise and vibration impacts from rail corridors and busy roads include:

- topography, distance from the road/track,
- shielding by other structures
- track/road configuration and condition

- the maintenance regime on the road/line
- pavement type of road
- road grades
- truck or train numbers
- characteristics of the rolling stock using the rail line and presence of stabling yards
- daily changes in rail/traffic operations

Given the site-specific nature of noise and vibration, an acoustic consultant can be of assistance in providing advice on the optimum layout and design to minimise noise and vibration impacts and provide an acoustic amenity that is appropriate for the use.

#### Acoustic consultant:

If required an acoustic assessment should be carried out by a noise and vibration consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria required for membership of the Australian Association of Acoustical Consultants (AAAC) and/or the grade of membership of the Australian Acoustical Society denoted MAAS.

#### Particular considerations:

Guidance on internal noise levels for roads may be obtained from the following standards:

- AS 2107:2000 Acoustics - recommended design sound levels and reverberation times for building interiors
- AS 2021:2000 Acoustics - aircraft noise intrusion - building siting and construction
- AS 3671:1989 Acoustics - road traffic noise intrusion - building siting and construction

### 3.7.2 The acoustic assessment

The acoustic assessment should document the level of noise and vibration impacts and describe the measures proposed to meet the noise and vibration criteria, and be included in the information accompanying the development application. Further details may also be required prior to issuing of a construction certificate.

Both internal and external spaces should be considered in the acoustic assessment, although the criteria provided in this document generally apply to internal spaces, which are regarded as the most sensitive. The consultant would need to carry out noise and/or vibration measurements and then calculate the resultant internal noise and vibration levels, taking into account the particular features and intended use of the proposed development. Detailed methodologies for acoustic assessment are provided in Appendix D.

**3.8 AVOIDING ADVERSE AIRBORNE NOISE AND VIBRATION IMPACTS BY GOOD DESIGN**

Good design requires careful consideration of a whole range of factors – noise and vibration are just some of these. The location and orientation of buildings and the internal layout – all of which affect the exposure of sensitive spaces to traffic or railway noise. Both internal and external spaces should be considered in the acoustic design.

The layout and configuration of a development should also respond to the local environment. In the case of development near a rail/busy road corridor, this includes the location of road/rail infrastructure, existing noise levels, topography and nearby buildings. The potential benefit of noise barriers and acoustic shielding from other structures should be considered along with the use of appropriate windows, doors, ventilation and facade materials. Planning the development from site location, through concept design and materials selection can greatly minimise acoustic impacts. It can substantially reduce the requirement and costs of attenuation measures that may need to be applied to the development.

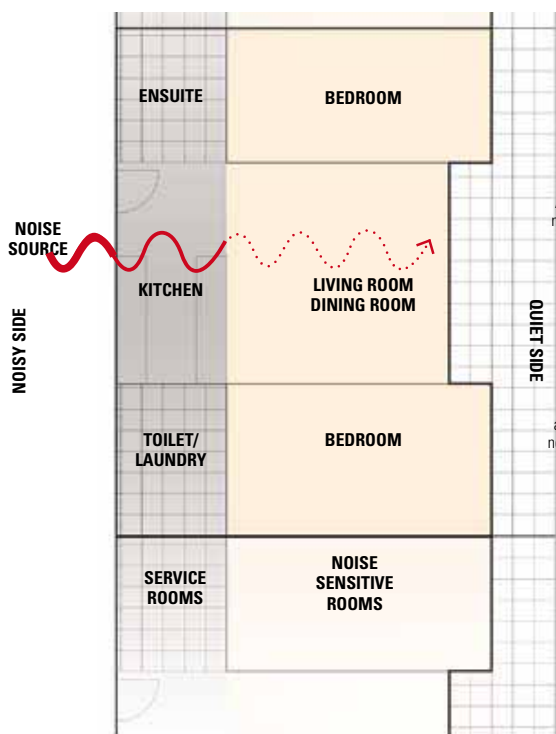
**3.8.1 Subdivisions and new land release**

When considering major renewal of areas, business parks or the subdivision of land located near busy roads or rail corridors, potential noise and vibration impacts should be considered at the master planning/concept planning stage. At this stage there is more opportunity to address noise and vibration through setbacks, building orientation, layout, building height controls or noise barriers. In some cases, it might be appropriate to design open spaces adjacent to the busy road/railway corridor to setback residential uses to reduce noise exposure. These open space areas could also include appropriate bunding to buffer adverse noise impacts and provide for cycle or pedestrian paths along the road/railway line to improve accessibility.

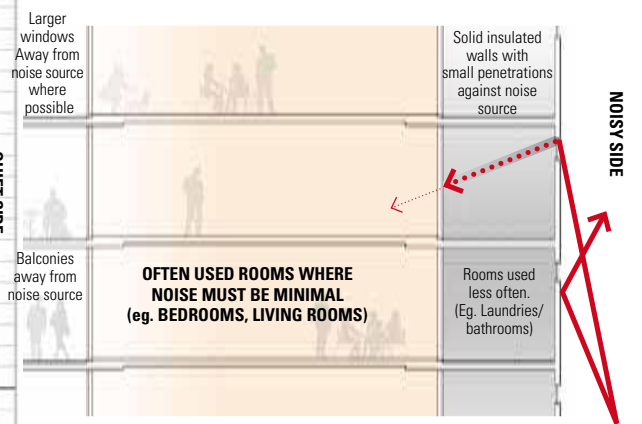
**3.8.2 Building location, design orientation and room layout**

While low rise buildings may benefit from shielding provided by topography, barriers or other buildings, high rise buildings usually receive less noise shielding and noise mitigation needs to be considered at the outset in the layout and design stage.

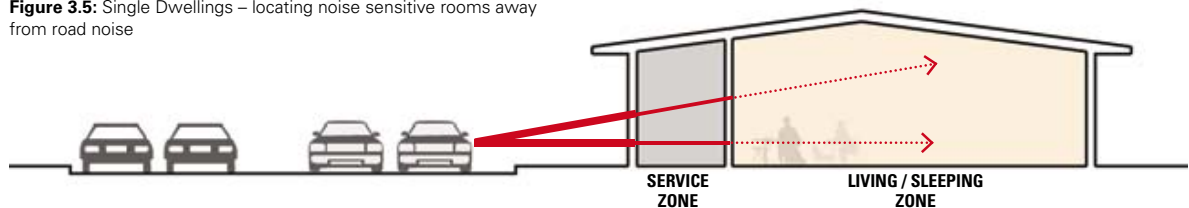
A key element of good acoustic planning and design involves increasing the separation between the road/rail noise sources and the noise sensitive area. As an indication, doubling the distance from the noise source to the receiver will normally reduce the noise levels by between 3dBA and 6dBA.



**Figure 3.5:** Single Dwellings – locating noise sensitive rooms away from road noise



**Figure 3.6:** Multiple dwellings – locating noise sensitive rooms away from road noise



Sleeping areas and other habitable areas should be placed on the side of the building furthest from the source of noise (road or rail line). Conversely rooms which are less sensitive (laundries, bathrooms, storage rooms, corridors, stairwells, etc.) should be placed on the noisy side of the building to act as a noise buffer. An additional way of minimising the intrusion of noise is to minimise the number of doors and windows (particularly windows that can be opened) on the noisy side of the dwelling.

Figures 3.5 and 3.6 provide examples of building layouts which place less sensitive service areas on noise affected facades. These arrangements provide effective shielding and distance to the more sensitive sleeping areas and other habitable areas.

More examples of noise sensitive layouts are illustrated in Figures 3.7 and 3.8. A series of solid walls and a room configuration that uses the garage to shield the house from noise and that locates bedrooms furthest from the noise source are important design elements to reduce adverse noise (see also Appendix B).

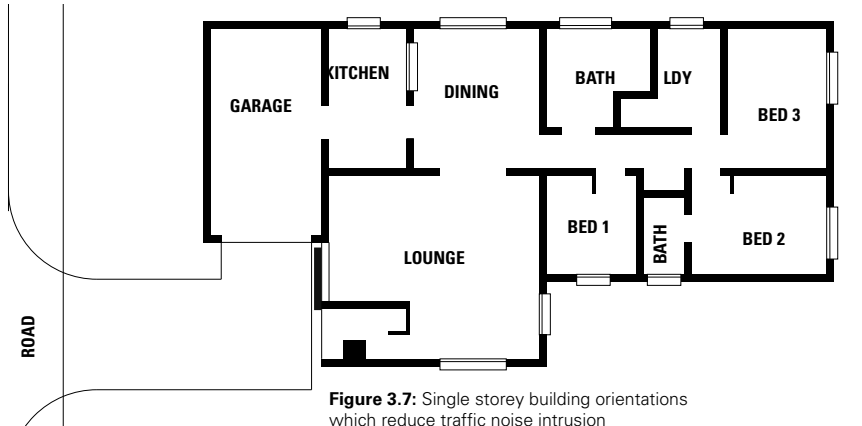


Figure 3.7: Single storey building orientations which reduce traffic noise intrusion

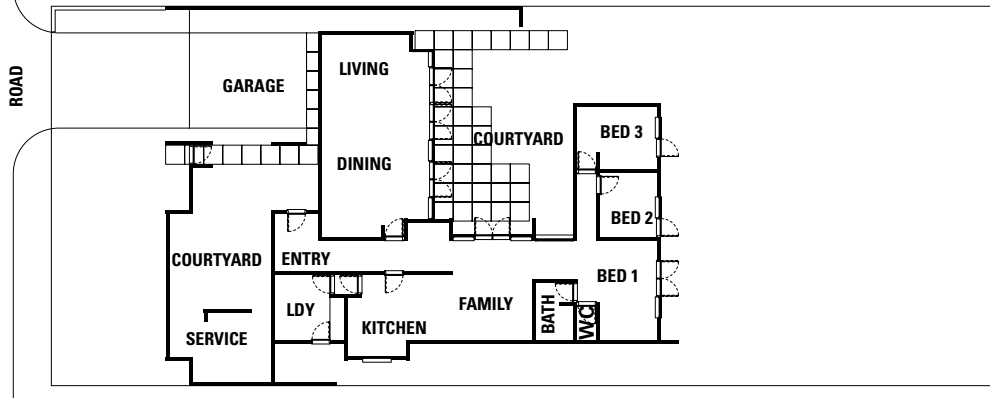
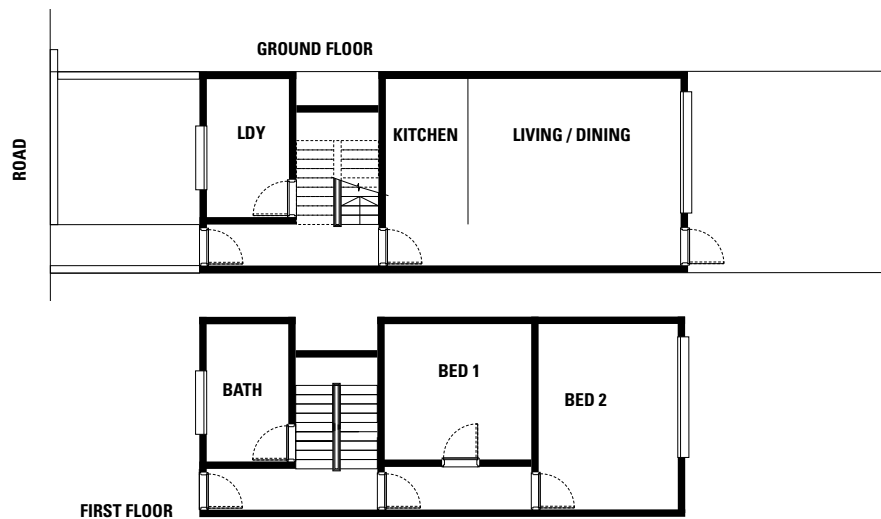


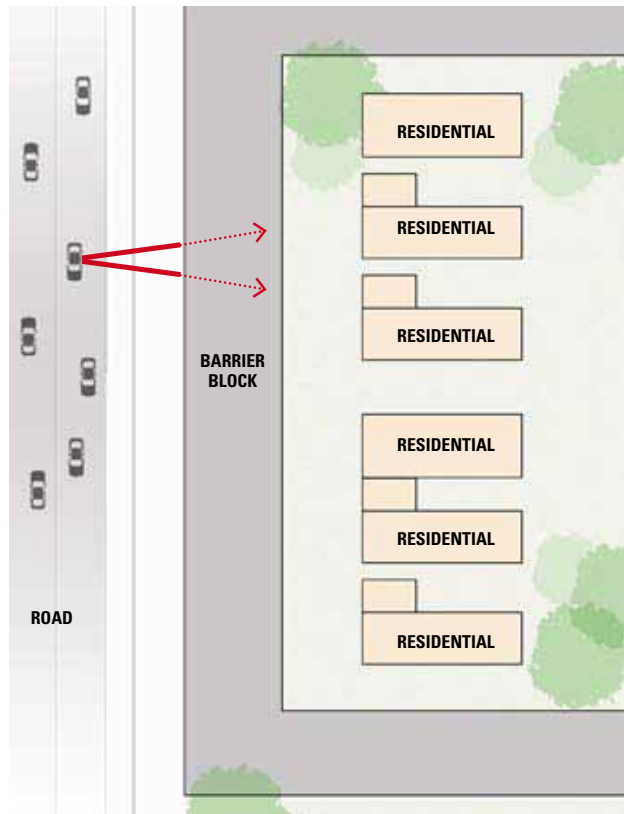
Figure 3.8: Double storey building orientation which reduces traffic noise intrusion



**3.8.3 Buildings as noise shields**

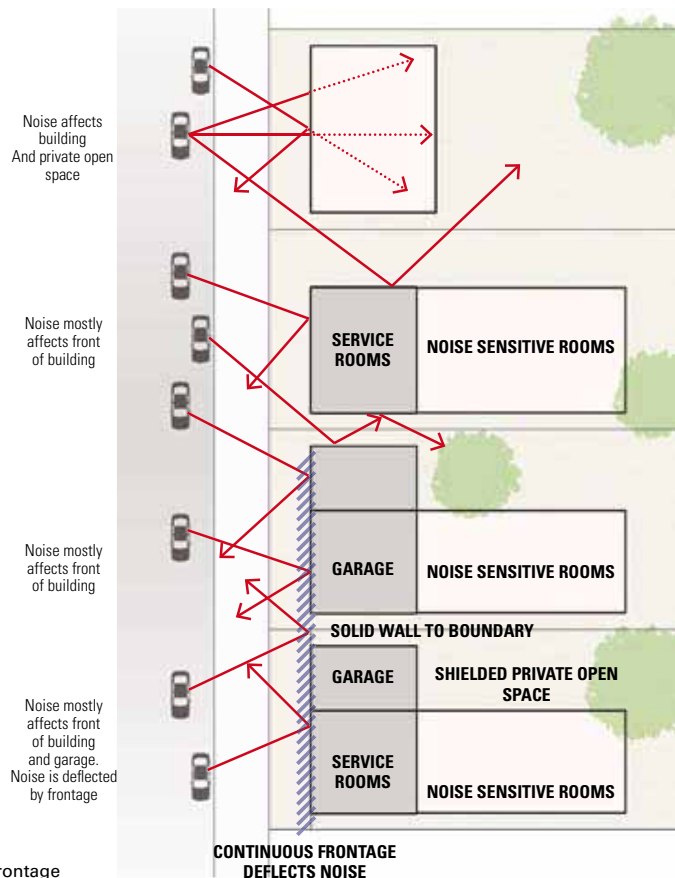
On larger developments, a barrier block (see **Figure 3.9**) can be used to protect the residential development from noisy roadways. A barrier block is a building which itself forms a noise barrier.

- Main considerations when designing a 'barrier block':**
- The block should run along the edge of the site parallel to the noise source and wrap around the sides of the property to protect the sides
  - Noise sensitive rooms in the barrier block should face away from the noise source
  - Rooms on the 'noisy' side of the block may need heavy insulation and mechanical ventilation
  - Consider measures to ensure passive surveillance to avoid potential for graffiti or other anti-social activity

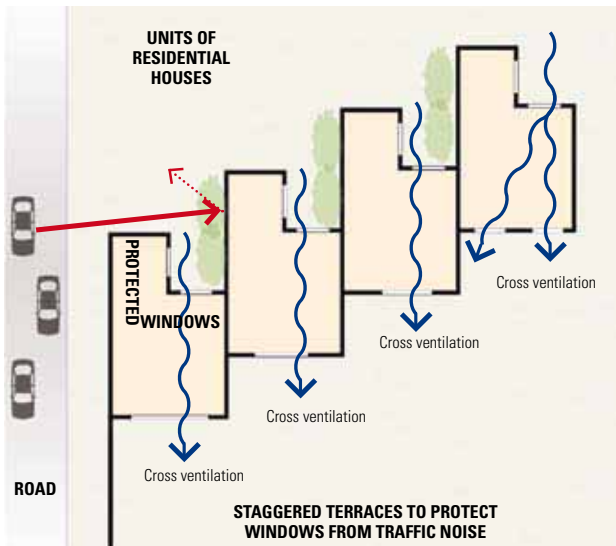


**Figure 3.9:** Barrier Block

A continuous frontage see **Figure 3.10** (using a solid wall to extend to the boundary if necessary) is one way to lower noise levels in the rest of the property. Site planning and internal layout of buildings should also be considered. This is likely to be more easily achieved where properties are being developed concurrently.

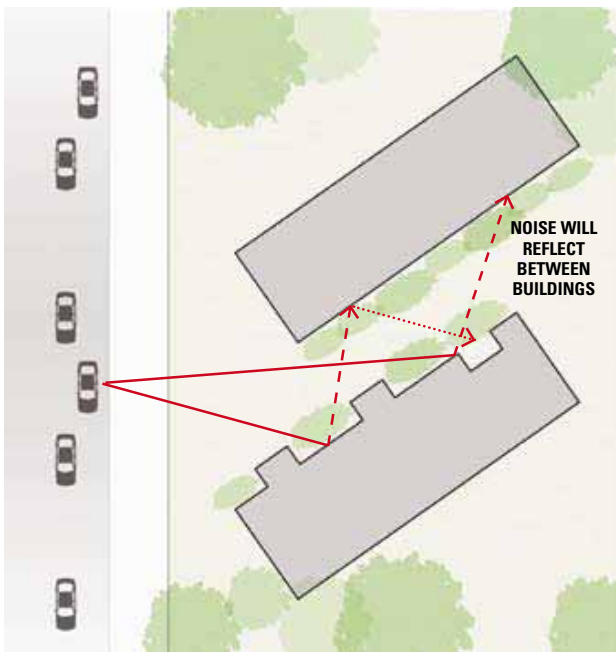


**Figure 3.10:** Continuous frontage



Staggered terrace houses, for example, can be arranged to shield most windows from traffic noise whilst allowing them to be opened for natural ventilation (Figure 3.11).

Figure 3.11: Staggered terraces to protect windows from traffic noise



Angled buildings can reflect sound back into other buildings (Figure 3.12). Articulated facades and vegetation may help to diffuse the reflected noise (but do little to inhibit noise directly from the source). This design should therefore be avoided.

Figure 3.12: Angled buildings may reflect traffic noise and should be avoided

**3.8.4 Podiums, balconies and courtyards**

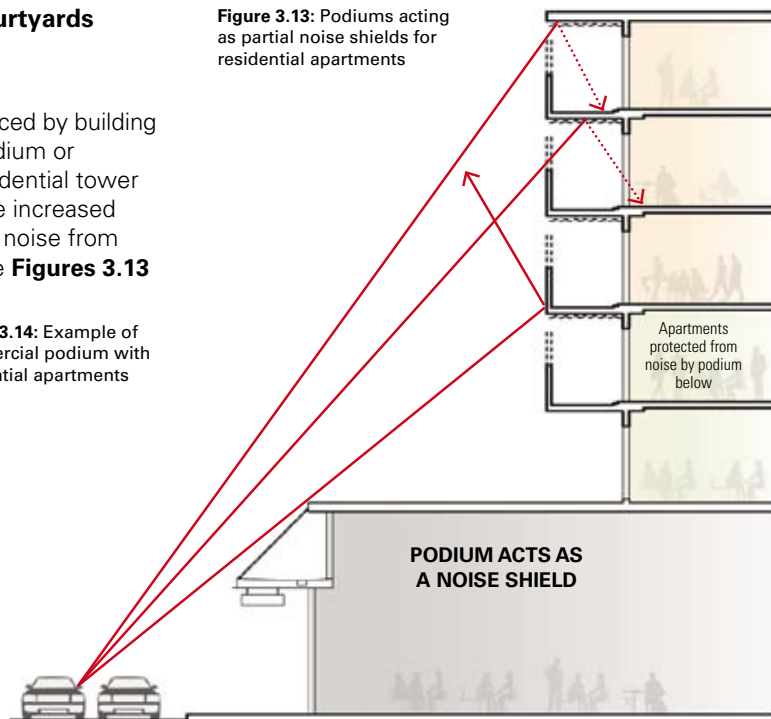
**Podiums**

Traffic noise can be substantially reduced by building residential apartments on top of a podium or commercial building space. If the residential tower is set back the podium acts to provide increased distance from the road thus shielding noise from the road to the lower apartments (see **Figures 3.13** and **3.14**).



**Figure 3.14:** Example of commercial podium with residential apartments above

**Figure 3.13:** Podiums acting as partial noise shields for residential apartments



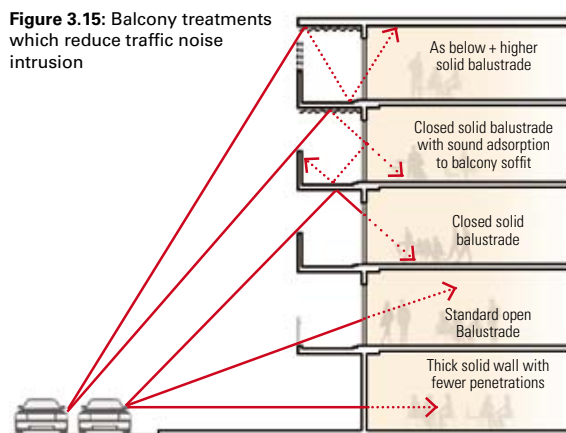
**Balconies**

When considering balconies in building design it is important to note that the standard jutting balcony may act to reflect noise directly into the interior of the building as illustrated in the **Figure 3.15**.

Where balconies are required, solid balustrades with sound absorption material added to the underside of balconies above is a good means of reducing noise entering the building.

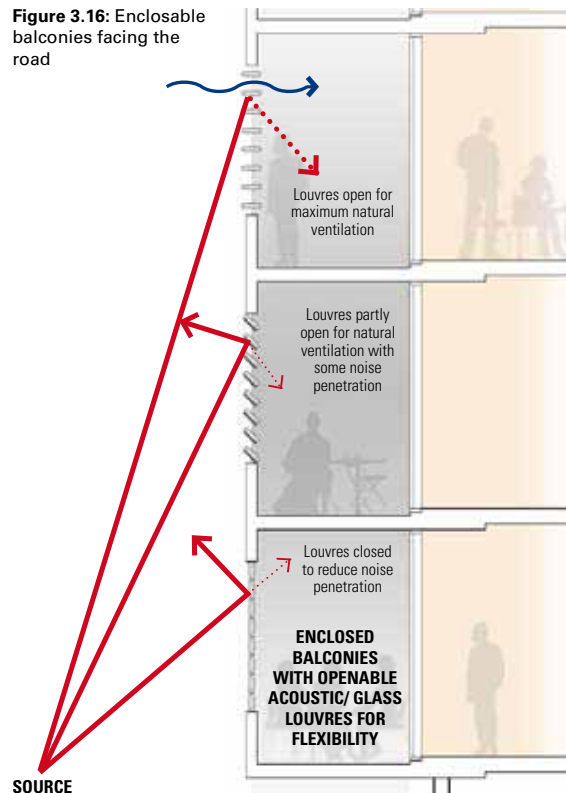
Providing enclosed balconies (or winter gardens) is another means of reducing the noise entering a building. Where enclosed balconies are used ventilation may need to be considered. By installing acoustic louvres ventilation requirements and reduced noise can be addressed. These approaches are shown in **Figure 3.16**.

**Figure 3.15:** Balcony treatments which reduce traffic noise intrusion



It should be noted that although balconies should be located away from a road, where this occurs on the southern side of a development it may result in space that is not used and that is of low amenity.

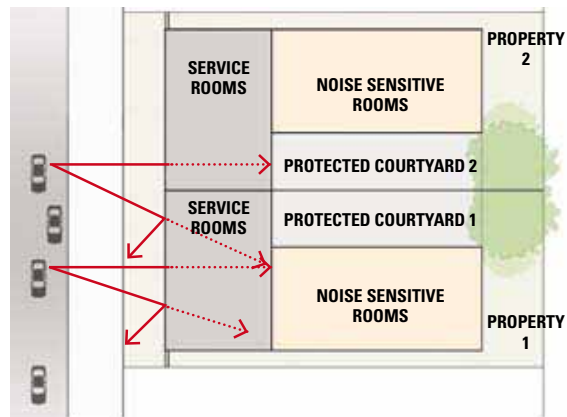
**Figure 3.16:** Enclosable balconies facing the road



**Courtyards**

There are several ways noise can be reduced in external recreational areas. One way is to increase the distance between the road and the external recreational area. Another is to provide a screen or noise barrier. Incorporating shielded courtyards into the design can also protect occupants from traffic noise.

Use of good building layout is another way of reducing noise to external courtyard areas as illustrated in **Figure 3.17**. Buildings in 'C' shaped layouts can also be utilised to create outdoor areas protected from noise.



**Figure 3.17:** Noise shielded courtyards

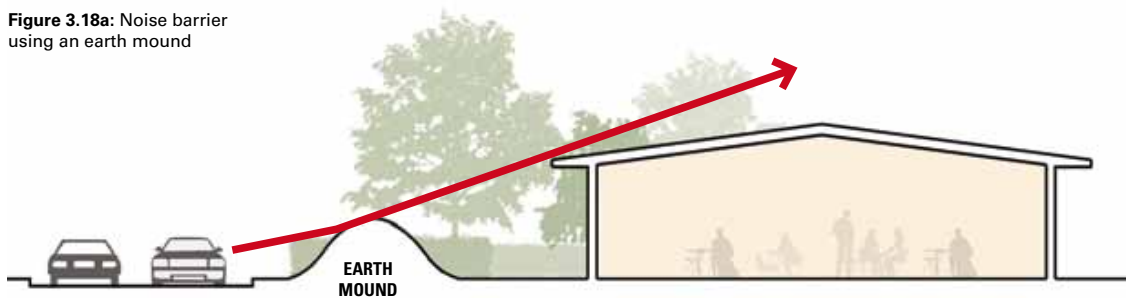
**3.8.5 Noise Barriers, Mounds and Screens**

A noise barrier is an effective way to reduce traffic noise.

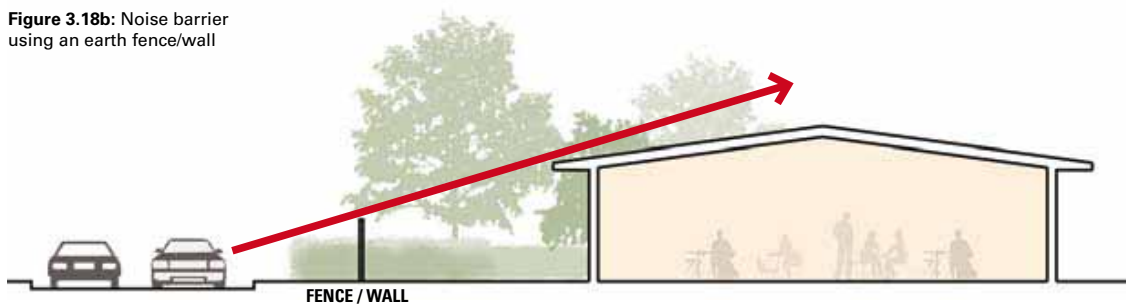
Where space allows, raised mounds of earth can be effective noise barriers and can be enhanced by placing a low wall on top. Fencing built on top of mounds can save the space a larger mound might take and reduce the amount of fencing material required. All of these options are depicted in **Figures 3.18a, 3.18b** and **3.19**.

- Noise barriers may include:**
- An existing feature, such as a natural slope or an elevated road
  - A purpose designed feature such as a solid boundary fence
  - A purpose designed feature of the building, such as a partially enclosed carport
  - A purpose designed building which acts as a barrier block (see **Figure 3.9** above)

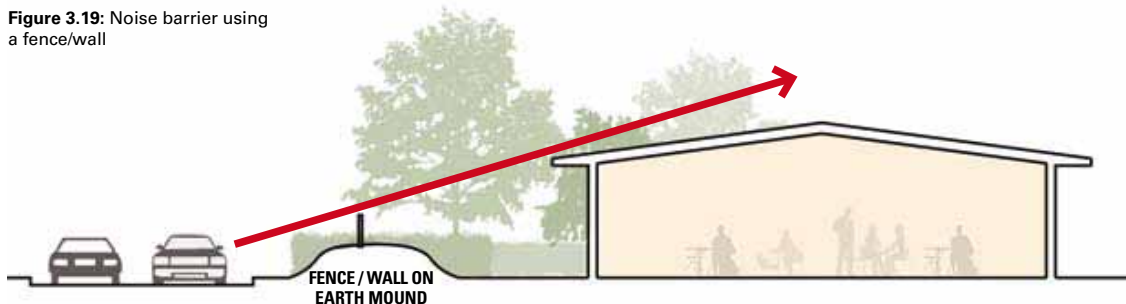
**Figure 3.18a:** Noise barrier using an earth mound



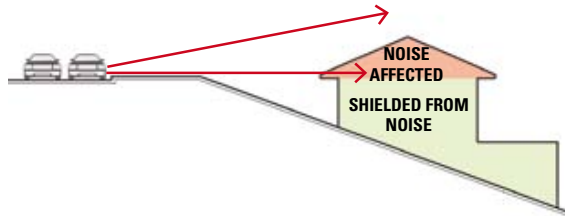
**Figure 3.18b:** Noise barrier using an earth fence/wall



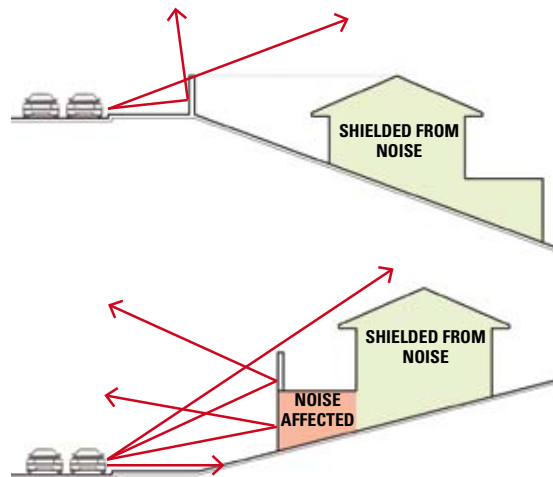
**Figure 3.19:** Noise barrier using a fence/wall



Topography plays a major role in determining adverse noise impact. A building which is sited below the level of the noise source will be impacted less than a building which is sited above the noise source, especially if a noise barrier (like a mound or wall) is provided at the top of the slope (see **Figure 3.20**).

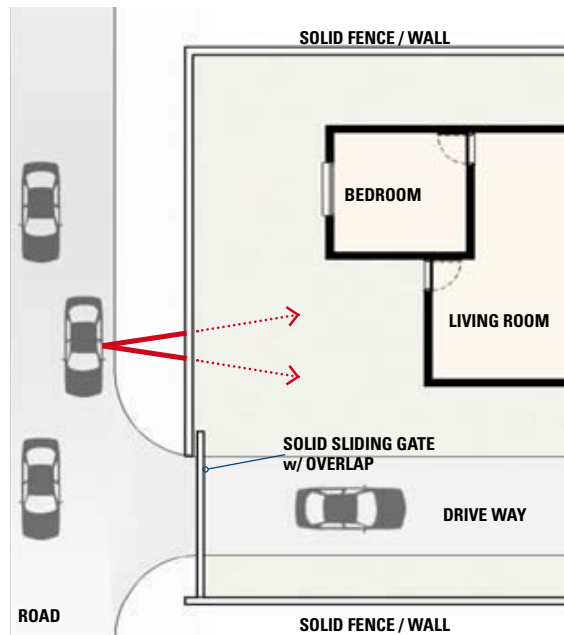


**Figure 3.20:** Topography and noise barriers



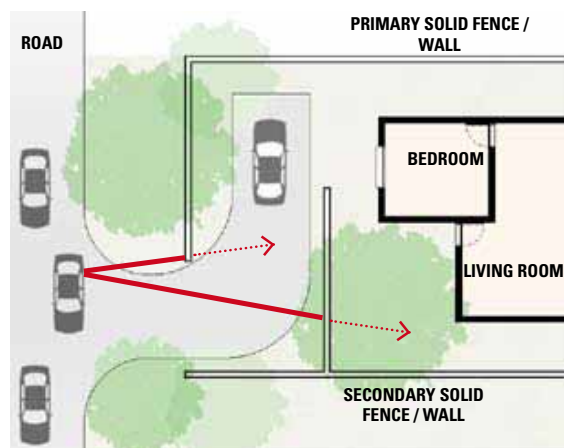
Careful consideration of site design can mitigate the effects of a site above the noise source by, for example, positioning a garage in the noise affected areas and using noise walls to buffer noise.

Solid walls and fencing with no openings can reduce noise. Where a gate is required ensure it is of solid construction, it is of the same height as the wall, it overlaps the wall and it has rebated meeting edges as shown in **Figure 3.21**. Measures to avoid graffiti should be considered when designing noise barriers (see Section 5.7)



**Figure 3.21:** Solid fences and solid gates for access

**Figure 3.22** shows another vehicle access arrangement which minimises noise by using one wall that overlaps another.



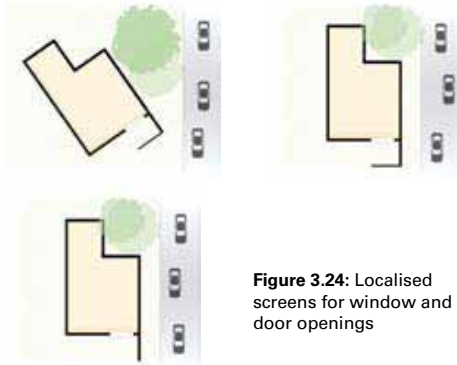
**Figure 3.22:** Overlapping solid fences for access



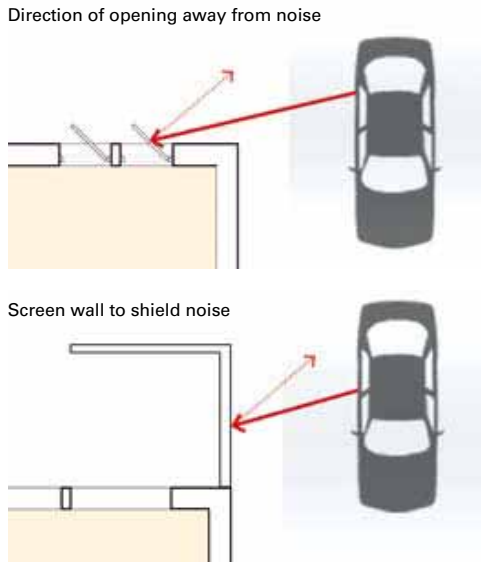


Figure 3.23: Examples of noise barriers and screens protecting developments from road noise

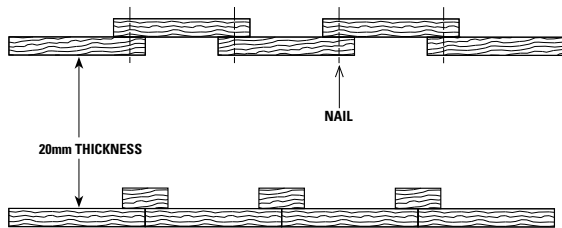
Where noise screens cannot be built to cover the whole facade of a building facing the road, it is often possible to consider shorter local screens to shield noise affecting the openings to the building (ie for windows and doors) as shown in **Figure 3.24**. This allows natural ventilation with a substantial noise reduction.



**Figure 3.24:** Localised screens for window and door openings



Solid fencing is one effective method of reducing noise. **Figure 3.25** illustrates various types of solid fencing: a masonry wall, a lapped-timber fence (without gaps) and a double-layer of common steel fencing that all can be effective in reducing traffic noise. Noise barriers are most effective at protecting outdoor areas and ground floor levels of buildings. Single-storey dwellings are therefore easier to shield from noise than the upper floors of two-storey dwellings.



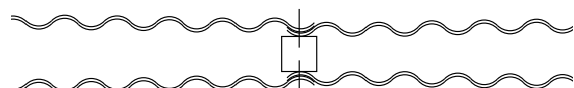
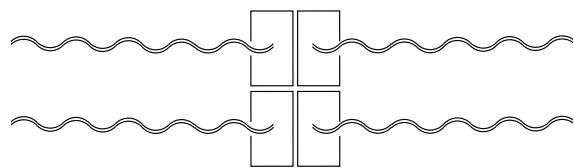
**Figure 3.25a:** Solid Timber Fencing

**Main considerations when designing a noise barrier (all other things being equal):**

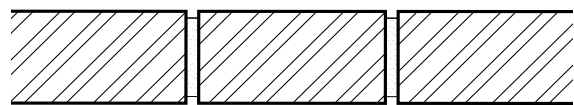
- The closer the noise barrier is to the noise source, the more effective the barrier
- The lower the height of the development, the more effective the barrier
- The taller the barrier, the greater the noise reduction
- Barriers are more effective when the site slopes away from the source
- The wider the barrier, the more effective – barriers should ideally extend far beyond the edges of the development
- Any holes or discontinuities in a barrier wall will significantly reduce its noise reduction ability.
- Material used in the barrier must have a surface density of at least 20kg/m<sup>2</sup>

**To be effective noise barriers, light-weight fences should:**

- Be solidly built
- Planks or sheeting must be tight-fitting and without gaps
- To avoid gaps emerging as materials age or warp, the posts should be placed close together (less than every 2.5m) for rigidity and three horizontal support rails should be used
- Overlay horizontal or vertical planks by a minimum of 35 mm
- Use galvanised bolts and nails
- Use seasoned and treated timber to minimise shrinkage and increase the life of the timber
- Bury the bottom of the fence in the ground so there is no clearance gap beneath the fence.



**Figure 3.25b:** Two Layers of Sheet Steel Fencing



**Figure 3.25c:** Masonry Wall

### 3.8.6 Building treatments

#### Walls

Masonry walls typically have better noise insulation properties than other elements in the building envelope. Generally, walls are not a significant noise transmission path. Therefore attention should be given to the windows, doors, roof and ventilation openings as these elements will not insulate as well as the walls.

Walls of lightweight construction (eg weatherboard, compressed fibrous cement sheeting, timber slats, timber sheeting etc.) provide less noise insulation than masonry walls to low frequency noise. On noisy sites lightweight cladding should be avoided unless specifically designed to provide adequate insulation.

Whether the walls are masonry or of light-weight construction, the wall's insulation capacity will be weakened if it contains ventilators, doors or windows of a lesser insulation capacity. To improve insulation response, ventilators can be treated with sound-absorbing material or located on walls which are not directly exposed to the external noise.

#### Windows

In acoustic terms windows are one of the weakest parts of a facade. An open or acoustically weak window will severely negate the effect of an acoustically strong facade. Whenever windows are incorporated in a building design their effect on acoustic performance of the building facade should be considered. Reducing the numbers of windows and appropriately positioning them away from the road or rail line can be beneficial.

Proper sealing is crucial to the success of noise reduction of windows. To prevent sound leaks, windows should be caulked (with a flexible sealant such as mastic or silicone) thoroughly from the inside, and outside between the wall opening and the window frame. Ideally use one of the many commercially available double-glazed or laminated windows with acoustic seals (**Figure 3.26**). Laminated glass is usually cheaper and easier to install. Double-glazing can be achieved by installing two sets of single-glazed windows with a minimum separation gap of at least 50 millimetres between the two sets of windows.

#### The main factors influencing the acoustic performance of windows:

- Window seals: ensure windows are fitted with high quality acoustic seals and close windows to reduce internal noises levels.
- Reduce window size, recognising that reducing the proportion of window to wall size from 50% to 25% reduces noise by only 3 decibels.
- Increase the glass thickness: the thicker the glass the more noise resistance it provides. However, glass thickness is only practical up to a point before the costs exceed the acoustic benefits of increasing glass thickness.
- Double-glazing: is cost-effective when a very high level of noise attenuation is required. When using double-glazing, the wider the air space between the panes the higher the insulation
- The presence of absorbent materials on the window reveals will improve noise insulation.
- Window frames and their installation in wall openings must be air tight and openable windows must incorporate acoustic seals for optimal noise insulation

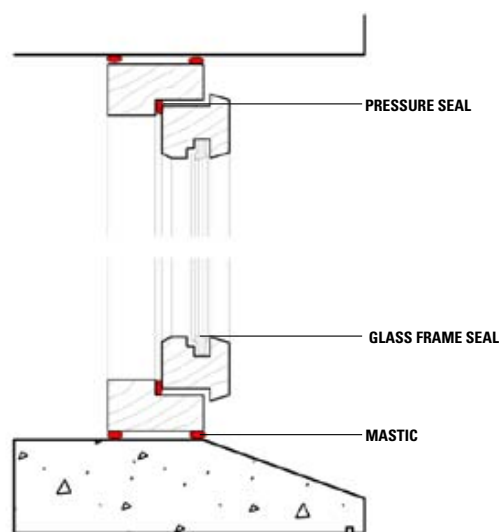


Figure 3.26: Window acoustic seals

The use of laminated and double-glazed windows and sliding glass doors provides added benefits as the building's thermal insulation properties are improved.

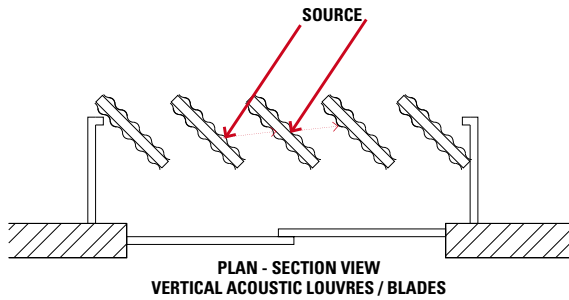
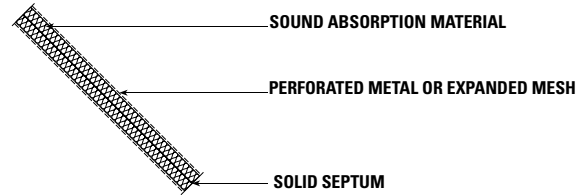


Figure 3.27: Acoustic louvres over window openings

The ventilation requirements of the building may sometimes conflict with thermal and noise insulation requirements. Where this occurs ventilation may need to be provided from the use of mechanical ventilation or acoustic vents. Vertical acoustic louvres/blades/fins can be used on outside windows in a range of sizes to provide a slight decrease to internal noise levels (Figure 3.27).



Externally mounted and sealed window roller shutters placed over window apertures can provide moderate levels of noise reduction and significant thermal benefits where the need for natural light or passive surveillance are not major issues (Figure 3.28).



Figure 3.28: Examples of roller shutters over window openings



**Doors**

**The main factors influencing the acoustic performance of doors:**

- Airtight seals should be used around the perimeter of the door.
- Cat flaps, letter box openings and other apertures should be avoided.
- The heavier (thicker or more dense) the door, the better the noise insulation.
- Ensure an airtight seal between the frame and the opening aperture in the facade.

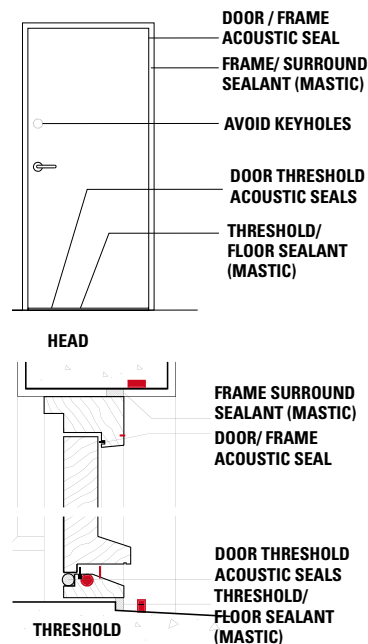


Figure 3.29: Door acoustic seals

**Roofs**

**The main factors influencing an improvement in the acoustic performance of a roof:**

- Use flat roofs as they are less exposed to road noise than pitched roofs
- Use parapets as they help to shield the roof from noise better than traditional eaves
- Increase the mass of the ceiling (or roof)
- Provide sound absorbent insulation material in the roof cavity
- Avoid gaps, as far as ventilation requirements will allow

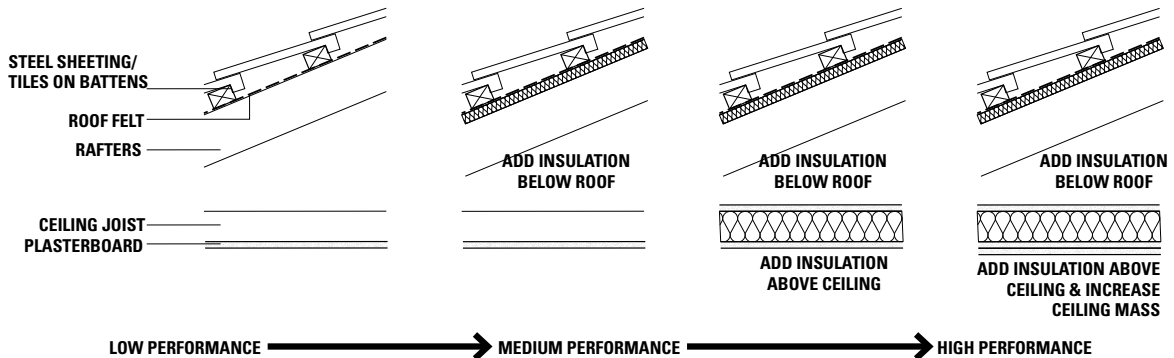


Figure 3.30: Roof acoustic insulation designs

**3.8.7 Design to minimise adverse vibration and ground-borne noise impacts**

A particular issue for development over tunnels (primarily rail tunnels) is ground-borne noise and vibration (see 3.6.2). Ground-borne noise level values are relevant where they are expected to be or are audible within habitable rooms.

Ground-borne noise is different from air-borne noise in that actions available to reduce or avoid adverse noise effects are more limited. Actions that can reduce the effects of adverse air-borne noise are likely to be relatively ineffective against ground-borne noise because the noise is emitted by the building structure itself.

The criteria for ground-borne noise will not ensure that this type of noise will be inaudible. However, a good level of amenity and protection from sleep disturbance will result if the criteria are achieved. Lower ground borne noise criteria (eg. 35 dBA) may be contemplated where acoustic amenity is a premium attribute in the area where development is to occur (eg. where background noise levels are low such as 30 dBA or below). To mitigate vibration and ground-borne noise, it is necessary to inhibit the transmission of the vibration at some point in the path between

railway track or road and the building. For many buildings, sufficient attenuation of ground vibration is provided by the distance from the road/track or by the vibration ‘coupling loss’ which occurs at the footings of the building. On other projects, these factors may not be adequate and consideration may need to be given to other vibration mitigation measures.

While the risk of excessive vibration is relatively low at distances greater than 50m from the source, the variation between ground types and building designs makes it difficult to provide generic guidance regarding additional mitigation. Specialist acoustic advice from a consultant with recognised expertise in groundborne noise and vibration is therefore recommended to determine whether vibration mitigation measures are necessary and what options are available for the particular project.

## 4 Air Quality near busy roads

### 4.1 HEALTH IMPLICATIONS FROM MOTOR VEHICLE AIR EMISSIONS

Vehicle exhaust emissions can have a significant influence on local air quality in urban and suburban areas of Australia. Localised effects can be caused as a direct result of the compounds emitted from vehicle exhausts. Secondary pollutants (eg ozone and photochemical smog) caused by a chemical reaction of the emitted pollutants can also occur where weather conditions are conducive and are of significance in terms of impacts over a wider regional area.

Motor vehicles emit a variety of air pollutants that are known to be associated with adverse health impacts. Common air pollutants emitted by motor vehicles include fine particles, nitrogen oxides, volatile organic compounds such as benzene, toluene, ethylbenzene and xylene (BTEX). Exposure to these substances at particular concentrations is associated with a range of short and long term health effects, including on the heart and lungs (WHO 2000, WHO 2003, NEPC 2002, Environment Australia 2001).

Air pollution studies have also identified vulnerable populations, such as children, people who are already ill and older people. Special consideration should be given to the air pollution environment of developments in urban areas that are used for a large proportion of the day by these groups.

Occupants of a dwelling, school, childcare centre, residential aged care facility, hospital, office or public recreational area are likely to be sensitive to emissions from vehicles.

Developments located next to busy roads have challenges in terms of how to provide an acceptable level of air quality for the occupants and users of the development. Although there can be different requirements for noise, energy-efficiency and air quality that need addressing at the design stage, there are also often common objectives and synergies. This section describes some of the principles that should be considered at the design stage to achieve improved air quality.

### 4.2 INFLUENCES ON AIR QUALITY

Patterns of pollutant concentrations vary from site to site and also over time. A wide range of factors influence the level of pollution including: vehicle mix, condition and technology; fuel quality; dispersion of pollutants across a carriageway; weather conditions and traffic flow. The quantity of air pollutants emitted from roads is directly proportional to the traffic volume, speed, and the speed variability (acceleration or braking) of vehicles. Motor vehicles emit fewer pollutants at steady speeds or in freely flowing conditions. They emit greater quantities when accelerating or decelerating, stopping and starting, when in congested traffic or while idling (*Quantification of Health Effects of Exposure to Air Pollution*, WHO 2000).

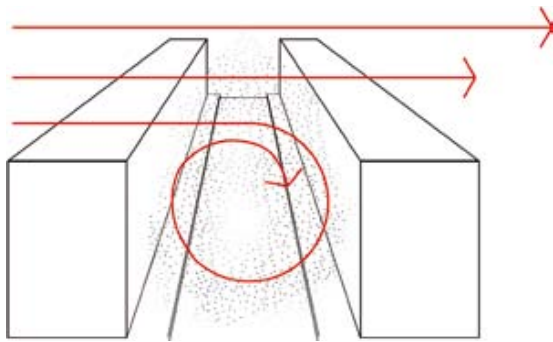
There are also emissions from diesel locomotives, particularly near busy rail freight corridors and intermodal terminals that predominantly use diesel locomotives.

### 4.3 WHEN IS AIR QUALITY LIKELY TO BE AN ISSUE?

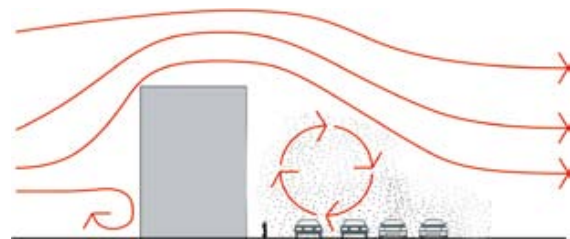
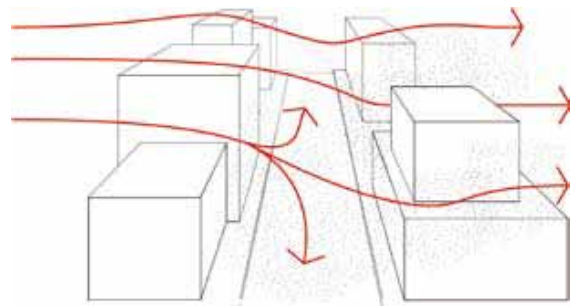
#### 4.3.1 Outdoor air circulation – wind and breezes

Areas that are not confined tend to have greater winds and breezes which in turn disperse and carry away air pollutants. The degree to which winds and breezes carry away air pollutants is influenced by the orientation and continuity of open spaces, their dimension and shape, topography and the layout of buildings surrounding the subject area. Roadway canyons for example, may channel winds or prevent them from reaching road level depending on their shape, dimension and orientation. The more confined a space is by buildings, walls or embankments adjacent to or over a roadway, the less opportunity air pollutants have to disperse.

Stepping back the upper storeys of roadside buildings increases dispersion of air pollutants and minimises the canyoning effect of tall buildings close to the road as depicted in **Figure 4.1**.

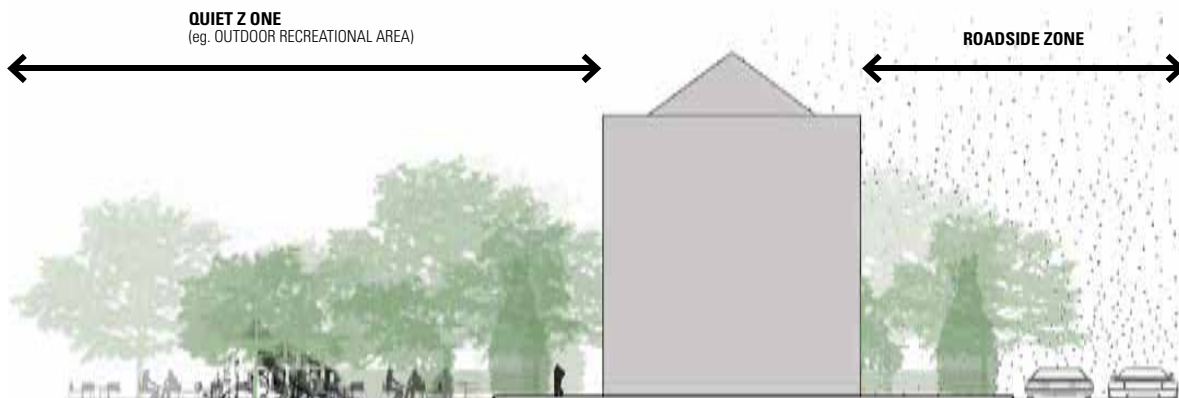


**Figure 4.1:** Roadway canyons and their effect on winds and air pollutants



**Figure 4.2:** Buildings creating situations where air pollutants are trapped

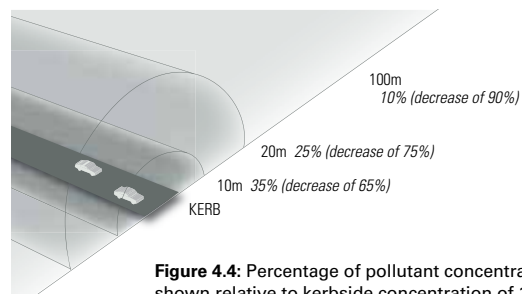
At other times, with different atmospheric conditions, buildings may act as a barrier that shields and protects sensitive areas from high-emission zones as shown in **Figure 4.3**.



**Figure 4.3:** providing protection from air pollutants

**4.3.2 Emission levels and proximity to carriageway**

Broadly speaking, air pollution concentrations tend to be highest adjacent to the road and decrease with distance from it. For example, under the unfavourable dispersion conditions of temperature inversion and light winds (1 metre per second) where little mixing occurs in the atmosphere (termed F-class stability) pollutant concentrations can be expected to reduce by around 65 percent of roadside levels in the first ten metres from the road. Further reductions occur as the distance from the road increases (**Figure 4.4**). For higher wind speed and in the absence of



**Figure 4.4:** Percentage of pollutant concentration shown relative to kerbside concentration of 100%

temperature inversions pollutant concentrations fall more rapidly (ref – CALINE dispersion model USEPA).

## 4.4 MITIGATION LEVELS

### 4.4.1 Ventilation of indoor areas

#### Internal ventilation options:

- Natural ventilation – windows open to provide adequate ventilation.
- Passive acoustic ventilation – ventilators designed and fitted to provide adequate air movements.
- Mechanical ventilation – operating to provide suitable air exchange rates.

Where windows must be kept closed, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – *The use of ventilation and air-conditioning in buildings*. Mechanical ventilation systems provide an opportunity for filtering external fresh air entering a building (eg carbon-filters or similar). Where possible, mechanical ventilation air inlet ports should be sited to maximise the distance from the road to reduce inflows of air pollutants.

### 4.4.2 Design considerations

With careful site planning and attention to detail, it is possible to incorporate many principles into a building or development to improve the air quality. Many of the techniques described throughout this Guideline are not only useful for noise reduction but also for improving air quality. At a micro scale, good acoustic planning and design measures discussed in Section 3 of this Guideline also provide air quality benefits. For example, external courtyard areas and internal rooms can be configured to minimise adverse noise impacts as well as minimise air pollution.

#### When air quality should be a design consideration:

- Within 10 metres of a congested collector road (traffic speeds of less than 40 km/hr at peak hour) or a road grade > 4% or heavy vehicle percentage flows > 5%,
- Within 20 metres of a freeway or main road (with more than 2500 vehicles per hour, moderate congestions levels of less than 5% idle time and average speeds of greater than 40 km/hr),
- Within 60 metres of an area significantly impacted by existing sources of air pollution (road tunnel portals, major intersection / roundabouts, overpasses or adjacent major industrial sources), or
- As considered necessary by the approval authority based on consideration of site constraints, and associated air quality issues.

#### Air quality design considerations :

- Minimising the formation of urban canyons that reduce dispersion. Having buildings of different heights interspersed with open areas, and setting back the upper stories of multi-level buildings helps to avoid urban canyons.
- Incorporating an appropriate separation distance between sensitive uses and the road using broad scale site planning principles such as building siting and orientation. The location of living areas, outdoor space and bedrooms and other sensitive uses (such as childcare centres) should be as far as practicable from the major source of air pollution.
- Ventilation design and open-able windows should be considered in the design of development located adjacent to roadway emission sources. When the use of mechanical ventilation is proposed, the air intakes should be sited as far as practicable from the major source of air pollution.
- Using vegetative screens, barriers or earth mounds where appropriate to assist in maintaining local ambient air amenity. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway.



# Part D: Potential impacts of adjacent development on roads and railway

*Development near rail corridors and busy roads can impact on the structural integrity of the infrastructure and engineered structures. For electrified railways there are significant additional safety issues associated with electrocution and corrosive effects of electrolysis. This Part identifies these and other key safety and engineering issues.*

## 5 Safety and Design Issues

### 5.1 ESSENTIAL EARLY REQUIREMENTS

#### 5.1.1 Safe design practices

A safe design approach begins in the conceptual and planning phases with an emphasis on making choices about design, materials used and methods of construction. Safe design will always be part of a wider set of design objectives, and is the process of successfully achieving a balance of these sometimes competing objectives, without compromising health and safety.

##### Safe design is:

- The integration of hazard identification and risk assessment methods early in the design process to eliminate or minimise the risks of injury. It encompasses all design including facilities, hardware, systems, equipment, products, tooling, materials, energy controls, layout and configuration.

Source: Australian safety and Compensation Council (2006) Guidance on Principles of Safe Design for Work.

For works undertaken within or adjacent to the rail or road corridor, authorities have strict safety standards and procedures that are required to be met to ensure that any works do not threaten the safety or operational capacity or efficiency of the rail network. Design should also ensure that risks to property are eliminated or minimised.

##### Rail Corridor inherent dangers or risks:

- The movement of trains at high speed that require lengthy stopping distances.
- Critical safety and signalling systems that operate the movements of trains.
- The presence of high voltage cables and overhead wiring with electrified trains.

#### 5.1.2 Early consultation with road and rail authorities

It is always advisable to undertake early consultation with the relevant infrastructure authority when planning a development next to road or rail infrastructure. The design and safety issues (refer below) can then be identified and incorporated at an early stage reducing the need for ongoing iterations, costs and delays. Further, a proponent would also be able to determine the need for expert advice and input into the development design, such as geotechnical investigations.

#### 5.1.3 Survey Information

When a development is within or adjacent to a road or rail corridor a detailed plan should be prepared by a qualified land surveyor, to determine the location of the site in relation to existing and proposed road and rail infrastructure.

##### Surveys should identify:

- The boundaries of the development site in relation to the adjacent busy road or rail corridor.
- Easements and encumbrances related to the protection of road or rail infrastructure (eg to protect overhead transmission lines, underground pipes or rights of way for access to the corridor).
- Location of road or rail tunnels.
- Location of rail corridors under the metropolitan rail expansion program (cl 87 Infrastructure SEPP).

The proponent should undertake a services search with the rail or road authority to identify the location of services to ensure that the proposal meets clearance requirements for any underground high voltage cables.

## 5.2 ELECTROLYSIS

Electrolysis is an electro-chemical reaction involving an electrolyte and metals. With rail networks, the electrolysis results from ground leakage of the electrical current which powers the train from 1500 volt overhead wires. This stray or leakage current can then cause accelerated corrosion of nearby metallic structures.

### 5.2.1 Why is electrolysis an issue?

Accelerated and potentially dangerous metallic corrosion can be caused by electrical leakage electrolysis as described above and/or the simple atomic electrical potential differences between materials (see **Figure 5.1**).



**Figure 5.1:** Example of corrosion caused by electrolysis

#### Electrolysis can:

- weaken the structural integrity of buildings or structures by corroding beams or rivets
- corrode gas, sewage or water pipes or electricity cables causing leakages and related damage, and
- lead to accelerated deterioration of metal finishes (eg. balcony railings, window frames, awnings).

### 5.2.2 Avoiding or minimising electrolysis damage

Electrolysis and related corrosion can be minimised by selecting suitable building materials and avoiding using metal finishes in the vicinity of high voltage electricity. Using masking agents or coatings to prevent exposure of metals or prevent direct contact between metallic parts will also assist in preventing the effects of electrolysis.

Proponents should obtain appropriate advice on avoiding electrolysis, including through early consultation with the rail authority and assessing whether preventative measures are required.

#### Typical measures to prevent or minimise the effects of 'stray current' electrolysis from electrified railway include:

- Keep metallic services such as pipelines away from tracks.
- Insulate from earth all water and gas pipes and power or communications cables with metallic sheaths laid near the track or along the rail corridor.
- Ensure that there are no long lengths of metallic water, gas or other pipes laid in or adjacent to the rail corridor.
- All water and gas pipes servicing buildings on the rail corridor and near the track to have an isolating joint installed at the boundary.
- All low voltage supplies using isolating transformers, local electricity distributor neutral and earthing systems should not enter the rail corridor.
- Use isolating joints to divide any buried structure into short lengths.
- Use insulating coatings.
- Metallic lineside fencing should have insulating panels installed every 500 metres.
- Lineside fencing should not be connected to fencing at electrical substations or railway stations.
- Concrete poles should not be used on the railway corridor and near the rail track. Local electricity distributors should be advised not to use concrete poles near rail track, particularly if overhead earth wire or neutral wire is fitted.
- All metallic structures such as footbridges, bus shelters and sheds should be isolated at the boundary of the rail corridor, e.g. by installing two gaps in the steelwork, 2 metres apart. Particular care is needed if there is lighting installed to ensure that the local electricity distributor's earth is not connected to the steelwork which forms part of any overhead wiring structure, station or bridge.
- If necessary utilise Corrosion Protection Systems consistent with Australian Standard *AS 3832 Cathodic protection of metals (Parts 1-4)*.

Source: RailCorp (2002)

### 5.3 CRANES

The use of cranes is common practice in construction, particularly where it is proposed to erect multi-storey developments. Concrete pumping equipment involving pumps, booms and pipe networks are also common practice in building construction as they can pump concrete over barriers, around corners and have aerial applications in multi-storey developments.

Cranes, concrete pumps and other equipment capable of moving into or across the airspace above rail corridors and busy roads may therefore cause safety and other issues if their operation is not strictly managed.

#### Aerial movements in proximity of busy roads and rail lines can cause:

- Loss / failure of loads with safety implications and resultant impacts on road and rail infrastructure.
- Overbalancing of crane or other equipment used in the aerial movements causing blockage of road and rail corridors with the potential for collisions or derailments.

#### Aerial operations in proximity to overhead wiring and other electrical sources can cause:

- Electrical arcing and potential electrocution of workers
- Power outages as a result of arcing, causing potential cessation of services
- Failure and collapse of overhead wiring with resultant safety risks to rail passengers, rail authority staff, crane operators and other workers, and cessation of rail services



Figure 5.2: Example of crane overbalancing into the rail corridor

#### 5.3.1 Specific requirements for cranes and other aerial equipment in the road or rail corridor

A crane, concrete pump or other equipment must not be used in airspace over the rail corridor without approval in writing from the rail authority. No loads should pass over overhead wiring or transmission lines located within the corridor at any time. Proposed aerial movements may require power outages or track possession for the period of the proposed airspace movement and therefore the relevant authority should be contacted at the earliest opportunity. Minimum working clearances to exposed electrical equipment within the corridor should also be adhered to (refer 5.11).

All concrete pumps, cranes, hoists and winches must be used in accordance with the AS 2550 series of Australian Standards, *Cranes, Hoist and Winches*, including AS 2550 15-1994 *Cranes – Safe Use – Concrete Placing Equipment*.

### 5.4 SAFE ACCESS FOR MAINTENANCE

In the building design, consideration should be given to how future maintenance will be undertaken safely, including window cleaning, painting and building repairs. It should also be possible for a building to be maintained so that workers and equipment can meet the minimum electrical safety clearances necessary (refer 5.11).

### 5.5 STORMWATER MANAGEMENT

The discharge of stormwater from a development, during and after construction, can potentially impact on road or rail infrastructure. In addition a development proposal may affect existing watercourses and drainage infrastructure and change run-off behaviour.

Additional and unmanaged flows can:

- undermine support structures and overhead wiring structures (in the case of rail)
- damage electrical power and signalling systems
- deteriorate tunnel linings
- damage equipment, and
- have particular safety implications where flash flooding occurs.

Drainage systems should be designed so that stormwater is captured on site for reuse or diverted away from the road or rail to the council drainage system ensuring that existing drainage is not overloaded.

Building design should ensure that gutters and balcony overflows do not discharge into road

or rail infrastructure. Where drainage into the transport corridor is unavoidable due to site characteristics, discussion should be held early on with the road or rail authority. If upgrades are required to the rail or road drainage system solely due to adjacent development, the costs involved should reasonably be met by the proponent. All disturbed surfaces must be stabilised consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom 2004) ('the Blue Book').

## 5.6 VANDALISM

Measures should be considered at the design phase to minimise risks from vandalism involving objects being thrown onto passing vehicles and trains, or into the rail or road corridor. This action can have safety implications for vehicle occupants, rail passengers and rail authority staff. There are also repair costs associated with infrastructure damage coupled with transport delays as facilities are repaired and, in worst case scenarios, as accidents are cleared.

### Recommended measures to avoid vandalism:

- Consider measures at the design stage to minimise opportunities for vandalism.
- Pedestrian bridges, walkways, open balconies and windows should preferably be a minimum of 20 metres from busy roads or rail lines
- Where pedestrian bridges, walkways, open balconies and windows are less than 20 metres from a road or rail line AND face the road or line:
  - design pedestrian bridges and walkways with high degree of surveillance or railings to limit opportunity for vandalism
  - enclose balconies
  - install louvred windows or restricted window openings
  - restrict all opening windows to maximum of 80 millimetres.

## 5.7 GRAFFITI

Graffiti and related defacement of surfaces can become an issue along some busy roads and railway corridors. The costs of surveillance, physical removal and repair can cost many hundreds of thousands of dollars on an annual basis. Removal may also interrupt rail operations and cause delays on busy roads (see **Figure 5.3**).



Figure 5.3: Graffiti

### Recommended measures to avoid graffiti:

- Consider measures at the design stage to avoid the need for costly removal measures later
- Treat fencing and other surfaces with anti-graffiti paint or coating materials
- Landscape to reduce visual exposure to graffiti-ists – any vegetation should avoid affecting the visibility of train drivers or road users and not have expansive root systems

## 5.8 LIGHTING, EXTERNAL FINISHES AND DESIGN

Lighting and external finishes of buildings which face roads or the rail corridor may affect the safety of road and rail operations if potential impacts are not adequately taken into account in the building design and the selection of materials and colours.

Temporary blinding effects or distraction caused by lighting, glare from reflective surfaces and signs which face the road and rail corridor, particularly around sunrise and sunset can cause safety issues.

### Recommended measures associated with lighting and external finishes:

- Consider potential impacts at the design stage taking into account site aspect, shadowing and the pattern of sun movement
- Where possible, avoid reflective finishes (metal, glass) on facades which face the rail or road corridor
- Use non-reflective walls, additional landscaping and screenings as additional line-of-sight measures
- All outdoor lighting should adhere to AS 4282-1997 *Control of Obtrusive Effects of Outdoor Lighting*

#### **Specific lighting requirements for the rail corridor:**

Red and green lights which are used in signalling systems should be avoided in all signs, lighting or building colour schemes on any part of a building which faces the rail corridor.

### **5.9 STRUCTURES IN THE RAIL CORRIDOR**

Structures within the rail corridor or which interface with the rail network must be designed and constructed to be consistent with the necessary standard. Structures with particular requirements include: overbridges, footbridges, tunnels, retaining walls, air space developments and overhead loading structures.

#### **Standards for structures within or which inter-face with the rail corridor:**

- Undertrack structures, road bridges, footbridges: AS 5100.2-2004 Bridge Design – Design Loads
- Utility services – relevant Australian Standards

### **5.10 DERAILMENT PROTECTION OF STRUCTURES**

In the design of buildings or structures either within or adjoining the rail corridor, the potential risks from a possible derailment should be considered. Sites within the corridor straddling rail lines, or outside the corridor adjacent to curves on high speed tracks or at rail line junctions are at a higher risk. The need for derailment protection must be considered for the design of piers, columns and structures within or which interface with the corridor.

The results of this risk analysis may mean that simpler and less costly devices such as earth mounds, gabions, guard railings etc. may be permitted to provide protection. However, even if the analysis indicates a low probability of risk, provisions may be required to include in-built deflection resistance to the proposed structure.

#### **Piers, columns, building and structures within or adjoining corridors:**

- Must have a risk assessment undertaken which should consider the following criteria:
  - Site condition, presence of cuttings or embankments and any other characteristics of the site.
  - Derailment history of the site.
  - The type of proposed structure to be erected, including any potential for collapse and consequent damage to trains and other infrastructure.
  - Track geometry and its likely effect on the proposed work.
  - Track speed and whether this represents a risk to the integrity of the proposed structure
  - Type of rolling stock utilising the track
  - Demonstrate compliance with the principles contained in RIC Standard; TS 30 000 3 01 SP or Design Standards BDS 06 for ARTC

### **5.11 ELECTROCUTION – OVERHEAD WIRING**

Electrified rail infrastructure has overhead power systems and related cabling and cable support structures. Poles, masts, signals and substations all have power cabling associated with them. Significant safety issues associated with these electrical systems include risks of electrical arcing and potential electrocution.

Overhead power system cables (1500 volts) for the metropolitan rail network can remain live even when they have shorted or fallen onto the rails and they can arc up to 1 metre (RailCorp 2005). Contact with overhead powerlines can lead to a variety of hazardous conditions including unpredictable cable whiplash and the electrifying of other objects such as signs, poles, trees or branches (WorkCover 2000). Workers, tools, equipment (eg. metal ladders and measuring tapes), cranes and scaffolding can all pose safety risks if they are used within safety clearance distances of any electrified infrastructure or exposed electrical equipment.

**Minimum electrical safety distances to protect workers and equipment which should be adhered to:**

- Work clearances to rail cables and structures: 8 metres.
- Travelling work clearances to rail cables and conductors: 4.6 metres.
- At any time, workers, tools, equipment and material should not come within 2 metres of exposed low voltage, 1500 volt DC overhead wiring or any high voltage equipment.
- No metal scaffolding or ladders within 6 metres of exposed 1500 volt DC or high voltage equipment.
- No cranes within 3 metres horizontally to any electrified infrastructure or within the vertical envelope (see also 5.3).
- No metal measuring tapes within 3 metres of exposed electrical equipment.
- No excavation within 3 metres of poles, masts or rail signals.

### 5.12 UNDERGROUND ELECTRICAL SERVICES

Underground electrical cables also pose safety risks and risks to the integrity of the rail network if excavation or boring works cut or damage cables or other services. Any excavation works including horizontal or vertical boring or pile driving should avoid areas where there are existing underground electrical and other services.

**Actions and minimum clearances to underground electrical and other services are:**

- Undertake an underground services search for electrical, gas, water, sewer, stormwater and telecommunications and provide written report as part of the Development Application (DA) prior to any excavation works commencing
- No electrical or other services are to be permitted within 1.6 metres of the underside of the rail level (and a buffer of 4 metres is preferred where possible) or comply with AS4799, whichever is greater
- No excavation or boring within 2 metres (horizontal) of HIGH voltage underground electrical cables
- No excavation or boring within 1 metre (horizontal) of LOW voltage underground electrical cables

### 5.13 TRACK CLOSURES, POWER OUTAGES AND CORRIDOR ACCESS

The construction method for a development should ensure that it does not interfere with train operations. In those limited cases where unavoidable, certain phases of construction or excavation may require access to the rail corridor and the rail authority to stop trains running on adjoining tracks (track possession) and/or shutting off the power (power outage). Proposed track possession or power outages will have significant impacts on rail operations which will be unable to operate on the section of the rail line for that period of time. For this to occur safely and minimise impacts on rail operations early discussions must be held with the rail authority.

An agreement (e.g. Deed, Local Possession Authority) must be entered into with the rail authority enabling this work to be planned and proceeded with in a safe and timely manner. The agreement will define required involvement of rail staff and the controls which will be implemented in managing the access and/or the potential impacts on rail facilities.

### 5.14 LEVEL CROSSINGS

Level crossings (refer **Figure 5.4**) are where a rail line crosses or intersects with a road (an 'at-grade intersection') in the absence of a bridge or tunnel and can be a significant danger to both road and rail users.

There are more than 3800 railway crossings in NSW, with at least 1500 being public rail/public road crossings (Level Crossing Strategy Council). Protection for road users varies from 'passive' signage to 'active' protection (bells, lights or boom gates).



**Figure 5.4:** 'Active protection' at a level crossing

### 5.14.1 PLANNING CONSIDERATIONS FOR LEVEL CROSSINGS

New level crossings are to be avoided wherever possible because of their inherent safety risks (Level Crossing Strategy Council). Alternative arrangements should always be explored first prior to the option of a new crossing being considered.

Each railway crossing has a risk profile on the basis of a number of factors

#### Factors for Level Crossing risk profile assessment:

- Visibility - how well motorists can see on-coming trains;
- The existing protection at the crossing;
- The frequency of trains passing through the area;
- The number of tracks;
- The volume and type of road traffic over the crossing;
- Nearby road geometry; and
- Potential for motorists to queue on the crossing.

Source: Level Crossing Strategy Council

Residential, commercial or industrial development may change the risk profile of a crossing where there is likely to be:

- an increase in traffic on the crossing as a result of the development, or
- if there will be a change in the type of traffic use, such as an increase in the proportion of heavy vehicles.

Predicted changes to the risk profile of a crossing must therefore be taken into consideration by a consent authority when it is assessing a development application.

#### Infrastructure SEPP requirements (refer clause 84):

Where a development involves a new level crossing, the conversion of a private access road across a level crossing into a public road or where the development is likely to significantly increase the total number of vehicles or number of trucks using a level crossing in the vicinity of the development, the Infrastructure SEPP requires that a consent authority must take into consideration:

- The implications for traffic safety including the costs of ensuring an appropriate level of safety having regard to the existing traffic characteristics and any likely change in traffic affecting the crossing as a result of the development, and
- The feasibility of alternative means of access to the development that does not involve use of level crossings and
- Any comments received from the CEO of the rail authority on the proposal.

The consent authority must not grant consent for the development without the concurrence of the CEO of the rail authority. In determining whether to provide concurrence, the CEO of the rail authority must take into account:

- Any rail safety or operational issues associated with the aspects of the development, and
- The implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.

**Note:** traffic includes rail, road and pedestrian traffic

### 5.15 FENCING

The security of fencing along the rail corridor is essential to prevent unauthorised entry. Given the frequency and speed of trains, particularly in built up areas, unauthorised entry is a key safety risk and has the potential to disrupt services.

Where construction activity occurs near existing rail-side fencing, provisions should be made to prevent damage to fencing. In instances where new metallic rail-side fencing is proposed, it could be affected by electrolysis (refer section 5.2).

## 6 Excavation, earthworks and other construction related issues

### 6.1 INTRODUCTION

Development adjacent to rail corridors and busy roads or over existing tunnels has the potential to impact on safety and the operation of the road/rail network. Road and rail infrastructure both above ground and underground (ie tunnels) can include a wide range of engineered structures, facilities or buildings which may be affected by proposals to build or carry out excavation and other adjacent earthworks.

#### Terminology:

- **Excavation and earthworks** include excavation, filling and construction of retaining walls
- **Excavation** refers to any artificial cut, cavity, trench, void or depression in soil or rock created by soil or rock removal. It includes foundation works involving penetration of the ground by boring, pile driving or pile drilling.
- **Filling** includes foundation preparation and placement of fill both compacted and loosely placed.
- **Retaining** includes design and construction of structures required to retain soil, rock and other materials.

*Although this section of the guideline is directed at work within or adjacent to a rail corridor, the majority of the issues are also directly applicable to work on, or adjacent to, road corridors.*

Excavations and other earthworks in or adjacent to rail corridors also require concurrence from the road and relevant authority where the specific requirements of the Infrastructure SEPP are met.

**Clause 86:** any development (other than development to which clause 88 of the Infrastructure SEPP applies) that involves the penetration of the ground to a depth of at least 2m below ground level (existing) on land that is:

- a) within or above a rail corridor; or
- b) within 25m (measured horizontally) of a rail corridor; or
- c) within 25m (measured horizontally) of the ground directly above an underground rail corridor

*Note: the consent authority must not grant consent without consulting with the rail authority and obtaining concurrence consistent with clauses 86(2)–(5)*

**Clause 103:** any development which involves penetration of the ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of roads or road projects as specified in schedule 2 of the SEPP.

This guideline assists in the preparation of information for seeking concurrence (details of rail authority concurrence process is in Appendix A).

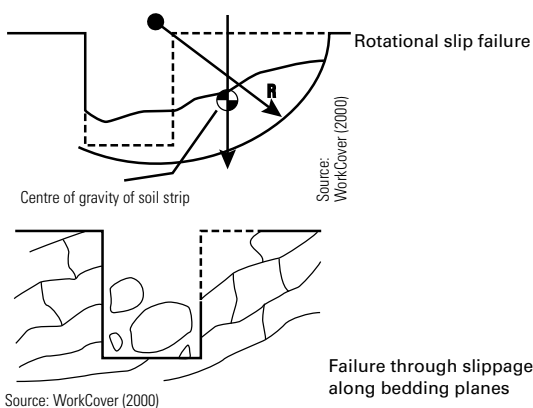


**6.2 WHEN ARE EXCAVATIONS AND EARTHWORKS LIKELY TO BE A KEY ISSUE**

**6.2.1 Excavations and other earthworks adjacent to road and rail corridors**

Excavations, other earthworks and building construction adjacent to rail corridors and busy roads can have implications for the integrity of the transport system and its engineered structures and can increase safety risks if not appropriately designed, planned and managed. Poorly designed and implemented excavation, earthworks and construction can cause subsidence, deterioration of existing structures and can cause stress changes in the soil and rock. This may be a particular problem where excavations are deep, the on-site substrate (soil or rock) exhibits poor compressive strength, contains structural defects or there is groundwater seepage.

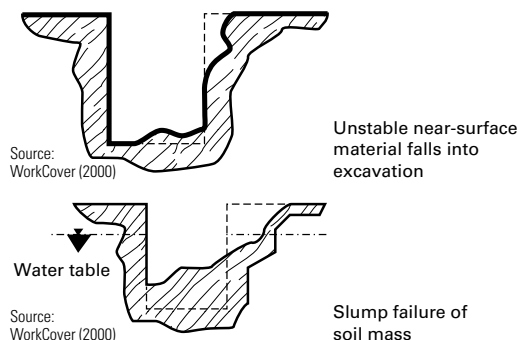
Potential problems associated with excavations include slippage, slumping, creation of fissures or cracks, rock or earth falls, exacerbated ground movement, water inflows and, in a worse case scenario, structural failure may occur.



**The specific design of a proposal to build or excavate in and around the corridor or over tunnels should include and take into consideration:**

- Site location of the proposed development or works.
- Location of property and title boundaries and easements, including for tunnels.
- Searches for existing road, rail and other underground, aerial and surface services.
- Site layout –the proposed works within the site and its relationship to any adjoining property.
- Proposed site excavation and service layouts including details of size, construction methods and depths.
- Consideration of noise and vibration by referring to the NSW Construction Noise Guideline (DECC 2008)

Filling and retaining walls can cause settlement of the ground and stability problems can occur with the fill and wall foundations. Fill and retaining wall construction can obstruct site lines if located on the inside of a curve. Stormwater runoff and erosion of new fill slopes can also be a problem.



## 6.2.2 EXCAVATIONS AND OTHER EARTHWORKS ABOVE TUNNELS

Road and rail tunnels are an integral part of the transport network, particularly within the Sydney CBD. Key issues are discussed below.



### Load bearing issues for tunnels:

- Excavation, earthworks and construction above tunnels can vary loadings within the soil and rock column above the tunnel void and cause changes in stress fields. Stress release (due to basement excavation) and stress increase (due to the new building foundations, filling or retaining) alter the stress distribution in the ground beneath the building and on the underlying tunnel. Deep excavations to construct foundations for high rise buildings or establish basement car parking are particular risk factors.
- Stress field changes can cause adjustments in the rock body particularly where there are existing fissures or planes of weakness. Loadings on the rock envelope around a tunnel can lead to changes in tunnel shape and a potential reduction in the tunnel's margin of safety against structural failure.
- Vibration and other ground movement associated with rock breakers, boring, pile driving, pile drilling and sinking of piers may affect the soil and rock column above a tunnel. This can be an issue where the rock contains interbedded strata of variable strength, where excavations are deep or where the tunnel roof is at a relatively shallow depth.

### Maintaining the integrity of the tunnel lining and support of the tunnel and caverns

- In deep excavation or where the tunnel is close to the ground surface, there can be a risk that boring and pile installation may pass close to or physically intersect tunnel linings or tunnel/cavern supports. This can also occur during exploratory drilling at the pre-excavation stage including where the excavation is not vertically above the tunnel but angle drilling is involved. 'Vertical' boreholes can "wander off" vertical possibly unexpectedly encountering tunnels some horizontal distance away from the drilling location.
- Physically intersecting tunnel linings may affect the structural integrity of the lining, affect the function of the tunnel and cause safety issues where there is penetration into the tunnel void itself. Water inflows, rockfalls and roof failure can directly affect safety and operations. Potential intersections of the boring equipment with live electrical infrastructure may also be possible with resultant risks of electrocution and power outages.
- All these effects can lead to damage of the tunnel structure (ring elements, bolts, etc.) and distortion of the tunnel shape and alignment. For rail tunnels, tilting or changes in cross-fall of tracks increases the risk of a train derailment. Changes in the tunnel profile may restrict the ability of a train to run through the tunnel without hitting the tunnel with significant safety and service implications as a result.

### Effect of tunnel condition

- The consideration of future loads will depend on the condition of the tunnel and track and geotechnical conditions, so a condition survey is required prior to any works commencing. The complexity of the design analyses required will depend on how the development might impact on the existing engineering safety limits of the tunnel.

### 6.3 AVOIDING IMPACTS BY GOOD PLANNING AND DESIGN

To ensure that the impacts of excavation on road and rail infrastructure are minimised, careful design and planning should ensure that the following key aspects are considered when proposing to build or carry out excavations and other earthworks in and around rail corridors and busy roads.

#### Key considerations for excavations and earthworks

- Geotechnical aspects of the site are identified and assessed and are a major basis for the design of the excavations, earthworks and construction works.
- The restricting geotechnical factors on tunnels from construction works are within acceptable limits, eg for additional pressure (loading), predicted movement (lateral shift, distortion) and vibration.
- The location of existing underground, aerial and surface utilities/services, including transmission lines, cables and pipelines are identified and considered in the design of the works.
- The specific locations of existing infrastructure including tunnels, structures, foundations, embankments, retaining walls, cuttings and presence of existing rock bolts and anchors are identified and taken into consideration in the design.
- Dilapidation surveys identify the current state of facilities in and around the site, particularly the existence of cracking, corrosion or evidence of other deterioration.

### 6.4 WHEN IS AN ASSESSMENT NEEDED

Geotechnical assessments for developments involving excavation and other earthworks will be required if located in the vicinity of a rail corridor or busy road as follows:

#### Excavation under the Infrastructure SEPP

- Where the following clauses apply: 86 and 103 (refer page 2)

#### Filling/retaining in other situations

- If the distance between the toe of the fill, or retaining structure, and the rail corridor boundary is less than twice the height of the fill/retaining structure.

If applicants are unsure about the likely impact of an excavation, it is best to obtain preliminary geotechnical advice to determine whether the development can comply with standard conditions or whether additional measures are necessary.

### 6.5 WHAT ARE THE ASSESSMENT REQUIREMENTS

#### 6.5.1 General

There are specific engineering and other technical requirements that need to be addressed associated with any proposed excavation works adjoining rail corridors and busy roads or above an existing tunnel to ensure that impacts are minimised. When lodging a DA, a report must be submitted that addresses the geotechnical issues on the following page and include a construction methodology and numerical modelling based on evidence acquired through geotechnical investigation. There are also concurrence requirements to the relevant rail authority under clauses 84, 86 and 88 of the Infrastructure SEPP (refer to Appendix A).

**Issues to be considered during site investigations and geotechnical assessment associated with excavation, earthworks or building adjacent to a rail corridor/busy road or over an existing tunnel:**

- Site topography, geology and hydrology.
- Climatic influences including prevailing weather conditions and seasonal variations.
- Groundwater investigations.
- A dilapidation survey including location, condition and influence of existing structures, services and old workings.
- Presence of possible geotechnical hazards such as unstable slopes, evidence of landslip or rockfall.
- Site soil and rock properties (e.g. strength of soil and rock materials, extent of any rock weathering, presence of existing rock fractures, joints and other planes of weakness, in situ existing rock stress field magnitude and orientation).
- Expected induced rock stress field due to the proposed excavation.
- Expected changes to restricting geotechnical factors on any existing tunnels such as additional pressure (loading), predicted movement (lateral shift, distortion) and effects of excavation or building induced vibration.
- Potential rock failure mechanisms within the rock mass.
- Expected blast damage effects to the rock mass if blasting is being considered.
- Likely scale and nature of the ground response to the proposed excavation works (likely movement) and potential effects on adjoining buildings or installations.
- Presence of possible contaminated environments – such as contaminated soil or contaminated groundwater such as by chemical plumes.
- Proposed approaches/measures to mitigate predicted impacts.
- Previous relevant experience and historical data for the area.
- Strength/compressibility of fill and retaining wall foundations.
- Stability of proposed fill slopes.

Source: WorkCover 2006

Site investigations may include mapping, borehole drilling, drill core testing, structural surveys, underground surveys, test pits, collection and testing of samples of groundwater, rock, soil, and structural materials.

To assist in the specifications of geotechnical assessments associated with excavations, relevant Australian Standards should be followed as applicable, including:

- AS 4133.0 – 2005 Methods for Testing Rocks for Engineering Purposes – general requirements and list of methods;
- AS 1289.0 - 2000 Methods for Testing Soils for Engineering Purposes; and
- AS 1726 – 1993 Geotechnical Site Investigations (contains standards for planning and designing investigations, methods, reporting and technical aspects such as description and classification of soil and rock for geotechnical purposes).

Suitable guidance associated with the assessment can be found at the Australian Geomechanics Society:  
<http://www.australiangeomechanics.org/index.htm>

**Geotechnical assessment should be undertaken by a suitably qualified geotechnical engineer or engineering geologist who is:**

- Listed on the National Professional Engineers Register Level 3 (NPER-3) or a current member of Fellow of the Australian Institute of Geoscientists, and;
- Has a minimum of 5 years working experience as a geotechnical engineer or engineering geologist advising on building and excavation works and associated geotechnical issues.

**6.6 TYPICAL EXCAVATION AND EARTHWORKS MANAGEMENT ISSUES**

Once the geotechnical assessments have been undertaken, suitable ground support systems can be designed to ensure the integrity of the excavation, any underlying tunnels, adjoining infrastructure and any nearby buildings and structures whilst also ensuring the safety of workers during excavation works. Controls on cutting can include passive measures such as benching or battering of the excavation walls and active measures such as shoring and other support systems (see below).

Controls on fill and retaining wall foundations can include ground improvement to remediate weak or compressible ground such as undercutting soft soils, placing stone columns, dynamic compaction or using basal reinforcement. Fills may also require erosion protection of newly placed or easily erodable fill slopes. Sediment control on adjacent excavations and other earthworks such as settling ponds, and silt fences will be required to limit/prevent sediment runoff affecting the road/rail corridor.

**6.6.1 Benching or battering**

To assist in minimising the risk of soil or rock material falling or slipping into an excavation, the excavation walls can be benched or battered depending on the geotechnical assessment of the site (see **Figures 6.3a** and **6.3b**).

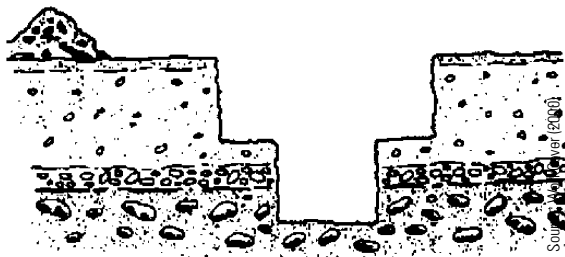


Figure 6.3a: Benching

Benching involves the establishment of stepped benches to the excavation wall and is used to reduce the vertical height of the excavation wall (see **Figure 6.3**). A geotechnical risk assessment is required to determine the specifications of the benches to ensure stability of the excavation wall.

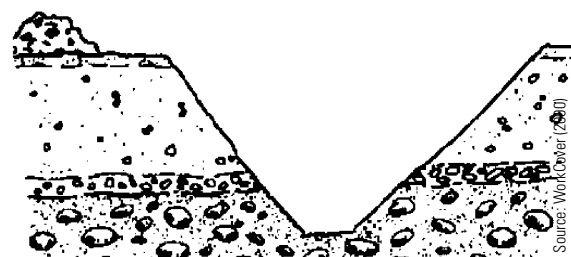


Figure 6.3b: Battering

A batter involves sloping the excavation wall back to an angle which ensures stability. Again a geotechnical assessment is required to determine this angle. In some situations a combination of a bench and batter may be suitable (WorkCover 2000).

### 6.6.2 Excavation support systems

Excavation support systems such as shoring are temporary earth retaining structures that allow the sides of an excavation to be cut vertically or nearly vertically. Retention systems may use rock bolts, ground anchors or soil nails to resist the lateral earth and rock pressures. Where adjacent structures require stabilisation, foundations should be protected, strengthened or underpinned and lateral loads supported as excavation proceeds, depending on the geotechnical conditions of the site.

#### Factors that should be considered in the design of a suitable system include:

- The size and strength of the component members of the shoring.
- Existing and changing ground conditions including drainage.
- The loads and types of ground or soil conditions to be shored.
- Static loads near the excavation such as spoil piles, buildings and structures.
- Dynamic loads near the excavation such as traffic and excavation equipment.
- Ground vibration such as from heavy traffic, mobile plant, trains, pile driving and blasting.
- Undermining of roads, footpaths, buildings and other structures.
- Difficulties or risks that other services may pose such as overhead power lines, existing or proposed underground services.
- Working environment such as exposure to dust, fumes, gases, noise, water, contaminated atmosphere or contaminated soils.
- Systems of work are accordance with any legislative requirements.
- Location of utility services.
- Safety issues during installation and removal of the systems.

(after WorkCover 2000)

From an OH&S perspective (WorkCover *NSW Code of Practice – Excavation*), it is a legal requirement that where necessary all excavations must be adequately shored or otherwise supported to prevent a fall or dislodgement of earth, rock or other material forming the side of or adjacent to any excavation work from burying, trapping or striking a person that is in the excavation. Where a similar risk also exists for the support installers, other measures must be in place to ensure their safety.

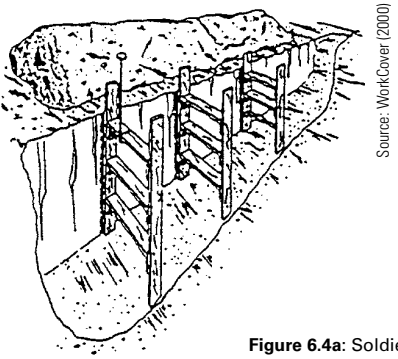
An excavation support system is not required if, having regard to the nature and slope of the side of the excavation and other relevant circumstances there is no reasonable likelihood that earth, rock or other material will fall or dislodge from a height of more than 1.5 metres and bury, trap or strike a person that is in the excavation. The risk assessment process should be used to identify unstable conditions and the risks involved (WorkCover 2000). Support of an excavation should proceed as the work of the excavation progresses.

#### Types of excavation support systems (see Figure 6.4) include, but are not limited to:

- Sacrificial sets which stay in the ground indefinitely and may be concrete, timber or other materials.
- Soldier sets – timber, steel.
- Full timber systems with runners and horizontal rails.
- Trench supports such as shields, cages or boxes.
- Sheet piling.
- Pre-cast panels.
- Diaphragm walls.
- Rock bolts and ground anchors.
- Caissons.
- Sand bags comprised of a sand cement mix.
- Hydraulic systems.
- Soil nails and shotcrete.
- Pneumatic systems.

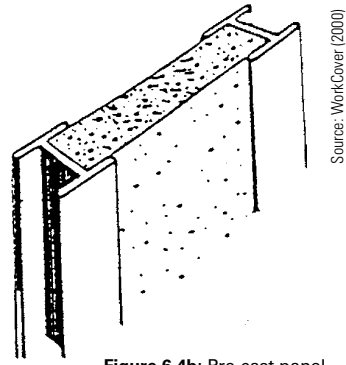
Source: WorkCover (2000)

All excavation support systems should be designed and constructed consistent with the requirements of Australian Standard AS 4678 – 2002 *Earth-retaining Structures*.



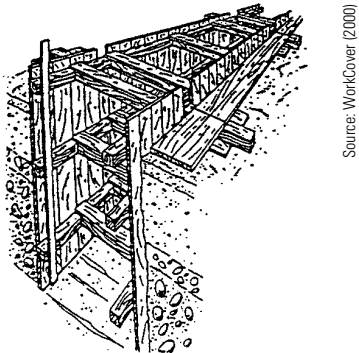
Source: WorkCover (2000)

Figure 6.4a: Soldier sets



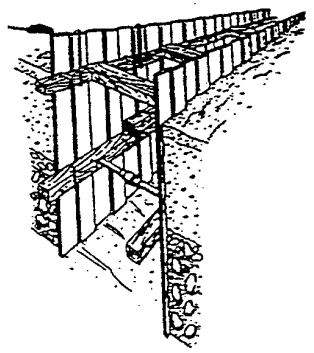
Source: WorkCover (2000)

Figure 6.4b: Pre-cast panel



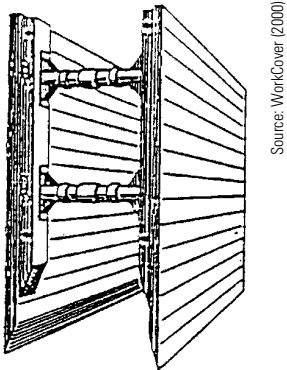
Source: WorkCover (2000)

Figure 6.4c: Full timber system



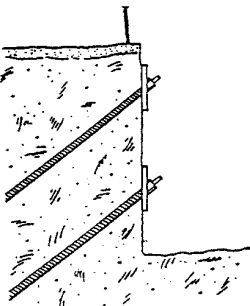
Source: WorkCover (2000)

Figure 6.4d: Sheet piling



Source: WorkCover (2000)

Figure 6.4e: Trench shields



Source: WorkCover (2000)

Figure 6.4f: Rock bolts

WorkCover NSW (2000) *Code of Practice – Excavation* provides further information on the procedures to follow when contemplating or planning excavation work.

WorkCover NSW (2006) *Code of Practice – Tunnels Under Construction* provides information and procedures specifically relevant to tunnel construction but which also includes information that has relevance for works that may affect tunnels.

## 6.7 TYPICAL SITE DEMOLITION, CONSTRUCTION AND POST CONSTRUCTION ISSUES

A key aspect to preventing adverse effects associated with building or excavations adjacent to rail corridors and busy roads is appropriate attention to practices during the construction and post construction phases. This includes the application of best practice by the contractor undertaking the work and also adequate and suitably qualified supervision by the proponent.

Once the specific soil and rock types present at the site are identified, the key geotechnical constraints must be determined and decisions made about whether the excavation and earthworks management measures (as identified above) will be sufficient to prevent and minimise any potential impacts. Although the potential impacts are dependent on the particular geotechnical site conditions and the specific nature of the proposed development, the proponent must demonstrate that any impact on the road/rail infrastructure from the excavation or other earthworks will be within acceptable limits.

Where changes to the geotechnical conditions become apparent during the actual excavation works such as the presence of unexpected rock defects (e.g. steep interbedded strata, joints, faults, dykes) or groundwater seepages, work should cease immediately and additional geotechnical advice sought.

It is also important that the issues identified during the design process have been adequately implemented and are being maintained (eg drains, corrosion protection systems etc.). Conditions may change with time and additional measures may need to be identified and implemented.

### 6.7.1 Excavations and earthworks

Sites in areas of known ground instability should be identified and managed as 'special locations' from the initial stages of the proposed development.

During the construction phase of a project within or adjoining the road/rail corridor or above an existing tunnel, scheduled excavations and earthworks inspections should be undertaken on a regular basis, with particular attention to 'special locations'. There should also be a suitable monitoring program as an integral part of these inspections.

#### Inspections should note excavations and earthworks defects and conditions that may affect, or indicate problems including:

- Slippage, slumping, settlement or heaving.
- Fissures or cracks in excavations, earthworks or batters.
- Rock, earth or other fallen debris near the road/rail track.
- Changes to track geometry.
- Subsidence due to ground movements.
- Earthwork scour and/or erosion including loss of track ballast, undercutting of the toe of embankments or cuttings.
- Water seepage from new excavations, earthworks or from existing features such as embankments and cuttings.
- Damage to embankments or cuttings including that caused by construction or vehicle access.
- Condition of drainage systems to ensure that they are working satisfactorily and are not fully or partially blocked.
- Conditions that may cause future slip, scour, slump or settlement such as due to clearing vegetation from steep embankments and other slopes.
- Any other occurrence likely to affect the stability of excavations and earthworks.



### 6.7.2 Excavation support systems

It is a legal requirement under OH&S legislation that excavation works must be inspected prior to the commencement of work and at regular intervals to ensure that the excavation and its supporting systems are safe, stable and functioning appropriately (WorkCover 2000). The assessment of risk should be reviewed after any collapses or falls of material, after adverse weather or after any blasting.

**All inspections of support systems should take into account the following:**

- Stability, security and functionality of the retention and support systems.
- Angle of any batters remain appropriate to prevent slope failure or collapse.
- Any evidence of undercutting of the excavation.
- Appearance of any fissures or cracks in excavation sides or edges.
- Evidence of any soil or rock or other fallen debris in the excavation.
- Water seepage from excavation walls.
- Changes to soil or weather conditions.
- Extra loading.
- Surface water or run-off entering the excavation or accumulating on the ground surface close to the excavation.
- Geotechnical conditions as the excavation proceeds, particularly any unforeseen occurrences such as evidence of inclined bedding planes, floor heave (swelling), or any subsidence adjacent to the excavation.
- Appropriate timing of the removal of any support systems (i.e. not removed prematurely).
- Work practices ensure workers remain under the protection of support systems (i.e. they do not venture into unprotected and dangerous areas).
- Presence of any fumes, gases, asbestos, silica dust or other contaminants.

### 6.7.3 Structures

Structures adjoining rail corridor/busy roads or located above a road/rail tunnel should have a program of scheduled inspections associated with them to ensure that the integrity of the infrastructure is maintained:

**All inspections of structures should take into account the following:**

- Defects or changes in the structural integrity of components including cracking and movement to footings or foundations
- Any component damage caused by vandalism or other incident within the transport corridor
- Water seepage
- Retaining wall drainage systems
- Evidence of electrolysis
- Continuing compliance with implementing design requirements associated with walkways, balconies and windows which directly face the corridor (ie. any subsequent alterations, additions or renovations should also comply with the clearance and design requirements) (refer section 3).

Unscheduled inspections, particularly at locations with known site instability or other potential constraints, should also be conducted from time to time where there is a particular history of problems or after extreme events (eg high intensity rainfall).

Once construction has been completed general inspections should be scheduled at intervals specific to the conditions at the particular location but generally not exceeding 12 months duration.

### 6.7.4 Rail track closure and power outages

In some instances, certain phases of proposed construction or excavation may require the rail authority to stop trains running on adjoining tracks (track possession) and/or the shutting of power to rail facilities (power outage). Refer to section 5.13 for further information.

### 6.7.5 Demolition

Many of the issues discussed under 6.7.1 and 6.7.2 also apply to demolition as a particular aspect of the construction process.

A methodology should be developed and included with the development application where demolition is proposed adjoining the rail corridor. This should demonstrate how impacts on the rail corridor will be avoided or mitigated

# Appendix A: Sample Rail Corridor Conditions

## APPLICATION

The Infrastructure SEPP requires the following development to consult with and obtain concurrence from the rail authority:

**Clause 84:** Development that involves:

- A new level crossing, or
- The conversion into a public road of a private access road across a level crossing, or
- A likely significant increase in the total number of vehicles or the number of trucks using a level crossing that is in the vicinity of the development

**Clause 86:** Development (other than development referred to in clause 88 of the *Infrastructure SEPP*<sup>1</sup>) that involves penetration of the ground to a depth of at least 2m below ground level (existing) on land that is:

- Within or above a rail corridor, or
- Within 25 metres (measured horizontally) of a rail corridor, or
- Within 25 metres (measured horizontally) of the ground directly above an underground rail corridor.

**Clause 88:** Development:

- Within or adjacent to the Interim Metropolitan Rail Expansion Corridors<sup>2</sup> – see SEPP

## SPECIFIC RAILWAY AUTHORITY CONCURRENCE REQUIREMENTS

### Matters specified in the Infrastructure SEPP

Where concurrence is required, the consent authority must forward the development application and supporting information to the rail authority. The rail authority when deciding to grant concurrence must take into account the matters listed in the *Infrastructure SEPP* as shown in **Table A.1**.

### Assessment and determination process

The rail authority can grant concurrence with or without conditions or it can refuse concurrence.

If concurrence is granted and the consent authority decides to approve the development application, it would include the conditions as nominated by the rail authority in the development consent. Potential conditions of concurrence from the rail authority that a council would then impose as a consent condition are identified below.

<sup>1</sup> Development within or adjacent to Interim Metropolitan Rail Expansion Corridors – refer to *Infrastructure SEPP* for specific details  
<sup>2</sup> Refer to Clause 88 of the *Infrastructure SEPP* for specific requirements and definitions of these corridors

Table A1: Matters prescribed in the Infrastructure SEPP that must be taken into account by the consent authority and the rail authority

Category of development and relevant clause in the Infrastructure SEPP	Matters to be taken into account by the consent authority before determining a development application	Matters to be taken into account by the rail authority before determining whether to provide concurrence
<p><b>Clause 84</b> – <i>Development involving access via level crossings</i></p>	<ul style="list-style-type: none"> <li>• the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety having regard to existing traffic and any likely change in traffic at level crossings as a result of the development, and</li> <li>• the feasibility of access for the development that does not involve use of level crossings.</li> </ul>	<ul style="list-style-type: none"> <li>• any rail safety or operational issues associated with the aspects of the development, and</li> <li>• the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.</li> </ul>
<p><b>Clause 86</b> – <i>Excavation in, above or adjacent to rail corridors</i></p>	<ul style="list-style-type: none"> <li>• these guidelines;</li> <li>• any response from the rail authority.</li> </ul>	<ul style="list-style-type: none"> <li>• The potential effects of the development (whether alone or cumulatively with other development or proposed development) on: <ul style="list-style-type: none"> <li>– the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</li> <li>– the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor.</li> </ul> </li> <li>• What measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</li> </ul>
<p><b>Clause 88</b> – <i>Development within or adjacent to Interim Metropolitan Rail Expansion Corridors</i></p>	<ul style="list-style-type: none"> <li>• any response from the rail authority.</li> </ul>	<ul style="list-style-type: none"> <li>• The practicability and cost of carrying out rail expansion projects on the land in the future, and <ul style="list-style-type: none"> <li>– without limiting the above practicability and cost requirement, the structural integrity or safety of, or ability to operate, such a project, and</li> <li>– without limiting the above practicability and cost requirement, the land acquisition costs and the costs of construction, operation or maintenance of such a project.</li> </ul> </li> </ul>

## POST APPROVAL COMPLIANCE

If the development is approved, the consent conditions (including conditions of concurrence) would determine the ongoing role of the rail authority and consent authority/principal certifying authority in checking the development is designed and constructed in accordance with the approval.

### Potential conditions of consent relating to rail corridors

Potential conditions of consent relevant to the rail-related clauses in the *Infrastructure SEPP (cl 84, 86, 88)* are provided below as a general guide so that proponents are aware upfront of the scope of what may be required, depending on the proposal.

Each development will be assessed on its merits. Not all potential conditions listed will be applied to a development and those listed are indicative and may be subject to change, depending on the details of what is proposed.

#### Potential conditions may be applied to cover:

- Title search and survey
- Services search
- Dilapidation survey
- Derailment protection
- Demolition and construction impacts
- Crane and aerial operations
- Drainage
- Access to the rail corridor
- Maintenance

<b>Title Search and Survey</b>	<p>Prior to the issue of a Construction Certificate the applicant shall submit current property title information and an accurate survey plan of the subject site to the Rail Authority. The survey plan shall be prepared by a registered surveyor and contain all encumbrances (eg easements and right of ways) benefiting the Rail Authority, and the location of the proposed building in relation to the rail corridor.</p> <p>The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.</p> <p><i>(Note: this condition only applies where this information has not already been submitted with the Development Application. Updated survey information may be required if the development has changed since the initial survey information was provided).</i></p>
<b>Services Search</b>	<p>Prior to the issue of a Construction Certificate the applicant shall request a service search from the Rail Authority to establish the existence and location of any rail services. Where rail services are identified within the rail corridor in close proximity to the subject development site, the Applicant must ensure that all required clearances (eg electrical clearances) are observed at all times during the undertaking of works. Where rail services are identified within the subject development site the Applicant must discuss with the Rail Authority as to whether these services are to be relocated or incorporated within the development site.</p> <p>The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition/s has been satisfied.</p> <p><i>(Note: the works component of this condition cannot be satisfied until the construction certificate has been issued).</i></p>
<b>Dilapidation Survey</b>	<p>Prior to the issue of a Construction Certificate and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the Rail Authority and the Applicant. The submission of dilapidation surveys for all rail infrastructure and all works in the rail corridor will be required unless otherwise notified by the Rail Authority. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed.</p> <p>The Principal Certifying Authority shall not issue the Construction Certificate or Occupation Certificate until written confirmation has been received from the Rail Authority confirming that this condition/s has been satisfied.</p>
<b>Derailment Protection</b>	<p>The development must be designed and constructed in accordance with the requirements of Australian Standard AS5100-2004 – <i>Bridge Design</i> and complying with clause 10.4.3 of AS5100. Prior to the issue of a Construction Certificate the Applicant is to provide the Rail Authority with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of this condition. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from the Rail Authority confirming that this report has been prepared to its satisfaction. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures recommended in this report are to be incorporated and have been indicated on the Construction Drawings.</p>

<b>Demolition and Construction Impacts</b>	<p>Prior to the issue of a Construction Certificate a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition/s has been satisfied.</p> <p>No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.</p>
<b>Crane and aerial operations</b>	<p>Prior to the issuing of a Construction Certificate the Applicant is to submit to the Rail Authority a plan showing all craneage and other aerial operation for the development and must comply with all requirements of the Rail Authority. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been satisfied.</p>
<b>Drainage</b>	<p>Drainage from the development must be adequately disposed of /managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Rail Authority.</p> <p>Rainwater from the roof must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.</p> <p>The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that this condition has been complied with and drainage systems to ensure compliance with this condition have been indicated on the Construction and Drainage Drawings.</p>
<b>Access to rail corridor</b>	<p>No work or any objects relating to works are permitted within the rail corridor or the airspace above it, or its easements, at any time unless prior approval or an Agreement has been entered into with the Rail Authority.</p> <p>All works within the rail corridor are to be carried out in accordance with railway Safeworking rules and regulations, including the Network Rules and Procedures.</p> <p>Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from the Rail Authority confirming that its approval has been granted.</p>
<b>Maintenance of Development</b>	<p>The proponent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to the Rail Authority prior to the issuing of the Occupation Certificate. The Principal Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from Rail Authority advising that the maintenance plan has been prepared to its satisfaction.</p>

# Appendix B – Acoustic Planning Measures

*This Appendix compares a hypothetical typical modern “project home” (single storey) with its noise-sensitive rooms facing a busy road, to the same home after applying “good” acoustic planning by orientating the building so that noise-sensitive rooms are on the opposite side to the busy road.*

The single storey hypothetical house comprises building materials for the walls, roof and floor that are typical of a modern “project home”. Two orientations of the house are presented in Figures B1 and B2. The Appendix presents both the internal and external noise levels associated with the two orientations as well as three different building Specifications A, B and C.

## NOISE MODELLING

### External Noise Levels

For each orientation, external road traffic noise was modelled around each building at 1m from critical windows and doors, and the external noise modelling assumptions are set out below:

- using an assumed high traffic noise level of 68dB(A) LAeq for day and night at 1m from the facade most affected by traffic noise, all other external results are established at 1m from each critical building element and are presented in units of A-weighted decibels, dB(A)
- model uses the Calculation of Road Traffic Noise (CoRTN), 1988 algorithms
- three source heights (0.5m, 1.5m and 3.6m)
- flat ground was between the road and the receiver point
- receiver height at 1.5m above ground
- no barriers or shielding between the road and the receiver point
- 160 degrees angle of view of road from receiver point
- no gradient on road
- facade correction of +2.5dB(A)
- ARRB correction of -1.7dB(A) for Australian conditions
- the same size buildings exist on each adjacent side of the subject property with a separation of 2m to the common boundary (ie 4m spacing between adjacent buildings) to account for shielding of road noise typically provided by buildings adjacent to developments.

### Internal Noise Levels

To calculate the internal noise levels and estimate potential savings from applying “good” acoustic planning principles, building specifications used were determined for each building element of each orientation. The selection of building specifications required was based on achieving the internal noise goals set out in the Infrastructure SEPP, being LAeq 35dB(A) for bedrooms and 40dB(A) for other habitable areas. Each building specification is matched with a noise calculation Scenario, eg. Scenario A uses Specification A, and Scenario B uses Specification B etc.

In-principle cost estimates are included to allow cost comparisons and estimates of potential cost savings when using good acoustic planning principles.

The assumptions made in the internal noise modelling are as follows:

- typical layout of a modern dwelling taken from a recent large residential development in an outer Sydney suburb
- assumed reverberation time of 0.6 seconds for bedrooms and 1.0 second for other habitable rooms
- the relevant dimensions of the each room are as follows in **Table B1**.

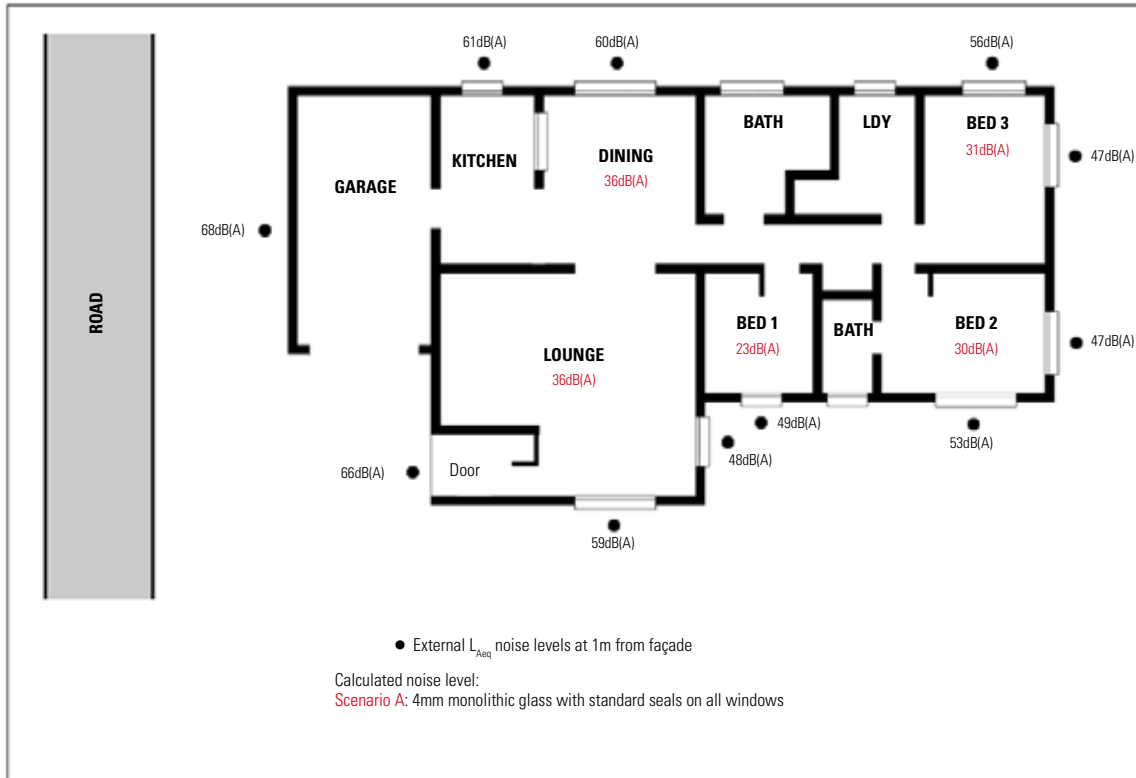
Table B1: Assumed Room Volumes and Areas	
Rooms	Volumes & Areas
<b>Bedroom 1</b>	
Volume (3W x 3L x 2.7H)	24.3m <sup>3</sup>
Window (1.2W x 1.5H)	1.8m <sup>2</sup>
Wall [(3W x 2.7H) – (window area)]	6.3m <sup>2</sup>
Roof / Ceiling Area (3W x 3L)	9m <sup>2</sup>
Floor Area (3W x 3L)	9m <sup>2</sup>
<b>Bedroom 2</b>	
Volume (3W x 4L x 2.7H)	32.4m <sup>3</sup>
Window Area - side (2W x 2.2H)	4.4m <sup>2</sup>
Wall Area – side [(4W x 2.7H) – (window area)]	6.4m <sup>2</sup>
Window Area – front/back (1.5W x 1.8H)	2.7m <sup>2</sup>
Wall Area – front/back [(3W x 2.7H) – (window area)]	5.4m <sup>2</sup>
Roof / Ceiling (3W x 4L)	12m <sup>2</sup>
Floor (3W x 4L)	12m <sup>2</sup>
<b>Bedroom 3</b>	
Volume (3W x 4L x 2.7H)	32.4m <sup>3</sup>
Window - side (1.5W x 1.8H)	2.7m <sup>2</sup>
Wall Area – side (3W x 2.7H – window area)	5.4m <sup>2</sup>
Window – front/back (1.5W x 1.8H)	2.7m <sup>2</sup>
Wall Area – front/back (4W x 2.7H – window area)	8.1m <sup>2</sup>
Roof / Ceiling (3W x 4L)	12m <sup>2</sup>
Floor (3W x 4L)	12m <sup>2</sup>
<b>Lounge</b>	
Volume (6W x 6L x 2.7H)	97.2m <sup>3</sup>
Glass Sliding Door (2W x 2.2H)	4.4m <sup>2</sup>
Wall Area – side [(6W x 2.7H) – (window area)]	11.8m <sup>2</sup>
Window - return (1.5W x 1.8H)	2.7m <sup>2</sup>
Wall Area – return [(3W x 2.7H) – (window area)]	5.4m <sup>2</sup>
Timber Door – front/back (1.2W x 2H)	2.4m <sup>2</sup>
Wall Area – front/back [(4W x 2.7H) – (door area)]	8.4m <sup>2</sup>
Roof / Ceiling (6W x 6L)	36m <sup>2</sup>
Floor (6W x 6L)	36m <sup>2</sup>
<b>Kitchen / Dining room</b>	
Volume (6W x 4L x 2.7H)	64.8m <sup>3</sup>
Glass Sliding Door - dining area (2W x 2.2H)	4.4m <sup>2</sup>
Window - kitchen area (0.8W x 1.2H)	1m <sup>2</sup>
Wall [(6W x 2.7H) – (window areas)]	10.8m <sup>2</sup>
Roof/ Ceiling (6W x 4L)	24m <sup>2</sup>
Floor (6W x 4L)	24m <sup>2</sup>

**ORIENTATIONS**

The two orientations of the house in **Figures B1** and **B2** are:

**Orientation 1 (Figure B1)**

The "Project home" is shown with bedrooms and other rooms located at the further most points from the road. Shielding is provided to the bedrooms by less sensitive rooms of the house.



**Figure B1**

**BUILDING SPECIFICATIONS**

The specifications of critical building materials used are listed below.

**Specification A**

Windows	standard 4mm monolithic glass with standard weather seals on all windows	(Rw 25)
Doors	30mm solid core timber – lounge room aluminium framed glass sliding door – lounge and dining rooms	(Rw 24)
Walls	brick-veneer and standard plasterboard on timber studs with insulation in cavity	(Rw 52)
Roof	tiled roof and standard plasterboard ceiling with insulation	(Rw 43)
Floor	concrete slab	

Note: 'Rw' is the weighted sound reduction index of a building element



**Orientation 2 (Figure B2)**

The “Project home” is shown with bedrooms on the end of the house most exposed to the road.

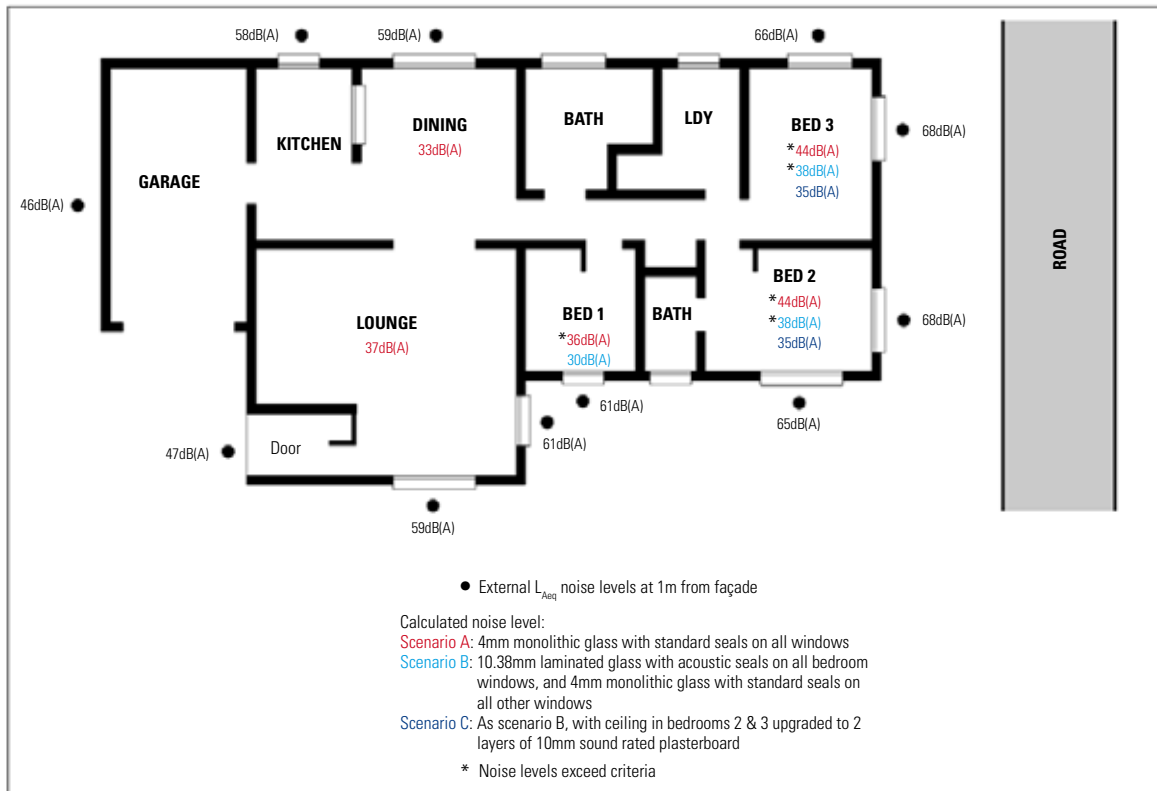


Figure B2

**Specification B**

Windows	10.38mm laminated glass with acoustic seals on all bedroom windows, standard 4mm monolithic glass with standard seals on all other windows	(Rw 35)
Doors	30mm solid core timber – lounge room aluminium framed glass sliding door – lounge and dining rooms	(Rw 24)
Walls	brick-veneer and standard plasterboard on timber studs with insulation in cavity	(Rw 52)
Roof	tiled roof and standard plasterboard ceiling with insulation	(Rw 43)
Floor	concrete slab	

Note: 'Rw' is the weighted sound reduction index of a building element

**Specification C**

Windows	10.38mm laminated glass with acoustic seals on all bedroom windows, standard 4mm monolithic glass with standard seals on all other windows	(Rw 35)
Doors	30mm solid core timber – lounge room aluminium framed glass sliding door – lounge and dining rooms	(Rw 24)
Walls	brick-veneer and standard plasterboard on timber studs with insulation in cavity	(Rw 52)
Roof	as per Specification B, except the single layer of standard plasterboard ceiling is replaced with a double-layer of 10mm sound-rated plasterboard ceiling	(Rw 52)
Floor	concrete slab	

Note: 'Rw' is the weighted sound reduction index of a building element

## INTERNAL NOISE MODELLING RESULTS

### Orientation 1 – Project Home with Bedrooms Away from Busy Road

**Figure B1** contains the calculated internal noise levels for each bedroom, the lounge and kitchen/dining room when the house is oriented with the road away from the bedrooms. The internal noise levels presented are the results of Scenario A only (in 'red'), as noise levels were not found to exceed the Infrastructure SEPP noise limits in any of the rooms. Otherwise Scenarios B and C would have been calculated.

This illustrates that orientating or positioning noise sensitive rooms such as bedrooms away from a busy road, can have acoustic benefits.

### Orientation 2 – Project Home with Bedrooms Facing Busy Road

**Figure B2** contains the calculated internal noise levels for each bedroom, the lounge and kitchen/dining room when the house is oriented with the road facing the bedrooms. The internal noise levels presented are the results of Scenario A (in 'red'), Scenario B (in 'blue') and Scenario C (in 'purple'). Only the rooms found to exceed the Infrastructure SEPP noise limits were progressed to the calculations for Scenarios B and C, and these were all three bedrooms for Scenario B and only bedrooms 2 and 3 for Scenario C.

The 'bold' internal noise levels indicate levels exceeding the Infrastructure SEPP noise limits.

## COST ESTIMATE RESULTS

Cost estimates are provided for each of the two orientations and for each of the three building specifications, as necessary. The cost rates adopted are considered to be averages, applicable in the Sydney metropolitan area, for normal residential projects, as at June 2008. The cost estimate results are presented at the end of Appendix B.

In summary, a cost difference of \$ 4,076.50, was found between the two orientations which represents approximately 10% of the total building elements considered.

This illustrates the potential cost savings when good acoustic planning and design measures are used.

Comparative Cost Estimates for orientations 1 and 2 and specifications A–C:

Ref	Description	Qty	Unit	Specification	Orientation 1		Orientation 2		
					Rate	Total	Specification Rate	Total	
<b>Bed 1</b>									
1	Window	1.8	m <sup>2</sup>	A	325	585.00	B	500	900.00
2	Wall	6.3	m <sup>2</sup>	A	250	1,575.00	A	250	1,575.00
3	Ceiling	9	m <sup>2</sup>	A	60	540.00	A	60	540.00
<b>Bed 2</b>									
1	Window	2.7	m <sup>2</sup>	A	325	877.50	B	500	1,350.00
2	Wall	5.4	m <sup>2</sup>	A	250	1,350.00	A	250	1,350.00
3	Side window	4.4	m <sup>2</sup>	A	325	1,430.00	B	500	2,200.00
4	Side wall	6.4	m <sup>2</sup>	A	250	1,600.00	A	250	1,600.00
5	Ceiling	12	m <sup>2</sup>	A	60	720.00	C	90	1,080.00
<b>Bed 3</b>									
1	Window	2.7	m <sup>2</sup>	A	325	877.50	B	500	1,350.00
2	Wall	8.1	m <sup>2</sup>	A	250	2,025.00	A	250	2,025.00
3	Side window	2.7	m <sup>2</sup>	A	325	877.50	B	500	1,350.00
4	Side wall	5.4	m <sup>2</sup>	A	250	1,350.00	A	250	1,350.00
5	Ceiling	36	m <sup>2</sup>	A	60	720.00	C	90	1,080.00
<b>Lounge</b>									
1	Entry door	2.4	m <sup>2</sup>	A	400	960.00	A	400	960.00
2	Wall	8.4	m <sup>2</sup>	A	250	2,100.00	A	250	2,100.00
3	Sliding glass doors	4.4	m <sup>2</sup>	A	300	1,320.00	A	300	1,320.00
4	Side wall	11.8	m <sup>2</sup>	A	250	2,950.00	A	250	2,950.00
5	Window	2.7	m <sup>2</sup>	A	325	877.50	A	325	877.50
6	Return wall	5.4	m <sup>2</sup>	A	250	1,350.00	A	250	1,350.00
7	Ceiling	36	m <sup>2</sup>	A	60	2,160.00	A	60	2,160.00
<b>Kitchen/Dining</b>									
1	Window	1	m <sup>2</sup>	A	325	325.00	A	325	325.00
2	Sliding glass doors	4.4	m <sup>2</sup>	A	300	1,320.00	A	300	1,320.00
3	Wall	10.8	m <sup>2</sup>	A	250	2,700.00	A	250	2,700.00
4	Ceiling	24	m <sup>2</sup>	A	60	1,440.00	A	60	1,440.00
					<b>Sub-total</b>	<b>\$32,030.00</b>			<b>\$35,252.50</b>
					<b>Builders OH&amp;P 15%</b>	<b>\$4,804.50</b>			<b>\$5,287.88</b>
					<b>GST 10%</b>	<b>\$3,683.45</b>			<b>\$4,054.04</b>
					<b>Totals</b>	<b>\$40,517.95</b>			<b>\$44,594.41</b>

**Note:** Component areas and all acoustic calculations and specifications provided by Renzo Tonijn & Associates. Costings by BDA Consultants Pty Ltd. Rates adopted are considered to be averages, applicable in the Sydney metropolitan area for standard residential projects as of June 2008.

The cost difference between the house configurations and treatments in Fig B1 and Fig B2 of \$4,076.50 represents approximately 10% of the total building elements considered above and over 60% of the particular elements affected in this example. It well illustrates the possible cost savings of designing the housing layout so that the bedrooms are located away from the noise source.

# Appendix C – Acoustic Treatment of Residences





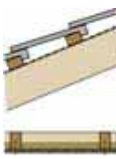

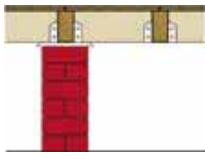

The following table sets out standard (or deemed-to-satisfy) constructions for each category of noise control treatment for the sleeping areas and other habitable areas of single / dual occupancy residential developments only. The assumptions made in the noise modelling are as follows:





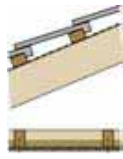

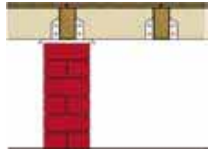

- Typical layout of a modern dwelling taken from a recent large residential development in an outer Sydney suburb
- Bedrooms and other habitable rooms are exposed to road noise




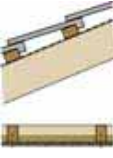


## ACOUSTIC PERFORMANCE OF BUILDING ELEMENTS




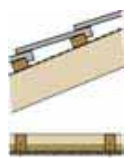


The acoustic performances assumed of each building element in deriving the Standard Constructions for each category of noise control treatment presented in the preceding Table, are presented below in terms of Weighted Sound Reduction Index (R<sub>w</sub>) values, which can be used to find alternatives to the standard constructions presented in this Appendix:

Category of Noise Control Treatment	R <sub>w</sub> of Building Elements (minimum assumed)				
	Windows/Sliding Doors	Frontage Facade	Roof	Entry Door	Floor
Category 1	24	38	40	28	29
Category 2	27	45	43	30	29
Category 3	32	52	48	33	50
Category 4	35	55	52	33	50
Category 5	43	55	55	40	50



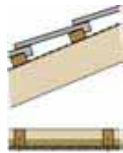

Category No.	Building Element	Standard Constructions	sample
1	Windows/Sliding Doors	Openable with minimum 4mm monolithic glass and standard weather seals	
	Frontage Facade	<b>Timber Frame or Cladding:</b> 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally	
		<b>Brick Veneer:</b> 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally	
		<b>Double Brick Cavity:</b> 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R1.5 insulation batts in roof cavity.	
	Entry Door	35mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	1 layer of 19mm structural floor boards, timber joist on piers	
Concrete slab floor on ground			

Category No.	Building Element	Standard Constructions	sample
2	Windows/Sliding Doors	Openable with minimum 6mm monolithic glass and full perimeter acoustic seals	
	Frontage Facade	<b>Timber Frame or Cladding Construction:</b> 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity.	
		<b>Brick Veneer Construction:</b> 110mm brick, 90mm timber stud frame or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally.	
		<b>Double Brick Cavity Construction:</b> 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity.	
	Entry Door	40mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	1 layer of 19mm structural floor boards, timber joist on piers	
Concrete slab floor on ground			

Category No.	Building Element	Standard Constructions	sample
3	Windows/Sliding Doors	Openable with minimum 6.38mm laminated glass and full perimeter acoustic seals	
	Frontage Facade	<b>Brick Veneer Construction:</b> 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally.	
		<b>Double Brick Cavity Construction:</b> 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or sheet metal roof with sarking, 1 layer of 13mm sound-rated plasterboard fixed to ceiling joists, R2 insulation batts in roof cavity.	
	Entry Door	45mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	Concrete slab floor on ground	

Category No.	Building Element	Standard Constructions	sample
4	Windows/Sliding Doors	Openable with minimum 10.38mm laminated glass and full perimeter acoustic seals	
	Frontage Facade	<b>Brick Veneer Construction:</b> 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, R2 insulation batts in wall cavity, 10mm standard plasterboard internally.	
		<b>Double Brick Cavity Construction:</b> 2 leaves of 110mm brickwork separated by 50mm gap	
	Roof	Pitched concrete or terracotta tile or sheet metal roof with sarking, 2 layers of 10mm sound-rated plasterboard fixed to ceiling joists, R2 insulation batts in roof cavity.	
	Entry Door	45mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	Concrete slab floor on ground	



Category No.	Building Element	Standard Constructions	sample
5	<b>Windows/Sliding Doors</b>	Openable Double Glazing with separate panes: 5mm monolithic glass, 100mm air gap, 5mm monolithic glass with full perimeter acoustic seals.	
	<b>Frontage Facade</b>	<b>Double Brick Cavity Construction:</b> 2 leaves of 110mm brickwork separated by 50mm gap with cement render to the external face of the wall and cement render or 13mm plasterboard direct fixed to internal faces of the wall.	
	<b>Roof</b>	Pitched concrete or terracotta tile or sheet metal roof with sarking, 2 layers of 10mm sound-rated plasterboard fixed to ceiling joist using resilient mounts, R2 insulation batts in roof cavity	
	<b>Entry Door</b>	Special high performance acoustic door required - Consult an Acoustic Engineer	<i>Door to acoustic consultant's specifications</i>
	<b>Floor</b>	Concrete slab floor on ground	
6	All	Consult an Acoustic Engineer	

# Appendix D – Acoustic Consultant Reports, Methodology for Testing and Compliance Reporting

The following outlines the matters to be included in an acoustic assessment with relevant matters reported in the assessment report to accompany the development application:

## RAIL CORRIDORS

- a The noise and vibration source:
  - i) outline of the relevant characteristics of railway activities, including reference to special characteristics such as curve squeal, wagon bunching, steel bridges, high speed operators or powering/braking on gradient;
  - ii) consideration of day time and night time activities;
  - iii) consideration of future railway proposals;
- b The proposed development:
  - i) the proposed use and its level of sensitivity to noise and vibrations - recording studios are likely be more sensitive than cinemas, microelectronics manufacturers are likely to be more sensitive than computer facilities, daycare sleeping areas may be more sensitive than play areas; hotel or residential apartments will be more sensitive than commercial offices.
  - ii) outline of the characteristics of the site that are relevant in respect of noise and vibration propagation such as cuttings, embankments, ground type
  - iii) outline the proposed layout and design of the development with a site plan and plans providing the building layout and details of key structural and other design characteristics with implications for noise or vibration impacts

- c Baseline noise or vibration levels taking into consideration tonality, frequency, time of day including a plan showing the location any monitoring sites used in the assessment
- d Details of outcomes of the modelling taking into consideration levels, tonality, frequency and time of day with prediction of the likely noise and vibration impacts levels for both external and internal. This includes providing details of the calculation methodologies used in the assessment and discussion of the extent to which any relevant noise and vibration assessment criteria are met;
- e Outline of proposed mitigation measures and discussion of the likely effectiveness
- f Discussion of the likely acceptability of outcomes.
- g The criteria used in the assessment.

When train noise measurements are undertaken to determine the current noise levels, the characteristics of the rail operations at that location should be taken into account when determining the type, and number of measurements required. For example, where night-time freight operations occur, it is not sufficient to measure only daytime passenger train noise levels.

For all train noise level measurements, the date and time of the event should be recorded, along with the approximate passby speed, train type, number of carriages, and any audible characteristics (such as wheel flats, flanging etc.). When estimating the LAeq(15h) for daytime and the LAeq(9h) noise levels for night-time, the energy averaged LAE value from the measurements should be used in the calculations.

Whilst long term monitoring is always preferable, in many situations it may be reasonable and justifiable to measure a minimum of 20 train pass-by events to

obtain a representative sample. Furthermore where train movements are infrequent, a measurement period that includes a 'peak noise' period may also be justifiable.

Where night-time freight is a concern, measurements should be undertaken over a period of at least one night (10pm – 7am). The freight train timetable if available should be used to determine the most appropriate measurement period.

### BUSY ROADS

The report should include the following information as a minimum:

A brief description of the project;

A brief description of the existing noise environment;

A site plan showing the location of noise monitors;

Documentation of noise monitoring equipment and procedures including:

- Location of noise monitors including distance to road
- Site photographs identifying the noise monitor and its position
- Type of instrument used
- Results of field calibration checks

Noise monitoring results including:

- Sample times and measurement intervals
- Weather conditions during measurement
- Traffic conditions during measurement
- Adjustments for nearby reflecting surfaces
- Description of sources other than traffic (eg aircraft, trains, dogs barking, etc.) and how these might have affected the results.
- A table summarising the measured noise levels
- Graphical presentation of monitored noise levels using 15-minute intervals and including the L<sub>Amax</sub> (or LA1), L<sub>Aeq</sub> and LA90 noise parameters
- Methodology for determining existing noise levels at locations other than those monitored

Existing traffic volume;

Explanation of indoor/outdoor noise criteria used and why it is appropriate;

Noise model information including:

- A description of the noise model and algorithms used in prediction modelling
- The parameters used in the model (eg traffic volumes and percentage of heavy vehicles, vehicle speed, pavement surface, gradient of roadway, receiver heights, ground cover, inclusion of noise mounds or barriers, reflections from buildings and barriers)
- Verification of the noise model to demonstrate that the model is capable of generating accurate outputs

Noise prediction results including:

- A table summarising existing noise levels and future predicted noise levels
- Statements quantifying any adjustments made to the predicted noise levels for the purpose of assessment
- Comparison of predicted noise levels against noise goals

A description of proposed noise mitigation measures for the development that will achieve the set noise criteria including:

- Explanation of noise mitigation used to achieve outdoor noise goals
- Explanation of noise mitigation used to achieve indoor noise goals
- Statement of limitations of noise mitigation treatments and, if applicable, explanation of why some treatments may not be reasonable, feasible, or cost effective.

### COMPLIANCE

#### Reporting

At Construction Certificate stage, it is recommended that there should be signoff to confirm that appropriate noise mitigation measures have been integrated into the development design. In cases where a full noise assessment has been undertaken, the acoustic consultant may need to document how the appropriate noise and vibration criteria will be met. During construction, it is recommended that all acoustic treatments nominated in the acoustic report and other project documentation shall be implemented.

It is recommended that there should be a sign-off at the Occupation Certificate stage to confirm that the building has been constructed in accordance with any acoustic conditions in the development consent and the conditions of development consent and that the post-construction noise measurements, where applicable, comply with the relevant criteria. In hot spot noise areas, a measurement report from a qualified acoustic consultant may be required to demonstrate compliance with the noise criteria prior to issuing the Occupation Certificate.

### Methodology for compliance measurements

In order to establish compliance with the daytime and night-time internal noise levels, the noise reduction from outside to inside shall be determined and the internal noise level normalised with reference to the long-term external measurements using the following methodology.

The following noise measurement techniques are to be followed:

- Internal measurement locations shall be in the centre of the room, 1.2-1.5 metres above floor level and at least 1 metre from any reflecting surface.
- The room condition used for testing shall be fully furnished, or where this is not practical, any corrections to the resultant noise levels (i.e. for more reverberant conditions) shall be justified.
- The long-term monitoring instrument shall remain in operation in the same location during all internal measurements.
- Where similar room layouts, relationship to rail corridor/roadway, and acoustic designs have been implemented into multi-level residential dwellings, at least two bedrooms and two other habitable rooms (where applicable) for each different acoustic design scenario shall be tested for compliance. These rooms shall be selected to represent the worst-case for each scenario (ie where the same glazing treatment has been applied to say three levels of a residential apartment development, only two bedrooms and two other habitable rooms need to be tested and these should be those worst affected by traffic noise).

### Methodology for compliance reporting

The compliance report prepared shall provide the following information as a minimum:

- A brief description of the project;
- A brief description of the existing noise environment and other noise sources that may affect the measurement results. Any adjustment to measured levels for extraneous noise shall be justified;
- A site plan showing the location of noise monitors and rooms tested. Justification of the selected test rooms;
- Documentation of noise monitoring equipment and procedures including:
- Location of noise monitors including distance to road
- Site photographs identifying the noise monitor and its position
- Type of instrument used
- Results of field calibration checks
- Noise monitoring results including:
  - Sample times and measurement intervals
  - Weather conditions during measurement
  - Rail movements/traffic conditions during measurements
  - Adjustments for nearby reflecting surfaces
  - Description of sources other than road/rail traffic (eg. aircraft, road/trains, dogs barking, etc.) and how these might have affected the results.
  - A table summarizing the internal and external measured noise levels
  - Graphical presentation of monitored noise levels using the measured time interval
  - Methodology for determining noise reduction calculated for each test room.
  - Normalised internal measurement results in terms of the required criteria.

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### **Acknowledgements**

These Guidelines are based on the results of several projects which have been drawn together and consolidated for both rail and road infrastructure.

Particular acknowledgement is given to the following:

Renzo Tonin & Associates (NSW) Pty Ltd  
Johnson Pilton Walker Pty Ltd  
Connell Wagner

Acknowledgement is also given to the following organisations and agencies, which assisted in the preparation and review of this or earlier versions of these Guidelines:

Australian Rail Track Corporation (ARTC)  
BDA Consultants Pty Ltd  
Heggies Pty Ltd  
Landcom  
Local Government and Shires Associations of NSW (LGSA)  
NSW Department of Environment & Climate Change (DECC)  
NSW Department of Health  
NSW Department of Planning  
NSW Department of Premier and Cabinet  
NSW Roads and Traffic Authority (RTA)  
Parsons Brinckerhoff  
RailCorp  
Transport Infrastructure Development Corporation (TIDC)  
Wilkinson Murray Pty Ltd

## Department of Primary Industries

### FISHERIES MANAGEMENT ACT 1994

Notice of Receipt of Application for Aquaculture Lease

Notification under Section 163 (7) of the Fisheries Management Act 1994, and Clause 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 Clarence River, described as follows:

- 1.2951 hectares over former oyster lease OL98/015

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 OL98/015 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

### MINE HEALTH AND SAFETY ACT 2004

Section 114

Appointment of Members to Metalliferous Mines and Extractive Industries Competence Board

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources pursuant to section 114 of the Mine Health and Safety Act 2004 appoint the persons named in the Schedule below as members of the Metalliferous Mines and Extractive Industries Competence Board for a term commencing on 1 November 2008 and expiring on 30 June 2011.

#### SCHEDULE

Leanne PARKER  
Gregory BRAES  
Allan Mitchell JONES  
Glenn SETON

Dated this 24th day of November 2008.

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

### MINISTER FOR PRIMARY INDUSTRIES

#### INSTRUMENT OF DELEGATION

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to the section specified in Column 1 of the Schedule, of the Act specified opposite in Column 2 of the Schedule, do by this instrument amend each instrument of delegation previously made by the Minister under each Act specified in Column 2 of the Schedule, by replacing any reference to:

- (a) the Deputy Director-General, Agriculture, Biosecurity and Mine Safety with a reference to the Executive Director, Agriculture, Biosecurity and Mine Safety; and
- (b) the Deputy Director-General, Science and Research with a reference to the Executive Director, Science and Research.

#### SCHEDULE

<i>Column 1 – Section number</i>	<i>Column 2 – Name of Act</i>
14	Clean Coal Administration Act 2008
34	Deer Act 2006
38	Gene Technology (GM Crop Moratorium) Act 2003
4	Grain Marketing Act 1991
75A	Meat Industry Act 1978
29A	Non-Indigenous Animals Act 1987
66	Noxious Weeds Act 1993
3A	Plant Diseases Act 1924
67	Plantations and Reafforestation Act 1999
5	Rice Marketing Act 1983
42 and 241	Rural Lands Protection Act 1998
13A	Stock (Chemical Residues) Act 1975

Dated this 10th day of December 2008

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

### MINISTER FOR MINERAL RESOURCES

#### INSTRUMENT OF DELEGATION

I, IAN MACDONALD MLC, Minister for Mineral Resources, pursuant to the section specified in Column 1 of the Schedule, of the Act specified opposite in Column 2 of the Schedule, do by this instrument amend each instrument of delegation previously made by the Minister under each Act specified in

Column 2 of the Schedule, by replacing any reference to the Deputy Director-General, Mineral Resources or the Deputy Director-General, NSW Department of Primary Industries - Mineral Resources with a reference to the Executive Director, Mineral Resources.

SCHEDULE

<i>Column 1 – Section number</i>	<i>Column 2 – Name of Act</i>
14	Clean Coal Administration Act 2008
118 (5)	Coal Mine Health and Safety Act 2002
8	Coal Ownership (Restitution) Act 1990
100	Mine Health and Safety Act 2004
363	Mining Act 1992
439	Offshore Minerals Act 1999
126	Petroleum (Onshore) Act 1991
17	Petroleum (Offshore) Act 1982

Dated this 10th day of December 2008.

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

**OCCUPATIONAL HEALTH AND SAFETY ACT 2000**

Instrument of Delegation

I, RICHARD SHELDRAKE, Director-General, NSW Department of Primary Industries, do by this instrument, pursuant to section 137A (2) of the Occupational Health and Safety Act 2000 (“the Act”) delegate the functions conferred or imposed on me:

1. by the provisions of the Act specified in Column 1 of Schedule 1 to this instrument of delegation to the authorised persons who from time to time hold, occupy or perform the duties of the NSW Department of Primary Industries positions listed opposite in Column 2 of Schedule 1; and
2. by the provisions of the Occupational Health and Safety Regulation 2001 (“the Regulation”) specified in Column 1 of Schedule 2 to this instrument of delegation to the authorised persons who from time to time hold, occupy or perform the duties of the NSW Department of Primary Industries positions listed opposite in Column 2 of Schedule 2.

In this instrument of delegation:

- (a) CMHS Act means Coal Mine Health and Safety Act 2002
- (b) MHS Act means Mine Health and Safety Act 2004
- (c) authorised persons who from time to time hold, occupy or perform the duties of the NSW Department of Primary Industries positions of Senior Inspector of Electrical Engineering, Senior Inspector of Mechanical Engineering, Inspector of Electrical Engineering, Inspector of Mechanical Engineering, Area Manager Northeast, Area Manager Southeast and Area Manager Centralwest must with respect to a coal workplace be appointed as an inspector under

the CMHS Act or with respect to a mining workplace be appointed as an inspector under the MHS Act.

- (d) a reference to the Chief Inspector appointed under the CMHS Act includes any person from time to time appointed under section 148 of that Act.

SCHEDULE 1

<i>Column 1 – Section</i>	<i>Column 2 – Delegate</i>
17	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the Mine Health and Safety Act 2004
54 55	Executive Director, Mineral Resources
71 73 96 99 102	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act

SCHEDULE 2

<i>Column 1 - Clause</i>	<i>Column 2 – Delegate</i>
107	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act
108	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act Senior Inspector of Electrical Engineering Senior Inspector of Mechanical Engineering Inspector of Mechanical Engineering Inspector of Electrical Engineering
109 110	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act Senior Inspector of Electrical Engineering Senior Inspector of Mechanical Engineering
113 114	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act
115 118	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act Manager, Mine Safety Technology Centre Senior Inspector of Electrical Engineering Senior Inspector of Mechanical Engineering Inspector of Mechanical Engineering Inspector of Electrical Engineering



116 117	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act Senior Inspector of Electrical Engineering Senior Inspector of Mechanical Engineering
153 159 166 172 174 174ZR 345 346	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act Manager, Mine Safety Technology Centre Any person appointed as an inspector under section 145 of the CMHS Act Any person appointed as an inspector under section 127 of the MHS Act
347 348	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act Senior Inspector of Electrical Engineering Senior Inspector of Mechanical Engineering Area Manager Northeast Area Manager Southeast Area Manager Centralwest
349	Chief Inspector appointed under the CMHS Act Chief Inspector appointed under the MHS Act

Dated this 12th day of December 2008.

RICHARD SHELDRAKE,  
Director-General,  
NSW Department of Primary Industries

## PLANT DISEASES ACT 1924

### Section 11

#### Instrument of Appointment of Inspectors

I, ANDREW COLIN SANGER, Manager, Agricultural Compliance, NSW Department of Primary Industries, with the delegated authority of the Director-General of the NSW Department of Primary Industries pursuant to section 28C of the Plant Diseases Act 1924 (“the Act”), do hereby pursuant to section 11 (1) of the Act, appoint the persons named in the Schedule to this Instrument as inspectors for the purposes of the Act:

#### SCHEDULE

Alan Grahame ICKELL  
Mark William CASHEN  
Marian Louisa ORSETT  
Sharen Maree ORSETT  
Amy Nicole MOORE  
David Paul REID  
Jan Fleming THOMASSEN  
Lawrence John WALSH

Dated this 12th day of December 2008.

A. C. SANGER,  
Manager, Agricultural Compliance,  
NSW Department of Primary Industries

## PLANT DISEASES ACT 1924

### PROCLAMATION P194

PROCLAMATION to regulate the importation, introduction and bringing into specified parts of New South Wales of certain fruit originating from or which has moved through other specified parts of New South Wales on account of an outbreak of Queensland fruit fly at Moama, New South Wales.

Her Excellency Professor MARIE BASHIR, AC, CVO,  
Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, being of the opinion that the importation, introduction or bringing of fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*), with the advice of the Executive Council and pursuant to section 4 (1) of the Plant Diseases Act 1924 (“the Act”), do by this Proclamation regulate the importation, introduction or bringing of fruit into specified portions of New South Wales in the manner set out in this Proclamation.

1. Host Fruit that originates from or that has moved through the:
  - (a) Outbreak Area must not be imported, introduced or brought into the Suspension Area;
  - (b) Suspension Area must not be imported, introduced or brought into the Outer Area,
 unless:
  - (i) a Plant Health Certificate or a Plant Health Assurance Certificate has been issued in respect of the Host Fruit, and
  - (ii) the Host Fruit is transported and stored in accordance with any conditions relating to such matters which are stated in the Plant Health Certificate or the Plant Health Assurance Certificate, and
  - (iii) the Plant Health Certificate or the Plant Health Assurance Certificate is in the possession of the driver of the vehicle transporting the Host Fruit or the person otherwise having custody or control of the Host Fruit while it is in the Suspension Area or the Outer Area as the case may be, and
  - (iv) the Plant Health Certificate or the Plant Health Assurance Certificate is produced on demand to an inspector or a person authorised pursuant to section 11 (3) of the Act.

#### Definitions

In this Proclamation:

*Department* means the New South Wales Department of Primary Industries.

*Host Fruit* means the fruit specified in Schedule 1.

*Outbreak Area* means the part of New South Wales specified in Schedule 2.

*Outer Area* means the area known as the New South Wales Fruit Fly Exclusion Zone, as declared in

Proclamation P178 published in Government Gazette No 11 of 19 January 2007, at pages 186-187, other than the Suspension Area.

*Plant Health Assurance Certificate* means a certificate

- issued by a person authorised by the Department to issue Plant Health Assurance Certificates, and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

*Plant Health Certificate* means a certificate –

- issued by an inspector or a person authorised pursuant to section 11(3) of the Act, and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

*Suspension Area* means the part of New South Wales specified in Schedule 3.

#### SCHEDULE 1 – HOST FRUIT

Abiu  
Acerola  
Apple  
Apricot  
Avocado  
Babaco  
Banana  
Black Sapote  
Blackberry  
Blueberry  
Boysenberry  
Brazil Cherry  
Breadfruit  
Caimito (Star Apple)  
Cape Gooseberry  
Capsicum  
Carambola (Starfruit)  
Cashew Apple  
Casimiro (White Sapote)  
Cherimoya  
Cherry  
Chilli  
Citron  
Cumquat  
Custard Apple  
Date  
Dragon Fruit (Than Lung)  
Durian  
Eggplant  
Feijoa  
Fig  
Granadilla  
Grape  
Grapefruit  
Grumichama  
Guava  
Hog Plum  
Jaboticaba  
Jackfruit  
Jew Plum  
Ju jube

Kiwifruit  
Lemon  
Lime  
Loganberry  
Longan  
Loquat  
Lychee  
Mandarin  
Mango  
Mangosteen  
Medlar  
Miracle Fruit  
Mulberry  
Nashi  
Nectarine  
Orange  
Passionfruit  
Pawpaw  
Peach  
Peacharine  
Pear  
Pepino  
Persimmon  
Plum  
Plumcot  
Pomegranate  
Prickly Pear  
Pummelo  
Quince  
Rambutan  
Raspberry  
Rollinia  
Santol  
Sapodilla  
Shaddock  
Soursop  
Sweetsop (Sugar Apple)  
Strawberry  
Tamarillo  
Tangelo  
Tomato  
Wax jambu (Rose Apple)

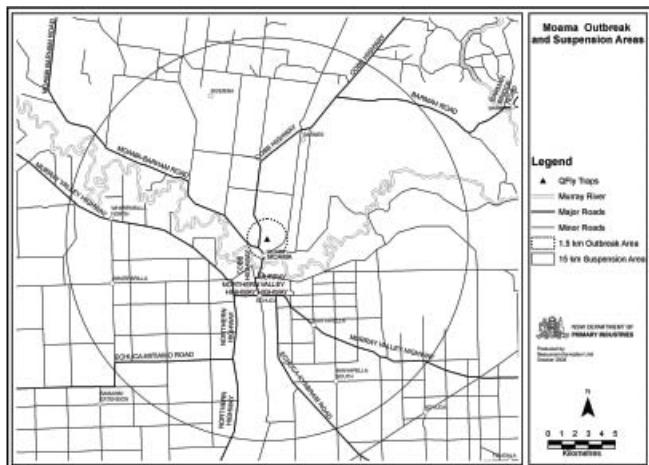
#### SCHEDULE 2 – OUTBREAK AREA

The part of NSW within a 1.5 kilometre radius of coordinates decimal degrees -36.10267 South and 144.75906 East. This part is represented in Schedule 4 by the map entitled “Moama Outbreak and Suspension Areas”.

#### SCHEDULE 3 – SUSPENSION AREA

The part of NSW within a 15 kilometre radius of coordinates decimal degrees – 36.10267 South and 144.75906 East. The part is represented in Schedule 4 by the map entitled “Moama Outbreak and Suspension Areas”.

SCHEDULE 4 – MAP  
Moama Outbreak and Suspension Areas



Note: The NSW Department of Primary Industries reference is P194.

For further information contact the Department on (02) 6391 3593.

Signed and sealed at Sydney this 17th day of December 2008.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

**PLANT DISEASES ACT 1924**

**PROCLAMATION P195**

PROCLAMATION to regulate the importation, introduction and bringing into specified parts of New South Wales of certain fruit originating from or which has moved through other specified parts of New South Wales on account of an outbreak of Queensland fruit fly at Yanco, New South Wales.

Her Excellency Professor MARIE BASHIR, AC, CVO,  
Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, being of the opinion that the importation, introduction or bringing of fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*), with the advice of the Executive Council and pursuant to section 4 (1) of the Plant Diseases Act 1924 ("the Act"), do by this Proclamation regulate the importation, introduction or bringing of fruit into specified portions of New South Wales in the manner set out in this Proclamation.

1. Host Fruit that originates from or that has moved through the:

- (a) Outbreak Area must not be imported, introduced or brought into the Suspension Area;
- (b) Suspension Area must not be imported, introduced or brought into the Outer Area,

unless:

- (i) a Plant Health Certificate or a Plant Health Assurance Certificate has been issued in respect of the Host Fruit, and

- (ii) the Host Fruit is transported and stored in accordance with any conditions relating to such matters which are stated in the Plant Health Certificate or the Plant Health Assurance Certificate, and
- (iii) the Plant Health Certificate or the Plant Health Assurance Certificate is in the possession of the driver of the vehicle transporting the Host Fruit or the person otherwise having custody or control of the Host Fruit while it is in the Suspension Area or the Outer Area as the case may be, and
- (iv) the Plant Health Certificate or the Plant Health Assurance Certificate is produced on demand to an inspector or a person authorised pursuant to section 11 (3) of the Act.

**Definitions**

In this Proclamation:

*Department* means the New South Wales Department of Primary Industries.

*Host Fruit* means the fruit specified in Schedule 1.

*Outbreak Area* means the part of New South Wales specified in Schedule 2.

*Outer Area* means the area known as the New South Wales Fruit Fly Exclusion Zone, as declared in Proclamation P178 published in Government Gazette No 11 of 19 January 2007, at pages 186-187, other than the Suspension Area.

*Plant Health Assurance Certificate* means a certificate

- issued by a person authorised by the Department to issue Plant Health Assurance Certificates, and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

*Plant Health Certificate* means a certificate –

- issued by an inspector or a person authorised pursuant to section 11(3) of the Act, and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

*Suspension Area* means the part of New South Wales specified in Schedule 3.

**SCHEDULE 1 – HOST FRUIT**

Abiu  
Acerola  
Apple  
Apricot  
Avocado  
Babaco  
Banana  
Black Sapote  
Blackberry  
Blueberry  
Boysenberry  
Brazil Cherry  
Breadfruit  
Caimito (Star Apple)  
Cape Gooseberry  
Capsicum

Carambola (Starfruit)  
 Cashew Apple  
 Casimiro (White Sapote)  
 Cherimoya  
 Cherry  
 Chilli  
 Citron  
 Cumquat  
 Custard Apple  
 Date  
 Dragon Fruit (Than Lung)  
 Durian  
 Eggplant  
 Feijoa  
 Fig  
 Granadilla  
 Grape  
 Grapefruit  
 Grumichama  
 Guava  
 Hog Plum  
 Jaboticaba  
 Jackfruit  
 Jew Plum  
 Ju jube  
 Kiwifruit  
 Lemon  
 Lime  
 Loganberry  
 Longan  
 Loquat  
 Lychee  
 Mandarin  
 Mango  
 Mangosteen  
 Medlar  
 Miracle Fruit  
 Mulberry  
 Nashi  
 Nectarine  
 Orange  
 Passionfruit  
 Pawpaw  
 Peach  
 Peacharine  
 Pear  
 Pepino  
 Persimmon  
 Plum  
 Plumcot  
 Pomegranate  
 Prickly Pear  
 Pummelo  
 Quince  
 Rambutan  
 Raspberry  
 Rollinia  
 Santol  
 Sapodilla  
 Shaddock  
 Soursop  
 Sweetsop (Sugar Apple)  
 Strawberry  
 Tamarillo  
 Tangelo  
 Tomato  
 Wax jambu (Rose Apple)

#### SCHEDULE 2 – OUTBREAK AREA

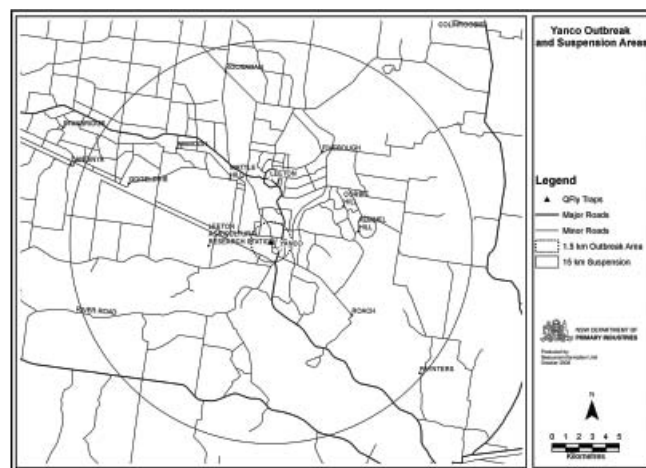
The part of NSW within a 1.5 kilometre radius of coordinates decimal degrees -34.59358 South and 146.40522 East. This part is represented in Schedule 4 by the map entitled “Yanco Outbreak and Suspension Areas”.

#### SCHEDULE 3 – SUSPENSION AREA

The part of NSW within a 15 kilometre radius of coordinates decimal degrees by the map entitled “Yanco Outbreak and Suspension Areas”.

#### SCHEDULE 4 – MAP

##### Yanco Outbreak and Suspension Areas



Note: The NSW Department of Primary Industries reference is P195.

For further information contact the Department on (02) 6391 3593.

Signed and sealed at Sydney this 17th day of December 2008.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

#### RURAL LANDS PROTECTION ACT 1998

##### Order – Section 224

##### Interim Boards of Livestock Health and Pest Authorities

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, at the request of the State Council of the Rural Lands Protection Boards constituted by the Rural Lands Protection Act 1998 (“the Act”), make this order under section 224 of the Act:

##### Part 1 – Interim board of Central North Livestock Health and Pest Authority

1. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Central North Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such

a director pending the election of the directors of the board of the Central North Livestock Health and Pest Authority.

Table

<i>Column 1 Name of director</i>	<i>Column 2 Constituent part of amalgamated district</i>
John Lawrence DONOGHUE	Coonabarabran Rural Lands Protection District (as described in the Amalgamation Proclamation).
Raymond Anthony HYNES	Tamworth Rural Lands Protection District (as described in the Amalgamation Proclamation).
Malcolm William ROTH	Mudgee-Merriwa Rural Lands Protection District (as described in the Amalgamation Proclamation).

Part 2 – Interim board of Central West Livestock Health and Pest Authority

2.1 Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Central West Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Central West Livestock Health and Pest Authority.

Table

<i>Column 1 Name of director</i>	<i>Column 2 Constituent part of amalgamated district</i>
Geoffrey Stuart CHASE	Nyngan Rural Lands Protection District (as described in the Amalgamation Proclamation).
Christopher Gerard NOONAN	Coonamble Rural Lands Protection District (as described in the Amalgamation Proclamation).
Donald Wayne MUDFORD	Dubbo Rural Lands Protection District (as described in the Amalgamation Proclamation).

2.2 Pursuant to section 224 (3A) of the Act, direct that the person named below exercise the functions of a director of the Central West Livestock Health and Pest District pending the election of the directors of the board of the Central West Livestock Health and Pest Authority:

GARRY BRUCE WEST

Part 3 – Interim board of Cumberland Livestock Health and Pest Authority

3. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this

paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Cumberland Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Cumberland Livestock Health and Pest Authority.

Table

<i>Column 1 Name of director</i>	<i>Column 2 Constituent part of amalgamated district</i>
David Stuart John YEATMAN	The part of the Moss Vale Rural Lands Protection District described in Part A of Schedule 3 to the Amalgamation Proclamation.
David Charles TAYLOR	The part of the Maitland Rural Lands Protection District described in Part B of Schedule 3 to the Amalgamation Proclamation.

Part 4 – Interim board of Darling Livestock Health and Pest Authority

4. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Darling Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Darling Livestock Health and Pest Authority.

Table

<i>Column 1 Name of director</i>	<i>Column 2 Constituent part of amalgamated district</i>
Valerie Joan MYORS	Wanaaring Rural Lands Protection District (as described in the Amalgamation Proclamation).
Phillip Hugh RIDGE	Bourke Rural Lands Protection District (as described in the Amalgamation Proclamation).
Robert John WASON	Brewarrina Rural Lands Protection District (as described in the Amalgamation Proclamation).
Darryl Wayne LEIGH	Cobar Rural Lands Protection District (as described in the Amalgamation Proclamation).

Part 5 – Interim board of Hume Livestock Health and Pest Authority

5. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent

part (specified opposite in column 2 of that Table) of the amalgamated district named Hume Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Hume Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Roger Rolf WILKINSON	Hume Rural Lands Protection District (as described in the Amalgamation Proclamation).
John Edward FRANCIS	Wagga Wagga Rural Lands Protection District (as described in the Amalgamation Proclamation).
Debbie Jane PATON	Gundagai Rural Lands Protection District (as described in the Amalgamation Proclamation).

Part 6 – Interim board of Lachlan Livestock Health and Pest Authority

6. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Lachlan Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Lachlan Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Thomas MURDOCH	Condobolin Rural Lands Protection District (as described in the Amalgamation Proclamation).
James Stewart MASLIN	Forbes Rural Lands Protection District (as described in the Amalgamation Proclamation).
Alan Francis COLES	The part of the Young Rural Lands Protection District described in Part A of Schedule 6 to the Amalgamation Proclamation.

Part 7 – Interim board of Mid-Coast Livestock Health and Pest Authority

7. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Mid-Coast Livestock Health and Pest District in the Amalgamation Proclamation,

continue to exercise functions as such a director pending the election of the directors of the board of the Mid-Coast Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
John David WILLEY	Kempsey Rural Lands Protection District (as described in the Amalgamation Proclamation).
Dennis Sylvester PRICE	Gloucester Rural Lands Protection District (as described in the Amalgamation Proclamation).
William Abbott John STACY	Hunter Rural Lands Protection District (as described in the Amalgamation Proclamation).
David William MOAD	The part of the Maitland Rural Lands Protection District described in Part A of Schedule 7 to the Amalgamation Proclamation.

Part 8 – Interim board of New England Livestock Health and Pest Authority

- 8.1 Pursuant to section 224 (2) of the Act, direct that the person named in column 1 of the Table to this paragraph, being a person holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named New England Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the New England Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Brian Keith TOMALIN	Armidale Rural Lands Protection District (as described in the Amalgamation Proclamation).

- 8.2 Pursuant to section 224 (3A) of the Act, direct that the person named below exercise the functions of a director of the New England Livestock Health and Pest District pending the election of the directors of the board of the New England Livestock Health and Pest Authority:

GARRY BRUCE WEST

Part 9 – Interim board of North Coast Livestock Health and Pest Authority

9. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named North Coast Livestock Health

and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the North Coast Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Ronald Noel CHITTICK	Tweed-Lismore Rural Lands Protection District (as described in the Amalgamation Proclamation).
Neil James SUMMERVILLE	Casino Rural Lands Protection District (as described in the Amalgamation Proclamation).
Adam Charles CHAPMAN	Grafton Rural Lands Protection District (as described in the Amalgamation Proclamation).

Part 10 – Interim board of North West Livestock Health and Pest Authority

10. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named North West Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the North West Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Robert Leslie GREENAWAY	Walgett Rural Lands Protection District (as described in the Amalgamation Proclamation).
Peter Kent RITTER	Moree Rural Lands Protection District (as described in the Amalgamation Proclamation).
Ian Otway FALKINER	Narrabri Rural Lands Protection District (as described in the Amalgamation Proclamation).
Geoffrey Allan CRUICKSHANK	Northern Slopes Rural Lands Protection District (as described in the Amalgamation Proclamation).

Part 11 – Interim board of Riverina Livestock Health and Pest Authority

11. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Riverina Livestock Health and Pest District in the Amalgamation

Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Riverina Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Samuel Stephen BARNES	Hay Rural Lands Protection District (as described in the Amalgamation Proclamation).
Jane Margaret McKINDLAY	Riverina Rural Lands Protection District (as described in the Amalgamation Proclamation).
Bernard Thomas LANE	Murray Rural Lands Protection District (as described in the Amalgamation Proclamation).
Stewart Mark KAYESS	Narrandera Rural Lands Protection District (as described in the Amalgamation Proclamation).

Part 12 – Interim board of South East Livestock Health and Pest Authority

12. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named South East Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the South East Livestock Health and Pest Authority.

Table

<i>Column 1</i> <i>Name of director</i>	<i>Column 2</i> <i>Constituent part of amalgamated district</i>
Martin John SIMS	South Coast Rural Lands Protection District (as described in the Amalgamation Proclamation).
John Patrick REARDON	Braidwood Rural Lands Protection District (as described in the Amalgamation Proclamation).
Stephen INGRAM	Bombala Rural Lands Protection District (as described in the Amalgamation Proclamation).
Geoffrey John ROBERTSON	The part of the Cooma Rural Lands Protection District described in Part A of Schedule 12 to the Amalgamation Proclamation.

Part 13 – Interim board of Tablelands Livestock Health and Pest Authority

- 13.1 Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this

paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Tablelands Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Tablelands Livestock Health and Pest Authority.

Table

<i>Column 1 Name of director</i>	<i>Column 2 Constituent part of amalgamated district</i>
John Edward SEAMAN	Central Tablelands Rural Lands Protection District (as described in the Amalgamation Proclamation).
Nigel Paul BAINES	Yass Rural Lands Protection District (as described in the Amalgamation Proclamation).
Nerida Denise CULLEN	Goulburn Rural Lands Protection District (as described in the Amalgamation Proclamation).

13.2 Pursuant to section 224 (3A) of the Act, direct that the person named below exercise the functions of a director of the Tablelands Livestock Health and Pest District pending the election of the directors of the board of the Tablelands Livestock Health and Pest Authority:

GARRY BRUCE WEST

Part 14 – Interim board of Western Livestock Health and Pest Authority

14. Pursuant to section 224 (2) of the Act, direct that the persons named in column 1 of the Table to this paragraph, being persons holding office as a director of the constituent part (specified opposite in column 2 of that Table) of the amalgamated district named Western Livestock Health and Pest District in the Amalgamation Proclamation, continue to exercise functions as such a director pending the election of the directors of the board of the Western Livestock Health and Pest Authority.

Table

<i>Column 1 Name of director</i>	<i>Column 2 Constituent part of amalgamated district</i>
Geoffrey Dennis DAVIS	Milparinka Rural Lands Protection District (as described in the Amalgamation Proclamation).
Brian Gaffney THOMAS	Wilcannia Rural Lands Protection District (as described in the Amalgamation Proclamation).
Darrel Kenneth SUE	Balranald-Wentworth Rural Lands Protection District (as described in the Amalgamation Proclamation).

Terry Joseph HUNTLY	Hillston Rural Lands Protection District (as described in the Amalgamation Proclamation).
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#### Definitions

In this order:

*amalgamated district* means a livestock health and pest district constituted by or as a consequence of the Amalgamation Proclamation.

*Amalgamation Proclamation* means the proclamation made under section 5 of the Act titled “Amalgamation of 47 rural lands protection districts to constitute 14 livestock health and pest districts” taking effect on 1 January 2009.

*constituent part* means a rural lands protection district constituted under the Act or part of a rural lands protection district constituted under the Act.

*Livestock Health and Pest Authority* means a livestock health and pest authority constituted for each amalgamated district under the Act.

This order is to have effect on and from 1 January 2009.

Dated this 10th day of December 2008.

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

#### RURAL LANDS PROTECTION ACT 1998

Order – Schedule 7, Part 6, Clause 46

Interim State Management Council of Livestock Health and Pest Authorities

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to clause 46 (2) (b) of Part 6 of Schedule 7 to the Rural Lands Protection Act 1998 (“the Act”), appoint the persons named in the Schedule to this order as interim members of the State Management Council of Livestock Health and Pest Authorities constituted by the Act.

#### SCHEDULE

David James LISTER  
Richard William MOLESWORTH  
David Reginald GOWING  
Ellen Mary GREEN  
Felicity Jane HENDERSON  
Wayne Harold O’MALLY  
Marie Louise RUSSELL  
Anthony Eric SINCLAIR  
John David WILLEY

This order is to have effect on and from 1 January 2009.

Dated this 10th day of December 2008.

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



**STOCK DISEASES ACT 1923**

Appointment of Inspector

Notification No. 503

I, RICHARD FREDERICK SHELDRAKE, Director-General of NSW Department of Primary Industries, pursuant to section 6 (1) of the Stock Diseases Act 1923 ('the Act'), hereby appoint Bronwyn Karen HENDRY as an inspector for the purposes of the Act.

Dated this 12th day of December 2008.

R. F. SHELDRAKE,  
Director-General,  
NSW Department of Primary Industries

**MINERAL RESOURCES**

NOTICE is given that the following applications have been received:

**ASSESSMENT LEASE APPLICATIONS**

(T08-0169)

No. 45, MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of about 7763 hectares, for coal, dated 9 December 2008. (Singleton Mining Division).

(T08-0170)

No. 46, MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), area of about 257.4 hectares, for coal, dated 9 December 2008. (Singleton Mining Division).

**EXPLORATION LICENCE APPLICATION**

(06-3932)

No. 3634, ENHANCE PLACE PTY LIMITED (ACN 077 105 867), area of 313 hectares, for Group 9, dated 12 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**

(07-325)

No. 3224, now Exploration Licence No. 7254, W.J. MURDOCH & CO PTY LTD (ACN 002 598 478), Counties of Phillip and Roxburgh, Map Sheet (8832), area of 6 units, for Group 2, dated 2 December 2008, for a term until 2 December 2010.

(T08-0219)

No. 3593, now Exploration Licence No. 7258, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), County of Fitzgerald, Map Sheets (7537, 7637), area of 104 units, for Group 1, dated 9 December 2008, for a term until 9 December 2010.

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

NOTICE is given that the following applications have been withdrawn:

**EXPLORATION LICENCE APPLICATIONS**

(T08-0183)

No. 3556, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Bland and County of Harden, Map Sheets (8528, 8529). Withdrawal took effect on 9 December 2008.

(T08-0206)

No. 3580, BLUEKEBBLE PTY LTD (ACN 116 958 508), County of Camden, Map Sheet (8928). Withdrawal took effect on 11 December 2008.

(T08-0213)

No. 3587, RIMFIRE AUSTRALIA PTY LTD (ACN 121 382 554), County of Gordon, Map Sheet (8632). Withdrawal took effect on 8 December 2008.

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

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

(C91-0614)

Authorisation No. 450, SAXONVALE COAL PTY LIMITED (ACN 003 526 467), area of 648 hectares. Application for renewal received 15 December 2008.

(06-7572)

Exploration Licence No. 4474, Noel Norman DENNIS, area of 4 units. Application for renewal received 12 December 2008.

(06-4113)

Exploration Licence No. 6679, FORGE MINERALS PTY LTD (ACN 121 258 713), area of 14 units. Application for renewal received 11 December 2008.

(06-4101)

Exploration Licence No. 6693, BARFUSS CORPORATION PTY LTD (ACN 006 917 666), area of 18 units. Application for renewal received 10 December 2008.

(06-4171)

Exploration Licence No. 6695, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 59 units. Application for renewal received 15 December 2008.

(06-4088)

Exploration Licence No. 6699, STANNUM PTY LTD (ACN 121 771 695), area of 51 units. Application for renewal received 10 December 2008.

(06-4163)

Exploration Licence No. 6702, NORVALE PTY LTD (ACN 009 333 742), PATHFINDER EXPLORATION PTY LTD (ACN 009 214 859) and SUPERSORB ENVIRONMENTAL NL (ACN 060 352 990), area of 41 units. Application for renewal received 15 December 2008.

(06-4188)

Exploration Licence No. 6703, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 216 units. Application for renewal received 12 December 2008.

(06-4097)

Exploration Licence No. 6704, AUZEX RESOURCES LIMITED (ACN 106 444 606), area of 14 units. Application for renewal received 11 December 2008.

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

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### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(04-4947)

Exploration Licence No. 6450, WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253), County of Arrawatta, Map Sheet (9139), area of 4900 hectares, for a further term until 30 June 2011. Renewal effective on and from 5 December 2008.

(06-5081)

Consolidated Coal Lease No. 713 (Act 1973), MUSWELLBROOK COAL COMPANY LIMITED (ACN 000 009 521), County of Durham, Map Sheets (9033-1-S, 9033-2-N), area of 1645 hectares, for a further term until 24 November 2024. Renewal effective on and from 4 December 2008.

(08-922)

Consolidated Coal Lease No. 743 (Act 1973), WAMBO COAL PTY LIMITED (ACN 000 668 057), Parish of Lemington, County of Hunter; Parish of Whybrow, County of Hunter; Parish of Warkworth, County of Northumberland; and Parish of Wollombi, County of Northumberland, Map Sheets (9032-1-N, 9032-1-S, 9132-4-N, 9132-4-S), area of 3000 hectares, for a further term until 14 August 2022. Renewal effective on and from 4 December 2008.

(08-4222)

Consolidated Mining Lease No. 2 (Act 1992), AUSTAR COAL MINE PTY LIMITED (ACN 111 910 822), Parish of Cessnock, County of Northumberland; Parish of Ellalong, County of Northumberland; and Parish of Quorrobolong, County of Northumberland, Map Sheets (9132-2-N, 9132-2-S), area of 3406 hectares, for a further term until 6 July 2025. Renewal effective on and from 4 December 2008.

(08-924)

Mining Lease No. 1402 (Act 1992), WAMBO COAL PTY LIMITED (ACN 000 668 057), Parish of Lemington, County of Hunter, Map Sheets (9032-1-N, 9132-4-N), area of 352 hectares, for a further term until 14 August 2022. Renewal effective on and from 4 December 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:

(07-112)

Exploration Licence No. 6908, TASMAN GOLDFIELDS NSW PTY LTD (ACN 124 228 473), County of Clarendon, Map Sheet (8428), area of 4 units. Cancellation took effect on 11 December 2008.

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

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### PART CANCELLATIONS

NOTICE is given that the following authorities have been cancelled in part:

(T98-0478)

Mining Lease No. 744 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LTD (ACN 000 393 135), Parish of Stockton, 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 14.28 hectares.

(T97-0328)

Mining Lease No. 785 (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 89.26 hectares.

(T85-0204)

Mining Lease No. 1170 (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 31.56 hectares.

(T01-0069)

Mining Lease No. 1222 (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 96.03 hectares.

(T01-0071)

Mining Lease No. 1226 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LTD (ACN 000 393 135), Parish of Eldon, County of Gloucester; and Parish of Stockton, 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 23.26 hectares.

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

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### CANCELLATIONS

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

(07-166)

Exploration Licence 6833 (Act 1992), KIMBA RESOURCES PTY LTD (ACN 106 123 951), County of Windeyer, Map Sheets (7231,7331) area of 54 units. Cancellation application received on 12 December 2008.

(07-167)

Exploration Licence 6981 (Act 1992), KIMBA RESOURCES PTY LTD (ACN 106 123 951), County of Windeyer, Map Sheets (7230, 7231, 7330, 7331, 7430) area of 456 units. Cancellation application received on 12 December 2008.

(07-112)

Exploration Licence No 6908 (Act 1992), TASMAN GOLDIELDS NSW PTY LTD (ACN 124 226 473), County of Clarendon, Map Sheet (8428-S) area of 4 units. Cancellation application received on 28 November 2008.

**RURAL LANDS PROTECTION ACT 1998****PROCLAMATION – SECTION 5****Amalgamation of 47 rural lands protection districts to constitute  
14 livestock health and pest districts**

Her Excellency Professor MARIE BASHIR AC, CVO, Governor

I, Professor MARIE BASHIR AC, CVO, Governor of the State of New South Wales,  
with the advice of the Executive Council:

**Part 1 - Central North Livestock Health and Pest District**

1.1 Pursuant to section 5(2)(c) of the *Rural Lands Protection Act 1998* (“the Act”), amalgamate all of the following RLP districts:

- (a) Coonabarabran Rural Lands Protection District, having the boundaries described in the Coonabarabran Proclamation;
- (b) Tamworth Rural Lands Protection District, having the boundaries described in the Tamworth Proclamation; and
- (c) Mudgee-Merriwa Rural Lands Protection District, having the boundaries described in the Mudgee-Merriwa Proclamation,

to constitute a single district and determine the name of that single district to be the Central North Livestock Health and Pest District.

1.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Central North Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 1.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the Central North Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 1 to this proclamation.

1.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 1.1 above):

- (a) Coonabarabran Rural Lands Protection Board;
- (b) Tamworth Rural Lands Protection Board; and
- (c) Mudgee-Merriwa Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Central North Livestock Health and Pest Authority.

## Part 2 - Central West Livestock Health and Pest District

- 2.1 Pursuant to section 5(2)(c) of the Act, amalgamate:
- (a) all of the following RLP districts:
    - (i) Nyngan Rural Lands Protection District, having the boundaries described in the Canonba Proclamation;
    - (ii) Coonamble Rural Lands Protection District, having the boundaries described in the Coonamble Proclamation; and
    - (iii) Dubbo Rural Lands Protection District, having the boundaries described in the Dubbo Proclamation; and
  - (b) the part of the Molong Rural Lands Protection District having the boundaries described in Part A of Schedule 2 to this proclamation (“the First Part of the Molong District”),

to constitute a single district and determine the name of that single district to be the Central West Livestock Health and Pest District.

- 2.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Central West Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 2.1(a) above and the First Part of the Molong District, disregarding the parts of those boundaries that are common between any of those RLP districts or that are common between any of those RLP districts and the First Part of the Molong District. The boundaries of the Central West Livestock Health and Pest District are as indicated by the bolded line on the map in Part B of Schedule 2 to this proclamation.
- 2.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 2.1(a) above):
- (a) Nyngan Rural Lands Protection Board;
  - (b) Coonamble Rural Lands Protection Board; and
  - (c) Dubbo Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Central West Livestock Health and Pest Authority.

## Part 3 - Cumberland Livestock Health and Pest District

- 3.1 Pursuant to section 5(2)(c) of the Act, amalgamate:
- (a) the part of the Moss Vale Rural Lands Protection District having the boundaries described in Part A of Schedule 3 to this proclamation (“the First Part of the Moss Vale District”); and

- (b) the part of the Maitland Rural Lands Protection District having the boundaries described in Part B of Schedule 3 to this proclamation (“the First Part of the Maitland District”),

to constitute a single district and determine the name of that single district to be the Cumberland Livestock Health and Pest District.

- 3.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Cumberland Livestock Health and Pest District to be the same as the combined boundaries of the First Part of the Moss Vale District and the First Part of the Maitland District, disregarding the parts of those boundaries that are common between the First Part of the Moss Vale District and the First Part of the Maitland District. The boundaries of the Cumberland Livestock Health and Pest District are as indicated by the bolded line on the map in Part C of Schedule 3 to this proclamation.
- 3.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the Moss Vale Rural Lands Protection Board (being the board for the Moss Vale Rural Lands Protection District, having the boundaries described in the Moss Vale Proclamation) as existing immediately before the commencement of this proclamation, in the Cumberland Livestock Health and Pest Authority.

#### **Part 4 - Darling Livestock Health and Pest District**

- 4.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:
  - (a) Wanaaring Rural Lands Protection District, having the boundaries described under the heading “Wanaaring” in the 1928 Proclamation;
  - (b) Bourke Rural Lands Protection District, having the boundaries described under the heading “Bourke” in the 1928 Proclamation;
  - (c) Brewarrina Rural Lands Protection District, having the boundaries described under the heading “Brewarrina” in the 1928 Proclamation; and
  - (d) Cobar Rural Lands Protection District, having the boundaries described under the heading “Cobar” in the 1928 Proclamation,

to constitute a single district and determine the name of that single district to be the Darling Livestock Health and Pest District.

- 4.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Darling Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 4.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the Darling Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 4 to this proclamation.

4.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 4.1 above):

- (a) Wanaaring Rural Lands Protection Board;
- (b) Bourke Rural Lands Protection Board;
- (c) Brewarrina Rural Lands Protection Board; and
- (d) Cobar Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Darling Livestock Health and Pest Authority.

#### **Part 5 - Hume Livestock Health and Pest District**

5.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:

- (a) Hume Rural Lands Protection District, having the boundaries described in the Hume Proclamation;
- (b) Wagga Wagga Rural Lands Protection District, having the boundaries described in the Wagga Wagga Proclamation; and
- (c) Gundagai Rural Lands Protection District, having the boundaries described in the Gundagai Proclamation,

to constitute a single district and determine the name of that single district to be the Hume Livestock Health and Pest District.

5.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Hume Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 5.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the Hume Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 5 to this proclamation.

5.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 5.1 above):

- (a) Hume Rural Lands Protection Board;
- (b) Wagga Wagga Rural Lands Protection Board; and
- (c) Gundagai Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Hume Livestock Health and Pest Authority.

#### **Part 6 - Lachlan Livestock Health and Pest District**

6.1 Pursuant to section 5(2)(c) of the Act, amalgamate:

- (a) all of the following RLP districts:
  - (i) Condobolin Rural Lands Protection District, having the boundaries described in the Condobolin Proclamation; and
  - (ii) Forbes Rural Lands Protection District, having the boundaries described under the heading “Forbes” in the Forbes Proclamation; and
- (b) the part of the Young Rural Lands Protection District having the boundaries described in Part A of Schedule 6 to this proclamation (“the First Part of the Young District”); and
- (c) the part of the Molong Rural Lands Protection District having the boundaries described in Part B of Schedule 6 to this proclamation (“the Second Part of the Molong District”),

to constitute a single district and determine the name of that single district to be the Lachlan Livestock Health and Pest District.

- 6.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Lachlan Livestock Health and Pest District to be the same as the combined boundaries of:

- (a) the RLP districts described in paragraph 6.1(a) above;
- (b) the First Part of the Young District; and
- (c) the Second Part of the Molong District,

disregarding the parts of those boundaries that are common between any of those RLP districts, the First Part of the Young District or the Second Part of the Molong District. The boundaries of the Lachlan Livestock Health and Pest District are as indicated by the bolded line on the map in Part C of Schedule 6 to this proclamation.

- 6.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards:

- (a) Condobolin Rural Lands Protection Board (being the board for the RLP district described in paragraph 6.1(a)(i) above);
- (b) Forbes Rural Lands Protection Board (being the board for the RLP district described in paragraph 6.1(a)(ii) above); and
- (c) Young Rural Lands Protection Board (being the board for the Young Rural Lands Protection District, having the boundaries described in the Young Proclamation),

as existing immediately before the commencement of this proclamation, in the Lachlan Livestock Health and Pest Authority.

### **Part 7 - Mid-Coast Livestock Health and Pest District**

- 7.1 Pursuant to section 5(2)(c) of the Act, amalgamate:



- (a) all of the following RLP districts:
  - (i) Kempsey Rural Lands Protection District, having the boundaries described under the heading “Kempsey Rural Lands Protection District” in the Kempsey Proclamation;
  - (ii) Gloucester Rural Lands Protection District, having the boundaries described in Schedule 2 to the Armidale and Gloucester Proclamation; and
  - (iii) Hunter Rural Lands Protection District, having the boundaries described in the Hunter Proclamation; and
- (b) the part of the Maitland Rural Lands Protection District having the boundaries described in Part A of Schedule 7 to this proclamation (“the Second Part of the Maitland District”),

to constitute a single district and determine the name of that single district to be the Mid-Coast Livestock Health and Pest District.

7.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Mid-Coast Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 7.1(a) above and the Second Part of the Maitland District, disregarding the parts of those boundaries that are common between any of those RLP districts or that are common between any of those RLP districts and the Second Part of the Maitland District. The boundaries of the Mid-Coast Livestock Health and Pest District are as indicated by the bolded line on the map in Part B of Schedule 7 to this proclamation.

7.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 7.1(a) above):

- (a) Kempsey Rural Lands Protection Board;
- (b) Gloucester Rural Lands Protection Board; and
- (c) Hunter Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Mid-Coast Livestock Health and Pest Authority.

### **Part 8 - New England Livestock Health and Pest District**

8.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:

- (a) Northern New England Rural Lands Protection District, having the boundaries described in Schedule 2 to the Northern New England and Casino Proclamation; and
- (b) Armidale Rural Lands Protection District, having the boundaries described in Schedule 1 to the Armidale and Gloucester Proclamation;

to constitute a single district and determine the name of that single district to be the New England Livestock Health and Pest District.

- 8.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the New England Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 8.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the New England Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 8 to this proclamation.
- 8.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 8.1 above):
- (a) Northern New England Rural Lands Protection Board; and
  - (b) Armidale Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the New England Livestock Health and Pest Authority.

#### **Part 9 - North Coast Livestock Health and Pest District**

- 9.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:
- (a) Tweed-Lismore Rural Lands Protection District, having the boundaries described under the heading "Tweed-Lismore" in the 1907 Proclamation;
  - (b) Casino Rural Lands Protection District, having the boundaries described in Schedule 1 to the Northern New England and Casino Proclamation; and
  - (c) Grafton Rural Lands Protection District, having the boundaries described in the Grafton Proclamation,

to constitute a single district and determine the name of that single district to be the North Coast Livestock Health and Pest District.

- 9.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the North Coast Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 9.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the North Coast Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 9 to this proclamation.
- 9.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 9.1 above):

- (a) Tweed-Lismore Rural Lands Protection Board;
- (b) Casino Rural Lands Protection Board; and
- (c) Grafton Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the North Coast Livestock Health and Pest Authority.

#### **Part 10 - North West Livestock Health and Pest District**

10.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:

- (a) Walgett Rural Lands Protection District, having the boundaries described in the Walgett Proclamation;
- (b) Moree Rural Lands Protection District, having the boundaries described in the Moree Proclamation;
- (c) Narrabri Rural Lands Protection District, having the boundaries described in the Narrabri Proclamation; and
- (d) Northern Slopes Rural Lands Protection District, having the boundaries described in Schedule 2 to the Northern Slopes Proclamation,

to constitute a single district and determine the name of that single district to be the North West Livestock Health and Pest District.

10.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the North West Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 10.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the North West Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 10 to this proclamation.

10.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 10.1 above):

- (a) Walgett Rural Lands Protection Board;
- (b) Moree Rural Lands Protection Board;
- (c) Narrabri Rural Lands Protection Board; and
- (d) Northern Slopes Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the North West Livestock Health and Pest Authority.

#### **Part 11 - Riverina Livestock Health and Pest District**

11.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:

- (a) Hay Rural Lands Protection District, having the boundaries described in the Hay Proclamation;
- (b) Riverina Rural Lands Protection District, having the boundaries described in the Riverina Proclamation;
- (c) Murray Rural Lands Protection District, having the boundaries described in the Murray Proclamation; and
- (d) Narrandera Rural Lands Protection District, having the boundaries described under the heading “Narrandera” in the 1907 Proclamation,

to constitute a single district and determine the name of that single district to be the Riverina Livestock Health and Pest District.

11.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Riverina Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 11.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the Riverina Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 11 to this proclamation.

11.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 11.1 above):

- (a) Hay Rural Lands Protection Board;
- (b) Riverina Rural Lands Protection Board;
- (c) Murray Rural Lands Protection Board; and
- (d) Narrandera Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Riverina Livestock Health and Pest Authority.

### **Part 12 - South East Livestock Health and Pest District**

12.1 Pursuant to section 5(2)(c) of the Act, amalgamate:

- (a) all of the following RLP districts:
  - (i) South Coast Rural Lands Protection District, having the boundaries described in Schedule 2 to the South Coast and Braidwood Proclamation;
  - (ii) Braidwood Rural Lands Protection District, having the boundaries described in Schedule 3 to the South Coast and Braidwood Proclamation; and
  - (iii) Bombala Rural Lands Protection District, having the boundaries described in the Bombala Proclamation; and

- (b) the part of the Cooma Rural Lands Protection District having the boundaries described in Part A of Schedule 12 to this proclamation (“the First Part of the Cooma District”); and
- (c) the part of the Moss Vale Rural Lands Protection District having the boundaries described in Part B of Schedule 12 to this proclamation (“the Second Part of the Moss Vale District”),

to constitute a single district and determine the name of that single district to be the South East Livestock Health and Pest District.

12.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the South East Livestock Health and Pest District to be the same as the combined boundaries of:

- (a) the RLP districts described in paragraph 12.1(a) above;
- (b) the First Part of the Cooma District; and
- (c) the Second Part of the Moss Vale District,

disregarding the parts of those boundaries that are common between any of those RLP districts, the First Part of the Cooma District or the Second Part of the Moss Vale District. The boundaries of the South East Livestock Health and Pest District are as indicated by the bolded line on the map in Part C of Schedule 12 to this proclamation.

12.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards:

- (a) South Coast Rural Lands Protection Board (being the board for the RLP district described in paragraph 12.1(a)(i) above);
- (b) Braidwood Rural Lands Protection Board (being the board for the RLP district described in paragraph 12.1(a)(ii) above);
- (c) Bombala Rural Lands Protection Board (being the board for the RLP district described in paragraph 12.1(a)(iii) above); and
- (d) Cooma Rural Lands Protection Board (being the board for the Cooma Rural Lands Protection District, having the boundaries described in the Cooma Proclamation),

as existing immediately before the commencement of this proclamation, in the South East Livestock Health and Pest Authority.

### **Part 13 - Tablelands Livestock Health and Pest District**

13.1 Pursuant to section 5(2)(c) of the Act, amalgamate:

- (a) all of the following RLP districts:
  - (i) Central Tablelands Rural Lands Protection District, having the boundaries described in the Central Tablelands Proclamation;

- (ii) Yass Rural Lands Protection District, having the boundaries described in the Yass Proclamation; and
  - (iii) Goulburn Rural Lands Protection District, having the boundaries described under the heading “Goulburn” in the 1907 Proclamation; and
- (b) the part of the Molong Rural Lands Protection District having the boundaries described in Part A of Schedule 13 to this proclamation (“the Third Part of the Molong District”); and
  - (c) the part of the Young Rural Lands Protection District having the boundaries described in Part B of Schedule 13 to this proclamation (“the Second Part of the Young District”); and
  - (d) the part of the Cooma Rural Lands Protection District having the boundaries described in Part C of Schedule 13 to this proclamation (“the Second Part of the Cooma District”),

to constitute a single district and determine the name of that single district to be the Tablelands Livestock Health and Pest District.

- 13.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Tablelands Livestock Health and Pest District to be the same as the combined boundaries of:

- (a) the RLP districts described in paragraph 13.1(a) above;
- (b) the Third Part of the Molong District;
- (c) the Second Part of the Young District; and
- (d) the Second Part of the Cooma District,

disregarding the parts of those boundaries that are common between any of those RLP districts, the Third Part of the Molong District, the Second Part of the Young District or the Second Part of the Cooma District. The boundaries of the Tablelands Livestock Health and Pest District are as indicated by the bolded line on the map in Part D of Schedule 13 to this proclamation.

- 13.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 13.1(a) above):

- (a) Central Tablelands Rural Lands Protection Board;
- (b) Yass Rural Lands Protection Board; and
- (c) Goulburn Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Tablelands Livestock Health and Pest Authority.

### Part 14 - Western Livestock Health and Pest District

14.1 Pursuant to section 5(2)(c) of the Act, amalgamate all of the following RLP districts:

- (a) Milparinka Rural Lands Protection District, having the boundaries described under the heading “Milparinka” in the 1928 Proclamation;
- (b) Broken Hill Rural Lands Protection District, having the boundaries described under the heading “Menindee” in the 1928 Proclamation;
- (c) Wilcannia Rural Lands Protection District, having the boundaries described under the heading “Wilcannia” in the 1928 Proclamation;
- (d) Balranald-Wentworth Rural Lands Protection District, having the boundaries described in the Balranald-Wentworth Proclamation; and
- (e) Hillston Rural Lands Protection District, having the boundaries described under the heading “Hillston” in the 1928 Proclamation,

to constitute a single district and determine the name of that single district to be the Western Livestock Health and Pest District.

14.2 Pursuant to section 5(2)(c) of the Act, determine the boundaries of the Western Livestock Health and Pest District to be the same as the combined boundaries of the RLP districts described in paragraph 14.1 above, disregarding the parts of those boundaries that are common between any of those RLP districts. The boundaries of the Western Livestock Health and Pest District are as indicated by the bolded line on the map in Schedule 14 to this proclamation.

14.3 Pursuant to section 5(3) of the Act, vest all of the property and assign all of the rights and obligations of the following boards (being boards for the RLP districts described in paragraph 14.1 above):

- (a) Milparinka Rural Lands Protection Board;
- (b) Broken Hill Rural Lands Protection Board;
- (c) Wilcannia Rural Lands Protection Board;
- (d) Balranald-Wentworth Rural Lands Protection Board; and
- (e) Hillston Rural Lands Protection Board,

as existing immediately before the commencement of this proclamation, in the Western Livestock Health and Pest Authority.

### Part 15 – Revocation of proclamations

15. Pursuant to section 5 of the Act, revoke all proclamations made before this proclamation under:

- (a) the Act;
- (b) the *Rural Lands Protection Act 1989*;
- (c) the *Pastures Protection Act 1934*;
- (d) the *Pastures Protection Act 1912*; and

(e) the *Pastures Protection Act 1902*,

constituting rural lands protection districts or pastures protection districts or determining, declaring or altering boundaries of such districts, including the proclamations having the NSW Government Gazette reference and title in Columns 2 and 3 of the Table titled “Proclamations” in the definitions for this proclamation, and any proclamations revived as a result of this revocation.

### Definitions

In this proclamation:

**board** means the rural lands protection board constituted for a RLP district under the Act.

**district** means a livestock health and pest district constituted under the Act.

**Livestock Health and Pest Authority** means a livestock health and pest authority constituted for a district under the Act.

**RLP district** means a rural lands protection district constituted under the Act.

The defined term set out in Column 1 of the Table to this paragraph means the proclamation having the NSW Government Gazette reference and title in Columns 2 and 3 of the Table to this paragraph.

**Table – Proclamations**

Column 1	Column 2	Column 3
Defined term	GG reference	Title of Proclamation
<b><i>1907 Proclamation</i></b>	GG No. 56 of 8 May 1907	Amendment of the Boundaries of Pastures Protection Districts under Pastures Protection Act 1902
<b><i>1928 Proclamation</i></b>	GG No. 26 of 24 February 1928	Amendment of the Boundaries of the Pastures Protection Districts of the Western Division of the State of New South Wales under the Pastures Protection Act 1912
<b><i>Armidale and Gloucester Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6029 to 6034	Proclamation to alter the boundaries of Armidale and Gloucester Rural Lands Protection Districts
<b><i>Balranald-Wentworth Proclamation</i></b>	GG No. 157 of 16 December 2005 at pages 11106 to 11107	Amalgamation of Balranald Rural Lands Protection District and Wentworth Rural Lands Protection District under the Rural Lands Protection Act 1998
<b><i>Bombala Proclamation</i></b>	GG No. 137 of 28 November 1947	Alteration of Boundaries of Bombala and Eden Pastures Protection Districts
<b><i>Canonba Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Canonba Pastures Protection District

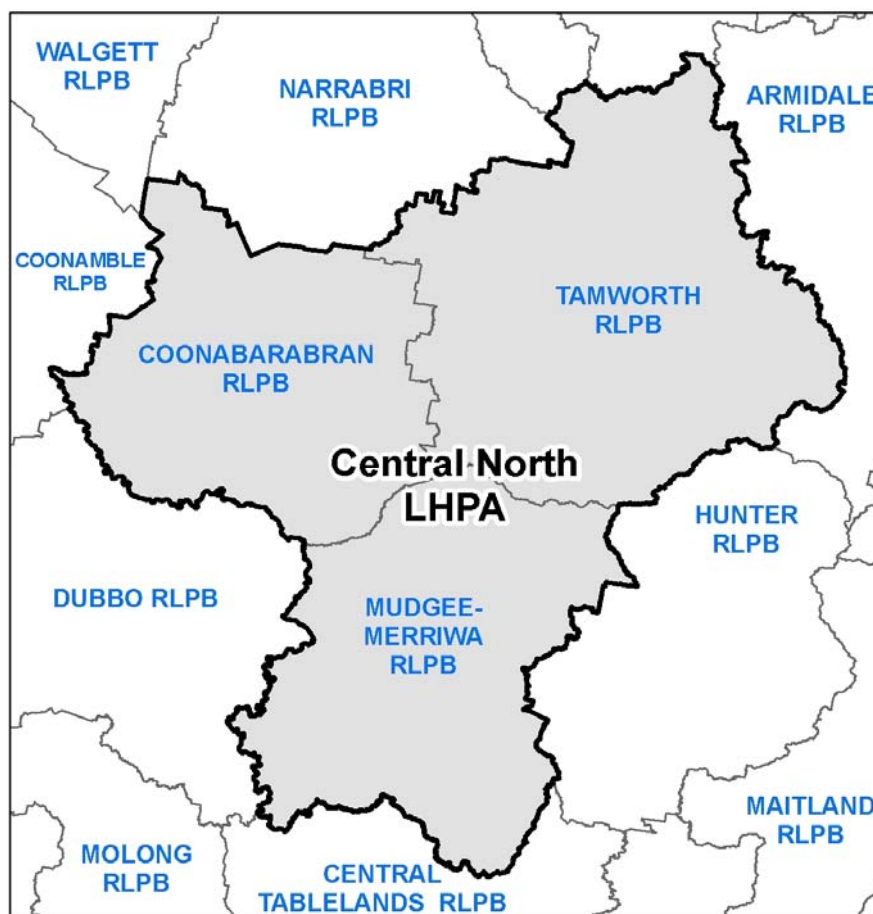


<b><i>Central Tablelands Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6008 to 6013	Proclamation to Amalgamate Carcoar and Bathurst Rural Lands Protection Districts and to constitute Central Tablelands Rural Lands Protection District
<b><i>Condobolin Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Condobolin Pastures Protection District
<b><i>Cooma Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Cooma Pastures Protection District
<b><i>Coonabarabran Proclamation</i></b>	GG No. 108 of 26 July 1985	Alteration of Boundaries of Coonabarabran Pastures Protection District
<b><i>Coonamble Proclamation</i></b>	GG No. 108 of 26 July 1985	Alteration of Boundaries of Coonamble Pastures Protection District
<b><i>Dubbo Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Dubbo Pastures Protection District
<b><i>Forbes Proclamation</i></b>	GG No. 34 of 26 March 1971	Alteration of Boundaries of Condobolin and Forbes Pastures Protection Districts
<b><i>Grafton Proclamation</i></b>	GG No. 99 of 27 June 1986	Alteration of Boundaries of Grafton Pastures Protection District
<b><i>Gundagai Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Gundagai Pastures Protection District
<b><i>Hay Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Hay Pastures Protection District
<b><i>Hume Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6019 to 6021	Proclamation to Amalgamate Albury and Holbrook Rural Lands Protection Districts and to constitute Hume Rural Lands Protection District
<b><i>Hunter Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6005 to 6007	Proclamation to amalgamate Scone and Denman-Singleton Rural Lands Protection Districts and to constitute Hunter Rural Lands Protection District
<b><i>Kempsey Proclamation</i></b>	GG No. 35 of 22 March 1996 at pages 1199 to 1203	Proclamation (relating to the boundaries of the Armidale and Kempsey Rural Lands Protection Districts)
<b><i>Molong Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Molong Pastures Protection District
<b><i>Moree Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Moree Pastures Protection District
<b><i>Moss Vale Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Moss Vale Pastures Protection District

<b><i>Mudgee-Merriwa Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6002 to 6004	Proclamation to amalgamate Mudgee and Merriwa Rural Lands Protection Districts and to constitute Mudgee-Merriwa Rural Lands Protection District
<b><i>Murray Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6022 to 6025	Proclamation to Amalgamate Corowa, Jerilderie and Urana Rural Lands Protection Districts and to constitute Murray Rural Lands Protection District
<b><i>Narrabri Proclamation</i></b>	GG No. 41 of 7 March 1986	Alteration of Boundaries of Narrabri Pastures Protection District
<b><i>Northern New England and Casino Proclamation</i></b>	GG No. 178 of 24 December 1998 at pages 10132 to 10137	Proclamation to alter the boundaries of the Casino and Northern New England Rural Lands Protection Districts
<b><i>Northern Slopes Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 5995 to 5997	Proclamation to amalgamate Warialda Rural Lands Protection District with part of Inverell Rural Lands Protection District and to constitute Northern Slopes Rural Lands Protection District
<b><i>Riverina Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6026 to 6028	Proclamation to Amalgamate Moulamein and Deniliquin Rural Lands Protection Districts and to constitute Riverina Rural Lands Protection District
<b><i>South Coast and Braidwood Proclamation</i></b>	GG No. 86 of 1 August 1997 at pages 6014 to 6018	Proclamation to Amalgamate Bega Rural Lands Protection District with Part of Braidwood Rural Lands Protection District and to constitute South Coast Rural Lands Protection District
<b><i>Tamworth Proclamation</i></b>	GG No. 108 of 26 July 1985	Alteration of Boundaries of Tamworth Pastures Protection District
<b><i>Wagga Wagga Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Wagga Wagga Pastures Protection District
<b><i>Walgett Proclamation</i></b>	GG No. 108 of 26 July 1985	Alteration of Boundaries of Walgett Pastures Protection District
<b><i>Yass Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Yass Pastures Protection District
<b><i>Young Proclamation</i></b>	GG No. 172 of 13 December 1985	Alteration of Boundaries of Young Pastures Protection District

This proclamation is to have effect on and from 1 January 2009.

## SCHEDULE 1 – CENTRAL NORTH LIVESTOCK HEALTH AND PEST DISTRICT



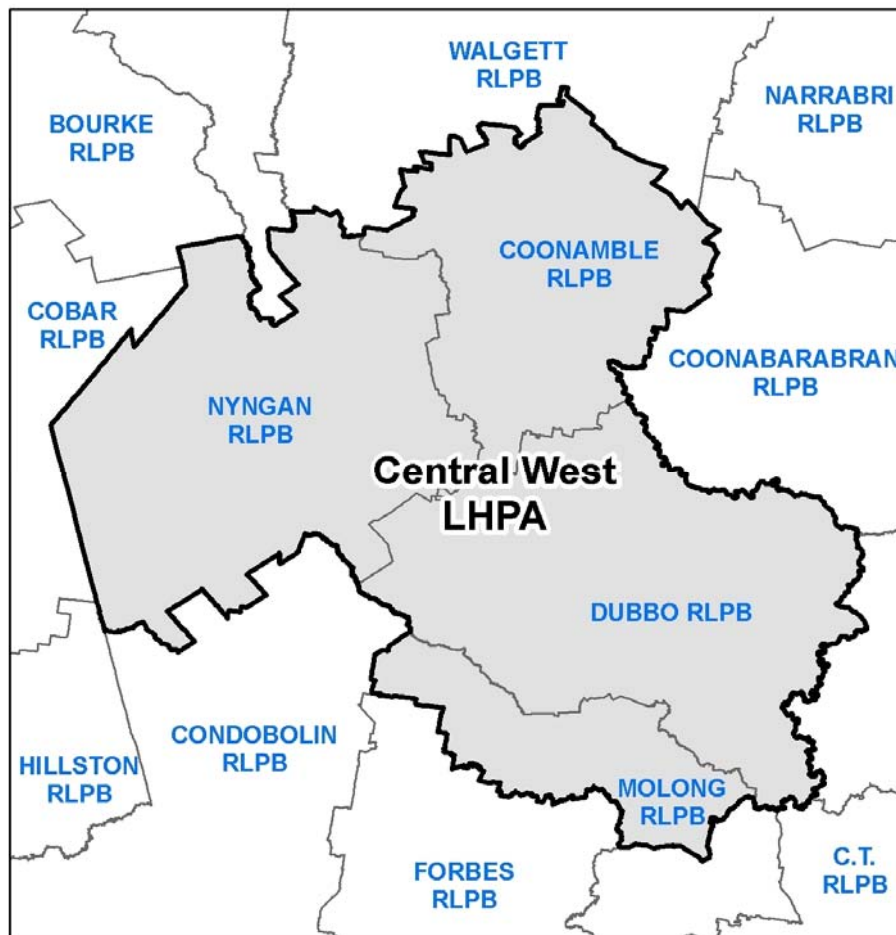
## SCHEDULE 2 – CENTRAL WEST LIVESTOCK HEALTH AND PEST DISTRICT

### Part A – First Part of Molong Rural Lands Protection District

Commencing at the intersection of Boomey Lane with the eastern boundary of the Parish of Boomey, County of Wellington, continue in a generally north-westerly direction along Boomey Lane until its intersection with Euchareena Road; then continue in a generally south-westerly direction along Euchareena Road and its continuation as Ironbarks Road until the intersection with Euchareena Street; then continue along Euchareena Street in an easterly direction until its intersection with Molong Creek; then follow Molong Creek downstream in a generally north-westerly direction until its conjunction with Speedy Street; then continue along Speedy Street in a generally westerly direction until its intersection with the western boundary of the Parish of Molong, County of Ashburnham (namely, the Molong Cemetery Road); then continue in a generally southerly direction along the western boundary of the Parish of Molong until its intersection with the Molong-Manildra Road, then continue in a generally easterly direction along the Molong-Manildra Road, crossing the Orange-Broken Hill Railway line until its intersection with the north-west corner of Lot 1, DP 750170; then continue in a generally easterly direction along the northern

border of Lot 1, DP 750170, until its termination at the intersection of Peabody Road and South Street; then continue in a generally southerly direction along Peabody Road until its termination at the intersection with The Escort Way (also known as Forbes Road); then continue in a generally south-westerly direction along The Escort Way until its intersection with the Boree-Manildra-Parkes Road; then continue in a generally north-westerly direction along the Boree-Manildra-Parkes Road and its continuation as Kiewa Street through the township of Manildra; then continue along the Boree-Manildra-Parkes Road in a generally westerly direction from Manildra until its intersection with the western boundary of the Molong Rural Lands Protection District (having the boundaries described in the Molong Proclamation); then commencing northerly in a clockwise direction around the boundary of the Molong Rural Lands Protection District until the point of commencement.

Part B – Map indicating boundaries of Central West Livestock Health and Pest District



**SCHEDULE 3 – CUMBERLAND LIVESTOCK HEALTH AND PEST DISTRICT**

Part A – First Part of Moss Vale Rural Lands Protection District

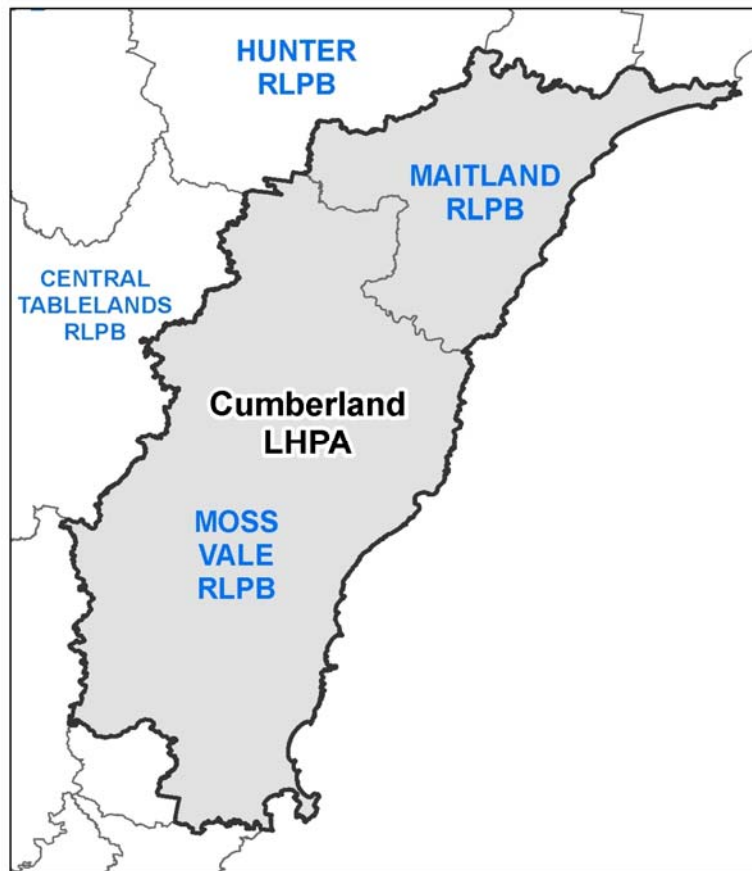
Commencing at the intersection of the southern border of the Moss Vale Rural Lands Protection District (having the boundaries described in the Moss Vale Proclamation)

with the eastern border of the Parish of Boolijah, County of St Vincent; continue in a generally northerly direction along the eastern and northern boundaries of the Parish of Boolijah until the intersection with the southern boundary of the Parish of Ettrema, County of St Vincent; then continue in a generally northerly direction along the eastern boundary of the Parishes of Ettrema and Yalwal, County of St Vincent; then continue in a generally westerly direction along the northern boundary of the Parishes of Yalwal, Tallowal and Bormimbadal, County of St Vincent until the intersection of the northern boundary of the Parish of Bormimbadal with the western boundary of the Moss Vale Rural Lands Protection District; then commencing in a generally northerly direction follow the boundary of the Moss Vale Rural Lands Protection District in a clockwise direction until the point of commencement.

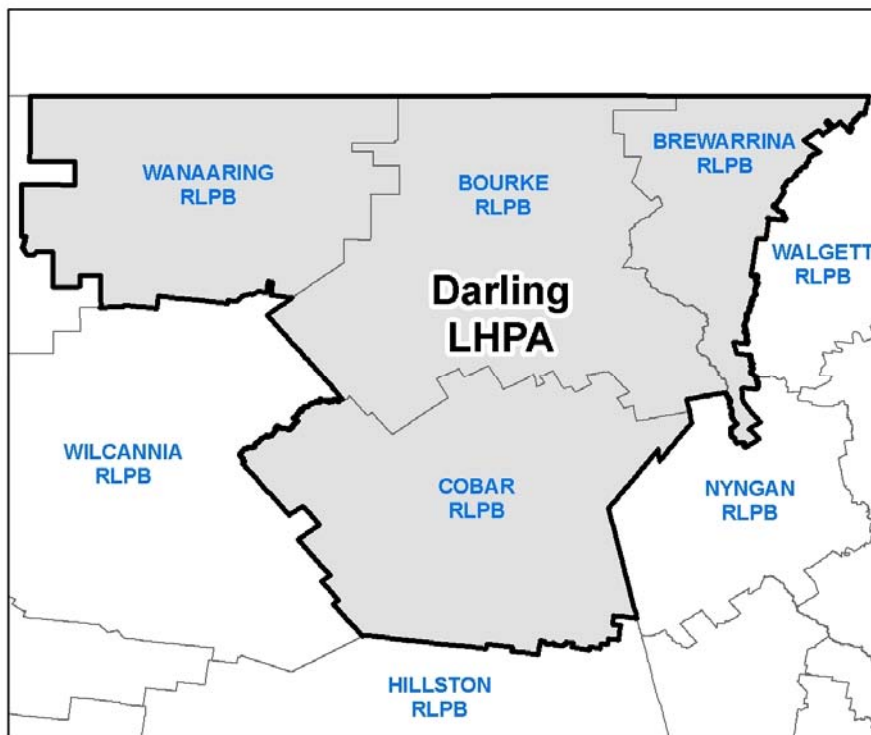
#### Part B – First Part of Maitland Rural Lands Protection District

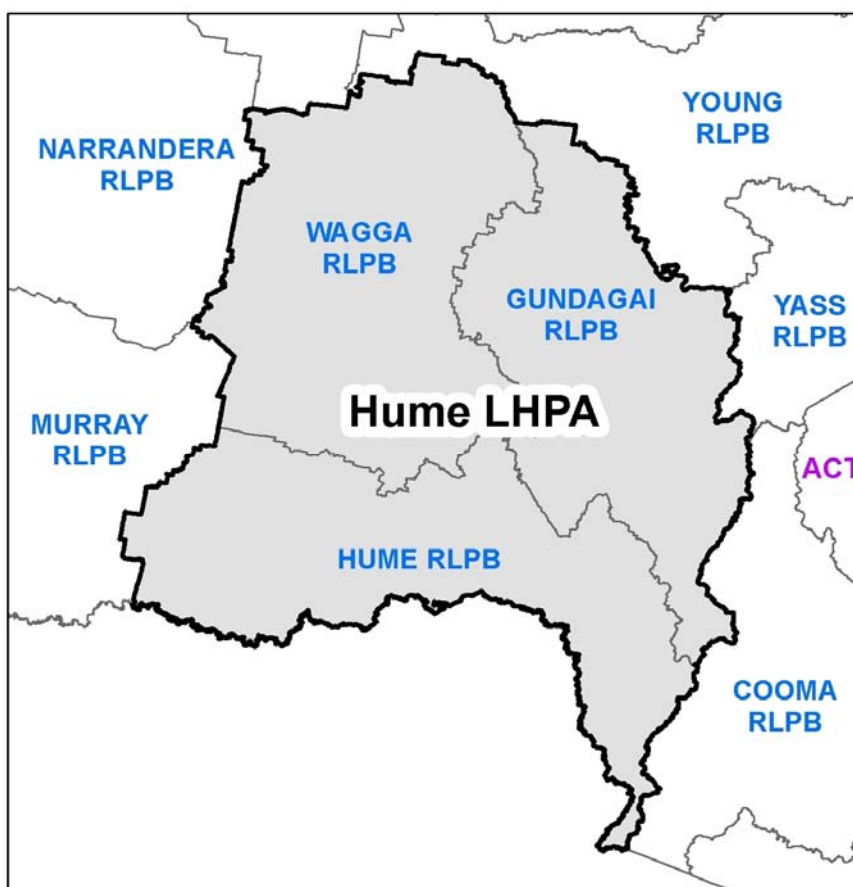
Commencing at the intersection of the western border of the Maitland Rural Lands Protection District (having the boundaries described under the heading “Maitland” in the 1907 Proclamation) and the Hunter River; then continue in a generally easterly direction downstream the Hunter River until its conjunction with the Williams River; then continue in a north-easterly direction upstream the Williams River until its intersection with Seaham Road; then continue in a generally south-easterly direction along Seaham Road and its continuation as William Bailey Street until its termination at Adelaide Street; then continue in a generally north-easterly direction along Adelaide Street until its conjunction with the Pacific Highway; then continue in a generally north-easterly direction along the Pacific Highway until its intersection with the eastern boundary of the Maitland Rural Lands Protection District (namely the intersection of the Parishes of Thornton, Wilmot and Tarean, County of Gloucester); then commencing in a generally south-easterly direction follow the boundary of the Maitland Rural Lands Protection District in a clockwise direction until the point of commencement.

Part C – Map indicating boundaries of Cumberland Livestock Health and Pest District



SCHEDULE 4 – DARLING LIVESTOCK HEALTH AND PEST DISTRICT



**SCHEDULE 5 – HUME LIVESTOCK HEALTH AND PEST DISTRICT****SCHEDULE 6 – LACHLAN LIVESTOCK HEALTH AND PEST DISTRICT****Part A – First Part of Young Rural Lands Protection District**

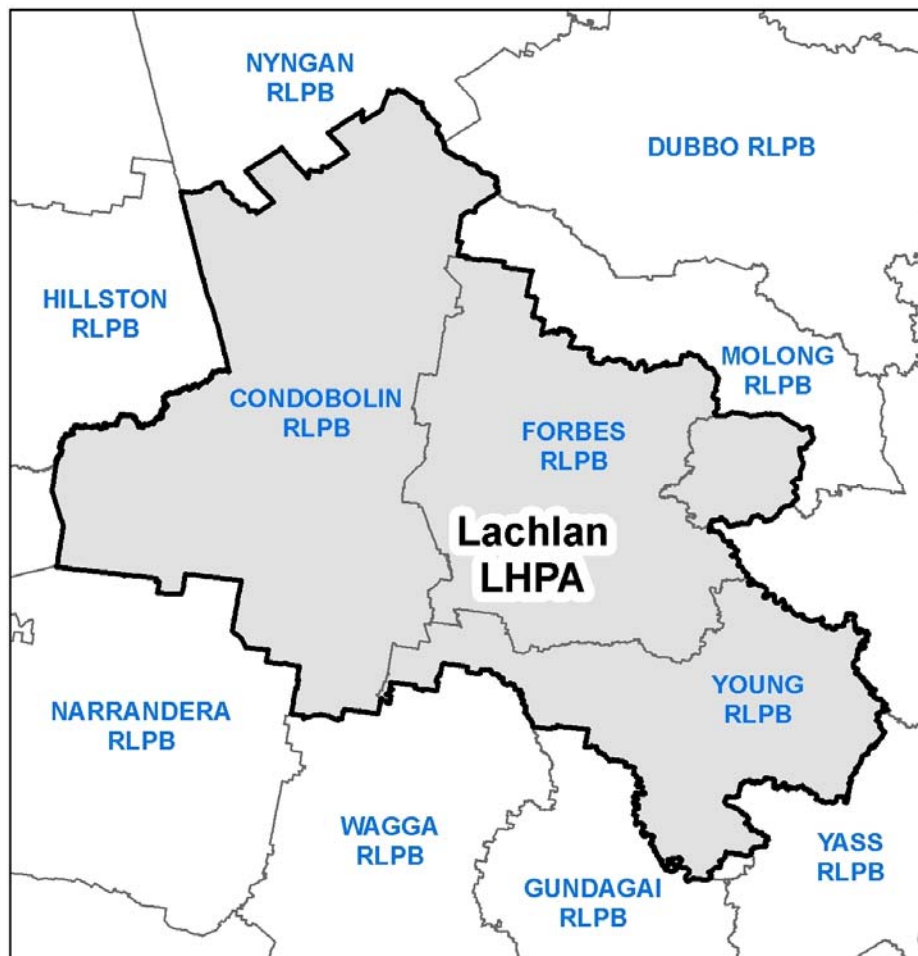
Commencing at the intersection of the eastern boundary of the Young Rural Lands Protection District (having the boundaries described in the Young Proclamation) with the Hume Highway, continue in a generally westerly direction along that highway until its intersection with Bogolarra Road; then following that road in a generally south-westerly direction until its junction with Nanangroe Road; then continue in a generally southerly direction along Nanangroe Road until its intersection with the eastern edge of Lot 1, DP 334959 and the southern boundary of the Young Rural Lands Protection District (namely the Murrumbidgee River), then commencing in a westerly direction continue in a clockwise direction around the boundary of the Young Rural Lands Protection District until the point of commencement.

**Part B – Second Part of Molong Rural Lands Protection District**

Commencing at the intersection of the Parkes-Manildra-Boree Road with the western boundary of the Molong Rural Lands Protection District (having the boundaries described in the Molong Proclamation), continue in a generally easterly direction along the Parkes-Manildra-Boree Road and its continuation as Kiewa Street through the township of Manildra; then continue along the Parkes-Manildra-Boree Road in a generally easterly direction from Manildra until its intersection with The Escort Way

(also known as Forbes Road); then continue in a generally north-easterly direction along The Escort Way until its intersection with Mousehole Lane; then continue along Mousehole Lane in a generally southerly and south-westerly direction until its termination at Bowan Park Road, then continue in generally south-westerly direction along Bowan Park Road until its junction with South Bowan Park Road; then continue in a generally southerly direction along South Bowan Park Road until its junction with Davys Plains Road at the locality of Cargo; then continue in a generally south-easterly direction along Davys Plains Road and its continuation as Molong Street until its junction with Court Street; then continue in a generally south-westerly direction along Court Street and its continuation as Cargo Road until the intersection of Cargo Road with the south-western boundary of the Parish of Cargo, County of Ashburnham and the north-western boundary of Lot 38, DP 750130; then continue in a generally south-easterly direction along the western boundaries of the Parishes of Cargo and Candomine, County of Ashburnham until the intersection of the Parishes of Collett and Candomine, with the Belubula River (namely the southern border of the Molong Rural Lands Protection District), then commencing in a westerly direction continue in a clockwise direction around the boundary of the Molong Rural Lands Protection District until the point of commencement.

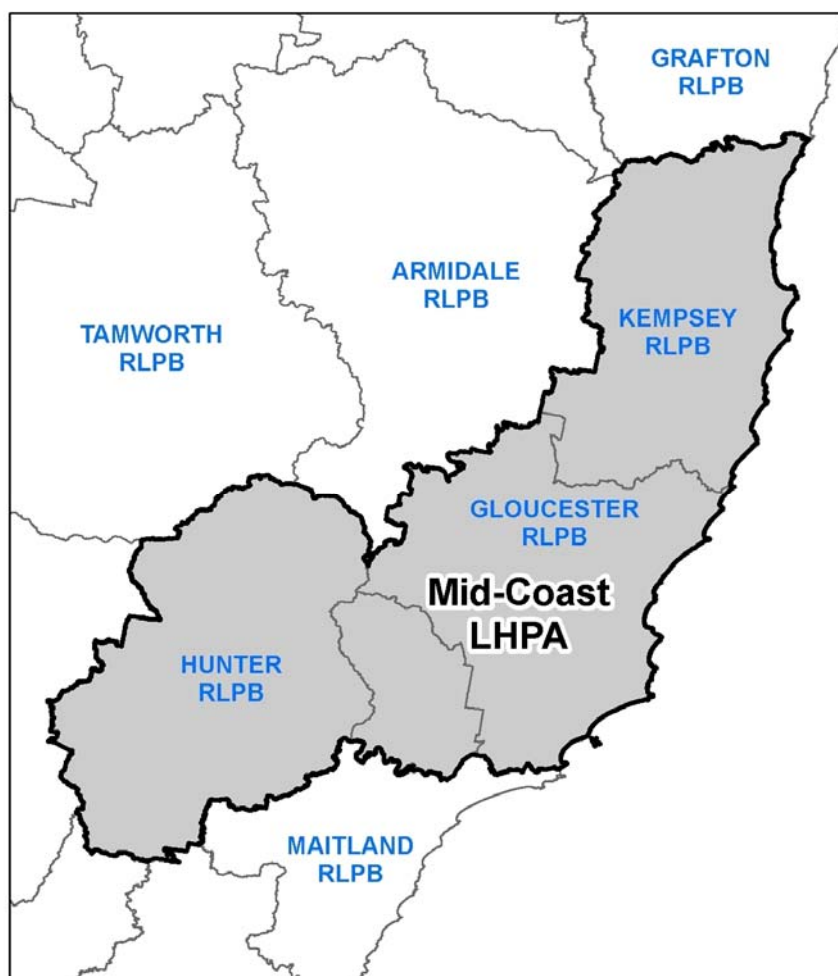
Part C – Map indicating boundaries of Lachlan Livestock Health and Pest District



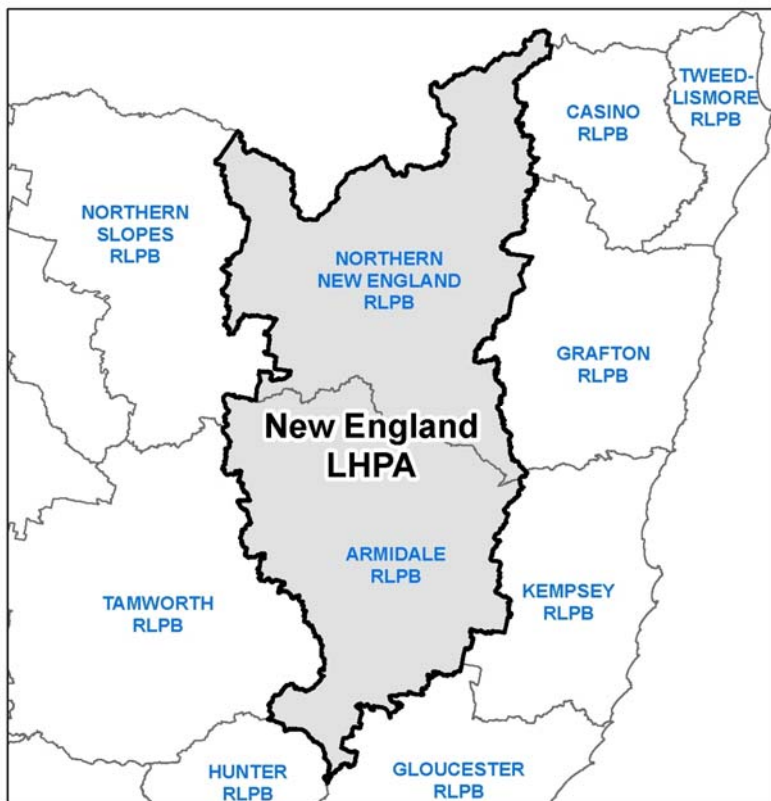


**SCHEDULE 7 – MID-COAST LIVESTOCK HEALTH AND PEST DISTRICT****Part A – Second Part of Maitland Rural Lands Protection District**

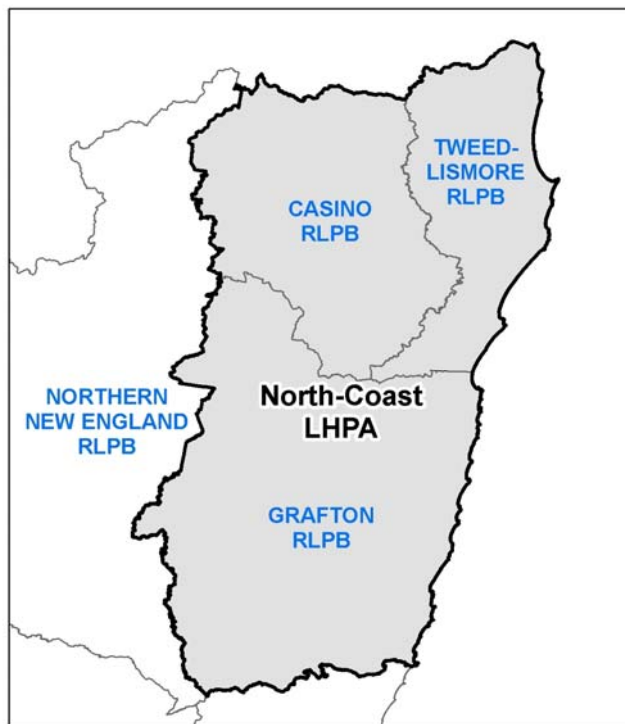
Commencing at the intersection of the Pacific Highway and the north-eastern border of the Maitland Rural Lands Protection District (having the boundaries described under the heading “Maitland” in the 1907 Proclamation) (namely the intersection of the Parishes of Thornton, Wilmot and Tarean, County of Gloucester); continue in a generally south-westerly direction along the southern side of the Pacific Highway until its conjunction with Adelaide Street at the locality of Raymond Terrace; then continue in a generally south-westerly direction along Adelaide Street until its intersection with William Bailey Street; then continue in a generally north-westerly direction along William Bailey Street and its continuation as Seaham Road until its intersection with the Williams River; then follow the Williams River downstream until its conjunction with the Hunter River, then follow the Hunter River upstream in a generally westerly direction until its intersection with the western border of the Maitland Rural Lands Protection District; then commencing in a generally northerly direction follow the boundary of the Maitland Rural Lands Protection District in a clockwise direction until the point of commencement.

**Part B – Map indicating boundaries of Mid-Coast Livestock Health and Pest District**

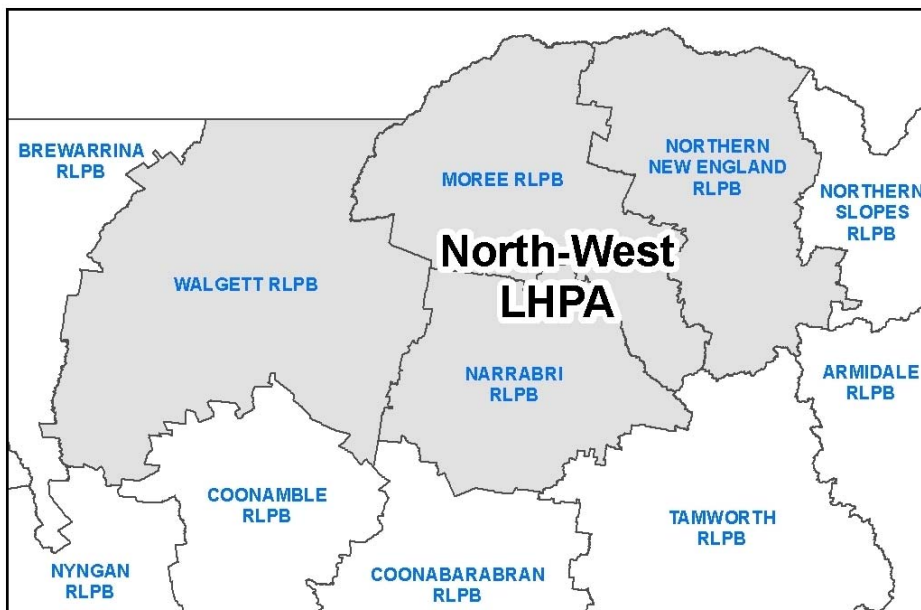
**SCHEDULE 8 – NEW ENGLAND LIVESTOCK HEALTH AND PEST DISTRICT**



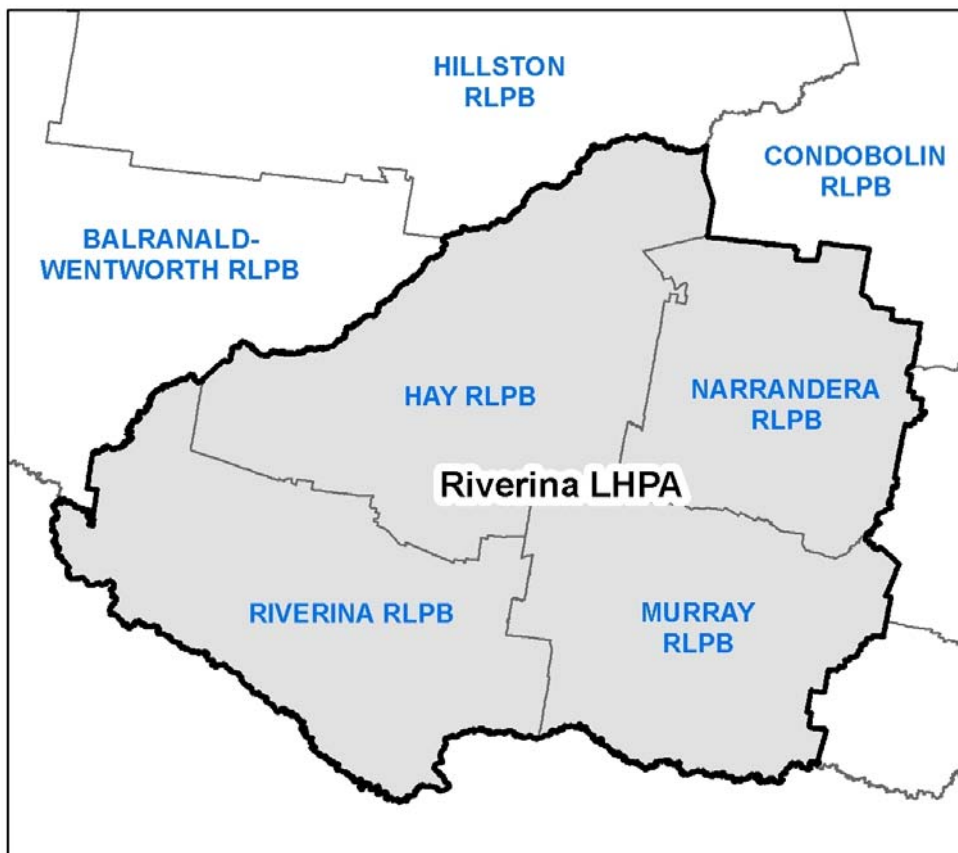
**SCHEDULE 9 – NORTH COAST LIVESTOCK HEALTH AND PEST DISTRICT**



**SCHEDULE 10 – NORTH WEST LIVESTOCK HEALTH AND PEST DISTRICT**



**SCHEDULE 11 – RIVERINA LIVESTOCK HEALTH AND PEST DISTRICT**



## **SCHEDULE 12 – SOUTH EAST LIVESTOCK HEALTH AND PEST DISTRICT**

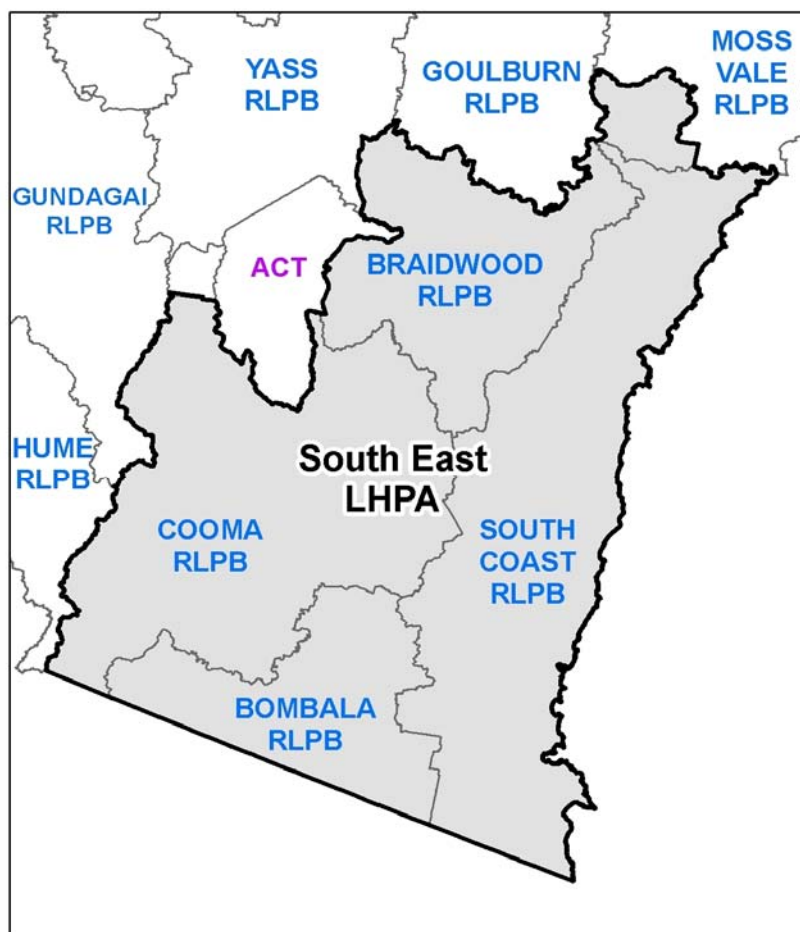
### **Part A – First Part of Cooma Rural Lands Protection District**

Commencing at the intersection of the south-west corner of the Parish of Bramina, County of Buccleuch, and the south-east corner of the Parish of Goobarragandra County of Buccleuch, continue in a generally south-easterly direction along the southern border of the Parish of Bramina, and the southern border of the Venterman, County of Cowley, until its intersection with the border of the Cooma Rural Lands Protection District (having the boundaries described in the Cooma Proclamation); namely that border between the State of New South Wales and the Australian Capital Territory, then follow the border of the Cooma Rural Lands Protection District generally southerly, south-easterly, north-easterly; south-easterly; south-westerly and northerly until the point of commencement.

### **Part B – Second Part of Moss Vale Rural Lands Protection District**

Commencing at the western intersection of the Parish of Borimdabal, County of St Vincent and the Parish of Bumballa, County of Camden; continue generally easterly along the northern border of the Parishes of Borimdabal, Tallowal and Yalwal, County of St Vincent (namely, the Shoalhaven River) until the intersection of the Parishes of Yalwal and Buangla, County of St Vincent with the Parish of Moollattoo, County of Camden; then continue in a generally southerly direction along the eastern border of the Parishes of Yalwal and Ettrema, County of St Vincent until the intersection of the latter with Parish of Boolijah, County of St Vincent; then continue generally easterly and southerly along the northern and eastern borders of the Parish of Boolijah until its intersection with the southern border of the Moss Vale Rural Lands Protection District (having the boundaries described in the Moss Vale Proclamation); then follow that boundary generally westerly and northerly until the point of commencement.

Part C – Map indicating boundaries of South East Livestock Health and Pest District



### SCHEDULE 13 – TABLELANDS LIVESTOCK HEALTH AND PEST DISTRICT

Part A – Third Part of Molong Rural Lands Protection District

Commencing at the southern intersection of the Parishes of Collett and Candomine, County of Ashburnham with the Belubula River; then proceed in a generally northerly direction along the western border of the Parishes of Candomine and Cargo, County of Ashburnham, until the intersection of the Parish of Cargo with the Cargo Road; then proceed in a generally north-easterly direction along the Cargo Road and its continuation as Court Street until its conjunction with Molong Street in the locality of Cargo; then continue along Molong Street in a north-westerly direction until the intersection of South Bowan Park Road with Molong Street; then continue along South Bowan Park Road in a generally northerly direction until the intersection of South Bowan Park Road with Bowan Park Road; then continue along Bowan Park Road in a generally north-easterly direction until the intersection of Bowan Park Road with Mousehole Lane; then continue along Mousehole Lane in a generally northerly direction until the intersection of Mousehole Lane with The Escort Way (also known as Forbes Road); then continue along The Escort Way in a generally westerly direction until the intersection of The Escort Way with Peabody Road; then continue in a generally northerly direction along Peabody Road until its intersection with South

Street at the locality of Molong; then continue in a generally westerly direction along the northern border of Lot 1, DP 750170 until the intersection of the Molong-Manildra Road and the Orange-Broken Hill Railway line; then continue in a generally westerly direction along the Molong-Manildra Road until its intersection with the western boundary of the Parish of Molong, County of Ashburnham; then continue in a generally northerly direction along the western boundary of the Parish of Molong until the intersection of this boundary with Speedy Street; then continue in a generally easterly direction along Speedy Street until its termination at Molong Creek; then continue in a generally south-easterly direction along Molong Creek until its intersection with the bridge at Euchareena Street; then continue in a generally easterly direction along Euchareena Street until its junction with Ironbarks Road; then continue in a north-easterly direction along Ironbarks Road and its continuation as Euchareena Road until its intersection with Boomey Lane; then continue in a generally southerly and then south-easterly direction along Boomey Lane until its intersection with the western boundary of the Parish of Warne, County of Wellington, namely the eastern boundary of the Molong Rural Lands Protection District (having the boundaries described in the Molong Proclamation); then commencing in a generally southerly and then easterly direction continue in a clockwise direction along the boundary of the Molong Rural Lands Protection District until the point of commencement.

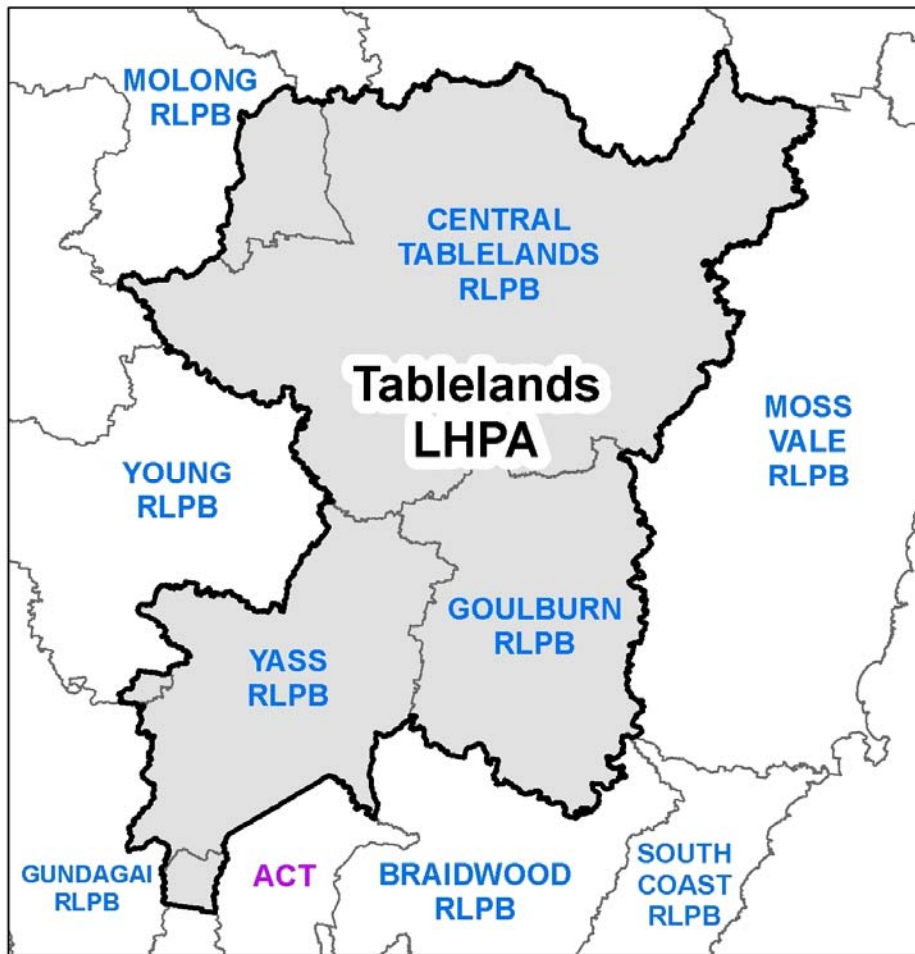
#### Part B – Second Part of Young Rural Lands Protection District

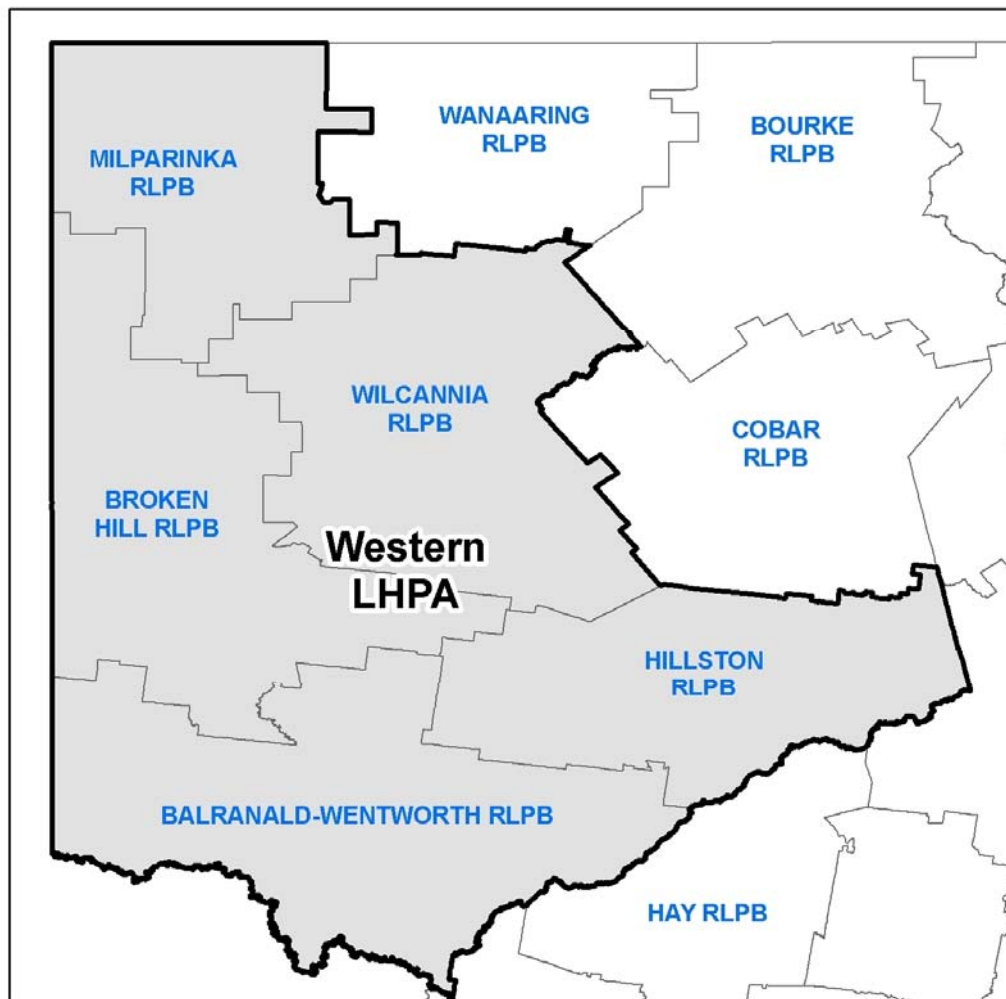
Commencing at the intersection of the borders of the Yass Rural Lands Protection District (having the boundaries described in the Yass Proclamation), the Young Rural Lands Protection District (having the boundaries described in the Young Proclamation) and the Gundagai Rural Lands Protection District (having the boundaries described in the Gundagai Proclamation), continue in a generally westerly direction along the Murrumbidgee River until the intersection of the western end of Nanangroe Road and the eastern edge of Lot 1, DP 334959; then following Nanangroe Road in a generally northerly direction until its intersection with Bogolara Road; then following that road in a generally northerly and then north-easterly direction until its intersection with the Hume Highway, then following the southern edge of that highway in a generally easterly direction until its intersection with the western boundary of the Yass Rural Lands Protection District; then follow that boundary of the Yass Rural Lands Protection District in a generally southerly and south-westerly direction until the point of commencement.

#### Part C – Second Part of Cooma Rural Lands Protection District

Commencing at the intersection of the boundary between the State of New South Wales and the Australian Capital Territory, and the eastern boundary of the Parish of Venterman, County of Cowley, continue in a generally westerly direction along the southern boundaries of the Parishes of Venterman and Bramina, County of Buccleuch until the intersection with the western boundary of the Cooma Rural Lands Protection District (having the boundaries described in the Cooma Proclamation); then commencing in a generally northerly direction, continue along that western boundary of the Cooma Rural Lands Protection District in a clockwise direction until the point of commencement.

Part D – Map indicating boundaries of Tablelands Livestock Health and Pest District



**SCHEDULE 14 – WESTERN LIVESTOCK HEALTH AND PEST DISTRICT**

Signed and sealed at Sydney this 17<sup>th</sup> day of December 2008

By Her Excellency's Command

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

GOD SAVE THE QUEEN!



**NOTE: Amalgamation of Rural Lands Protection Districts and constitution of Livestock Health and Pest Districts**



## Roads and Traffic Authority

### ROADS ACT 1993

Order

Hornsby Shire, Ku-Ring-Gai and Gosford City Council  
Areas

Repeal of Declaration as Tollway of the  
F3 – Sydney to Newcastle Freeway

I, the Minister for Roads hereby repeal the declarations published in Government Gazettes No 158 of 10 December 1965 on page 4076, No 152 of 6 December 1968 on page 4823 and No 51 of 10 April 1970 on page 1238 which declared to be a toll work (now tollway) the work described in the schedules to the said declarations.

**HON MICHAEL DALEY MP**  
**MINISTER FOR ROADS**

(RTA Papers: F3/201.11624, F3/184.1507 and F3/184.1422)

### ROADS ACT 1993

Order - Sections 46, 48, 54 and 67

Hornsby Shire and Ku-Ring-Gai Council Areas

Dedication of Land as Public Road and Declaration as a  
Freeway of part of the Sydney to Newcastle Freeway  
between Pennant Hills Road at Wahroonga and the  
Hawkesbury River at Brooklyn

I, the Minister for Roads, pursuant to Sections 46, 48, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a freeway the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the freeway at which access may be gained to or from other public roads.

**HON MICHAEL DALEY MP**  
**MINISTER FOR ROADS**

### SCHEDULE 1

All those pieces or parcels of land situated in the Hornsby Shire Council area, Parishes of Gordon and South Colah and County of Cumberland shown as:

Lots 4 and 21 Deposited Plan 239456;

Lots 13, 14 and 15 Deposited Plan 805817;

Lot 46 Deposited Plan 263977;

Lot 33 Deposited Plan 714035;

Lots 16 and 17 Deposited Plan 702566; and

Lot 23 Deposited Plan 636570.

The above Lots are all shown on RTA Plans 6003 201 AC 0356\_1 and \_3.

ALSO all those pieces or parcels of land situated in the Ku-Ring-Gai Council area, Parish of Gordon and County of Cumberland shown as:

Lots 49 and 50 Deposited Plan 263977;

Lots 5 and 6 Deposited Plan 1013393;

Lots 14, 15 and 16 Deposited Plan 736682;

Lots 31, 32, 36, 37, 38, 40 to 44 inclusive and 46 Deposited Plan 714035;

Lot 13 Deposited Plan 263707; and

Lot 10 Deposited Plan 263708.

The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1 and \_2.

### SCHEDULE 2

All those pieces or parcels of land situated in the Hornsby Shire Council area, Parishes of Gordon, South Colah and Cowan and County of Cumberland shown as:

Lot 12 Deposited Plan 805817;

Lot 5 Deposited Plan 9358;

Lots 16 and 17 Deposited Plan 263976;

Lots 3 to 6 inclusive Deposited Plan 234556;

Lot 2A Deposited Plan 357602;

Lots 28 to 34 inclusive and 40 and 46 to 48 inclusive Deposited Plan 703961;

Lots 8 and 10 Deposited Plan 850387;

Lot 9 Deposited Plan 703962;

- Lot 15 Deposited Plan 706260;  
Lots 15 and 17 Deposited Plan 263707;  
Lots 12, 13, 32 and 33 Deposited Plan 7865;  
Lots 11, 36 and 37 Deposited Plan 11837;  
Lots 5 and 13 to 16 inclusive Deposited Plan 263708;  
Lot A Deposited Plan 349772;  
Lot 1 Deposited Plan 370449;  
Lots 2 and 7 to 21 inclusive and 24 Deposited Plan 705751;  
Lots 19, 20 and 21 Deposited Plan 702566;  
Lot 16 Deposited Plan 771683;  
Lot 1 Deposited Plan 502422;  
Lots 14 to 26 inclusive 28 and 31 Deposited Plan 715470;  
Lot 1 Deposited Plan 415428;  
Lot 2 Deposited Plan 502809;  
Lots 1 to 11 inclusive and 21 and 24 Deposited Plan 28827;  
Lots 1 to 26 inclusive and 84 Deposited Plan 6586;  
Lots 35 to 71 inclusive Deposited Plan 715320;  
Lot 1 Section 2 and Lot 1 Section 1 Deposited Plan 1226;  
Lots A, B and C Deposited Plan 342312;  
Lot 1 Deposited Plan 103002;  
Lots 10 to 15 inclusive Deposited Plan 7158;  
Lots 35 to 39 inclusive Deposited Plan 31081;  
Lots 13 to 18 inclusive Deposited Plan 706371;  
Lots 2 and 3 Deposited Plan 706372;  
Lots 9 to 16 inclusive Deposited Plan 706373;  
Lots 1, 4, 5 and 6 Deposited Plan 201724;  
Lot 1 Deposited Plan 502364;  
Lots 7 to 17 inclusive and 19 Deposited Plan 706374;  
Lot 94 Deposited Plan 752053;  
Lot 10 Deposited Plan 636557;  
Lots 6 to 15 inclusive and 17 Deposited Plan 247987;  
Lots 2, 3, 4 and 9 Deposited Plan 247988;
- Lots 1, 2, 5 and 18 to 23 inclusive Deposited Plan 247985;  
and  
Lots 2 to 8 inclusive and 20 to 25 inclusive Deposited Plan 247989.  
The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1, \_2, \_3, \_4, \_5, \_6, \_7 and \_8.  
ALSO all those pieces or parcels of land situated in the Ku-Ring-Gai Council area, Parishes of Gordon and South Colah and County of Cumberland shown as:  
Lot 18 Deposited Plan 263976;  
Lot 5 Deposited Plan 624660;  
Lots 35 to 45 inclusive Deposited Plan 263977;  
Lot 6 Deposited Plan 16644;  
Lot 3 Deposited Plan 1013393;  
Lots 21, 22, 25, 26 and 27 Deposited Plan 714035;  
Lot 4 Deposited Plan 5341;  
Lot 35 Deposited Plan 703961;  
Lot 30 Deposited Plan 706261;  
Lot 13 Deposited Plan 706260;  
Lots 19, 20, 21 and 23 to 28 inclusive Deposited Plan 263707;  
Lots 15, 16, 17 and 30 Deposited Plan 7865;  
Lots 17 and 18 Deposited Plan 263708;  
Lots A, B and C Deposited Plan 340999; and  
Lot 5 Deposited Plan 228258.  
The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1 and \_2.  
ALSO all those pieces or parcels of land situated in the Hornsby Shire and Ku-Ring-Gai Council areas, Parishes of Gordon and South Colah and County of Cumberland shown as:  
Lots 23, 24, 28, 29 and 30 Deposited Plan 714035;  
Lots E and F Deposited Plan 304464;  
Lot 1 Deposited Plan 311078;  
Lots 27 and 36 to 38 inclusive and 41 to 45 inclusive Deposited Plan 703961;  
Lot C Deposited Plan 308202;  
Lot 2 Deposited Plan 13176;

Lot 61 Deposited Plan 1002697;  
 Lots 29 and 31 Deposited Plan 706261;  
 Lots 12 and 14 Deposited Plan 706260;  
 Lot C1 Deposited Plan 361732;  
 Lots 16, 18 and 22 Deposited Plan 263707;  
 Lots 14 and 31 Deposited Plan 7865;  
 Lots 34 and 35 Deposited Plan 11837;  
 Lots 17 and 24 Section 6 and Lot 19 Section 7 Deposited Plan 3219;  
 Lot B Deposited Plan 349772;  
 Lots 22, 23 and 25 to 29 inclusive Deposited Plan 705751;  
 Lots 6 and 7 Deposited Plan 30312;  
 Lot 3 Deposited Plan 732729; and  
 Lot 18 Deposited Plan 702566.

The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1 and \_2.

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### SCHEDULE 3

All those pieces or parcels of public road situated in the Hornsby Shire Council area, Parishes of Gordon and South Colah and County of Cumberland shown as:

Lot 16 Deposited Plan 805817;  
 Lot 1 Deposited Plan 1013393;  
 Lot 9 Deposited Plan 850387;  
 Lot 62 Deposited Plan 1002697;  
 Lot 18 Deposited Plan 706260;  
 Lot 30 Deposited Plan 263707;  
 Lot 24 Deposited Plan 636570;  
 Lots 27, 29 and 30 Deposited Plan 715470;  
 Lots 72 to 77 inclusive Deposited Plan 715320;  
 Lot 19 Deposited Plan 706371;  
 Lot 4 Deposited Plan 706372;  
 Lot 17 Deposited Plan 706373; and  
 Lot 18 Deposited Plan 706374.

The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1, \_3, \_4, \_5 and \_6.

ALSO all those pieces or parcels of public road situated in the Ku-Ring-Gai Council area, Parishes of Gordon and South Colah and County of Cumberland shown as:

Lot 4 Deposited Plan 1013393; and

Lot 65 Deposited Plan 1002697.

The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1.

ALSO all those pieces or parcels of public road situated in the Hornsby Shire and Ku-Ring-Gai Council areas, Parishes of Gordon and South Colah and County of Cumberland shown as:

Lot 2 Deposited Plan 1013393;

Lots 47 and 48 Deposited Plan 714035;

Lot 56 Deposited Plan 703961;

Lots 63 and 64 Deposited Plan 1002697;

Lot 34 Deposited Plan 706261;

Lots 19 and 20 Deposited Plan 706260;

Lots 29 and 31 Deposited Plan 263707;

Lot 19 Deposited Plan 263708; and

Lot 31 Deposited Plan 705751.

The above Lots are all shown on RTA Plans 6003 201 AC 0356 \_1 and \_2.

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### SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H;

between the points J and K; and

between the points L and M; all shown on RTA Plan 6003 201 AC 0356 \_1, \_3, \_5.

(RTA Papers: F3/201.11624)

**ROADS ACT 1993**

Order - Sections 46, 48, 54 and 67

Gosford City Council Area

Dedication of Land as Public Road and Declaration as a Freeway of part of the Sydney to Newcastle Freeway between the Hawkesbury River at Mooney Mooney and Wisemans Ferry Road at Somersby

I, the Minister for Roads, pursuant to Sections 46, 48, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a freeway the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the freeway at which access may be gained to or from other public roads.

**HON MICHAEL DALEY MP  
MINISTER FOR ROADS**

**SCHEDULE 1**

All those pieces or parcels of land situated in the Gosford City Council area, Parishes of Cowan and Narara and County of Northumberland shown as:

Lots 21 to 24 inclusive Deposited Plan 863305;  
 Lot 101 Deposited Plan 1070088;  
 Lot 13 Deposited Plan 802793;  
 Lot 13 Deposited Plan 710652;  
 Lots 15 to 18 inclusive Deposited Plan 263237;  
 Lots 3, 4, 5 and 7 Deposited Plan 229889;  
 Lots 4 to 10 inclusive Deposited Plan 261390;  
 Lot 3 Deposited Plan 260768;  
 Lot 202 Deposited Plan 714929;  
 Lots 13 to 17 inclusive Deposited Plan 264006; and  
 Lots 3 to 6 inclusive Deposited Plan 260737.

The above Lots are all shown on RTA Plans 6003 184 AC 4001 \_1, \_3, \_4 and \_6.

**SCHEDULE 2**

All those pieces or parcels of land situated in the Gosford City Council area, Parishes of Cowan, Narara and Gosford and County of Northumberland shown as:

Lots 13 to 19 inclusive Deposited Plan 863305;  
 Lot 13 Deposited Plan 239249;  
 Lots 1 to 11 inclusive and 29 to 33 inclusive Deposited Plan 239250;  
 Lots 1 and 2 Deposited Plan 542042;  
 Lots 1 and 2 Deposited Plan 233462;  
 Lot 52 Deposited Plan 881898;  
 Lot 5 Deposited Plan 223600;  
 Lots 7 to 13 inclusive and 21 to 25 inclusive Deposited Plan 247984;  
 Lot 3 Deposited Plan 520935;  
 Lots 10 to 15 inclusive and 17, 23, 24 and 25 Deposited Plan 255241;  
 Lots 3 and 4 Deposited Plan 518508;  
 Lot 9 Deposited Plan 558159;  
 Lots 16 to 24 inclusive Deposited Plan 710652;  
 Lot 33 Deposited Plan 713664;  
 Lot 194 Deposited Plan 755221;  
 Lot 102 Deposited Plan 1070090;  
 Lot 10 Deposited Plan 631623;  
 Lots 2, 3 and 4 Deposited Plan 812625;  
 Lot 4 Deposited Plan 631624;  
 Lot 11 Deposited Plan 786717;  
 Lot 1 Deposited Plan 261390;  
 Lots 4 to 12 inclusive Deposited Plan 264006;  
 Lots 6 to 11 inclusive Deposited Plan 264217;  
 Lots 17 and 18 Deposited Plan 264218; and

Lot 1 Deposited Plan 437924.

The above Lots are all shown on RTA Plans 6003 184 AC 4001 \_1, \_2, \_3, \_4, \_5 and \_6.

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SCHEDULE 3

All those pieces or parcels of public road situated in the Gosford City Council area, Parishes of Cowan, Narara and Gosford and County of Northumberland shown as:

Lot 20 Deposited Plan 863305;

Lot 25 Deposited Plan 710652;

Lot 2 Deposited Plan 261390;

Lots 18, 19 and 20 Deposited Plan 264006;

Lots 12, 13 and 14 Deposited Plan 264217; and

Lots 22, 23 and 24 Deposited Plan 264218.

The above Lots are all shown on RTA Plans 6003 184 AC 4001 \_1, \_4 and \_6.

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SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H;

between the points J and K;

between the points L and M; and

between the points N and P; all shown on RTA Plan 6003 184 AC 4001 \_1, \_3, \_4 and \_6.

(RTA Papers: F3/184.1507 Pt 3)

**ROADS ACT 1993**

Order - Sections 46, 48, 54 and 67

Wollongong City Council area

Dedication of Land as Public Road and Declaration as a Freeway of part of the F6 – Southern Freeway at Figtree and West Wollongong

I, the Minister for Roads, pursuant to Sections 46, 48, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a freeway the said main road described in Schedules 2 and 3;
4. declare that access to the said freeway is restricted; and
5. specify in Schedule 4 under, the points along the freeway at which access may be gained to or from other public roads.

**HON MICHAEL DALEY MP**  
**MINISTER FOR ROADS**

—————  
**SCHEDULE 1**

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Wollongong and County of Camden shown as:

Lot 2 Deposited Plan 1022501;

Lots 56 to 60 inclusive Deposited Plan 1109803;

Lots 101, 102 and 103 in RTA Plan 6006 497 AC 4002;

Lot 6 Deposited Plan 1125437;

Lot 1 Deposited Plan 391614; and

Lot 42 Deposited Plan 237812.

The above Lots are all shown in RTA Plan 6006 497 AC 4002.

—————  
**SCHEDULE 2**

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Wollongong and County of Camden shown as:

Lots 100 and 104 in RTA Plan 6006 497 AC 4002;

Lots 1 and 3 Deposited Plan 1027100;

Lots 90, 120, 121, 238, 239, 260 and 261 Deposited Plan 18974;

Lot 5 Deposited Plan 1124784;

Lot 3 Deposited Plan 620164;

Lot 2 Deposited Plan 1017831;

Lot 7 Deposited Plan 773691;

Lots 50 to 53 inclusive Deposited Plan 1109803;

Lots 30 to 40 inclusive and 44 to 50 inclusive Deposited Plan 237812;

Lot 1 Deposited Plan 1111088; and

Lots 17 to 20 inclusive Section 4 Deposited Plan 4738.

The above Lots are all shown in RTA Plan 6006 497 AC 4002.

—————  
**SCHEDULE 3**

ALL those pieces or parcels of public road situated in the Wollongong City Council area, Parish of Wollongong and County of Camden shown as:

Lots 2 and 4 Deposited Plan 1027100; and

Lots 54 and 55 Deposited Plan 1109803.

The above Lots are all shown in RTA Plan 6006 497 AC 4002.

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**SCHEDULE 4**

Between the points A and B;

between the points C and D;

between the points E and F; and

between the points G and H, all shown in RTA Plan 6006 497 AC 4002.

(RTA Papers: F6/497.1966 Pt 4)

**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land  
at Bulahdelah in the Great Lakes Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

—————  
SCHEDULE

ALL that piece or parcel of land situated in the Great Lakes Council area, Parish of Bulahdelah and County of Gloucester, shown as Lot 1 Deposited Plan 596463 being the whole of the land in Certificate of Title 1/596463.

The land is said to be in the possession of MidCoast County Council.

(RTA Papers: FPP 8M5601; RO 10/410.11225)

**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Thirroul  
in the Wollongong City Council area

The Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

—————  
SCHEDULE

All that piece or parcel of land situated in the Wollongong City Council area, Parish of Southend and County of Cumberland, shown as Lot 2 Deposited Plan 128465, being the whole of the land in Certificate of Title 2/128465.

The land is said to be in the possession of Wollongong City Council.

(RTA Papers: FPP 8M6612; RO 1/497.11324)

**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Lawson  
in the Blue Mountains City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

—————  
SCHEDULE

ALL that piece or parcel of Crown land situated in the Blue Mountains City Council area, Parish of Jamison and County of Cook, shown as Lot 1 Deposited Plan 1131317 being part of the land in Reserve 751646 for Future Public Requirements, notified in the Government Gazette of 29 June 2007 on pages 4182 to 4213.

(RTA Papers: FPP 8M7328; RO 5/44.12481)



**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Kyeamba  
in the Wagga Wagga City 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

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SCHEDULE

ALL those pieces or parcels of Crown land situated in the Wagga Wagga City Council area, Parish of Kyeamba and County of Wynyard, shown as:

Lots 26, 27 and 28 Deposited Plan 1128282;

Lot 29 Deposited Plan 1128282, being part of the land in Certificate of Title 7001/1027984 and said to be in the possession of the Crown and Wagga Wagga Rural Lands Protection Board; and

Lot 3 Deposited Plan 1124528 and said to be in the possession of the Crown and Noel Raymond Angel (licensee).

(RTA Papers: FPP 8M2858; RO 2/468.1109)

**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

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SCHEDULE

ALL that piece or parcel of land situated in the Greater Hume Shire Council area, Parish of Little Billabong and County of Goulburn, shown as Lot 123 Deposited Plan 1129339, being part of the land in Reserve No 87708 for Public Recreation and Public Hall notified in Government Gazette No 42 of 26 March 1970 on page 1063.

The land is said to be in the possession of the Crown and Greater Hume Shire Council (trustee).

(RTA Papers: FPP 8M4078; RO 2/186.1078)

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

BLACKTOWN CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25m B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

RON MOORE,  
General Manager,  
Blacktown City Council  
(by delegation from the Minister for Roads)  
Dated: 10 December 2008

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Blacktown City Council 25 Metre B-Double Notice No. 1/ 2008.

**2. Commencement**

This Notice takes effect from 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 25m B-Doubles vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

<i>Type</i>	<i>Road</i>	<i>Starting Point/Finishing Point</i>
25.	Eastern Creek Industrial Precinct.	Roads within the Eastern Creek Industrial Precinct bounded by M4 Motorway, Wallgrove Road, the Sydney Water Supply Line and Ropes Creek.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

GRIFFITH CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which **25 metre B-Doubles** may be used subject to any requirements or conditions set out in the Schedule.

Date: 12 December 2008.

PETER BROOKS  
General Manager  
Griffith City Council  
(by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as Griffith City Council **25 Metre B-Double** route Notice No 3/2008

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force unless it is amended or repealed.

**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**

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25		Dredge Street	Entire length		<b>Alternate Route:</b> <b>Travel permitted only</b> when the Burley Griffin Way (MR 84) or Beelbangera Road is closed

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

Mr P.M. KOZLOWSKI,  
General Manager  
Wentworth Shire Council  
(by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as Wentworth Shire Council Road Train Notice No1/2008

**2. Commencement**

This Notice takes effect on *the date of publication in the NSW Government Gazette*

**3. Effect**

This Notice remains in force until **30<sup>th</sup> September 2010** unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those **Road Train** vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT		Reserve Road East, Wentworth Shire	Intersection Reserve Rd East & Syphon Rd	Intersection Reserve Rd East & Hollands Lake Rd	
RT		Comebunye Rd, Coomealla	Gunya Rd	Syphon Rd	
RT		Trawalla Rd, Wentworth Shire	Syphon Rd	100m from Hollands Lake Rd	
RT		Short St, Buronga	Silver City Highway (HW22)	Lot 7003 DP 1126438	

## Department of Water and Energy

### SYDNEY WATER CATCHMENT MANAGEMENT ACT 1998

#### Catchment Health Indicators for the Sydney Drinking Water Catchment

Publication under Sections 42(3) and 42(5) of the Sydney Water Catchment Management Act 1998 (Act).

AS the appointee of the Minister responsible for the Sydney Catchment Authority under section 42(1) of the Act, and in accordance with provisions under section 42(2) of the Act, the Department of Water and Energy has developed and approved catchment health indicators of the catchment health of the catchment area for publication prior to 1 January 2009.

The 18 approved catchment health indicators, arranged by themes, are as follows:

<i>Theme</i>	<i>Approved Indicator</i>
Land Use and Human Settlements	Land Use
	Sites of Pollution and Potential Contamination
	Soil Erosion
	Population Settlements and Patterns
	Community Attitudes, Aspirations and Engagement
Biodiversity and Habitats	Macroinvertebrates
	Fish
	Riparian Vegetation
	Native Vegetation
	Fire
	Wetlands
	Physical Form
Water Availability	Surface Water Flow
	Environmental Flows
	Groundwater Availability
Water Quality	Ecosystem and Raw Water Quality
	Nutrient Load
	Cyanobacterial Blooms

MARK DUFFY,  
Director-General,  
Department of Water and Energy

## Other Notices

### ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of CANDELO-KAMERUKA GOLF CLUB INC, cancelled on 10 October 2008, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 12th day of 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

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

TAKE notice that the company MYTILENIAN BROTHERHOOD OF SYDNEY AND NEW SOUTH WALES LIMITED formerly registered under the provisions of the Corporations Act 2001, is now incorporated under the Associations Incorporation Act 1984 as MYTILENIAN ASSOCIATION OF SYDNEY & NSW INCORPORATED, effective 17 December 2008.

Dated: 17 December 2008.

ROBYNE LUNNEY,  
Delegate of Commissioner,  
Office of Fair Trading

### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Sections 55A and 55B

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Western Division C.R.L. of NSW Inc Y1358913  
Ansett Australia Soccer Club Incorporated INC9877517  
Royal Australian Navy Gliding Association Incorporated Y1795004  
Ulladulla Bodyboarders Association Incorporated INC9876321  
AFTRS Network Incorporated Y3030703  
The Lions Club of Paddington Inc Y0662232  
Australian Festival of Light-Community Standards Organisation Incorporated INC9882742  
Australian Ami Alumni Association Incorporated Y2837403

Dated: 10 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.

National Seniors Association Hornsby Shire Evening Branch Incorporated INC9883461  
The Basin Preschool Association Inc Y0834620  
Central Coast Recreation Conservation and Ecofishers Inc INC9886284  
Orange Family History Group Incorporated Y1812824  
Hunter Harvest Network Incorporated INC9880468  
Messiah Disciples Australia Motorcyclist Inc INC9885590

Dated: 15 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.

Sydney Sunboys Incorporated Y2407043  
Smith Street Reserve Group Incorporated INC7728403  
Sherrin Community Organization Incorporated INC9877438  
Silversea Bridge Club Incorporated INC9882315  
Broken Hill Archers Incorporated Y1965006  
The Garden Palace Digital Restoration Project Incorporated Y2446226  
Joy of Salvation Church Incorporated INC9882637  
The Probus Club of Nyngan Incorporated Y2252440  
Wellington Tourism Association Incorporated Y2379945  
Australian Indonesian Muslim Association Incorporated Y2301017  
Nabiac Chamber of Commerce & Tourism Incorporated INC9876492  
Proud To Be Union Committee Incorporated INC9878123  
Urana Ski & Aquatic Club Incorporated Y2367514  
Leeton Touch Association Incorporated Y1862020  
Ben Hall Bike Show Incorporated Y2370237  
Auschina Association for the Promotion of Trade Incorporated Y2296608

- Australasian Chapter of the International Ozone Association Incorporated Y2242934
- Australian Phonocard Dealers Association Incorporated Y2275129
- African Women's Organisation Chigwirizano Incorporated Y2351438
- Associazione Arenese Sydney Incorporated Y2478502
- Alliance for a Democratic China (Australia) the 2nd Branch Inc Y1701101
- Armidale Catholic Schools Ex-Students Association Incorporated Y1733818
- The Association of Chinese Scientists and Engineers in Australia Incorporated Y1863605
- Australian - Chinese International Association of Commerce Incorporated Y1654616
- Australian Somaliland Community Incorporated Y1648020
- Aerobicsport Australia (A.A.I.) Incorporated Y1925414
- Australian Fuzhou Association Incorporated Y2067039
- Australian Stone Industry Association Inc Y1479701
- Bodie & Soul Dance Company Incorporated Y1435925
- Bython Equestrian Association Incorporated Y1500212
- Balmain and District 12 Foot Flying Squadron Incorporated Y1663321
- The Australian Professional Computer Association Incorporated Y2354919
- Bay and Basin Out-of-School Hours Care Incorporated Y1858937
- Building Industry Womens Network Inc Y1711048
- Brocklehurst Progress Association Incorporated Y2164925
- Ballina Rowing and Aquatic Club Incorporated Y2340102
- Copper City Flying Club Inc Y1329628
- The Swords Fencing Club Incorporated Y1983347
- Tyagarah Flying Group Inc Y1567314
- Wollumbin C.A.R.E.S. Inc Y1470140
- Yellow Childrens Mobile Inc Y1400021
- CO.A.L.A. Confederazione, Associazioni. Laziali Australia Incorporated Y1993343
- Candelo & District Progress Association Incorporated Y1433735
- Century Three Committee Incorporated Y1776744
- Clarence Town and District Pony Sports Club Inc Y0493521
- Coonamble District Motorcycle Club Incorporated Y2042601
- Campbelltown Harlequin Junior Rugby Club Incorporated Y2011224
- Canterbury Bankstown District Hockey Club Inc Y1453237
- Children of Russia Australia Incorporated Y2027447
- Coffs Harbour Model Power Boat Club Incorporated Y1884643
- Colonials Hockey Club Incorporated Y2027006
- Commodore Hornsby User Group Inc Y0719324
- Cookamidgera Sports Club Incorporated Y2206448
- Cowra Boys Hockey Association Inc Y1825517
- The Cossom Association Inc Y1146100
- Chinese Sports Foundation of Australia Incorporated Y2158917
- Central Tablelands Pharmacists Association Inc Y1371142
- CDMA Mearthur District Incorporated Y1668404
- Canobolas District Tennis Association Incorporated Y1720145
- Central Coast Irish Association Incorporated Y2122702
- Country Rugby League Group 14 Inc Y1033902
- Contemporary Art Action Newcastle Incorporated Y2277123
- Central New South Wales Projects Inc Y1501111
- Cretan Association of Rethymno Incorporated Y2325830
- Central Tablelands Potato Growers Association Incorporated Y1859934
- Community Awareness Task Force Incorporated Y1779343
- Como Learning Centre Inc Y0908517
- Dapto District Sports Management Inc Y1258330
- Denman Mens Touch Football Association Inc Y0877742
- District 66 Masonic Welfare Association Inc Y1312114
- Dubbo City Landcare Group Incorporated Y1619323
- Dancespace Incorporated Y1211416
- Doonside Penguins Soccer Club Incorporated Y1913032
- Drummoyne Residents for a United Municipality Inc Y1313307
- Dubbo Open Inc Y1069529
- Don Mackay Griffith Gatehouse Inc Y0007810
- Daysdale Football Club Inc Y0923034
- Dama Chapter of Sydney and Irma of Sydney Inc Y1608820
- Deniliquin Rugby League Football Club Inc Y1546521
- Denimein Land and Water Management Plan Working Group Incorporated Y1744811
- Dorrigo Polocrosse Club Inc Y0013524
- Dubbo City Tennis Club Incorporated Y1768203
- Deniliquin & District Kennel Club Incorporated Y2297801
- Cossack Motorcycle Club Griffith Inc Y1526137
- Seventy Four Pistol Club Inc Y0025024
- Asquith United Sports Club Inc Y1470434
- Wentworth Harness Racing Club Incorporated Y2156041
- Mid North Coast Boardriders Association Inc Y0841233
- Wagga Endurance Riders Association Incorporated Y1459023
- Rossmore Equestrian Club Inc Y1502304
- Dee Why Beach Netball Club Incorporated Y2343534
- Narrandera Motorcycle Sports Club Inc Y1608232
- Australian Confederation of Sporting and Soccer Club Inc Y1595945

Mid Richmond Aquatic Club Incorporated Y2148529  
 Australian-Latin American Chamber of Commerce  
 Incorporated Y1964205  
 Golden Oldies Soccer Northern Rivers Incorporated  
 Y1962603  
 The Macedonian Ethnic Community of N.S.W.  
 Incorporated Y1953408  
 Riverina Driver Training Centre (Wagga Wagga)  
 Incorporated Y1965447

Dated: 17 December 2008.

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

*Column 1*  
 After noon, Thursday,  
 7 May 2009.  
 After noon, Monday,  
 11 May 2009.  
 Wednesday, 13 May 2009.

After noon, Friday,  
 15 May 2009.

Wednesday, 20 May 2009.

After noon, Wednesday,  
 15 July 2009.

After noon, Thursday,  
 16 July 2009.

After noon, Thursday,  
 6 August 2009.

After noon, Wednesday,  
 19 August 2009.

Wednesday, 26 August 2009.

After noon, Tuesday,  
 1 September 2009.

After noon, Wednesday,  
 2 September 2009.

After noon, Thursday,  
 10 September 2009.

After noon, Friday,  
 11 September 2009.

After noon, Thursday,  
 24 September 2009.

After noon, Tuesday,  
 29 September 2009.

After noon, Tuesday,  
 3 November 2009.

After noon, Thursday,  
 5 November 2009.

*Column 2*  
 Kempsey Shire Council area.  
 Bogan Shire Council area.  
 Gilgandra Shire Council  
 area.  
 Towns of Aberdeen,  
 Blandford, Bunnan, Ellerston,  
 Gundy, Moonan Brook,  
 Moonan Flat, Murrurundi,  
 Parkville, Scone, Rouchel,  
 Timor and Wingen within  
 the Upper Hunter Shire  
 Council area.

Coonamble Shire Council  
 area.

City of Grafton within the  
 Clarence Valley Council area.

City of Grafton within the  
 Clarence Valley Council area.

Coffs Harbour City Council  
 area.

Town of Trundle within the  
 Parkes Shire Council area.

Town of Peak Hill within the  
 Parkes Shire Council area.

Town of Parkes within the  
 Parkes Shire Council area.

West Wyalong/Wyalong  
 Town Improvement District  
 and the Police Patrol District  
 of Tallimba within the Bland  
 Shire Council area.

Ballina Shire Council area.

Forbes Shire Council area.

Lismore City Council area.

Young Shire Council area.

Muswellbrook Shire Council  
 area.

City of Grafton within the  
 Clarence Valley Council  
 area.

## BANKS AND BANK HOLIDAYS ACT 1912

### Notice

I, JOHN HATZISTERGOS, Minister for Industrial Relations,  
 in pursuance of section 19(3) of the Banks and Bank Holidays  
 Act 1912, appoint the special days and parts of special days  
 specified in Column 1 of the Schedule to be observed as  
 public holidays and public half-holidays (as the case may  
 be) in those parts of New South Wales specified in Column  
 2 of that Schedule opposite each such special day or part of  
 a special day.

Dated at Sydney, this 5th day of December 2008.

JOHN HATZISTERGOS, M.L.C.,  
 Minister for Industrial Relations

### SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
After noon, Friday, 13 February 2009.	Walcha Council area.
Friday, 13 February 2009.	That part of the County of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated within the Shoalhaven City Council area.
After noon, Monday, 16 March 2009.	Armidale Dumaresq Council area.
Friday, 27 March 2009.	Lake Macquarie City Council and Newcastle City Council areas.
After noon, Friday, 27 March 2009.	Albury City Council area.
After noon, Wednesday, 29 April 2009.	Kempsey Shire Council area.
Tuesday, 5 May 2009.	That portion of the township of Yeoval which is in the Cabonne Council area.
After noon, Wednesday, 6 May 2009.	Police Patrol Districts of Maclean, Yamba and Iluka within the Clarence Valley Council area

## CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the  
 Minister for Ageing, Minister for Disability Services and  
 Minister for Aboriginal Affairs

PURSUANT to section 36 of the Constitution Act 1902, Her  
 Excellency the Governor, with the advice of the Executive  
 Council, has authorised the Hon. K. P. GREENE, M.P.,  
 Minister for Gaming and Racing and Minister for Sport  
 and Recreation, to act for and on behalf of the Minister for



Ageing, Minister for Disability Services and Minister for Aboriginal Affairs, on and from 13 December 2008, with a view to him performing the duties of the Honourable P. G. LYNCH, M.P., during his absence from duty.

NATHAN REES, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the  
Treasurer

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. D. A. CAMPBELL, M.P., Minister for Transport and Minister for the Illawarra, to act for and on behalf of the Treasurer on and from 24 December 2008, with a view to his performing the duties of the Honourable E. M. ROOZENDAAL, M.L.C., during his absence from duty.

NATHAN REES, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the  
Minister for Community Services

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. D. L. BORGER, M.P., Minister for Housing and Minister for Western Sydney, to act for and on behalf of the Minister for Community Services on and from 19 December 2008, with a view to his performing the duties of the Honourable L. J. BURNEY, M.P., during her absence from duty.

NATHAN REES, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the  
Minister for Fair Trading and Minister for Citizenship

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. L. J. BURNEY, M.P., Minister for Community Services, to act for and on behalf of the Minister for Fair Trading and Minister for Citizenship, as on and from 12 January 2009, with a view to her performing the duties of the Honourable D. V. JUDGE, M.P., during her absence from duty.

NATHAN REES, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the  
Minister for Fair Trading and Minister for Citizenship

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. M. J. DALEY, M.P., Minister for Roads, to act for and on behalf of the Minister for Fair Trading and Minister for Citizenship, as on and from 26 December 2008, with a view to his performing the duties of the Honourable D. V. JUDGE, M.P., during her absence from duty.

NATHAN REES, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the  
Minister for Local Government and Minister Assisting the  
Minister for Health (Mental Health)

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. M. J. DALEY, M.P., Minister for Roads, to act for and on behalf of the Minister for Local Government and the Minister Assisting the Minister for Health (Mental Health), on and from 22 December 2008, with a view to his performing the duties of the Honourable B. M. PERRY, M.P., during her absence from duty.

NATHAN REES, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence from Duty  
of the Premier and Minister for the Arts

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable C. M. TEBBUTT, M.P., Deputy Premier, Minister for Climate Change and the Environment and Minister for Commerce, to act for and on behalf of the Premier, and Minister for the Arts, on and from 24 December 2008, with a view to her performing the duties of the offices of the Premier, and Minister for the Arts during my absence from duty.

Nathan Rees, M.P.,  
Premier

Department of Premier and Cabinet, Sydney 2008.

#### 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

### DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Bathurst at Orange, 10:00 a.m., 6 April 2009 (1 week).

Lismore, 10:00 a.m., 25 May 2009 (2 weeks), in lieu of 18 May 2009 (2 weeks).

Singleton, 10:00 a.m., 2 March 2009 (1 week), special fixture.

Sydney Mining, 10:00 a.m., 9 March 2009 (1 week), in lieu of 16 March 2009 (1 week).

Dated this 5th day of December 2008.

R. O. BLANCH,  
Chief Judge

### FORESTRY ACT 1916

Proclamation

J. J. SPIGELMAN, Lieutenant Governor

I, The Honourable J. J. SPIGELMAN, AC, Lieutenant Governor of the State of New South Wales, in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

#### SCHEDULE

Eastern Division

*Land District of Gloucester;  
Gloucester Shire Council Area;  
Central Forestry Region*

Mernot State Forest No. 1047 No. 3 Extension. An area of about 281.2 hectares in the Parish of Mernot, County of Hawes, being the land within Portions 63 and 65 delineated on plans catalogued 1677 and 1707 – 1671 respectively, in the Department of Lands, Sydney. (08/0174)

Signed and sealed at Sydney, this 3rd day of December 2008.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

### GAME AND FERAL ANIMAL CONTROL ACT 2002

Notification of Suspension of Schedule 1 Conditions of NSW Game Hunting Licences

IN pursuance of the Game and Feral Animal Control Regulation 2004 the Game Council of NSW gives notice of the suspension of operations of provisions in Clause 4 of Schedule 1 of the Game and Feral Animal Control Regulation 2004 for the area defined in the Primrose Valley Game Mitigation Application for the control of Fallow deer (*Dama dama*), and Red deer (*Cervus elaphus*):

For the period 19/12/2008 – 1/03/2010.

Location: Lots 10, 11, 23, 24, 40 and 44, DP No. 754870, Primrose Valley and Lots 1 and 2, DP No. 557686.

Approved by Game Council of NSW this 12th day of December 2008.

BRIAN BOYLE,  
Chief Executive Officer  
(for and on behalf of the Game Council of NSW)

### GEOGRAPHICAL NAMES ACT 1966

Erratum

IN the notice referring to the assignment of Address Locality Names and Boundaries in the Upper Lachlan Local Government Area, Folio 11836, 5 December 2008, the name Currawang was incorrectly omitted. This notice corrects that error.

W. WATKINS,  
Chairman

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

### GEOGRAPHICAL NAMES ACT 1966

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

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

Proposed Name:	Wilds Pass.
Designation:	Pass.
L.G.A.:	Goulburn Mulwaree Council.
Parish:	Norrong.
County:	Argyle.
L.P.I. Map:	Towrang.
1:100,000 Map:	Goulburn 8828.
Reference:	GNB 5216.

Proposed Name:	Norm Moyle Park.
Designation:	Reserve.
L.G.A.:	Cessnock City Council.
Parish:	Heddon.
County:	Northumberland.
L.P.I. Map:	Cessnock.
1:100,000 Map:	Cessnock 9132.
Reference:	GNB 5317.

Proposed Name: Balarang Reserve.  
 Designation: Reserve.  
 L.G.A.: Shellharbour City Council.  
 Parish: Terragong.  
 County: Camden.  
 L.P.I. Map: Albion Park.  
 1:100,000 Map: Kiama 9028.  
 Reference: GNB 5207.

Proposed Name: Jack Wickham Park.  
 Designation: Reserve.  
 L.G.A.: Shellharbour City Council.  
 Parish: Terragong.  
 County: Camden.  
 L.P.I. Map: Albion Park.  
 1:100,000 Map: Kiama 9028.  
 Reference: GNB 5207.

Proposed Name: Varneys Range.  
 Assigned Name: Barneys Ridge.  
 Designation: Ridge.  
 L.G.A.: Snowy River Shire Council.  
 Parish: Coolamatong.  
 County: Wallace.  
 L.P.I. Map: Cootralantra.  
 1:100,000 Map: Berridale 8625.  
 Reference: GNB 5319.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au).

WARWICK WATKINS,  
 Chairperson

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

## SCHEDULE

### Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr Mark BAGSHAW, Tirisma, Keams Road, Moree NSW 2400.	12 December 2008.

## SHOP TRADING ACT 2008

### Order

1. Following an application in the matter from Michael Iraninejad, Retail Manager, Mirvac Retail Sub SPV Pty Ltd and Perron Investments Pty Ltd, I, GRAEME HEAD, Director-General, Department of Commerce, in pursuance of section 10 of the Shop Trading Act 2008 ('the Act'), exempt all shops (other than those having an existing exemption within the meaning of clause 2 of Schedule 2 to the Act) within the Broadway Shopping Centre ('the Centre') located at Bay Street, Broadway, from the requirement under section 4 of the Act to be kept closed on Easter Sunday and Boxing Day in any year.
2. This exemption applies subject to the condition that any shop in the Centre may only open between 9 am and 5 pm on any Boxing Day and between 10 am and 4 pm on any Easter Sunday.
3. This exemption applies for a period ending on 30 June 2009.

Signed this 18th day of December 2008.

GRAEME HEAD,  
 Director-General,  
 Department of Commerce

## MEDICAL PRACTITIONERS FEES ORDER 2009

### Erratum

THE notice published in the *Government Gazette* dated 12 December 2008 on page 12272 under the heading Medical Practitioners Fees Order 2009 appeared with an error. The error appears in the definition of AMA List in clause 7 of the Order. The date referred to in this definition is 1 November 2007 which is incorrect, the correct date is 1 November 2008. The gazettal date remains the same.

## PESTICIDES ACT 1999

### Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,  
 A/Manager Dangerous Goods  
 (by delegation)

## SHOP TRADING ACT 2008

### Order

1. Following applications from:
  - ALDI Ltd trading as ALDI
  - Youngdown Pty Ltd trading as Go-Lo
  - Woolworths Ltd trading as Woolworths
  - David Jones Ltd trading as David Jones
  - DFS Australia Pty Ltd trading as Galleria
  - Harris Scarfe Australia Pty Ltd trading as Harris Scarfe
  - Woolworths Ltd trading as Big W
  - Giordano (Australia) Pty Ltd trading as Giordano
  - Myer Ltd trading as Myer
  - Clive Peeters Ltd trading as Clive Peeters
  - Target Australia Pty Ltd trading as Target
  - Foot Locker Australia Inc trading as Foot Locker
  - Jetty Surf Pty Ltd trading as Surf Dive and Ski
  - Coles Supermarkets Australia Pty Ltd trading as Coles
  - Bi-Lo Pty Ltd trading as Bi-Lo
  - Wollongong City Centre Ltd trading as Crown Street Mall
  - Yoogalu Pty Ltd trading as Harvey Norman
  - FC Australia Pty Ltd trading as French Connection

JL Footwear Pty Ltd trading as Nine West  
 Steambrook Pty Ltd trading as Seed  
 Seduce Fashion Pty Ltd trading as Seduce  
 Country Road Pty Ltd trading as Country Road  
 Sung Khwan Lee trading as 1001 Sunglass within Market City

I, GRAEME HEAD, Director-General, Department of Commerce, in pursuance of section 10 of the Shop Trading Act 2008 ('the Act'), exempt all shops of the applicants from the requirement under section 4 of the Act to be kept closed on Boxing Day 2008 subject to the condition specified in clause 2 of this order.

- All shops, (other than shops having an existing exemption within the meaning of clause 2 of Schedule 2 to the Act and Myer City Centre, 436 George Street, Sydney) within NSW, may only open between 9 am and 5 pm on Boxing Day.
- This exemption takes effect on 17 December 2008 and applies for a period ending on 27 December 2008.

GRAEME HEAD,  
 Director-General,  
 Department of Commerce

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### SHOP TRADING ACT 2008

#### Order

- Following an application in the matter from Thai Kee Bros Pty Ltd, trading as Thai Kee IGA, I, GRAEME HEAD, Director-General, Department of Commerce, in pursuance of section 10 of the Shop Trading Act 2008 ('the Act'), exempt Thai Kee IGA from the requirement under section 4 of the Act to be kept closed on Boxing Day 2008 and Easter Sunday 2009.
- This exemption applies subject to the condition that Thai Kee IGA may only open between:  
 12 noon and 6 pm on Christmas Day  
 9 am and 7 pm on Boxing Day  
 10 am and 4 pm on Good Friday and Easter Sunday.
- This exemption takes effect on 17 December 2008 and applies for a period ending on 30 June 2009.

GRAEME HEAD,  
 Director-General,  
 Department of Commerce

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### SHOP TRADING ACT 2008

#### Order

- Following an application in the matter from Direct Factory Outlets Homebush Pty Ltd, I, GRAEME HEAD, Director-General, Department of Commerce, in pursuance of section 10 of the Shop Trading Act 2008 ('the Act'), exempt DFO Homebush ('the Centre') from the requirement under section 4 of the Act to be kept closed on Boxing Day 2008.
- This exemption applies subject to the condition that any shop in the Centre may only open between 9 am and 5 pm on Boxing Day.

- This exemption takes effect on 17 December 2008 and applies for a period ending on 30 June 2009.

GRAEME HEAD,  
 Director-General,  
 Department of Commerce

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### SHOP TRADING ACT 2008

#### Order

- Following an application in the matter from Timestyle Management Pty Ltd, trading as Regent Place Shopping Centre, I, GRAEME HEAD, Director-General, Department of Commerce, in pursuance of section 10 of the Shop Trading Act 2008 ('the Act'), exempt Regent Place Shopping Centre ('the Centre') from the requirement under section 4 of the Act to be kept closed on Boxing Day 2008 and Easter Sunday 2009.
- This exemption applies subject to the condition that any shop in the Centre may only open between 9 am and 5 pm on Boxing Day and between 10 am and 4 pm on Easter Sunday.
- This exemption takes effect on 17 December 2008 and applies for a period ending on 30 June 2009.

GRAEME HEAD,  
 Director-General,  
 Department of Commerce

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### THREATENED SPECIES CONSERVATION ACT 1995

#### Notice of Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to REJECT a proposal to list the Old Man Saltbush Shrubland in western NSW as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act.

A copy of the Determination, which contains the reasons for the determination, may be obtained free of charge on the Internet [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au), by contacting the Scientific Committee Unit, PO Box 1967, Hurstville NSW 1481, Tel: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Department of Environment and Climate Change Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determination may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Professor LESLEY HUGHES,  
 Chairperson

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### THREATENED SPECIES CONSERVATION ACT 1995

#### Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to REJECT a proposal to list the Old Man Saltbush Shrubland in western NSW as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Rejection of nominations is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Old Man Saltbush Shrubland, as described by vegetation mapping studies in NSW, is characterised principally by the dominance of *Atriplex nummularia* Lindl. (Old Man Saltbush), a chenopod shrub that grows up to 2.5 metres tall. There is considerable confusion between the existence of an endangered ecological community dominated by Old Man Saltbush, *Atriplex nummularia* and the individual species itself.
2. In NSW, *A. nummularia*, as a species, occurs across a range of soil types on level to depressed plains, low-lying areas and depressions (Cunningham *et al.* 1992; Porteners 1993; Porteners *et al.* 1997), sometimes being associated with dry lakes (Fox 1991; Scott 1992; Horner *et al.* 2002; White *et al.* 2002). In north-west NSW it occurs on alluvial plains that are periodically flooded and on sandy rises adjacent to floodplains (Pickard and Norris 1994). Historical records of *A. nummularia* distribution disagree as to the extent and abundance of the species across western NSW, leading to many unresolved interpretations (Williams and Oxley 1979). Prevailing opinion among early observers and contemporary ecologists is that the species and its habitats were extensively overgrazed by livestock and rabbits starting in the late 1800s, leading to local extinction and patchiness (*e.g.* Moore 1953; Porteners *et al.* 1997; White *et al.* 2002). Nonetheless, *A. nummularia* remains widely distributed, if often locally rare, in western NSW.
3. As a species, *Atriplex nummularia* is (or was) found as a substratum component or dominant in various vegetation communities in western NSW. These communities include chenopod shrublands in which other *Atriplex* species are prevalent, such as *A. vesicaria* (Bladder Saltbush), and woodlands with an overstorey dominated by *Eucalyptus largi orens* (Black Box), *Eucalyptus coolabah* (Coolibah) and *Acacia pendula* (Weeping Myall or Boree). Some of these woodland assemblages are listed as Endangered Ecological Communities under the *Threatened Species Conservation Act 1995*, *e.g.* 'Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions' and 'Coolibah-Black Box woodland of the northern riverine plains in the Darling Riverine Plains and Brigalow Belt South bioregions.'
4. A large number of species can co-occur with *A. nummularia* depending on geographic, topographic, edaphic and hydrologic factors. For example, east of Peery Lake *A. nummularia* is sometimes found with *Maireana pyramidata* (Black Bluebush), *Sclerolaena intricata* (Poverty Bush), *Sida intricata* (Twiggy Sida) and *Daucus glochidiatus* (Native Carrot) (Westbrooke *et al.* 2003). On the floodplains of the Darling and Paroo Rivers, *A. nummularia* is recorded as occurring within a canopy of *Eragrostis australasica* (Cane Grass) and *Muehlenbeckia orulenta* (Lignum) and *Chenopodium nitrariaceum* (Nitre Goosefoot), along with a lower shrub layer composed of *Sclerolaena* spp. (copperburrs) (Pickard and Norris 1994). Along drainage lines and depressions in this area it also forms localised stands within larger areas dominated by *A. vesicaria* (Pickard and Norris 1994). *A. vesicaria*, *Enchylaena tomentosa* (Ruby Saltbush) and *Rhagodia spinescens* (Spiny Saltbush) are co-occurring shrub species in the Darling Riverine Plain Bioregion (L. Forward, unpublished).
- In the Riverina region species such as *Einadia nutans* (Climbing Saltbush) and *Sclerolaena* spp. and other *Atriplex* spp. are more frequently recorded as co-occurring with *A. nummularia* (Scott 1992; Porteners 1993). Further west around Pooncarie, *Maireana pyramidata*, *Rhagodia spinescens*, *Atriplex lindleyi* and *Osteocarpum acropterum* var. *deminuta* (Porteners *et al.* 1997) are more likely to be encountered. Species found with *A. nummularia* in Kinchega National Park include *Chenopodium nitrariaceum*, *Sclerolaena divaricata* (Tangled Copperburr) and *Maireana pyramidata* (Fox 1991). *A. nummularia* can form dense monospecific stands (Cunningham *et al.* 1992), crowding other species and resulting in low species richness (Beadle 1948).
5. Old Man Saltbush Shrublands are thought to be very dynamic across time and space, ranging from grassland to monocultures of *A. nummularia* (*e.g.* Williams and Oxley 1979; Cunningham *et al.* 1992). Some authors have proposed that the rapid degradation of Old Man Saltbush communities with the advent of livestock resulted in the development of extensive areas of derived grasslands (*e.g.* Moore 1953), whereas others argue that the historical nature of this alteration is far from clear and that some large areas of predominantly grassland may have existed long prior to the decline of Old Man Saltbush (*e.g.* McDougall *et al.* 1993, McDougall 2008). Overgrazing of *A. nummularia* has also been thought to result in temporary or long-term dominance by less palatable chenopods (*e.g.* 'Nitro Goosefoot shrubland on clays of the inland floodplains'; Benson *et al.* 2006). However, without a better understanding of community dynamics there is little potential to establish reference conditions for these chenopod shrublands, and therefore to determine historic declines, current status and future threat. Long-term studies, rather than simply more floristic plots, are needed to determine this variation in community structure and species composition.
6. A recent review and classification of vegetation in western NSW (Benson *et al.* 2006) recognised stands of *A. nummularia* and co-occurring species including those listed above are currently recognised as two distinct associations known as 'Old Man Saltbush shrubland in the semi-arid climatic zone in southwestern NSW' and 'Old Man Saltbush shrubland in the semi-arid hot and arid climate zones in north-western NSW'. Benson *et al.* (2006), recognised these associations on the basis of expert opinion derived from available information about occurrence of the species in NSW, field inspections to record associated species at selected locations in NSW and descriptions from other field studies. Some of these studies used numerical analyses of quadrat data to define assemblages dominated by *A. nummularia* indicating that regional or local assemblages exist, but difficulties arise from their uncertain relationships with one another and with other chenopod assemblages that may represent 'successional' stages in a complex and dynamic mosaic. Vegetation surveys and mapping studies which include descriptions of a similar community dominated or defined by *A. nummularia* include Beadle's (1948) sub-formation found throughout western NSW; large areas in southwest NSW and northwest Victoria mapped by Kerr *et al.* (2000); areas in northwest NSW mapped by Pickard and Norris (1994); and sites in Nearie Lake Nature Reserve and Kinchega National Park mapped by Westbrooke *et al.* (1997, 2001). Fox (1991) named a similar saltbush community north of Mildura but found it too localised

to map. In the Riverina region, the following studies named an Old Man Saltbush community of varying descriptions: Scott (1992), Porteners (1993), Porteners *et al.* (1997), Roberts and Roberts (2001), Horner *et al.* (2002), and White *et al.* (2002). 'Bladder Saltbush and Old Man Saltbush shrubland' was identified in the Darling Riverine Plains during bioregional surveys (L. Forward, unpublished).

7. Descriptions of these Old Man Saltbush communities show little concurrence as to which species are characteristically present. Besides *A. nummularia* itself, only four other species are identified as characteristic in more than one-fifth of descriptions, and even these latter species are represented on less than a third of those lists: *Atriplex vesicaria*, *Chenopodium nitrariaceum*, *Maireana pyramidata*, *Rhagodia spinescens*. These four species are also widespread components of other vegetation communities in western NSW (e.g. 'Low Bluebush - Bladder Saltbush open shrubland of the arid zone'; Benson *et al.* 2006). Exploratory pattern analyses of species and site associations based on 3157 vegetation quadrats in western NSW also failed to identify an assemblage of co-occurring species that was clearly referable to available descriptions of Old Man Saltbush Shrubland (Soderquist and Irvin 2008). Historical and ongoing disturbances related to grazing may have an influence on the apparently diffuse character of plant assemblages containing *A. nummularia*, but a more thorough understanding of the dynamics of the vegetation is required to ascertain their roles.
8. Given the lack of concurrence among field studies in describing the nominated community, limited corroboration emerging from meta-analysis and uncertain temporal relationships between potentially related assemblages, there remains considerable uncertainty about the characteristic features of Old Man Saltbush Shrubland in NSW. An alternative plausible explanation of the available information is that stands of *A. nummularia* are visually dominant within a broad and a variable complex of chenopod shrublands and associated grasslands. The lack of clear definition has led to long-standing and unresolved debates among observers who believe that very few patches of Old Man Saltbush Shrubland remain, and those who claim that extensive tracts exist and are recovering.
9. The Scientific Committee made a Preliminary Determination to list Old Man Saltbush Shrubland as an Endangered Ecological Community. This preliminary assessment of the community led to the submission of additional information as to the extent and decline of the nominated community. This in turn necessitated a re-examination and reanalysis of the circumscription of the community. In the light of this analysis, the Committee has determined that there is currently insufficient evidence to draw a robust conclusion about the status of Old Man Saltbush Shrubland in western NSW, as nominated. Without a more adequate understanding of the community composition, dynamics and past distribution it is not feasible to determine if Old Man Saltbush Shrubland in western NSW, as nominated, has undergone a large reduction in distribution or ecological function, or is now highly restricted. Hence there is currently insufficient understanding to assess whether such a community is eligible for listing as an Endangered Ecological Community.

10. In view of the above, the Scientific Committee finds that the nominated Old Man Saltbush Shrubland in western NSW is not currently eligible to be listed as an Endangered Ecological Community in Part 3 of Schedule 1 of the Act.

Professor LESLEY HUGHES,  
Chairperson,  
Scientific Committee

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### THREATENED SPECIES CONSERVATION ACT 1995

Threatened Species Conservation (Biobanking Assessment  
Methodology) Amendment Order 2008  
under the

Threatened Species Conservation Act 1995

I, CARMEL TEBBUTT, Minister for Climate Change and the Environment, in pursuance of section 127C (3) of the Threatened Species Conservation Act 1995 and clause 9(1) of the Threatened Species Conservation (Biodiversity Banking) Regulation 2008, make the following Order.

Signed this 12th day of December 2008.

CARMEL TEBBUTT, M.P.,  
Minister for Climate Change and the Environment

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#### Explanatory note

The object of this Order is to make minor amendments to the Biobanking Assessment Methodology as a result of minor amendments made to cl 4(2) of the Threatened Species Conservation (Biodiversity Banking) Regulation 2008 (the Regulation) by the Threatened Species Conservation (Biodiversity Banking) Amendment Regulation 2008 to ensure consistency between the Regulation and the Biobanking Assessment Methodology.

This Order is made under section 127C (3) of the Threatened Species Conservation Act 1995 and clause 9(1) of the Threatened Species Conservation (Biodiversity Banking) Regulation 2008.

Threatened Species Conservation (Biobanking Assessment  
Methodology) Amendment Order 2008  
under the  
Threatened Species Conservation Act 1995 and Threatened  
Species Conservation (Biodiversity Banking) Regulation  
2008.

#### 1. Name of Order

This Order is the Threatened Species Conservation (Biobanking Assessment Methodology) Amendment Order 2008.

#### 2. Commencement

This Order commences on the commencement of the Threatened Species Conservation (Biodiversity Banking) Amendment Regulation 2008.

#### 3. Amendment of the Biobanking Assessment Methodology

Pursuant to section 127C(3) of the Threatened Species Conservation Act 1995 and cl 9(1) of the Threatened Species Conservation (Biodiversity Banking) Regulation 2008, the rules known as the Biobanking Assessment Methodology established by the Threatened Species Conservation (Biobanking Assessment Methodology) Order 2008 are amended as set out in Schedule 1 to this Order.

#### Schedule 1 Amendments to the Biobanking Assessment Methodology

- [1] Section 2.7 Creation of credits in respect of lands with existing conservation obligations  
Section 2.7 is amended by omitting "1 January 2009" wherever occurring and by inserting instead "10 March 2009".
- [2] Section 7.2 Additionality in credit allocations  
Section 7.2 is amended by omitting "1 January 2009" wherever occurring and by inserting instead "10 March 2009".

**CONTAMINATED LAND MANAGEMENT ACT 1997**

Environment Protection Authority

Declaration of Remediation Site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21128; Area Number 3256

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

## 1. Land to which this declaration applies ("the site")

This declaration applies to two parcels of untitled Crown Land as shown edged in bold in the attached figure located at Gosport Street, Moree NSW 2400 in the local government area of Moree Plains and described as "Part of the Narrabri to Moree Railway being Taking No. 196, Proclaimed by *New South Wales Government Gazette* No. 333 of 17 May 1895, Folio 3135 and confirmed by *New South Wales Government Gazette* No. 517 of 6 August 1895, Folio 4986".

The northern parcel is known as the former Golden Fleece Depot, has an area of approximately 2074 m<sup>2</sup> and is located at 665.223 - 665.260 track km. The southern parcel is known as the former Caltex Depot, has an area of approximately 2124 m<sup>2</sup> and is located at 665.178 - 665.223 track km.

## 2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with the following substances ("the contaminants"):

- Benzene, toluene, ethyl benzene and xylene;
- Total petroleum hydrocarbons; and
- Separate phase petroleum hydrocarbons.

## 3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in s.9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm:

- The groundwater at the site has been degraded by widespread separate phase and dissolved phase hydrocarbon contamination at concentrations significantly exceeding relevant guideline levels.
- The contamination consists of a mixture of chemicals that is toxic to humans and includes benzene, a known human carcinogen.
- The contamination has migrated off-site in groundwater in both separate phase and dissolved phase. There is potential for the contaminated groundwater to continue migrating offsite if left unchecked.
- There are potential exposure pathways to the contamination through the extraction and beneficial use of groundwater in the vicinity of the site if not managed.

## 4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

## 5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager,  
Contaminated Sites,  
Department of Environment and Conservation,  
PO Box A290,  
Sydney South NSW 1232

or faxed to (02) 9995 5930,

by not later than 23 January 2009.

Dated: 17 December 2008.

NIALL JOHNSTON,  
Manager,  
Contaminated Sites,  
Department of Environment and Conservation



**NOTE:****Remediation order may follow**

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

**Variation/Revocation**

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

**Information recorded by the EPA**

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

**Information recorded by councils**

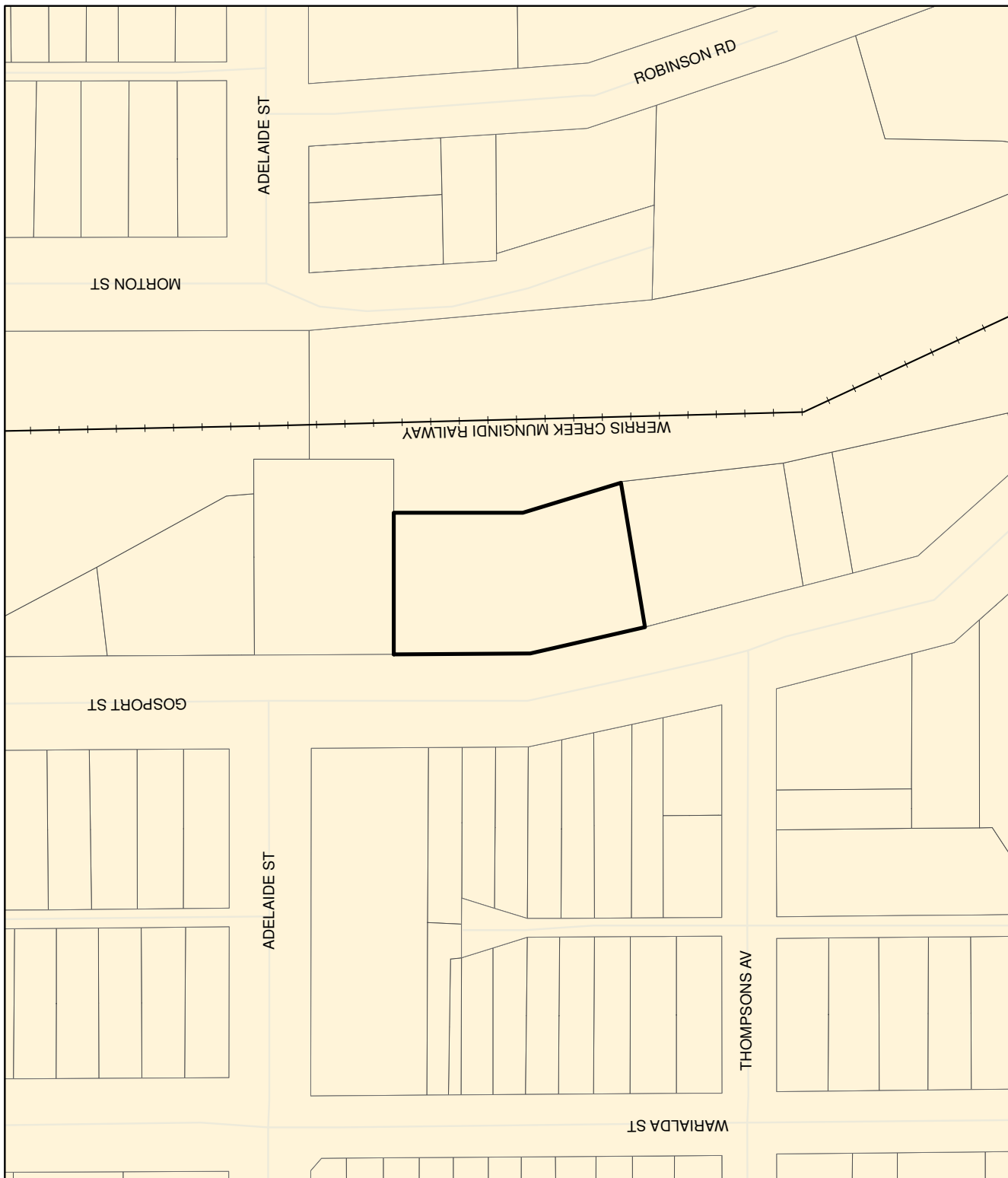
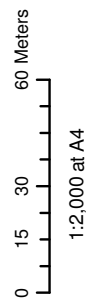
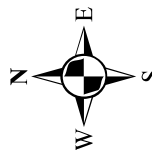
Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

**Relationship to other regulatory instrument**

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

Former Golden Fleece and  
Caltex Fuel Depots,  
Gosport Street Moree  
Declaration of Remediation  
Site No. 21128  
Section 21 Contaminated Land  
Management Act 1997

The declaration applies to  
the area edged in bold.



**DISTRICT COURT RULES 1973**

## Appointment

In pursuance of Part 2 Rule 2 (1) of the District Court Rules 1973, I appoint the following vacation period:

Summer vacation for 2009/2010 shall commence on 19 December 2009 and conclude on 31 January 2010.

Dated at Sydney this 11th day of December 2008.

R. O. BLANCH,  
Chief Judge

**DISTRICT COURT ACT 1973**

District Court of New South Wales

## Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at all Courts and at the times that I have directed the Court sit in its criminal jurisdiction during the financial year 2009-2010 and pursuant to section 173 of the District Court Act 1973, I direct that the District Court shall also sit in its criminal jurisdiction at all Courts and at the times that I have directed the Court sit in its civil jurisdiction during the financial year 2009-2010.

Dated this 11th day of December 2008.

R. O. BLANCH,  
Chief Judge

**DISTRICT COURT ACT 1973**

District Court of New South Wales

## Direction

IN pursuance of section 32 (3) of the District Court Act 1973, I direct that for the financial year 2009-2010 all proceedings (other than proceedings before the Registrar) in the District Court of New South Wales in relation to which the proper place is a place specified in Column 1 hereunder shall be continued by the Court sitting at the place specified opposite that place in Column 2 hereunder:

<i>Column 1</i>	<i>Column 2</i>
Bourke	Dubbo
Braidwood	Queanbeyan
Casino	Lismore
Cessnock	East Maitland
Cobar	Dubbo
Condobolin	Orange
Cooma	Queanbeyan
Coonamble	Dubbo
Cootamundra	Wagga Wagga
Corowa	Albury
Cowra	Orange
Deniliquin	Albury
Forbes	Orange
Glen Innes	Armidale
Goulburn	Queanbeyan
Grafton	Coffs Harbour
Gundagai	Wagga Wagga
Gunnedah	Tamworth
Hay	Griffith
Inverell	Armidale
Kempsey	Port Macquarie
Leeton	Griffith
Lithgow	Bathurst
Liverpool	Sydney

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Maitland	East Maitland
Moree	Tamworth
Moruya	Bega
Moss Vale	Queanbeyan
Mudgee	Dubbo
Murwillumbah	Lismore
Muswellbrook	East Maitland
Narrabri	Tamworth
Narrandera	Griffith
Nyngan	Dubbo
Parkes	Orange
Quirindi	Tamworth
Scone	East Maitland
Singleton	East Maitland
Tumut	Wagga Wagga
Walgett	Dubbo
Wellington	Dubbo
Wentworth	Broken Hill
Wyalong	Griffith
Yass	Queanbeyan
Young	Wagga Wagga

Dated at Sydney this 11th day of December 2008.

R. O. BLANCH,  
Chief Judge

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**DISTRICT COURT ACT 1973**

Direction

IN pursuance of sections 32 and 173 of the District Court Act 1973, I direct the District Court to sit in its Civil and Criminal jurisdictions at the places and at the times as shown in the attached Schedules.

Dated at Sydney this 11th day of December 2008.

R. O. BLANCH,  
Chief Judge

DISTRICT COURT OF NEW SOUTH WALES – CALENDAR OF SITTINGS – 1009-10

VENUE	TIME	22/06/09	29/06/09	06/07/09	13/07/09	20/07/09	27/07/09	03/08/09	10/08/09	17/08/09	24/08/09	31/08/09	07/09/09	14/09/09	21/09/09	28/09/09	05/10/09	12/10/09	19/10/09	26/10/09	02/11/09	09/11/09	16/11/09	23/11/09	30/11/09	07/12/09	14/12/09		
ALBURY	10.00am																												
ARMIDALE	10.00am																												
BATHURST	10.00am																												
BEGA	10.00am																												
BOURKE	10.00am																												
BROKEN HILL	10.00am																												
CAMPBELLTOWN	10.00am																												
COFFS HARBOUR	10.00am																												
COONAMBIE	10.00am																												
DUBBO	10.00am																												
EAST WATLAND	10.00am																												
GOSFORD	10.00am																												
GULBURN	10.00am																												
GRAFTON	10.00am																												
GRIFFITH	10.00am																												
LISMORE	10.00am																												
MOREE	10.00am																												
NEWCASTLE	10.00am																												
NOWRA	10.00am																												
ORANGE	10.00am																												
PARKES	10.00am																												
PARRAMATTA	10.00am																												
PENRITH	10.00am																												
PORT MACQUARIE	10.00am																												
QUEANBEYAN	10.00am																												
SYDNEY	10.00am																												
TAMWORTH	10.00am																												
TAREE	10.00am																												
WAGGA WAGGA	10.00am																												
WOLLONGONG	10.00am																												

DISTRICT COURT OF NEW SOUTH WALES – CALENDAR OF SITTINGS – 1009-10

VENUE	TIME	01/02/10	08/02/10	15/02/10	22/02/10	01/03/10	08/03/10	15/03/10	22/03/10	29/03/10	05/04/10	12/04/10	19/04/10	26/04/10	03/05/10	10/05/10	17/05/10	24/05/10	31/05/10	07/06/10	14/06/10	21/06/10	
ALBURY	10.00am						CR	CR							CR	CR							
ARMIDALE	10.00am			CR	CR	CR	C												C				
BATHURST	10.00am			CR	CR	CR						CR	CR				CR				CR	CR	CR
BEGA	10.00am									CR										CR			
BOURKE	10.00am						CR																
BROKEN HILL	10.00am											CR	CR										
CAMPBELLTOWN	10.00am	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
COFFS HARBOUR	10.00am	CR	CR	CR	CR	CR	CR	C															
COONAMBLE	10.00am						CR	CR															
DUBBO	10.00am	CR	CR	CR	CR	CR	C																
EAST MAITLAND	10.00am						CR	CR															
GOSFORD	10.00am	CRx2	CRx2	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
GOULBURN	10.00am	CR	CR	CR	CR	CR																	
GRAFTON	10.00am						CR	CR	CR	CR													
GRIFFITH	10.00am						CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
LISMORE	10.00am	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
MOREE	10.00am						CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
NEWCASTLE	10.00am	CRx2+C	CRx2+C	CR+C	CR+C	CR+C	CR+C	CR+C	CRx2	CRx2	CR	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CRx2
NOWRA	10.00am						CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
ORANGE	10.00am	CR	CR	CR	CR	CR																	
PARKES	10.00am																						
PARRAMATTA	10.00am	CRx8	CRx8	CRx8	CRx7+C	CRx7+C	CRx7+C	CRx7+C	CRx8	CRx8	CRx7+C	CRx7+C	CRx7+C	CRx7+C	CRx8	CRx8	CRx7+C	CRx7+C	CRx7+C	CRx7+C	CRx7+C	CRx8	CRx8
PENRITH	10.00am	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
PORT MACQUARIE	10.00am						CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
QUEANBEYAN	10.00am						CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
SYDNEY	10.00am	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C
TAMWORTH	10.00am	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
TAREE	10.00am	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
WAGGA WAGGA	10.00am	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
WOLLONGONG	10.00am	CR+C	CR+C	CR+C	CR	CR	CR	CR	CR	CR	CR	CRx2	CRx2	CRx2	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C	CR+C

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BURWOOD COUNCIL

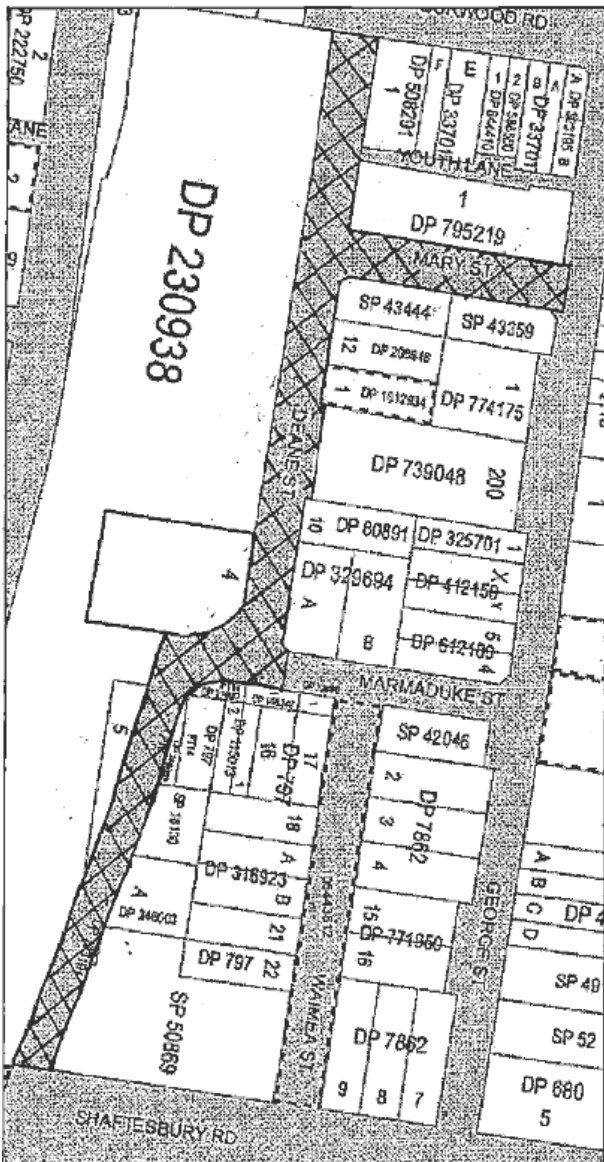
Roads Act 1993, Section 16

Dedication of Land as Public Road

NOTICE is hereby given that Burwood Council in pursuance of section 16 of the Roads Act 1993, dedicates the land described in the Schedule as public road. P. ROMANO, General Manager, Burwood Council, PO Box 240, Burwood NSW 1805.

#### SCHEDULE

That Mary Street being the land comprised in Deed of Conveyance Book 757 Number 585 dated 28 June 1902 and that part of Deane Street, Burwood, being the land comprised in Deed of Conveyance Book 757 Number 585 dated 28 June 1902, Deed of Conveyance Book 292 Number 621 dated 21 February 1874 and Deed of Conveyance Book 120 Number 36 dated 15 June 1870 Parish of Concord, County of Cumberland and Local Government Area of Burwood, as shown cross-hatched on the accompanying plan.



[4350]

### ALBURYCITY COUNCIL

Roads Act 1993, Section 162

Road Naming

NOTICE is given that AlburyCity Council, in pursuance to section 9(a) of the Roads Regulation 2008, has named the road described hereunder:

<i>Location</i>	<i>Name Adopted</i>
New approx. 400m road off the east side of Alexandra Way, Table Top.	Samantha Court.

Mr LESLIE G. TOMICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640.

[4351]

### GUYRA SHIRE COUNCIL

Local Government Act 1993, Section 553

Extension of Water Mains

NOTICE is given in accordance with section 553 of the Local Government Act 1993, by Guyra Shire Council that water mains have been extended to service the lands described below:

Guyra area for a distance of 5420 metres as identified in the Guyra Shire Council Drawings GW / 2008 / 01 to 15.

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of twenty-one (21) days after the publication of this notice, or the date of connection of the properties to the water main, whichever is the earlier date. DAVID CUSHWAY, General Manager, Guyra Shire Council, PO Box 207, Guyra NSW 2365.

[4352]

### GUYRA SHIRE COUNCIL

Local Government Act 1993, Section 553

Extension of Sewer Mains

NOTICE is given in accordance with section 553 of the Local Government Act 1993, by Guyra Shire Council that sewer mains have been extended to service the lands described below:

Guyra area for a distance of 10,541 metres as identified in the Guyra Shire Council Drawings GS / 2008 - 01 to 6.

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of sixty (60) days after the publication of this notice, or the date of connection of the properties to the water main, whichever is the earlier date. DAVID CUSHWAY, General Manager, Guyra Shire Council, PO Box 207, Guyra NSW 2365.

[4353]

## LIVERPOOL CITY COUNCIL

Section 162 of Roads Act 1993

### Erratum

THE Liverpool City Council notice published in the New South Wales Government Gazette of the 5 December 2008, No.155, contained an error in two road namings.

It read:

Seventeenth Avenue East between the X=300944.562548, Y=6244923.47481 and M7 Motorway to be renamed Stante Close.

This should have read:

Seventeenth Avenue East between the X=301236.162692, Y=6244881.30123 and the M7 Motorway to be renamed Stante Close.

It read:

Kelsey Avenue between the Seventeenth Avenue East and X=300148.409203 Y=6245443.17133 to be renamed Donn Street.

This should have read:

The future road Kelsey Avenue between the Seventeenth Avenue East and X=300148.409203 Y=6245443.17133 to be renamed Donn Street.

This erratum now amends that error with the gazettal date remaining 5 December 2008.

[4354]

## MANLY COUNCIL

Tree Preservation Order 2001

ADOPTED as a resolution of Council 2nd July, 2001 (pursuant to Clause 8, Model Provisions) and amended 2nd December 2008.

### 1. Aims & Objectives

Manly Councils policy is to maintain attractiveness, appeal and amenity of the Manly area by preserving healthy trees in recognition of the value and importance of trees held by the community.

The Tree Preservation Order applies to both privately and publically owned land and prescribes those trees not requiring Council's written authorisation to remove or prune and those that need a written consent notice to be issued and the conditions applying. The Tree Preservation Order applies to the whole of Manly.

The tree preservation order prevents and prohibits:

- ringbarking
- chopping
- topping
- lopping
- soil build up around trunk
- removal
- injuring
- wilful destruction of any tree or trees within Manly.

### 2. Applying to remove a tree

A property owner or managing agent must complete an application to Council for removal/or pruning more than 10% of a tree. If a person seeks permission to remove a tree from a neighbouring property, permission must first be

obtained from the owner of the tree prior to an application being lodged with Council for consent to remove a tree. In the case of a block of units, the consent of the owner's corporation must be obtained prior to making an application to Council to remove/prune the tree.

### 3. Council assessment of applications to remove or prune trees

- condition of the tree with respect to disease
- necessity for removal or pruning in order to construct improvements to the property the subject of an application
- effect of erosion—soil retention and diversion or increased flow of surface water
- number of trees and effect on the amenity of the area
- number of healthy trees an area of land will support
- habitat for fauna

### 4. Trees/plants not requiring Council's consent for removal or pruning

Trees with trunk diameter less than 25cm and a height less than 5m (the trunk diameter should be measured 1m above ground level) on private property only.

- All vegetation on the MANLY COUNCIL noxious weeds list.
- Dead trees where technical evidence can be provided to show they are dead
- The following species:

<i>Alianthus altissima</i>	<i>Tree of Heaven</i>
<i>Alnus acuminata</i>	<i>Evergreen Alders</i>
<i>Arecastrum romanzof anum</i>	<i>Cocos palms</i>
<i>Carica papaya</i>	<i>Paw paw</i>
<i>Cinnamomum camphora</i>	<i>Camphor laurel</i> (under 10m in height)
<i>Citrus sp.</i>	<i>All Citrus</i>
<i>Eriobotrya sp.</i>	<i>Loquat</i>
<i>Erythrina x sykesii</i>	<i>Coral tree</i>
<i>Ficus elastica</i>	<i>Rubber tree</i>
<i>Gleditsia triacanthos</i>	<i>Honey locust</i>
<i>Lagerstroemia</i>	<i>Crepe myrtle</i>
<i>Liquidambar styraci ua</i>	<i>Liquidambar</i> (under 10m in height)
<i>Morus sp.</i>	<i>Mulberry tree</i>
<i>Nerium oleander</i>	<i>Oleander</i>
<i>Olea africana</i>	<i>African Olive</i>
<i>Populus sp.</i>	<i>Poplars</i>
<i>Pittosporum sp.</i>	<i>Pittosporum (up to 8m)</i>
<i>Prunus sp.</i>	<i>Prunus</i>
<i>Robinia psuedoacacia</i>	<i>False Acacia</i>
<i>Schef era sp.</i>	<i>Umbrella tree</i>

### 5. Council consent for removal may be granted when:

- (a) tree is growing within 3m of a:
  - building or structure
  - sewer or drainage line
  - inground pool
  - retaining wall over 60cm in length
  - double brick wall over 1m in height—where there is evidence that such trees have damaged or are likely to damage these structures or services)
- (b) The tree is in a location that will obstruct the process of approved building works, road works or public utility installations.
- (c) The tree is causing illness or allergic reaction and a claim can be supported by a medical certificate and Council is satisfied that the specific tree is the cause of the problem



- (d) A property has been over planted - removal of the tree/ trees will be to the benefit of the remaining trees.
- (e) A tree has been damaged in heavy storms by lightning or wind etc and could cause future problems if not removed.
- (f) A tree is in danger of falling or causing danger to people, buildings or services.

#### 6. Pruning for View

When Council receives an application to prune a tree for view the following procedure is followed:

- (a) if the tree is on private land the property owners written consent will be required before arranging an appointment with a Council officer for inspection— Council cannot force an owner to allow a tree to be pruned or removed
- (b) pruning will only be approved if it will not be detrimental to the health of a tree
- (c) evidence must be provided to show that the present owner (not the previous owner) had a view of the harbour or ocean, lagoon or other water body
- (d) approval will be granted only if 2/3 of a view has been lost from a single location selected by the owner, i.e. balcony, living room etc.
- (e) a maximum of 20% of a tree's foliage can be pruned
- (i) all tree pruning for view on Council land is paid for by the applicant, before work is undertaken.

#### 7. Tree pruning not requiring Councils consent

Up to 10% of a trees foliage can be pruned without Council consent. This allows residents to undertake maintenance pruning for the purposes of removing deadwood or roof/ gutter / window clearance.

#### 8. Council consent for additional pruning may be granted when:

- (a) the tree in the opinion of Council is causing loss of enjoyment of the property through over shadowing and evidence is supplied
- (b) the tree has been subject to storm damage, or repeated branch shedding
- (c) limbs are over dwellings or home entertainment areas, judicious reduction of those limbs will be allowed after inspection
- (d) limbs overhang boundaries or fences, judicious pruning will be allowed if it is not detrimental to the overall health of the tree
- (e) limbs obstruct access by pedestrians or vehicles
- (f) limbs cause vision obstruction or other traffic hazards
- (g) Where trees grow over boundary lines, then 1/5 of the foliage hanging over the boundary may be pruned.

This Tree Preservation Order does not apply to reasonable trimming and pruning for care & maintenance and preservation of light, views and amenity. Reasonable trimming is defined as, removal of no more than 1/5 of the foliage of a tree, in a manner which does not affect the appearance, integrity or health of the tree. Residents are advised to seek Council inspection prior to any pruning which would cause concern to neighbours.

Where boundaries are concerned 1/5 of the foliage hanging over the boundary may be pruned. This 1/5 in all cases should be carried out within a regulated time frame (this would be no more than twice a year) so as not to be detrimental to the tree.

#### 9. Removal of trees on development sites

Trees must be shown on your Development Application (DA) plans:

- (a) If the trees on the site are over 5 metres tall.
- (b) Where trees will have building or site works carried out within 5 metres of the trunk or within the area of the canopy.
- (c) Where trees are on your boundary, but are your neighbours or Council trees and will be affected as in point (2) above, these must be noted on your plans.
- (d) Where trees are in the 'footprint' of the building, deck areas, proposed driveway, proposed swimming pool or garage, these affected trees must be marked on the plans submitted:
  - (i) a tree preservation inspection is not required for trees on Development Approval (DA) sites (trees are assessed at the DA and/ or subdivision stage)
  - (ii) a tree removal permit will not be issued prior to application for a DA or subdivision, or for trees that are not included on your plans
  - (iii) clearing a property of trees prior to approval of a DA, is a breach of the Tree Preservation Order & Soil Conservation Act.
- (e) Landscape plans are to be submitted with a DA and should indicate proposed, existing and replacement planting if a tree is required to be removed.

#### 10. Replacement trees

Where Council allows the removal of trees it is generally on the condition that a replacement tree be planted. Replacement trees must be planted within 2 months of the removal of the old tree. In selecting replacement trees care should be taken to select species appropriate to your circumstances.

#### 11. Issuing of the Permit

A permit will only be issued if the owner of the tree, or the owner of land over which the tree is growing, is agreeable to removal or pruning of the tree. The issuing of Tree Preservation Order permits does not give any rights to trespass in order to carry out pruning, these permits can only be issued by an authorised Council Officer.

#### 12. Administration of the Tree Preservation Order

Authority to administer the Tree Preservation Order is delegated to the Parks Management Co-ordinator or other officers delegated by the General Manager.

Further information can be obtained from the Customer Service desk on 9976 1500.

[4355]

**NARROMINE SHIRE COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991  
 Notice of Compulsory Acquisition of Land

THE Narromine Shire Council declares, with the approval of Her Excellency the Governor, that the land and easements described in the Schedule below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for water supply. Dated at Narromine, this 16th day of December 2008. IAN ROGAN, General Manager, Narromine Shire Council, PO Box 115, Narromine NSW 2821.

**SCHEDULE**

Lot 72, DP 1118517.

Easement for water supply 3 wide designated by the letter 'W' affecting Lot 71, DP 1118517.

Easement for electricity purposes 20 wide designated by the letter 'E' affecting Lot 71, DP 1118517.

[4356]

**SINGLETON COUNCIL**

Erratum

SINGLETON COUNCIL wishes to advise of an error in the spelling of one of the road names gazetted in *New South Wales Government Gazette* No. 50, on 12 December 2008, Folio No. 12294. The road named Fybrook Road should have read Foybrook Avenue as approved on 10 April 2006. G. WOODMAN, A/General Manager, Singleton Council, PO Box 314, Singleton NSW 2330

[4357]

**WYONG SHIRE COUNCIL**

Erratum

THE following notice replaces the notice published in the *New South Wales Government Gazette* of 21 November 2008, No. 150, on page 11315, Folio 4304. The gazettal date remains 21 November 2008.

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991  
 Notice of Compulsory Acquisition of Land

WYONG SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in Schedule A below, excluding the interests described in Schedule B below and excluding any mines or deposits of minerals within the lands, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for sporting and community facilities. Dated at Wyong, 17 November 2008. KERRY YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

**SCHEDULE A**

Lot 7, DP 1071685.

**SCHEDULE B**

Easement to drain sewage 5 wide as shown in DP 647538 for the benefit of Wyong Shire Council.

[4358]

**WYONG SHIRE COUNCIL**

Erratum

THE following notice replaces the notice published in the *New South Wales Government Gazette* of 14 November 2008, No. 147, on page 11046, Folio 4291. The gazettal date remains 14 November 2008.

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

WYONG SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of road widening. Dated at Wyong, 14 November 2008. KERRY YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

**SCHEDULE A**

Lot 432, DP 1124525.

[4359]

**YOUNG SHIRE COUNCIL**

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

YOUNG SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals within that land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a public road. Dated at Young, this 12th day of December 2008. PETER VLATKO, General Manager, Young Shire Council, Locked Bag 5, Young NSW 2594.

**SCHEDULE**

Lot 2, DP 1104714.

[4360]

**THE COUNCIL OF THE CITY OF SYDNEY**

Local Government Act 1993, Section 713

Sale of Land for Unpaid Rates and Charges

NOTICE is hereby given to the persons named hereunder, that the Council of the City of Sydney has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the persons named are known to the Council to be the owners or to have an interest in the land on which the amount of rates outstanding in each case, is due:

<i>Owners or person having interest in Land</i>	<i>Description of Land</i>	<i>Amount of Rates (including extra charges) overdue as at 30/6/2004</i>	<i>Amount of all Other Rates (including extra charges) payable and unpaid</i>	<i>Total outstanding as at 31/03/2009</i>
(a)	(b)	(c) \$	(d) \$	(e) \$
The Estate of the Late Mr Richard John JENKINS.	Volume 1235, Folio 173, 15B Church Street, Paddington NSW 2021, Parish Alexandria, County Cumberland.	3,131.14	3,484.20	6,615.34

In default of payment to the Council of the amount stated in Column (e) above and any other rates (including extra charges) becoming due and payable after this notice or any arrangements satisfactory to the Council for payment of all such rates being entered into by the rateable person before the time fixed for the sale, the said land will be offered for sale by public auction by Cushman & Wakefield, at the City Auction Centre, Ground Floor, 55 Harrington Street, The Rocks, Sydney NSW 2000, on Tuesday, 31 March 2009, at 10:30 a.m. THE COUNCIL OF THE CITY OF SYDNEY, 456 Kent Street, Sydney NSW 2000.

[4361]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DOUGLAS HAIG FREEMAN, late of North Turramurra, in the State of New South Wales, who died on 4 April 2008, must send particulars of their claim to the executors, c.o. Messrs Grogan & Webb, Solicitors, Zenith Centre, Tower A, Level 19, 821 Pacific Highway, Chatswood NSW 2067, within one (1) calendar month from publication of this notice. After that time the executors 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 30 May 2008. MESSRS GROGAN & WEBB, Solicitors, Zenith Centre, Tower A, Level 19, 821 Pacific Highway, Chatswood NSW 2067 (PO Box 5185, West Chatswood NSW 1515), Tel.: (02) 9411 3511.

[4362]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ERNEST CHARLES MORONEY, late of Rodd Point, in the State of New South Wales, who died on 26 October 2007, must send particulars of his claim to Greer Veronica Trevillion and Paul Ernest Moroney, the Substituted Executors named (as my children Greer and Paul) in the Will, the Instituted Executrix Gloria Minnie Moroney being incapacitated and unable to apply for a grant of Probate, care of Newnhams Solicitors, 233 Castlereagh Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the Substituted Executors 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 14 November 2008. NEWNHAMS SOLICITORS, Level 7, 233 Castlereagh Street, Sydney NSW 2000 (DX 11495, Sydney Downtown), tel.: (02) 9264 7788. Reference: BLM:ME:6211.

[4363]

**COMPANY NOTICES**

NOTICE of Dissolution of Partnership under Section 36 of the Partnership Act 1892

TAKE NOTE THAT:

Effective 16th December 2008, the Partnership between Steven Bull, Tracie Bull and Linda Taylor conducted under the name "Shire Gymnastics" from premises at 92 Oak Road, Kirrawee in the State of New South Wales has been dissolved.

Steven and Tracie have acquired Linda Taylor's interest in the partnership and will continue to trade from the above premises under the name "Shire Gymnastics". STEVEN BULL, Shire Gymnastics, 92 Oak Road, Kirrawee NSW 2232. tel.: (02) 9545 5500.

[4364]

**OTHER NOTICES****COUNTRY ENERGY**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land  
Electrical Substation at Wagga Wagga

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Land described in Schedule 1 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 19th day of December 2008.

CRAIG MURRAY,  
Managing DirectorCountry Energy,  
PO Box 718, Queanbeyan NSW 2620.

## SCHEDULE 1

Locality: Wagga Wagga.

L.G.A.: Wagga Wagga.

Title: Lot 2, Deposited Plan 1112689.

Parish: South Wagga Wagga.

County: Wynyard.

[4365]

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**ENERGY AUSTRALIA**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement, Metford

ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995. In so far as any Native Title rights and interests may exist over any of the land in Schedule 2, the 'non-extinguishment principle' as defined in section 238 of the Native Title Act 1993 (Cth) applies to the acquisition.

Dated at Sydney this 17th day of December 2008.

Signed for and on behalf of EnergyAustralia )  
of 570 George Street, Sydney ) KATHERINE  
by KATHERINE MARGARET GUNTON ) MARGARET  
its duly constituted Attorney pursuant to ) GUNTON  
Power of Attorney registered Book 4528 No. 401)

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SCHEDULE 1

Easement for electricity and other purposes on the terms set out in Memorandum No. AC 289041 filed at Land and Property Information New South Wales.

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SCHEDULE 2

All that piece or parcel of land at Metford in the local government area of Maitland, Parish of Alnwick & Maitland and County of Northumberland, being the site of the proposed easement for electricity and other purposes of variable width affecting vacant crown land shown as Reserve 70312 from sale and designated (E8) on DP1113732.

[4366]