



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 92**  
**Friday, 16 July 2010**

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## LEGISLATION

### Online notification of the making of statutory instruments

Week beginning 5 July 2010

THE following instruments were officially notified on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) on the dates indicated:

#### Proclamations commencing Acts

[Food Amendment \(Food Safety Supervisors\) Act 2009 No. 85](#) (2010-350) – published LW 9 July 2010

[Weapons and Firearms Legislation Amendment Act 2010 No. 40](#) (2010-351) – published LW 9 July 2010

#### Regulations and other statutory instruments

[Births, Deaths and Marriages Registration Amendment \(Relationships Register\) Regulation 2010](#) (2010-352) – published LW 9 July 2010

[Disability Services Regulation 2010](#) (2010-353) – published LW 9 July 2010

[Environmental Planning and Assessment Amendment \(Planning Certificates for Growth Centres\) Regulation 2010](#) (2010-354) – published LW 9 July 2010

[Evidence Regulation 2010](#) (2010-369) – published LW 9 July 2010

[Food Amendment \(Food Safety Supervisors\) Regulation 2010](#) (2010-355) – published LW 9 July 2010

[Higher Education Amendment \(Fees\) Regulation 2010](#) (2010-356) – published LW 9 July 2010

[Rice Marketing Regulation 2010](#) (2010-357) – published LW 9 July 2010

[Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources Amendment Order 2010](#) (2010-358) – published LW 9 July 2010

[Weapons Prohibition Amendment Regulation 2010](#) (2010-359) – published LW 9 July 2010

#### Environmental Planning Instruments

[Armidale Dumaresq Local Environmental Plan 2008 \(Amendment No. 5\)](#) (2010-362) – published LW 9 July 2010

[Balranald Local Environmental Plan 2010](#) (2010-363) – published LW 9 July 2010

[Dungog Local Environmental Plan 2006 \(Amendment No. 10\)](#) (2010-364) – published LW 9 July 2010

[North Sydney Local Environmental Plan 2001 \(Amendment No. 40\)](#) (2010-365) – published LW 9 July 2010

[Parramatta City Centre Local Environmental Plan 2007 \(Amendment No. 3\) \(2010-366\)](#) – published LW 9 July 2010

[Pittwater Local Environmental Plan 1993 \(Amendment No. 92\) \(2010-367\)](#) – published LW 9 July 2010

[State Environmental Planning Policy \(Infrastructure\) Amendment \(Landfill\) 2010 \(2010-360\)](#) – published LW 9 July 2010

[State Environmental Planning Policy \(Major Development\) Amendment \(Rise Bilambil Heights\) 2010 \(2010-361\)](#) – published LW 9 July 2010

[Upper Lachlan Local Environmental Plan 2010 \(2010-368\)](#) – published LW 9 July 2010

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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 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 “Rhamnaceae” (under the heading “Plants”):

*Pomaderris delicata* N.G. Walsh & F. Coates

- (b) Schedule 1 to that Act is amended by omitting from Part 1 under the heading “Rhamnaceae” (under the heading “Plants”):

*Pomaderris delicata* N.G. Walsh & F. Coates

This Notice commences on the day on which it is published in the Gazette.

Dated, this 6th day of July 2010.

Dr Richard Major  
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),

Notice of Final Determination

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- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment, Climate Change and Water, PO Box 1967, Hurstville DC, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
  - (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

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- (a) Schedule 1A to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Rhamnaceae” (under the heading “Plants”):

*Pomaderris reperta* N.G. Walsh & F. Coates

- (b) Schedule 1 to that Act is amended by omitting from Part 1 under the heading “Rhamnaceae” (under the heading “Plants”):

*Pomaderris reperta* N.G. Walsh & F. Coates

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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 species referred to in paragraph (a) as a critically endangered species under that Act and, as a consequence, to omit a reference to that species as a species presumed extinct and, accordingly:

- (a) Schedule 1A to that Act is amended by inserting in Part 1 in alphabetical order (under the heading “Plants”):

Haloragaceae

*Myriophyllum implicatum* Orchard

- (b) Schedule 1 to that Act is amended by omitting from Part 4 under the heading “Haloragaceae” (under the heading “Plants”):

*Myriophyllum implicatum* Orch.

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New South Wales

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under the

Threatened Species Conservation Act 1995

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- (a) Schedule 1A to that Act is amended by inserting in Part 1 in alphabetical order (under the heading “Plants”):

Sterculiaceae

*Lasiopetalum behrii* F. Muell.

- (b) Schedule 1 to that Act is amended by omitting from Part 1 under the heading “Sterculiaceae” (under the heading “Plants”):

*Lasiopetalum behrii* F. Muell.

This Notice commences on the day on which it is published in the Gazette.

Dated, this 6th day of July 2010.

Dr Richard Major  
Chairperson of the Scientific Committee

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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 ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Araluen Scarp Grassy Forest in the South East Corner Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

This Notice commences on the day on which it is published in the Gazette.

Dated, this 6th day of July 2010.

Dr Richard Major  
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, Climate Change and Water, PO Box 1967, Hurstville BC, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
- (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.

## FINAL DETERMINATION

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list the Araluen Scarp Grassy Forest in the South East Corner Bioregion as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of Endangered Ecological Communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Araluen Scarp Grassy Forest in the South East Corner Bioregion is the name given to the community characterised by the assemblage of species listed in paragraph 2 and typically comprising eucalypt tree canopy with an open shrub layer and a grassy groundcover. The community is largely restricted to the escarpment and associated ridges on the northern and western sides of the Araluen valley. It occurs typically on sandy loams derived from granite, usually on steep slopes between approximately 200-700 m ASL. This distribution falls within a rain shadow zone, where mean annual rainfall is approximately 890-1000 mm.
2. Araluen Scarp Grassy Forest in the South East Corner Bioregion is characterised by the following assemblage of species:

<i>Acacia mearnsii</i>	<i>Angophora floribunda</i>
<i>Arthropodium minus</i>	<i>Asplenium flabellifolium</i>
<i>Carex breviculmis</i>	<i>Cenchrus caliculatus</i>
<i>Cheilanthes sieberi</i>	<i>Clematis aristata</i>
<i>Clematis glycinoides</i> var. <i>glycinoides</i>	<i>Crassula sieberiana</i>
<i>Daucus glochidiatus</i>	<i>Desmodium varians</i>
<i>Dichondra</i> spp.	<i>Echinopogon ovatus</i>
<i>Einadia hastata</i>	<i>Elymus scaber</i> var. <i>scaber</i>
<i>Eucalyptus maidenii</i>	<i>Eucalyptus melliodora</i>
<i>Eucalyptus tereticornis</i>	<i>Euchiton gymnocephalus</i>
<i>Ficus rubiginosa</i>	<i>Geitonoplesium cymosum</i>
<i>Glycine clandestina</i>	<i>Hydrocotyle laxiflora</i>
<i>Lagenifera stipitata</i>	<i>Lomandra longifolia</i>
<i>Marsdenia rostrata</i>	<i>Melicytus dentatus</i>
<i>Microlaena stipoides</i>	<i>Notodanthonia longifolia</i>
<i>Oplismenus imbecillis</i>	<i>Oxalis perennans</i>
<i>Pandorea pandorana</i>	<i>Pellaea falcata</i>
<i>Pittosporum undulatum</i>	<i>Plantago debilis</i>
<i>Plectranthus parviflorus</i>	<i>Rumex brownii</i>
<i>Sigesbeackia orientalis</i> subsp. <i>orientalis</i>	<i>Solanum pungetium</i>
<i>Stellaria pungens</i>	<i>Tylophora barbata</i>

Other tree species occurring less frequently in this community include:

<i>Eucalyptus angophoroides</i>	<i>Eucalyptus elata</i>
<i>Eucalyptus eugenioides</i>	<i>Eucalyptus globoidea</i>
<i>Eucalyptus kartzoffiana</i>	<i>Eucalyptus muelleriana</i>
<i>Eucalyptus pilularis</i>	<i>Eucalyptus polyanthemus</i> subsp. <i>tarda</i>

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance (including fire) history. The number of species, and the above ground relative abundance of species will change with time since fire, and may also change in response to changes in fire regime (including changes in fire frequency). At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
4. Araluen Scarp Grassy Forest in the South East Corner Bioregion is characterised by an overstorey that is usually dominated by *Eucalyptus melliodora* (Yellow Box), *E. maidenii* (Maidens Gum) and *Acacia mearnsii* (Black Wattle). Other trees include *E. globoidea* (White Stringybark) and *E. tereticornis* (Forest Red Gum). The understorey often includes an open shrub stratum of small trees dominated by *Melicytus dentatus* and *Pittosporum undulatum*. The grassy ground cover is dominated by *Microlaena stipoides* (Weeping Grass) and *Oplismenus imbecillis* with forbs such as *Dichondra repens* (Kidney Weed), *Desmodium varians* (Slender Tick Trefoil), *Hydrocotyle laxiflora* (Stinking Pennywort), *Hypericum gramineum* (Small St John's Wort), *Glycine clandestina* and the fern *Cheilanthes sieberi* (Poison Rock Fern). The structure of the community varies depending on past and current disturbances, particularly clearing and grazing. After total or partial clearing, the tree canopy may remain sparse or may regrow to form dense stands of saplings and small trees, which are typically associated with a ground layer of reduced cover and diversity. Either or both of the overstorey and mid-stratum may be absent from the community. Native grasslands derived from clearing of the woodland and forest are also part of this community if they contain characteristic non-woody species listed in paragraph 2.

5. Araluen Scarp Grassy Forest in the South East Corner Bioregion includes: Araluen Acacia Herb/Grass Dry Forest – *E. melliodora* / *E. maidenii* (forest ecosystem 51) of Thomas *et al.* (2000), Araluen Scarp Grassy Forest (map unit 343) of Tindall *et al.* (2004); Araluen Scarp Grassy Forest (map unit p343) of Tozer *et al.* (2004); and parts of Araluen Acacia Herb Dry Grass Forest *Eucalyptus melliodora* / *E. maidenii* (map unit g51) of Gellie (2005). Araluen Scarp Grassy Forest in the South East Corner Bioregion is strongly associated with steeper slopes and, locally, is replaced on the gently undulating valley floor by Araluen Valley Grassy Woodland (map unit GW e20 p229) (Tozer *et al.* 2004). The former is dominated by *E. melliodora* and *E. maidenii* with *Acacia mearnsii* as a sub-dominant while *E. tereticornis* and *E. globoidea* tend to dominate on the flats, with *A. mearnsii* and *A. implexa* as sub-dominants. *Eucalyptus melliodora* and *E. maidenii* may also occur in Araluen Valley Grassy Woodland but are much less common than on the steeper slopes. Araluen Scarp Grassy Forest has a much sparser and much less diverse coverage of grass species than Araluen Valley Grassy Woodland which may be further distinguished from the latter by a representation of species characteristic of moister, more sheltered habitats including *Clematis glycinoides* var. *glycinoides*, *Ficus rubiginosa*, *Marsdenia rostrata*, *Melicactus dentatus*, *Pandorea pandorana*, *Pellaea falcata*, *Pittosporum undulatum*, *Plectranthus parviflorus* and *Sigesbeckia orientalis* subsp. *orientalis*. On the summit of the escarpment, Araluen Scarp Grassy Forest grades into Southern Tablelands Flats Forest (map unit GW p220 Tozer *et al.* 2004) which is dominated by tableland species such as *E. viminalis* and *E. pauciflora*, and *A. mearnsii* is replaced by *A. melanoxylon*. Southern Tablelands Flats Forest lacks the moister, more sheltered species of Araluen Scarp Grassy Forest. Mountain Wet Fern Forest (map unit WSF e12) may also be found on the higher peaks of the escarpment (Tozer *et al.* 2004). This community is readily distinguishable from Araluen Scarp Grassy Forest by the dominance of *E. cypellocarpa* and *E. fastigata* with a diverse representation of ground ferns and tree ferns in the understorey (Tozer *et al.* 2004). Araluen Scarp Grassy Forest in the South East Corner Bioregion belongs to the Southern Hinterland Dry Sclerophyll Forests vegetation class of Keith (2004).
6. Araluen Scarp Grassy Forest in the South East Corner Bioregion is currently known to occur within the Eurobodalla and Palerang Local Government Areas, but may occur elsewhere in the bioregion. Approximately 2 400 ha of the community are mapped in conservation reserves, equating to 15-30% of its pre-European distribution, with most of the remaining area occurring on freehold tenure (Tozer *et al.* 2004).
7. Since European settlement, and relative to the longevity of its dominant trees which live for several hundred years, Araluen Scarp Grassy Forest in the South East Corner Bioregion has undergone an estimated 10-25% reduction in geographic distribution due to clearing (Tozer *et al.* 2004). The extent of occurrence is approximately 350 km<sup>2</sup> and the area of occupancy is 300 km<sup>2</sup>, based on a minimum convex polygon and a 2 x 2 km grid, respectively, as recommended by IUCN (2008). The geographic distribution of the community is inferred to be highly restricted with the total remaining area estimated to be approximately 9 000 ha (Tozer *et al.* 2004). Estimates by Thomas *et al.* (2000) and Gellie (2005) were based on fewer sites and broader mapping.
8. Like other Southern Hinterland Dry Sclerophyll Forests, steep terrain has prevented extensive clearing of Araluen Scarp Grassy Forest in the South East Corner Bioregion (Tozer *et al.* 2004) although patch clearing associated with agriculture and development of hobby farms may be threatening the community (EcoGIS 2001). Much of this forest is used for rough-country cattle grazing, especially on the lower slopes (Tozer *et al.* 2004, D. Keith pers. comm. 2009), and the understorey and erodible soils are also impacted by feral goats (Tozer *et al.* 2004). Locally and/or periodically heavy grazing of Araluen Scarp Grassy Forest by domestic livestock and feral pests results in the decline and disappearance of palatable plant species, including shrubs and herbs, and compaction and erosion of topsoil, making it difficult for a diverse native understorey to re-establish. The effects of such overgrazing may be exacerbated under drought conditions. The community is susceptible to extreme dry spells which may increase in duration and magnitude under climate change. Field sampling in 2003-04 identified extensive dieback of eucalypt crowns and understoreys attributed to recent extended drought, particularly on the spurs of the escarpment (Tozer *et al.* 2004, D. Keith pers. comm.). Death of leaf canopies was especially pronounced in stringybark eucalypts, suggesting differential susceptibility between species and potential changes in community composition as a result. ‘Competition and habitat degradation by Feral Goats *Capra hircus*’ and ‘Anthropogenic Climate Change’ are listed as Key Threatening Processes under the Threatened Species Conservation Act 1995.
9. Weed invasion may be threatening the ecological function of Araluen Scarp Grassy Forest in the South East Corner Bioregion with parts of the community potentially subject to invasion by pastoral weeds. Survey work to date has focused on the best examples of the community, hence little is known about the patches worst-affected by weeds. The following introduced species however are known to occur within Araluen Scarp Grassy Forest in the South East Corner Bioregion:

<i>Bidens pilosa</i>	Cobblers Pegs
<i>Centaurium erythraea</i>	Common Centaury
<i>Cirsium vulgare</i>	Spear Thistle
<i>Hypochaeris radicata</i>	Catsear
<i>Lepidium africanum</i>	
<i>Paronychia brasiliiana</i>	Chilean Whitlow Wort
<i>Phytolacca octandra</i>	Inkweed
<i>Plantago lanceolata</i>	Lamb’s Tongues
<i>Rosa rubiginosa</i>	Sweet Briar
<i>Rubus ulmifolius</i>	Blackberry
<i>Senecio</i> spp.	

<i>Sida rhombifolia</i>	Paddy's Lucerne
<i>Solanum pseudocapsicum</i>	Madeira Winter
<i>Sonchus asper</i>	Prickly Sowthistle
<i>Sonchus oleraceus</i>	Common Sowthistle
<i>Stellaria media</i>	Common Chickweed
<i>Taraxacum officinale</i>	Dandelion
<i>Verbascum virgatum</i>	Twiggy Mullein
<i>Verbena rigida</i>	Veined Verbena

10. Habitat degradation associated with overgrazing, erosion and weed invasion is contributing to a moderate reduction in ecological function of Araluen Scarp Grassy Forest in the South East Corner Bioregion.
11. Araluen Scarp Grassy Forest in the South East Corner Bioregion is not eligible to be listed as a Critically Endangered Ecological Community.
12. Araluen Scarp Grassy Forest in the South East Corner Bioregion is eligible to be listed as an Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

**Clause 26**

The ecological community's geographic distribution is estimated or inferred to be:

- (b) highly restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Dr RICHARD MAJOR,  
Chairperson,  
Scientific Committee

**References:**

- EcoGIS (2001) 'Vulnerable Ecosystems of Eurobodalla Shire.' Report to Eurobodalla Shire Council.
- Gellie NJH (2005) Native vegetation of the southern forests: South-east Highlands, Australian Alps, South-west Slopes and South-east Corner Bioregions. *Cunninghamia* 9, 219-254.
- IUCN (2008) 'Guidelines for using the IUCN Red List Categories and Criteria. Version 7.0.' (Standards and Petitions Working Group of the IUCN Species Survival Commission Biodiversity Assessments Sub-committee: Switzerland). (<http://intranet.iucn.org/webfiles/doc/SSC/RedList/RedListGuidelines.pdf>).
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' (NSW Department of Environment and Conservation, Sydney)
- Thomas V, Gellie N, Harrison T (2000) 'Forest Ecosystem Classification and Mapping for the Southern CRA Region.' Report for the NSW CRA/RFA Steering Committee, Project No. NS 08EH. NSW National Parks and Wildlife Service, Queanbeyan.
- Tindall D, Pennay C, Tozer MG, Turner K, Keith DA (2004) 'Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burragorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney, Taralga, Ulladulla, Wollongong.' NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Tozer MG, Turner K, Keith DA, Simpson C, Beukers P, Mackenzie B, Tindall D, Pennay C (2004) 'Native vegetation of southeast NSW: a revised classification and map for the coast and eastern tablelands.' Version 1.0. NSW Department of Environment and Conservation and NSW Department of Natural Resources, Sydney.



# OFFICIAL NOTICES

## Department of Industry and Investment

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

##### Clause 39 (4) - Notice of Aquaculture Lease Renewal

THE Minister has renewed the following class 1 Aquaculture Leases:

OL64/142 within the estuary of the Clyde River, having an area of 0.2055 hectares to McAsh Oysters Pty Ltd of Moruya, NSW, for a term of 15 years expiring on 23 January 2025.

OL78/050 within the estuary of Tweed River, having an area of 4.2702 hectares to Robert and Lesley Eyre of Terranora, NSW, for a term of 15 years expiring on 11 November 2024.

OL79/086 within the estuary of Camden Haven, having an area of 3.6558 hectares to Hugh and Ann Hamilton of Dunbogan, NSW, for a term of 15 years expiring on 24 March 2025.

OL79/067 within the estuary of Bellinger River, having an area of 0.6717 hectares to Edward Thomas Durie of Repton, NSW, for a term of 15 years expiring on 7 January 2025.

BILL TALBOT,  
Director, Fisheries Conservation & Aquaculture,  
Fisheries & Compliance,  
Primary Industries Division,  
Industry & Investment NSW

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

##### Clause 37 (3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Lease:

OL78/047 within the estuary of Port Stephens, having an area of 0.9028 hectares to G Moffat and Son Pty Ltd and Andrew Moffat of Swan Bay, NSW, for a term of 15 years expiring on 18 February 2025.

OL70/318 within the estuary of Port Stephens, having an area of 4.8151 hectares to Paul North of Lemon Tree Passage, NSW, for a term of 15 years expiring on 15 March 2025.

OL65/133 within the estuary of Port Stephens, having an area of 2.3334 hectares to Clive Harwood of Lemon Tree Passage, NSW, for a term of 15 years expiring on 19 May 2025.

OL75/174 within the estuary of Port Stephens, having an area of 22.459 hectares to Clive Harwood of Lemon Tree Passage, NSW, for a term of 15 years expiring on 19 May 2025.

OL58/064 within the estuary of Port Stephens, having an area of 1.2198 hectares to Paul North of Lemon Tree Passage, NSW, for a term of 15 years expiring on 8 June 2025.

OL69/480 within the estuary of Port Stephens, having an area of 1.6116 hectares to Paul North of Lemon Tree Passage, NSW, for a term of 15 years expiring on 8 June 2025.

OL60/040 within the estuary of Brisbane Water, having an area of 1.8405 hectares to Jeffrey Riley and Gary Thompson of Davistown, NSW, for a term of 15 years expiring on 6 May 2025.

BILL TALBOT,  
Director, Fisheries Conservation & Aquaculture,  
Fisheries & Compliance,  
Primary Industries Division,  
Industry & Investment NSW

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

##### Section 177 (1) – Notice of Aquaculture Lease Cancellation

OL83/210 within the estuary of the Bellinger River, having an area of 0.3507 hectares formerly leased by Anthony Owen Shields, Christopher Douglas Shields, Owen Douglas Shields & Beverley June Shields.

AL02/033 within the estuary of the Bellinger River, having an area of 0.3571 hectares formerly leased by Anthony Owen Shields, Christopher Douglas Shields, Owen Douglas Shields & Beverley June Shields.

OL87/020 within the estuary of the Bellinger River, having an area of 0.2443 hectares formerly leased by Anthony Owen Shields, Christopher Douglas Shields, Owen Douglas Shields & Beverley June Shields.

OL87/021 within the estuary of the Bellinger River, having an area of 0.1209 hectares formerly leased by Anthony Owen Shields, Christopher Douglas Shields, Owen Douglas Shields & Beverley June Shields.

BILL TALBOT,  
Director, Fisheries Conservation & Aquaculture,  
Fisheries & Compliance,  
Primary Industries Division,  
Industry & Investment NSW

### FISHERIES MANAGEMENT ACT 1994

#### Section 11 Notification – Revocation of Fishing Closure Tuross Lake

I, PAUL O'CONNOR, Principal Director, Fisheries and Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act"), do by this notification, pursuant to section 11 of the Act, revoke the fishing closure notification entitled "Tuross Lake" made by me on 25 June 2010 and published in the New South Wales Government Gazette No. 91 of 9 July 2010 at page 3404.

Dated this 14th day of July 2010.

PAUL O'CONNOR,  
Principal Director, Fisheries and Compliance,  
Department of Industry and Investment

**FISHERIES MANAGEMENT ACT 1994**

## Section 8 Notification – Recreational Fishing Closure

## Wagonga Inlet

I, PAUL O'CONNOR, Principal Director, Fisheries & Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 8 of the Act, do by this notification prohibit the taking of the species of fish specified in Column 1 of the Schedule below by all recreational fishers, by the methods of fishing specified in Column 2 of that Schedule, from the waters described in Column 3 of that Schedule.

This prohibition commences on 19 July 2010 and remains in force until 16 August 2010.

**SCHEDULE**

## Wagonga Inlet

<i>Column 1 Species</i>	<i>Column 2 Methods</i>	<i>Column 3 Waters</i>
All species of mollusca (excluding cephalopods) and all barnacles.	All methods	All waters of Wagonga Inlet, including all creeks flowing into or from Wagonga Inlet.

Dated this 14th day of July 2010.

PAUL O'CONNOR,  
Principal Director, Fisheries & Compliance,  
Department of Industry and Investment

**FISHERIES MANAGEMENT ACT 1994**

## Section 8 Notification – Recreational Fishing Closure

## Prospect Creek and other waters

I, PAUL O'CONNOR, Principal Director, Fisheries & Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 8 of the Act, do by this notification prohibit the taking of all species of fish, by all recreational fishers, by all methods of fishing from the waters described in the Schedule below.

This prohibition is effective immediately and remains in force until 23 July 2010.

**SCHEDULE**

The whole of the waters of the Georges River upstream of a line drawn generally west from the Rabaul Road boat ramp at Georges Hall, including Prospect Creek, Cabramatta Creek and Chipping Norton Lake.

Dated this 9th day of July 2010.

PAUL O'CONNOR,  
Principal Director, Fisheries & Compliance,  
Department of Industry and Investment

**MINERAL RESOURCES**

NOTICE is given that the following applications have been received:

**EXPLORATION LICENCE APPLICATIONS**

(T10-0147)

No. 4018, CLANCY EXPLORATION LIMITED (ACN 105 578 756), area of 37 units, for Group 1, dated 29 June 2010. (Orange Mining Division).

(T10-0148)

No. 4019, HUDSON RESOURCES LIMITED (ACN 008 720 965), area of 96 units, for Group 5, dated 1 July 2010. (Orange Mining Division).

(T10-0149)

No. 4020, METEORIC RESOURCES NL (ACN 107 985 651), area of 7 units, for Group 1, dated 1 July 2010. (Broken Hill Mining Division).

(T10-0150)

No. 4021, ALLIANCE (NSW) PTY LTD (ACN 096 947 223), area of 15 units, for Group 1, dated 5 July 2010. (Broken Hill Mining Division).

(T10-0151)

No. 4022, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), area of 15 units, for Group 1, Group 2 and Group 5, dated 7 July 2010. (Sydney Mining Division).

(T10-0152)

No. 4023, SILVER MINES LIMITED (ACN 107 452 942), area of 15 units, for Group 1, dated 12 July 2010. (Sydney Mining Division).

(T10-0153)

No. 4024, ABX2 PTY LTD (ACN 139 791 478), area of 76 units, for Group 2, dated 12 July 2010. (Orange Mining Division).

**MINING LEASE APPLICATION**

(T10-0013)

No. 354, DONALDSON COAL PTY LTD (ACN 073 088 945), area of about .25 hectares, for the purpose of any building or mining plant, any reservoir, dam, drain or water race, any cable, conveyor, pipeline, telephone line or signal, any drillhole or shaft for ventilation, drainage, access, conveyance of electricity and communications, dated 8 July 2010. (Singleton Mining Division).

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

NOTICE is given that the following application has been refused:

**EXPLORATION LICENCE APPLICATION**

(T10-0096)

No. 3966, M. A. ROCHE GROUP PTY LTD (ACN 060 536 441), County of Dudley, Map Sheet (9435). Refusal took effect on 24 June 2010.

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources



NOTICE is given that the following applications have been withdrawn:

#### EXPLORATION LICENCE APPLICATIONS

(T09-0168)

No. 3777, MMG AUSTRALIA LIMITED (ACN 004 074 962), County of Blaxland, Map Sheets (8033, 8133). Withdrawal took effect on 9 July 2010.

(T10-0103)

No. 3972, STRATEGIC MATERIALS PTY LTD (ACN 140 631 732), County of Phillip, Map Sheets (8832, 8932). Withdrawal took effect on 30 June 2010.

(T10-0146)

No. 4017, CLANCY EXPLORATION LIMITED (ACN 105 578 756), County of Ashburnham, Map Sheet (8531). Withdrawal took effect on 29 June 2010.

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

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

(Z08-6464)

Exploration Licence No. 4022, ALKANE RESOURCES LTD (ACN 000 689 216), area of 17 units. Application for renewal received 8 July 2010.

(T94-0244)

Exploration Licence No. 4848, Robert Patrick HEWETT, area of 1 units. Application for renewal received 1 July 2010.

(T03-0969)

Exploration Licence No. 6281, MINERALS AUSTRALIA PTY LTD and JACARANDA MINERALS LTD, area of 16 units. Application for renewal received 9 July 2010.

(T08-0072)

Exploration Licence No. 7184, SCORPIO RESOURCES PTY LTD (ACN 109 158 769), area of 89 units. Application for renewal received 30 June 2010.

(T08-0073)

Exploration Licence No. 7185, SCORPIO RESOURCES PTY LTD (ACN 109 158 769), area of 48 units. Application for renewal received 30 June 2010.

(T08-0069)

Exploration Licence No. 7200, CLANCY EXPLORATION LIMITED (ACN 105 578 756) and GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), area of 20 units. Application for renewal received 12 July 2010.

(T86-0334)

Exploration (Prospecting) Licence No. 1094, Robert Patrick HEWETT, area of 2 units. Application for renewal received 1 July 2010.

(Z10-4471)

Consolidated Coal Lease No. 724 (Act 1973), ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), area of 9331.7 hectares. Application for renewal received 28 June 2010.

(T87-1121)

Mining Lease No. 1234 (Act 1973), MUDGEE DOLOMITE & LIME PTY LIMITED (ACN 076 313 034), area of 2.482 hectares. Application for renewal received 17 June 2010.

(Z10-4799)

Mining Lease No. 1610 (Act 1992), METROPOLITAN COLLIERIES PTY LTD (ACN 003 135 635), area of 543.3 hectares. Application for renewal received 9 July 2010.

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

#### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(Z05-3932)

Authorisation No. 232, CENTENNIAL AIRLY PTY. LIMITED (ACN 078 693 722), County of Roxburgh, Map Sheet (8931), area of 3054 hectares, for a further term until 20 October 2014. Renewal effective on and from 3 June 2010.

(Z07-7589)

Exploration Licence No. 5645, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), County of Georgiana, Map Sheet (8730), area of 3 units, for a further term until 21 November 2011. Renewal effective on and from 6 July 2010.

(T98-1028)

Exploration Licence No. 5664, PEREGRINE MINERAL SANDS PTY LTD (ACN 009 307 591), County of Taila, Map Sheets (7429, 7529), area of 11 units, for a further term until 4 January 2012. Renewal effective on and from 6 July 2010.

(T98-1029)

Exploration Licence No. 5665, PEREGRINE MINERAL SANDS PTY LTD (ACN 009 307 591), Counties of Kilfera and Manara, Map Sheets (7530, 7531), area of 40 units, for a further term until 4 January 2012. Renewal effective on and from 6 July 2010.

(T98-1138)

Exploration Licence No. 5668, PEREGRINE MINERAL SANDS PTY LTD (ACN 009 307 591), County of Taila, Map Sheets (7328, 7428), area of 4 units, for a further term until 4 January 2012. Renewal effective on and from 6 July 2010.

(Z08-0113)

Exploration Licence No. 5919, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), County of Yancowinna, Map Sheet (7233), area of 4 units, for a further term until 23 January 2012. Renewal effective on and from 6 July 2010.

(T03-0836)

Exploration Licence No. 6162, YTC RESOURCES LIMITED (ACN 108 476 384), Counties of Flinders and Mouramba, Map Sheet (8133), area of 49 units, for a further term until 25 November 2011. Renewal effective on and from 5 July 2010.

(T04-0008)

Exploration Licence No. 6233, GOLDMINCO RESOURCES PTY LTD (ACN 109 981 795), Counties of Ashburnham, Bathurst and Wellington, Map Sheets (8631, 8731), area of 11 units, for a further term until 18 April 2011. Renewal effective on and from 5 July 2010.

(Z05-0209)

Exploration Licence No. 6468, SILVER CITY MINERALS LIMITED (ACN 130 933 309), County of Farnell, Map Sheet (7135), area of 24 units, for a further term until 18 October 2011. Renewal effective on and from 6 July 2010.

(Z07-0322)

Exploration Licence No. 6928, SCORPIO RESOURCES PTY LTD (ACN 109 158 769), Counties of Canbelego and Gregory, Map Sheets (8235, 8335), area of 100 units, for a further term until 1 November 2011. Renewal effective on and from 6 July 2010.

(Z07-0311)

Exploration Licence No. 6939, CLANCY EXPLORATION LIMITED (ACN 105 578 756), County of Cunningham, Map Sheets (8331, 8332), area of 26 units, for a further term until 8 November 2011. Renewal effective on and from 25 June 2010.

(Z07-0160)

Exploration Licence No. 7035, Mario PAGNON, County of Cooper, Map Sheet (8130), area of 6 units, for a further term until 23 January 2012. Renewal effective on and from 5 July 2010.

(C03-0104)

Consolidated Coal Lease No. 704 (Act 1973), CENTENNIAL SPRINGVALE PTY LIMITED (ACN 052 096 812) and SPRINGVALE SK KORES PTY LIMITED (ACN 051 015 402), Parish of Cox, County of Cook; and Parish of Lidsdale, County of Cook, Map Sheets (8931-3-N, 8931-3-S), area of 2541 hectares, for a further term until 14 January 2023. Renewal effective on and from 18 February 2010.

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

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### CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(Z07-3281)

Exploration Licence No. 7204, GRANITE POWER LIMITED (ACN 112 714 440), County of Urana, Map Sheet (8027), area of 72 units. Cancellation took effect on 6 July 2010.

(T08-0172)

Exploration Licence No. 7236, VALE INCO RESOURCES (AUSTRALIA) PTY LTD (ACN 096 361 876), County of Menindee and County of Tandora, Map Sheets (7232, 7233, 7333), area of 152 units. Cancellation took effect on 5 July 2010.

(T08-0173)

Exploration Licence No. 7237, VALE INCO RESOURCES (AUSTRALIA) PTY LTD (ACN 096 361 876), County of Windeyer, Map Sheets (7131, 7132), area of 223 units. Cancellation took effect on 5 July 2010.

(T08-0174)

Exploration Licence No. 7238, VALE INCO RESOURCES (AUSTRALIA) PTY LTD (ACN 096 361 876), County of Tandora and County of Yancowinna, Map Sheets (7233, 7333), area of 161 units. Cancellation took effect on 5 July 2010.

(T08-0175)

Exploration Licence No. 7239, VALE INCO RESOURCES (AUSTRALIA) PTY LTD (ACN 096 361 876), County of Menindee, County of Tara and County of Windeyer, Map Sheets (7131, 7132, 7232, 7233), area of 417 units. Cancellation took effect on 5 July 2010.

(T08-0177)

Exploration Licence No. 7240, VALE INCO RESOURCES (AUSTRALIA) PTY LTD (ACN 096 361 876), County of Tandora, Map Sheets (7233, 7333, 7334), area of 187 units. Cancellation took effect on 5 July 2010.

(T07-0538)

Exploration Licence No. 7368, GRANITE POWER LIMITED (ACN 112 714 440), County of Urana, Map Sheet (8027), area of 82 units. Cancellation took effect on 6 July 2010.

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

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### TRANSFERS

(T04-0045)

Exploration Licence No. 6286, formerly held by PROTO RESOURCES AND INVESTMENTS LTD (ACN 108 507 517) has been transferred to AWATI RESOURCES PTY LTD (ACN 106 020 419). The transfer was registered on 7 July 2010.

(T04-0045)

Exploration Licence No. 6663, formerly held by PROTO RESOURCES AND INVESTMENTS LTD (ACN 108 507 517) has been transferred to AWATI RESOURCES PTY LTD (ACN 106 020 419). The transfer was registered on 7 July 2010.

(T08-0083)

Exploration Licence No. 7332, formerly held by John SLADE (ACN 7224 3835 393) has been transferred to FORTIUS MINES PTY LTD (ACN 140 151 917). The transfer was registered on 1 July 2010.

### WITHDRAWAL OF TRANSFER APPLICATION

(T08-0033)

Exploration Licence No 7181 (Act 1992), PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), to EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), Counties of Farnell, Mootwingee and Yancowinna, Map Sheet (7234), area of 14 units. Withdrawal application received on 9 July 2010.

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

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## Land and Property Management Authority

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### REVIEW OF VENDOR DISCLOSURE FOR RESIDENTIAL PROPERTY SALES IN NEW SOUTH WALES BY MATT BROWN, M.P.

#### CALL FOR SUBMISSIONS

THE Minister for Lands supports a review of the vendor disclosure requirements for real property sales in NSW. The Review will be carried out by Matt Brown, M.P., and will focus particularly on whether pre purchase reports (such as building and pest inspection reports) should be provided by vendors to potential purchasers of land in New South Wales. At the conclusion of the review, a report will be prepared and released to the public with support from the Land and Property Management Authority (LPMA).

Comments and written submissions from the public are encouraged in the review process. A Discussion Paper, including full terms of reference and further information about this Review are available on the Land and Property Management Authority's website [www.lpma.nsw.gov.au](http://www.lpma.nsw.gov.au) or can be obtained from the Review's contact officer: Kye Tran, PO Box 15, Sydney NSW 2001, ph. (02) 9228 6726, fax. (02) 9221 4309 or email [kye.tran@lpma.nsw.gov.au](mailto:kye.tran@lpma.nsw.gov.au).

Comments and submissions will be accepted until COB Wednesday, 1 September 2010.

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#### 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 Schedule hereunder, is revoked to the extent 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>
Land District: Inverell.	The whole being Lot 7006,
Local Government Area: Guyra Shire Council.	DP No. 1030460, Parish Swinton, County Hardinge
Locality: Tingha.	and Lot 7007, DP No.
Reserve No.: 753678.	1030460, Parish Swinton,
Public Purpose: Future public requirements.	County Hardinge, of an area of 1020 square metres.
Notified: 29 June 2007.	
File No.: AE81 H 1139.	

Note: Sale of land by private treaty to David and Linda Mozzell.

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

**NOTIFICATION OF CLOSING OF ROADS**

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

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

Description

*Local Government Area of Mid-Western;  
Land District of Mudgee*

Lot 1, DP 1152249, Parish of Cooyal, County of Phillip (not being land under the Real Property Act).

File No.: 10/00344.

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

Description

*Local Government Area of Walgett;  
Land District of Walgett*

Lots 1 and 2, DP 1152192, Parish of Ulambie, County of Baradine (not being land under the Real Property Act).

File No.: 09/19066.

Note: On closing, the titles for Lots 1 and 2 shall vest in the State of New South Wales as Crown Land.

Description

*Local Government Area and Land District of Dubbo*

Lot 1, DP 1117973, Parish of Dubbo, County of Lincoln (not being land under the Real Property Act).

File No.: DB97 H 82.

Note: On closing, the title for Lot 1 shall vest in Dubbo City Council as Operational Land.

**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>
Tottenham Public Baths (R86557) Reserve Trust.	Reserve No.: 86557. Public Purpose: Public baths. Notified: 15 December 1967. File No.: 10/05165.

**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>
Lachlan Shire Council.	Tottenham Public Baths (R86557) Reserve Trust.	Reserve No.: 86557. Public Purpose: Public baths. Notified: 15 December 1967. File No.: 10/05165.

For a term commencing this day.

**REVOCATION OF RESERVATION OF CROWN LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Warren. Local Government Area: Warren Shire Council. Locality: Marebone. Reserve No.: 40829. Public Purpose: Travelling stock and camping. Notified: 5 September 1906. File No.: DB79 H 296.	The whole being Lot 1, DP No. 1121246, Parish Marebone, County Gregory and Lot 30, DP No. 753466, Parish Marebone, County Gregory, of an area of 129.9 hectares.

Note: Private treaty Sale of Crown Land to Mr Warren Berry.

**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 lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is 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

Description

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

Lot 2, DP 1150013 (not being land under the Real Property Act and subject to easement for electricity purposes created in Deposited Plan 1150013).

File No.: 09/07761:JK.

Schedule

On closing, the title for the land in Lot 2, DP 1150013 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Larbert; County – Murray;  
Land District – Palerang; L.G.A. – Braidwood*

Lots 1 and 2, DP 1149294 (not being land under the Real Property Act and subject to easement for right of carriageway created in Deposited Plan 1149294).

File No.: GB05H438:JK.

Schedule

On closing, the title for the land in Lots 1 and 2, DP 1149294 remains vested in the State of New South Wales as Crown Land.

**GRAFTON OFFICE**  
**76 Victoria Street (PO Box 272), Grafton NSW 2460**  
**Phone: (02) 6640 3400 Fax: (02) 6642 5375**

**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>
Lands Administration Ministerial Corporation.	Mullumbimby Hospital Reserve Trust.	Reserve No.: 31705. Public Purpose: Hospital. Notified: 3 November 1900. File No.: GF80 R 169.

For a term commencing the date of this notice.

**NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

*Land District – Lismore; L.G.A. – Byron*  
 Road Closed: Lot 1, DP 1152167 at Possum Creek, Parish Byron, County Rous.  
 File No.: 08/4518.

Schedule

On closing, the land within Lot 1, DP 1152167 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Casino; L.G.A. – Kyogle*  
 Road Closed: Lot 1, DP 1150641 at Upper Horseshoe Creek, Parish Fairy Mount, County Rous.  
 File No.: GF06 H 290.

Schedule

On closing, the land within Lot 1, DP 1150641 remains vested in the State of New South Wales as Crown Land.



**HAY OFFICE**  
**126 Lachlan Street (PO Box 182), Hay NSW 2711**  
**Phone: (02) 6990 1800 Fax: (02) 6993 1135**

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

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

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 Description

*Land District of Deniliquin; L.G.A. – Conargo*

Lot 1 in DP 1146906, Parish of Coolagoli, County of Townsend.

File No.: HY81.H.526.

Schedule

On closing, title for the land comprised in Lot 1, DP 1146906 remains vested in the State of New South Wales as Crown Land.

Description

*Land District of Deniliquin; L.G.A. – Deniliquin*

Lot 1 in DP 1153287, Parish of South Deniliquin, County of Townsend.

File No.: HY81 H 516.

Schedule

On closing, title for the land comprised in Lot 1, DP 1153287 remains vested in the State of New South Wales as Crown Land.

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 Description

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

Lot 1 in DP 1148314, Parishes of Munro and Kooba, County of Sturt.

File No.: HY98 H 106.

Schedule

On closing, title for the land comprised in Lot 1, DP 1148314 remains vested in the State of New South Wales as Crown Land.

**MOREE OFFICE**

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

**NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are 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 roads is extinguished. On road closing, title to the land comprising the former public roads vests in the body specified in the Schedule hereunder.

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

\_\_\_\_\_  
 Description

*Land District – Narrabri; Council – Walgett Shire;  
 Parishes – Newman and Pilliga; County – Baradine*

Roads Closed: Lot 1 in DP 1152822.

File No.: ME05 H 64.

Schedule

On closing, title to the land within Lot 1 in DP 1152822 remains vested in the State of New South Wales as Crown Land.

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

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road 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 – Narooma; County – Dampier;  
Land District – Moruya;  
Local Government Area – Eurobodalla*

Road Closed: Lot 1, DP 1153642 at Central Tilba.

File No.: NA05 H 262.

## Schedule

On closing, the land within Lot 1, DP 1153642 remains vested in the State of New South Wales as Crown Land.

## Description

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

Road Closed: Lot 1, DP 1152787 at Murrah, subject to an easement for "Right of Carriageway" created in DP 1152787.

File No.: 10/01495.

## Schedule

On closing, the land within Lot 1, DP 1152787 remains vested in the State of New South Wales as Crown Land.

## Description

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

Road Closed: Lot 1, DP 1152788 at Kameruka.

File No.: 08/9861.

## Schedule

On closing, the land within Lot 1, DP 1152788 remains vested in the State of New South Wales as Crown Land.

## Description

*Parish – Winifred; County – Beresford;  
Land District – Cooma;  
Local Government Area – Cooma-Monaro*

Road Closed: Lots 1-3, DP 1152867 at Greenlands, subject to an easement for "Right of Carriageway" created in DP 1152867.

File No.: GB05 H 583.

## Schedule

On closing, the land within Lots 1-3, DP 1152867 remains vested in the State of New South Wales as Crown Land.

## Description

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

Road Closed: Lots 1-4, DP 1152865 at Wyndham, subject to an easement for "Water Supply" created in DP 1152865.

File Nos: 09/01457, 09/17841, 09/17684 and 09/17844.

## Schedule

On closing, the land within Lots 1-4, DP 1152865 remains vested in the State of New South Wales as Crown Land.

## Description

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

Road Closed: Lots 1 and 2, DP 1152624 at Surf Beach.

File No.: 09/11438.

## Schedule

On closing, the land within Lot 1, DP 1152624 remains vested in Eurobodalla Shire Council as Operational Land and Lot 2, DP 1152624 remains vested in Eurobodalla Shire Council as Community Land.

Council Reference: 09.3253.



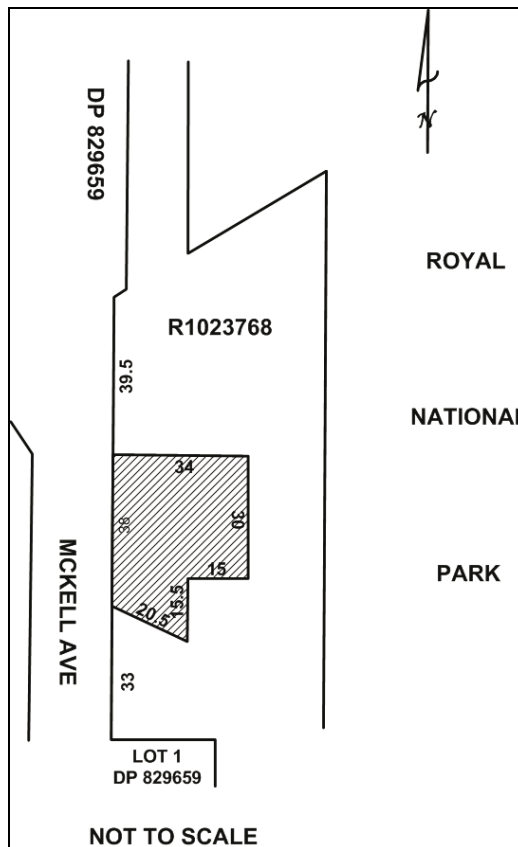
**SYDNEY METROPOLITAN OFFICE**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935, Parramatta NSW 2124)**  
**Phone: (02) 8836 5300 Fax: (02) 8836 5365**

**ERRATUM**

IN the notification appearing in the *New South Wales Government Gazette* of the 30 April 2010, Folio 2019, under the heading Establishment of Reserve Trust and detailing Establishment of the Waterfall Reserve (R103768) Reserve Trust in Column 2 of the Schedules before the word "Reserve" insert the word "Part" and after the word "13 November, 2009" insert the words "and comprising an area of 1243 square metres occupied by the Waterfall Rural Fire Station as shown by hatching on the diagram hereunder".

File No.: MN10/05678.

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



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

Transfer of Crown Road to a Council

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

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

**SCHEDULE 1**

The Crown public road north of Lot 187 in DP 751017 in Parish Grenfell, County Buckland, Locality of Quipolly and Land District of Tamworth.

File No.: 09/18383.

**SCHEDULE 2**

Road Authority: Liverpool Plains Shire Council.

Council Reference: 48884.17-28.5.2.

**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: Gunnedah.  
Local Government Area:  
Narrabri Shire Council.  
Locality: Walla Walla.  
Reserve No.: 96828.  
Public Purpose: Future  
public requirements.  
Notified: 8 July 1983.  
File No.: 07/2265.

*Column 2*

The whole being Lot 2, DP  
No. 1130666, Parish Walla  
Walla, County Pottinger of  
an area of 9358 square  
metres.

Note: For sale to the current tenure holders Kevin and Leores Carslake.

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

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

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

**Description***Land District – Taree; L.G.A. – Greater Taree*

Road Closed: Lot 3, DP 1151303 at Marlee, Parish Marlee, County Macquarie.

File No.: TE05 H 135.

**Schedule**

On closing, the land within Lot 3, DP 1151303 remains vested in the State of New South Wales as Crown Land.

**CROWN LANDS ACT 1989****Erratum**

IN the notice appearing in the *New South Wales Government Gazette* No. 90 of the 2 July 2010, Folio 3233, under the heading "NOTIFICATION OF CLOSING OF ROAD", in respect of Road Closed Lot 2 DP 1151303 at Marlee: L.G.A. – Marlee should be deleted and L.G.A. – Greater Taree inserted in lieu.

File No.: 09/02967.

---

**WESTERN REGION OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 5400 Fax: (02) 6884 2067**

**ERRATUM**

IN the *New South Wales Government Gazette* of 18 June 2010, Folio 2443, under the heading "WITHDRAWAL OF LANDS FROM WESTERN LANDS LEASES", the reference in Column 2 to WLL 1669 should have read WLL 1660.

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

File No.: 09/11326.

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## Department of Planning

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Order Declaring Development to be a Project under Part 3A of the Environmental Planning and Assessment Act 1979  
Amendment

I, the Minister for Planning, do by this order, amend the declaration made under section 758 of the Environmental Planning and Assessment Act 1979 (the Act), on 9 March 2010 (GG No 40 of 12.3.10, p1283), by replacing the developments described in the Schedule to that order with the developments described in the Schedule to this order.

In my opinion, each of the developments referred to in the Schedule are of State and regional environmental planning significance.

Dated: Sydney, 7th July 2010.

The Hon. TONY KELLY, M.L.C.,  
Minister for Planning

#### SCHEDULE

Priority developments for the delivery of the Metropolitan Transport Plan 2010, being each of the following developments:

- (a) development for the purpose of the Western Express Line, including (but not necessarily limited to) development for the purposes of the following support projects:
  - City Relief Line;
  - Traction Supply Upgrade;
  - Emu Plains Stabling Extension;
  - Homebush Crossover; and
  - St Mary's Turnback;
- (b) development for the purposes of the Light Rail Extension, generally between Haymarket and Circular Quay;
- (c) development for the purposes of the Light Rail Extension, generally between Lilyfield and Dulwich Hill; and
- (d) development for the purposes of the North West Rail Link, being new rail infrastructure generally from Epping to Rouse Hill.

The developments do not include:

- (i) investigation (including geotechnical and other testing, surveying and sampling) at, above or below the surface of the ground;
- (ii) maintenance or repair of an existing rail infrastructure facility;
- (iii) upgrading or maintenance of landscaping and vegetation management or clearing; and
- (iv) maintenance of a project.

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Declaration of Critical Infrastructure Project Amendment

I, the Minister for Planning, do by this order, amend the declaration made under section 75C of the Environmental Planning and Assessment Act 1979 (the Act), on 9 March 2010 (GG No 40 of 12.3.10, p1283 and 1284), by replacing the developments described in the Schedule to that declaration with the developments described in the Schedule to this order.

In my opinion, each of the developments referred to in the Schedule are essential for the State for economic reasons and for social reasons and for environmental reasons.

Dated: Sydney, 7th July 2010.

The Hon. TONY KELLY, M.L.C.,  
Minister for Planning

#### SCHEDULE

Priority developments for the delivery of the Metropolitan Transport Plan 2010, being each of the following developments:

- (a) development for the purpose of the Western Express Line, including (but not necessarily limited to) development for the purposes of the following support projects:
  - City Relief Line;
  - Traction Supply Upgrade;
  - Emu Plains Stabling Extension;
  - Homebush Crossover; and
  - St Mary's Turnback;
- (b) development for the purposes of the Light Rail Extension, generally between Haymarket and Circular Quay;

- (c) development for the purposes of the Light Rail Extension, generally between Lilyfield and Dulwich Hill;
- (d) development for the purposes of the North West Rail Link, being new rail infrastructure generally from Epping to Rouse Hill;

The developments listed from (a) to (d) do not include:

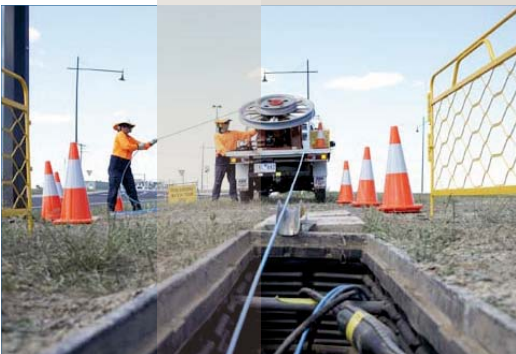
- (i) investigation (including geotechnical and other testing, surveying and sampling) at, above or below the surface of the ground;
  - (ii) maintenance or repair of an existing rail infrastructure facility;
  - (iii) upgrading or maintenance of landscaping and vegetation management or clearing; and
  - (iv) maintenance of a project.
- (e) development for the purposes of Stage B2 of the South West Rail Link, as defined in concept plan approval 06\_0158, granted by the Minister for Planning on 29 August 2007.



Planning

# NSW TELECOMMUNICATIONS FACILITIES GUIDELINE INCLUDING BROADBAND

July 2010



Telecommunications Facilities Guideline Including Broadband

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NSW Department of Planning

[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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# 1 Introduction

## 1.1 THE PURPOSE OF THIS GUIDELINE

The purpose of the *NSW Telecommunications Facilities Guideline including Broadband* is to:

- (a) provide a guide to the State wide planning provisions and development controls for telecommunication facilities in NSW contained in *State Environmental Planning Policy Infrastructure 2007* (SEPP Infrastructure);
- (b) provide guidance to assist the facilitation of the roll out of broadband in NSW.

The Commonwealth *Telecommunications (Low-impact Facilities) Determination 1997* (Determination) made under the *Telecommunications Act 1997* (Telco Act), operates in NSW and provides for the carrying out of many 'low-impact' telecommunication facilities that are not subject to NSW planning law.

This Guideline outlines the provisions of SEPP Infrastructure which incorporates the facilities contained in the *Determination* and provides for the development of further telecommunications facilities that do not require consent, together with complying developments.

The Guideline also provides a guide to the planning laws that relate to those telecommunication facilities that are:

- (a) development permitted without consent; and
- (b) development permitted with consent

Principles for the design, siting, construction and operation of telecommunications facilities that apply to all proposed telecommunications facilities in NSW have been developed and are contained in this Guideline.

The purpose of the Principles is to encourage the provision of telecommunications facilities with minimal impact on the amenity of an area.

It is anticipated that the new provisions of the SEPP Infrastructure and this Guideline will ensure that both wireline and wireless telecommunications infrastructure, including that which delivers broadband, is able to be provided in an efficient and cost effective manner to meet community needs for telecommunications services.

## 1.2 WHAT IS A TELECOMMUNICATIONS FACILITY?

A telecommunications facility is defined in SEPP Infrastructure as:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole, or other structure in connection with a telecommunications network.

Telecommunications facilities provide for transmission of voice, data, image, graphic and video information between or among points by wire, cable, optical fibre, microwave, radio, satellite or similar facilities.

## 1.3 WHAT IS BROADBAND?

Broadband is a term used to express the speed and capacity at which a telecommunications service is delivered. Broadband is derived from the words, 'broad' and 'bandwidth' and is a generic term covering many different high capacity telecommunication circuits including two-way, 'always-on' internet connections. Broadband offers the opportunity to access the Internet and to obtain high volume data, at fast speeds.

The current and proposed delivery of broadband in Australia is via:

- (a) Copper telephone lines (e.g. ADSL and VDSL);
- (b) Wireless systems (e.g. mobile broadband, WiFi, WiMax, satellite);
- (c) Hybrid fibre-coaxial (HFC); and
- (d) Fibre systems including fibre-to-the-node (FTTN)/fibre-to-the-premises (FTTP).

Each of these digital delivery methods can produce fast broadband and include services such as voice, video, TV (including IPTV), data and text on a range of platforms.

## 1.4 THE RELATIONSHIP BETWEEN THIS GUIDELINE AND COMMONWEALTH TELECOMMUNICATIONS LEGISLATION

This Guideline must be read in conjunction with relevant Commonwealth telecommunications legislation and SEPP Infrastructure. Where there is any inconsistency between Commonwealth laws and the laws of a State or Territory, the Commonwealth legislation prevails.

The Commonwealth *Telco Act* and the *Radiocommunications Act 1992* provide the framework for regulating the provision of telecommunications and radiocommunications services throughout Australia.

The *Telco Act* exempts certain telecommunications facilities from some State and territory laws including town planning laws. These facilities are described in Schedule 3 of the *Telco Act*, the *Determination* and the *Telecommunications Code of Practice 1997*.

The *Determination* contains a schedule of "low-impact" telecommunications facilities. Facilities that are low impact and installed pursuant to the carrier powers are not subject to State planning laws and therefore do not require development consent.

The principles outlined in this Guideline do not apply to development covered by the *Determination*.

Table 1 in this Guideline provides a list of telecommunications facilities that are Exempt or Complying Development in NSW as provided for in Schedule 3A of SEPP Infrastructure. This Guideline incorporates the facilities contained in the *Determination* and provides for additional exemptions as well as for complying development. Appendix C provides a full copy of the *Determination*.

All carriers licensed under the *Telco Act* must comply with the *Telco Act* and the *Telecommunications Code of Practice 1997*. The *Telecommunications Code of Practice* was made pursuant to Schedule 3 of the *Telco Act* and requires, amongst other things, carriers to comply with recognised industry Codes and Standards.

## 1.5 HOW TO USE THIS GUIDELINE UNDER THE NSW PLANNING SYSTEM

Under the NSW planning system, development may be:

### (a) Development that does not need consent

- (i) **Exempt Development** – no approval required;
- (ii) **Development that is an activity under Part 5 of the EP&A Act** – requires an approval under Part 5 of the EP&A Act.

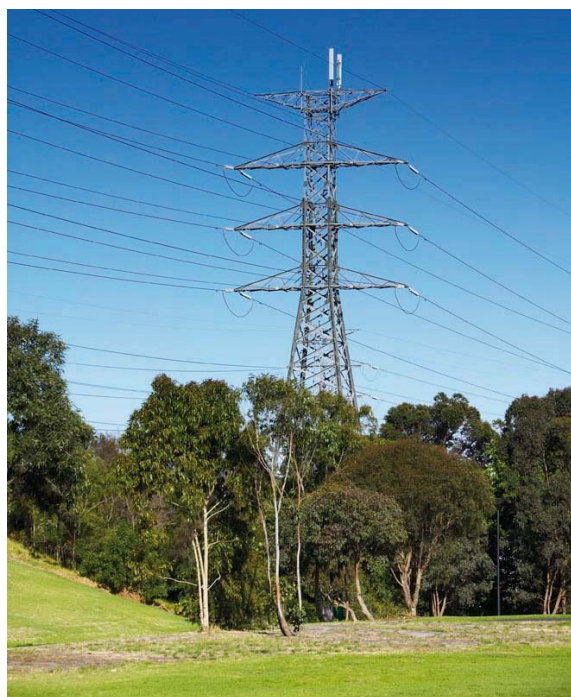
### (b) Development that needs consent

- (i) **Development carried out in accordance with a development consent** – usually from council – a Development Application (DA) must be lodged, unless the proposal is a major project or critical infrastructure under Part 3A of the EP&A Act.
- (ii) **Complying Development** – requires a Complying Development Certificate from a council or private certifier.

### (c) Development that is prohibited

#### Note:

- (i) SEPP Infrastructure prevails where there is any inconsistency with a Local Environmental Plan (LEP). (Refer to Clause 8(1) of SEPP Infrastructure).



Panel antenna on existing high voltage tower

## Initial Assessment Steps

In order to determine the type of approval required for a proposed telecommunications facility, the following steps may be followed by the proponent. (Refer to Figure 1).

### Step 1

Step 1 is relevant to carriers only. Carriers are to determine if the proposed facility is contained in the *Determination* or is otherwise exempt from NSW planning law pursuant to Schedule 3 of the *Telco Act*. Always check the latest version of the *Determination* made by the Commonwealth Minister. Where the type of facility is contained in the *Determination*, then NSW planning legislation and the principles in this Guideline do not apply. No approval is required under NSW law and the following steps are not relevant. Carriers therefore shall not use this Guideline where the facility is covered by the *Determination*. However, where the proposal is not included in the *Determination*, carriers are to proceed to the following steps.

### Step 2

Check if the proposed telecommunication facility is a **permissible use** on the proposed site in the LEP and SEPP Infrastructure. If not, talk to the council or find another site.

### Step 3

If a permissible use, and if not authorised pursuant to Commonwealth law, determine if the proposed facility corresponds with a type of facility description in Clause 116 and 116A and Schedule 3A of SEPP Infrastructure set in Table 1 of this Guideline. If so, it may be Exempt or Complying Development.

### Step 4

Does the proposed facility meet the listed standards for **Exempt Development** in Schedule 3A Part 1 Column 2 of SEPP Infrastructure which are set out in Table 1 of this Guideline? – if yes - no approval required.

### Step 5

If not, does the proposed facility meet the listed standards for **Complying Development** in Schedule 3A, Part 2, Column 2 of SEPP Infrastructure (set out in Table 1 of this Guideline)? – if yes, a Complying Development Certificate will need to be obtained to certify that the development does comply with the SEPP Infrastructure and may be carried out.

### Step 6

If not, check if the proposal is **permitted without consent or permitted with consent** under Clause 114 and 115 of SEPP Infrastructure.

If permitted without consent an assessment process under Part 5 of the EP&A Act is required.

If it is permitted with consent a DA must be lodged to obtain **development consent** from the consent authority – usually council.

## 1.6 TO WHICH ZONES DOES THE GUIDELINE APPLY?

The general and specific requirements relating to telecommunications facilities apply to all zones contained within LEPs in NSW. In some instances the specific requirement in the SEPP Infrastructure may specify that it relates only to a specific zone(s).

The zone types are defined in the Standard Instrument Principal Local Environmental Plan. Refer to Clause 6 of SEPP Infrastructure in relation to equivalent zones.

## 1.7 DEVELOPMENT APPLICATIONS

When considering a development application for a telecommunications facility, the consent authority is to refer to SEPP Infrastructure and consider the Principles set out in this Guideline, and relevant Commonwealth legislation.

All carriers must comply with the Radiation Protection Standard entitled Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz (2002) in relation to health and wireless telecommunications facilities.

If the consent authority determines to approve the development, Appendix B provides an example set of standard conditions of consent as a guide.

## 1.8 CONSULTATION

For both exempt development and complying development to the extent that the development involves the installation of fixed radiocommunications infrastructure used, intended to be used or capable of being used to supply Public Mobile Telecommunications Services, the installation of such a facility must comply with the ACIF Code C564:2004. Deployment of *Mobile Phone Network Infrastructure (Mobile Phone Networks Code)*. Refer to the notification sections of the ACIF Code, and Appendix F of this Guideline.

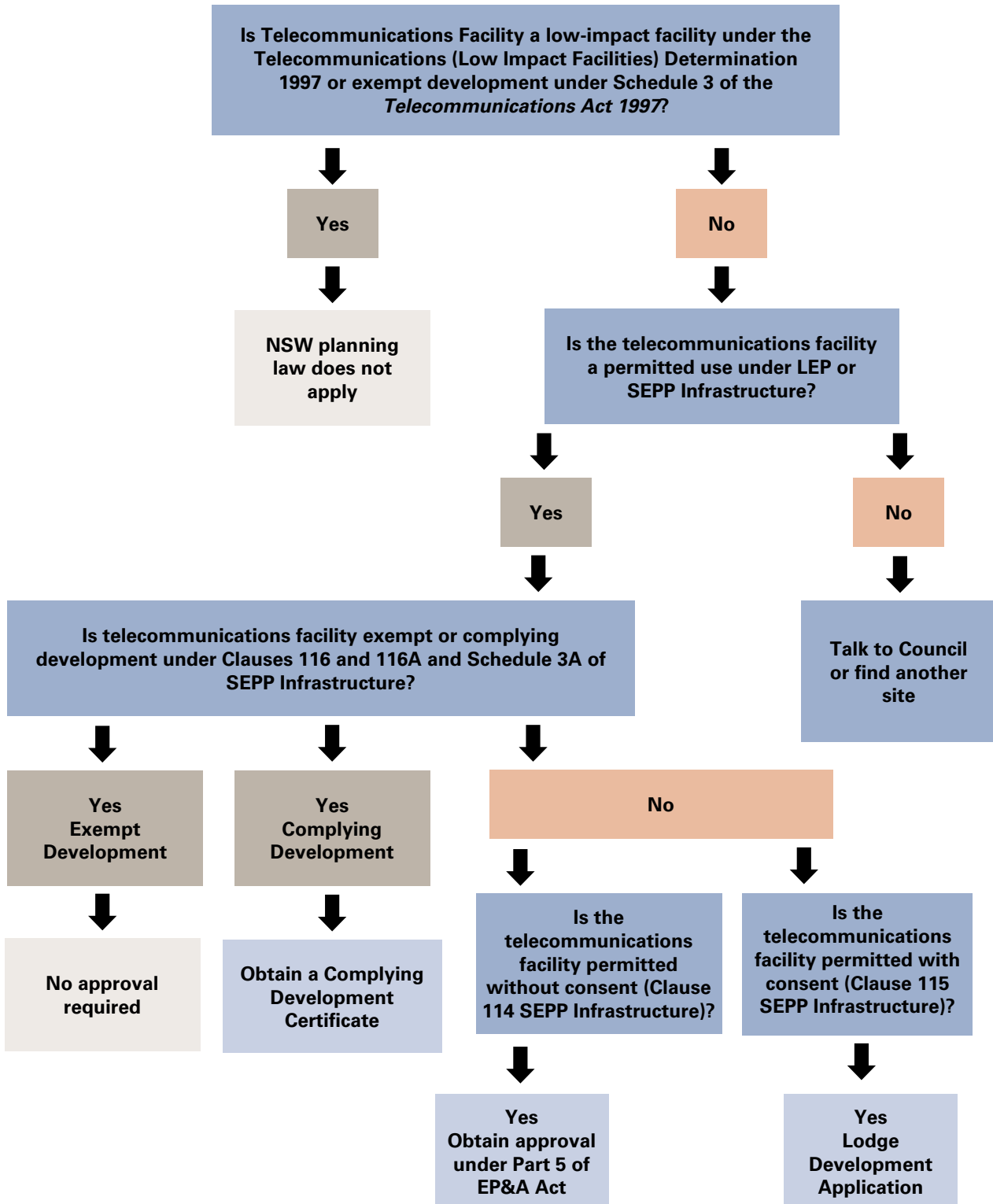
Complying development certificate applications and development applications must be accompanied by a statement signed by the owner of the land to the effect that the owner consents to the making of the application.

### Note:

1. This Guideline provides a summary to the SEPP Infrastructure 2007. You should always check the most recent version of the relevant environmental planning instruments.
2. Clauses 114, 115, 116, 116A, 116B, 116C and 116D, and Schedule 3A of SEPP Infrastructure 2007 relate to telecommunications facilities.
3. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies to aerials and antennas and communications dishes for television, radio and citizens band (CB) radio only

FIGURE 1

What Type of Approval is Required for a Proposed Telecommunications Facility in NSW?



**Note:** Always check the latest compilation of the *Commonwealth Telecommunications (Low-impact Facilities) Determination 1997* in the first instance, and the most recent version of SEPP Infrastructure.

## 2 Site Selection, Design, Construction and Operation Principles for Telecommunications Facilities

### 2.1 INTRODUCTION

The site selection, design, construction and operation of telecommunication facilities in NSW if carried out under clause 114 or 115 of Infrastructure SEPP must be consistent with the principles set out in this Guideline. All people carrying out development for the purpose of a telecommunications facility should take these principles into consideration in order to follow best practice. It is anticipated that through the application of the principles, decisions will be more efficient and consistent.

The health and electromagnetic energy (EME) exposure related principles have their origins in the existing regulatory and scientific framework for wireless telecommunications facilities. This regulatory framework is discussed below. The principles related to visual impact originate from the Victorian Telecommunications Facilities Code of Practice.<sup>1</sup>

#### The Australian Communications and Media Authority

The Australian Communications and Media Authority (ACMA) is the Commonwealth body responsible for regulating telecommunications and radiocommunications, including promoting industry self-regulation and managing the radiofrequency spectrum. The ACMA licenses Australia's telecommunications carriers and regulates fixed line and mobile telecommunications.

All mobile phone base stations must comply with the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz 2002* (Radiation Protection Standard), which regulates the performance of particular radiocommunications transmitters to protect the health and safety of people.

The ACMA has introduced radiofrequency (RF) electromagnetic energy regulatory arrangements to limit exposure to EME from radio communications transmitters. The mandatory human exposure standard *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* and its 2007 amendment applies to most mobile and portable radiocommunications transmitters with

integral antennas operating in the 3 kHz to 300 GHz frequency range. The limits are based on the Radiation Protection Standard.

The Radiation Protection Standard 2002 prescribes 'fundamental limits designed to ensure that known health effects do not arise from exposure to radiofrequency fields.'<sup>2</sup>

The considered scientific opinion about possible health effects from this type of infrastructure is that 'the weight of national and international scientific opinion is that there is no substantiated evidence that RF emissions associated with living near a mobile phone base station of telecommunications tower poses a health risk'.<sup>3</sup>

#### ACIF Industry Code

Industry self-regulation is encouraged through the development of voluntary industry codes of practice and technical standards. The Australian Communications Industry Forum (ACIF), which is now called Communications Alliance Ltd., was established by the communication services industry to support this process.

The ACIF (Mobile Phone Networks Code) identifies the steps telecommunications carriers must take when deciding where to install a wireless telecommunications facility such as a mobile phone tower or base station.

The aim of the Mobile Phone Networks Code is to have carriers apply a precautionary approach to the design, operation and selection of sites for wireless communications facilities. Under the Mobile Phone Networks Code, carriers are required to consider 'community sensitive' locations such as schools and hospitals and balance this with other factors, such as coverage objectives and engineering requirements, when deciding on placement for a site.

1. Department of Sustainability and Environment *Telecommunications Facilities A Code of Practice for Telecommunications Facilities in Victoria*, July 2004.
2. Australian Radiation Protection and Nuclear Safety Agency and the Committee on Electromagnetic Energy *Public Health Issues Fact Sheet No.4 – The ARPANSA radiofrequency radiation exposure standard*, available via [www.acma.gov.au](http://www.acma.gov.au)
3. Australian Radiation Protection and Nuclear Safety Agency and the Committee on Electromagnetic Energy *Public Health Issues Fact Sheet No.9 – What about base stations and telecommunications towers – are there any health effects?* Available via [www.acma.gov.au](http://www.acma.gov.au)



## The Australian Radiation Protection and Nuclear Safety Agency

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth body charged with the responsibility for establishing standards that protect the health and safety of the community, including the Radiation Protection Standard.

ARPANSA states that the standards which protect people from EME exposure do not set any distances between mobile base station locations and areas which may be considered to be sensitive. ARPANSA highlights that: *'Similarly, the ACIF Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a community sensitive area may need to operate at a higher power and may result in higher EME exposures in that sensitive area. Furthermore, it must be remembered that evidence gathered by ARPANSA confirms that exposure levels in public areas are typically hundreds or thousands of times less than the exposure limit set by the ACMA'*<sup>4</sup>

ARPANSA states that *'public concern has also been expressed regarding the possibility of adverse health effects from mobile phone base stations that are sited on or near places where children spend large amounts of time, for example, in or outside their home, kindergartens, schools, playgrounds etc. The balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where the exposure levels are only small fractions of the ARPANSA Standard'*<sup>5</sup>

The ARPANSA has undertaken a number of surveys of environmental radiofrequency EME levels arising from mobile phone base station antennas. The most recent ARPANSA coordinated survey was undertaken in 2007–08. Results show that actual measured values, including 'cumulative' effect were much lower than levels permitted by the Radiation Protection Standard.<sup>6</sup> A summary of the results may be found in Appendix D. The results demonstrate the ARPANSA statement immediately above.

Further information on a range of issues relevant to EME and the placement of telecommunication towers is available at <http://www.arpansa.gov.au/>.

It is instructive also to refer to *Telstra Corporation Limited v Hornsby Shire Council* 2006 148 LGERA 124. This case dealt with the application of the precautionary principle in the case of emission of radiofrequency EME. Telecommunications carrier,

Telstra, proposed to address inadequate mobile coverage in the suburb of Cheltenham by building a mobile base station. Council refused the application and Telstra appealed to the Land & Environment Court of NSW and the Court upheld the appeal.

## 2.2 THE PRINCIPLES

### Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.

- (a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.
- (b) The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.
- (c) Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.
- (d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.
- (e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.
- (f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.
- (g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.

4. ARPANSA Fact Sheet No. 6 *About mobile phone networks*, revised June 2008

5. ARPANSA Fact Sheet No. 11 *'Mobile Phones and Children'*, revised April 2008

6. Mobile Carriers Forum Fact Sheet *ARPANSA Base Station Survey 2007-2008*, February 2009. available via [www.mca.amta.org.au](http://www.mca.amta.org.au)

- (h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.
- (i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.
- (j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.

**Principle 2: Telecommunications facilities should be co-located wherever practical.**

- (a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.
- (b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radio-communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.
- (c) Towers may be extended for the purposes of co-location.
- (d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.
- (e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.
- (f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.

**Note:**

Co-location is 'not practicable' where there is no existing tower or other suitable telecommunications facility that can provide equivalent site technical specifications including meeting requirements for coverage objectives, radio traffic capacity demands and sufficient call quality.

**Principle 3: Health standards for exposure to radio emissions will be met.**

- (a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard. Refer also to Appendix D.

- (b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.

**Principle 4: Minimise disturbance and risk, and maximise compliance**

- (a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the *Civil Aviation Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.
- (b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.
- (c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.
- (d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.
- (e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.
- (f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.
- (g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.



- (h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.
- (i) Traffic control measures are to be taken during construction in accordance with *Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads*.
- (j) Open trenching should be guarded in accordance with *Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps*.
- (k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.
- (l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.
- (m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.
- (n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.



Panel antenna on street light pole

## 3 Types of Telecommunications Facilities

### 3.1 BASE STATIONS

Mobile multimedia devices, such as mobile phones and multimedia handsets, send and receive radiofrequency waves to and from the nearest base station.

Mobile telecommunication networks have a cellular design to maximise the use of limited radiofrequency spectrum. These network cells overlap at the edges to limit gaps in coverage. If the base stations are too far apart, calls may not be handed over from one cell to another and call quality may be impacted resulting in an interruption to service.

A base station is comprised of several different components – including an equipment shelter which houses the transceiver and transmission equipment, a tower, mast or support mount which provides the necessary height to give required coverage, and the antennas which are mounted on a tower or mast – or on the roof or sides of buildings.

The specific type of antenna required depends upon the shape and range of the coverage area desired and the available mounting locations. An omnidirectional antenna provides 360 degrees of signal propagation and an example includes whip antennas.

Directional antennas are used to focus the signal in a particular direction. Examples include panel antennas, Yagi antennas and radiocommunication dishes.

Line-of-sight radiocommunication dishes are sometimes used for communication between base stations. These dishes send a radio signal to a neighbouring dish at a nearby base station.

The area covered by each cell base station is governed by:

- the height of the antenna above the ground (a mobile device needs to have 'sight' of a base station which means the radio signal from the device to the base station needs to be uninterrupted. Hills, trees and tall buildings can obscure this line-of-sight and therefore base stations need to be appropriately located to maximise the coverage available); and

- the radiofrequency. The frequency band in which the network operates can affect cell base station size – normally the higher the radiofrequency (as in third generation or 3G technology) the shorter the distance the signal travels.

The largest area covered by cell base stations occur in sparsely populated rural areas and the smallest in urban centres. In addition, the base station area size in a new 3G network will often be smaller than those required for 2G networks because of user demands for 3G services and the fact that some 3G networks use a higher radiofrequency.

An increase in demand requires additional cell base stations as each base station can only support a limited number of calls simultaneously.

Mobile telecommunication networks are comprised of three types of base station or installation namely macrocell, microcell and picocell. Each of these are described below.

#### 3.1.1 Macrocell Base Station

Macrocell base stations provide the main infrastructure for a mobile telecommunications network. Antennas for macrocells are usually mounted on monopole towers or masts, or on high voltage towers, rooftops and other structures but may be within a building. They are positioned at a height that is not obstructed by surrounding buildings and terrain.

Omnidirectional antennas can be part of a macrocell base station, and radiocommunication dishes can also be part of a macrocell base station.

Digital macrocell base stations (2G and 3G) usually use directional antenna. To cover all directions at least three 120 degree angled macrocell antennas are used.

The following photographs provide examples of macrocell base stations.



Digital macrocell base station (two directional or panel antenna).

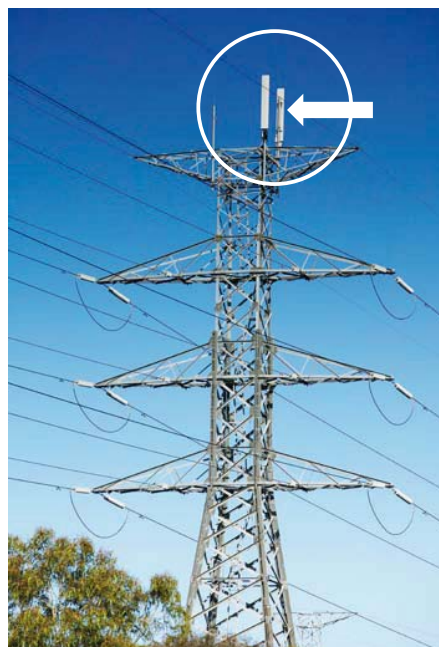


A radiocommunication dish used to send a radiofrequency signal from a macrocell base station to another base station (line-of-sight).



An array of omnidirectional antennas.

The photo below shows a monopole macrocell base station with above ground housing located at the base which is connected to the antennas. A number of carriers are co-located on this monopole. Macrocell base stations directional antennas are typically about 2.8metres in length. These can be placed on existing towers, new towers, rooftops or external sides of buildings or structures.



Macrocell base station antennas co-located on an existing high voltage tower.



### 3.1.2 Microcell Installation

A microcell comprises one or two antennas and associated equipment units that supplement the mobile network in heavy usage areas by providing localised additional coverage and/or extra call capacity.

The antennas for microcells are mounted externally at street level, and are smaller than those used by macrocell base stations and can often be disguised as building features. The antenna(s) can be attached to an existing pole or other street furniture and the equipment unit may be mounted on the pole or structure or on the ground.

Microcells provide coverage for a small geographic area and are often found at intersections and in heavy pedestrian traffic areas. They have a range of a few hundred metres.

Microcell installations, typically, do not use radiocommunication dishes as the installation is linked into the telecommunication network via cable or optical fibre.



A microcell omnidirectional antenna attached to an existing street light pole (extending to the left under the light) and accompanying equipment unit (attached to the right).

### 3.1.3 Picocell Installation (In-Building-Coverage Facility)

Picocells (or In-Building-Coverage-Systems) provide a more localised coverage than microcell installations. These are generally found inside buildings where coverage is poor or where there is a dense population of users such as in airport terminals, office buildings, hotels, stadiums, hospitals, train stations and shopping centres. The picocell base station equipment is usually located in the central plant equipment room (near the MDF) of a building or other service area and includes:

- cables which run from the base station through the building risers connecting the base station equipment to antennas; and
- small antennas located on ceilings or walls

Picocells operate in a similar way to microcell external base stations and operate at a low power level.



Left-right: Picocell antenna suspended from a ceiling; A cone shaped picocell on a ceiling.

**3.2 ASSOCIATED AND UNDERGROUND FACILITIES**

**3.2.1 Underground housing**

Underground housing for telecommunications facilities includes pits, boxes, manholes or other underground equipment or shelter housing that house or provide access to equipment located beneath ground level. Their common feature is a surface lid that sits flush with the adjoining ground surface.



Example of underground housing for telecommunications facilities.

**3.2.2 Above Ground Housing**

An above ground housing provides shelter for telecommunications infrastructure.

Two typical examples of Above Ground Housing are shown in the following photographs.



Pillar



Cabinet

**3.2.3 Underground Conduit or Cable**

An underground conduit or cable is placed into the ground by trenching or direct burial. Once in the ground, the ground is reinstated and the cable cannot be seen. An underground conduit or cable may be on any land. Note: "land" is defined in the EP&A Act.



Cable being inserted into duct.

**3.2.4 Boring or Directional Drilling**

Underground boring or directional drilling is a process whereby a new line is bored or directionally drilled underground. In most cases, a conduit is inserted through the bore hole. A new cable is then hauled through the conduit in the underground bore hole from one end point to the other.

**3.2.5 Emergency Facilities**

In an emergency, telecommunication facilities may be required to protect:

- (a) the integrity of a telecommunications network or a facility, or
- (b) the health or safety of persons, or
- (c) the environment, or
- (d) property, or
- (e) maintenance of an adequate level of service.

### 3.2.6 Temporary Facility

A temporary facility is to:

- (a) to provide service coverage during either routine or emergency maintenance of an existing telecommunications facility, or
- (b) to provide service coverage during the construction or installation of a replacement telecommunications facility, or
- (c) to provide additional service coverage at events such as sporting carnivals, cultural festivals, business conventions, or the like.



Temporary macrocell base station (consisting of two panel antennas) on lattice support mount deployed at a sporting event.

### 3.2.7 Ancillary Facilities

A new or existing radio base station facility generally requires the installation of ancillary facilities that are not directly related to its transmission capabilities but are necessary to ensure the protection of the facility, the safety of maintenance workers and the general public, to provide access to the facility, to provide screening to minimise visual impacts or which are reasonably necessary for the construction and/or operation of the facility. These types of facilities may include:

- (a) Safety rails, fences or guards
- (b) Staircases and ladders
- (c) Steel walkways
- (d) Spreader beams supporting shelters
- (e) Screens and shrouds
- (f) Cable trays
- (g) Pole, rail or pedestal mounts
- (h) EME safety or operational signage
- (i) Anti climbing devices
- (j) Power supply facilities such as cabling, stand by generators and small solar arrays
- (k) Raised platforms in flood-labile land.



Rooftop installation with colour matched cable tray, safety rail and ladder

### 3.2.8 Maintenance of Facilities

Maintenance activities are required for the periodic upkeep and repair of facilities, and to ensure the proper functioning of the facility.

Maintenance is not to result in any more than a minimal increase in size, area occupied by, or noise levels associated with the facility.

# 4 Exempt and Complying Development General Requirements

## 4.1 GENERAL REQUIREMENTS

### (a) Exempt development (clause 116)

A telecommunications facility described in Part 1 of Schedule 3A to SEPP Infrastructure (also set out in Table 1 of this Guideline) may be exempt development, meaning it may be carried out without the need to submit a development application provided that:

- (a) it is for any of the purposes specified in Part 1 of Schedule 3A, and
- (b) it meets the development standards (if any) for the development specified in Part 1 of Schedule 3A, and
- (c) it complies with clause 20 (2) of SEPP Infrastructure, and
- (d) the land on which the development is proposed to be carried out is not located in an environmentally sensitive area within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
- (e) in the case of development that involves the installation of equipment – it is carried out in accordance with the applicable specifications (if any) of the manufacturer for the installation of such equipment, and
- (f) in the case of development that is development of a kind to which the Mobile Phone Networks Code applies – it:
  - (i) complies with that Code, and
  - (ii) is designed, installed and operated so that the maximum human exposure levels to radio frequency emissions comply with the Radiation Protection Standard, and

**Note.** If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.

- (g) in the case of development for the purpose of boring or directional drilling in connection with a telecommunications facility or for the purpose of an underground conduit or cable deployed by either trench or direct burial:
  - (i) access to business premises is not restricted between the hours of 7am and 5pm, Monday to Friday, or such other hours agreed to by the relevant local government authority (i.e. any hours within the range of 7am to 5pm), and

- (ii) where the development is on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone – not more than 100 metres of excavation is left open at any time and vehicle access to each affected property is not lost for more than 8 hours in total, and
- (h) it complies with any relevant site and height requirements specified by the *Civil Aviation Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, and

**Note.** See the Advisory Circular 139-08(0) entitled *Reporting of Tall Structures* issued by the Civil Aviation Safety Authority Australia in 2005 concerning these requirements.

- (i) it does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia, and
- (j) it does not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*.

### (b) Complying development (clause 116A)

An application for a complying development certificate may be made for a telecommunications facility described in Part 2 of Schedule 3A to SEPP Infrastructure (also set out in Table 2 of this Guideline) as complying development provided:

- (a) it is for any of the purposes specified by Part 2 of Schedule 3A, and
- (b) it meets the development standards (if any) for the development specified in Part 2 of Schedule 3A, and
- (c) it complies with the requirements of this clause.

To be complying development, the development:

- (a) it is carried out in relation to an existing building – it must not cause the building to contravene the *Building Code of Australia*, and



- (b) must be carried out in accordance with all relevant requirements of the Blue Book, and
- (c) must not be carried out on land located in an environmentally sensitive area within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
- (d) in the case of development that involves the installation of equipment – it is carried out in accordance with the applicable specifications (if any) of the manufacturer for the installation of such equipment, and
- (e) in the case of development that is development of a kind to which the Mobile Phone Network Code applies – must:
  - (i) comply with that Code, and
  - (ii) be designed, installed and operated so that the maximum human exposure levels to radio frequency emissions comply with the radiation Protection Standard, and

**Note.** If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.

- (f) must comply with any relevant site and height requirements specified by the *Civil Aviation Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, and

**Note.** See the Advisory Circular 139-08(0) entitled *Reporting Tall Structures* issued by the Civil Aviation Safety Australia in 2005 concerning these requirements.

- (g) must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and
- (h) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent, and

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*.

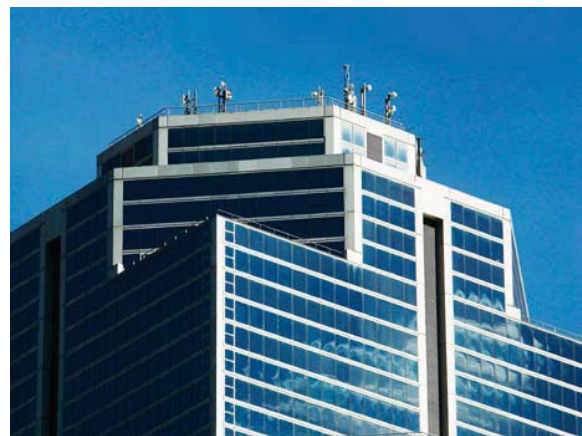
- (i) must not involve land comprising, or on which there is, a heritage item.

**Note.** Section 76A (6) of the Act also provides that certain development cannot be complying development, including development on land that comprises, or on which there is, an item of environmental heritage.

### (c) Complying development certificates

A complying development certificate for development of a telecommunications facility that is complying development under SEPP Infrastructure is subject to the following conditions:

- (a) if the development is part of infrastructure for a public mobile phone network – the principal certifying authority must, before work commences, be given:
  - (i) in the case of development that will produce electromagnetic radiation – a report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Commonwealth and Media Authority and the Electromagnetic Radiation Standard, and
  - (ii) a report showing compliance with the Mobile Phone Networks Code,
- (b) if the works are for an extension of a tower, replacement tower or new tower – temporary construction site fence must be erected around the work site before the works commence and must be kept in place until after completion of works,
- (c) work must be carried out only between 7am and 5pm, Monday to Saturday,
- (d) work must not be carried out on a Sunday or public holiday,
- (e) run-off and erosion controls must be implemented in accordance with the plans to which the complying development certificate relates (before any disturbance to soil at the site) and maintained throughout the period of the works,
- (f) building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held,
- (g) the work site must be left clear of waste and debris at the completion of works and restored, as far as possible, to the original condition.





# 5 Exempt and Complying Development Specific Requirements

## 5.1 SPECIFIC REQUIREMENTS

Table 1 in this Guideline provides a list of telecommunications facilities that are exempt and complying development as provided by SEPP Infrastructure. It incorporates the facilities contained in the Commonwealth *Telecommunications (Low-impact Facilities) Determination 1997* (Determination) and provides for additional developments that do not require development consent as well as complying developments. Appendix C provides a full copy of the *Determination*.

Please refer to Schedule 3A of SEPP Infrastructure for the latest list of exempt and complying developments as SEPP Infrastructure may have been amended since the publication of this Guideline. Please also refer to the latest compilation of the *Determination* for the same reason.

### PART 1 – EXEMPT DEVELOPMENT

TABLE 1

ITEM	DEVELOPMENT PURPOSE		DEVELOPMENT STANDARDS
1	<b>Subscriber and non subscriber connection to a telecommunications network deployed by means of radio or satellite dish (including a radio communication dish)</b>	1.1	If the development is carried out on land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone or on a dwelling: <ul style="list-style-type: none"> <li>(a) in the case of a dish located on a roof – the dish must not be more than 1.2 metres in diameter and no higher than 1.8 metres above the highest point of the roof, or</li> <li>(b) in the case of a ground mounted dish – the dish must:               <ul style="list-style-type: none"> <li>(i) be located in the rear yard</li> <li>(ii) be not more than 1.2 metres in diameter, and</li> <li>(iii) be no higher than 1.8 metres above the highest point of the existing ground level on the lot.</li> </ul> </li> </ul>
		1.2	If the development is not carried on land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone or on a dwelling, the dish must be no more than 1.8 metres in diameter.
		1.3	The dish must be the same colour as its background or painted a neutral colour such as grey.
		1.4	If the dish is mounted on a heritage item or in a heritage conservation area, the dish must not be visible from the street at ground level from the property boundary.
2	<b>A panel antenna, yagi antenna or other directional antenna</b>	2.1	The antenna: <ul style="list-style-type: none"> <li>(d) must be flush mounted to an existing structure, or</li> <li>(e) if not flush mounted, must not be:               <ul style="list-style-type: none"> <li>(i) more than 2.8 metres long, or</li> <li>(ii) more than 5.8 metres (including support mount) in height above the building or structure while it is attached.</li> </ul> </li> </ul>

ITEM	DEVELOPMENT PURPOSE		DEVELOPMENT STANDARDS
		2.3	If the antenna is flush mounted, it must not project above the height of the structure on which it is mounted.
		2.4	The antenna must be the same colour as its background or painted a neutral colour such as grey.
		2.5	If the antenna is mounted on a heritage item or in a heritage conservation area other than by means of flush mounting, the antenna must not be visible from the street at ground level from the property boundary.
3	<b>Omnidirectional antenna</b>	3.1	An antenna must not be: (a) more than 4.5 metres in length excluding support mount, or (b) outriggered more than 500 metres from the support mount, or (c) more than 6.5 metres in height including support mount unless required for NSW Government Radio Networks in which case must not be more than 8.0 metres in height including support mount.
		3.2	If an antenna is mounted on a heritage item or in a heritage conservation area, the antenna must not be visible from the street at ground level from the property boundary.
4	<b>Microcell installation</b>	4.1	If the installation includes a cabinet, the cabinet must not be more than 1 cubic metre in volume.
		4.2	If the installation includes an omnidirectional antenna, the antenna must not be more than 1 metre long.
		4.3	If the installation includes a directional antenna, the antenna must not be more than 1.2 metres long.
5	<b>In-building coverage installation (picocell installation) for the purposes of improving broadband coverage to wireless technology users or the coverage of mobile phone users operating inside the building</b>	5.1	All elements of the installation must be wholly located within a building, structure or tunnel, or integrated with the building, structure or tunnel in such a way as to have the general appearance of being part of the structure.
6	<b>Equipment installed inside a structure</b>	6.1	Equipment installed inside a structure (including an antenna or optic fibre cable) must be concealed in the existing structure.
7	<b>An extension to a tower on land other than in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone</b>	7.1	The extension must be: (a) no greater than 5 metres in height, and (b) for co-location purposes.
		7.2	The tower to be extended must not have previously been extended.

ITEM	DEVELOPMENT PURPOSE	DEVELOPMENT STANDARDS	
8	<b>Replacement of a tower</b>	8.1	If the original tower is located on land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone: (a) the height of a replacement tower (including telecommunications facilities) must not be greater than the height of the original tower (including telecommunications facilities), and (b) the replacement tower is to be located within 10 metres of the position of the original tower.
		8.2	If the original tower is not located on land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone: (a) the height of a replacement tower (including telecommunications facilities) must not be greater than the height of the original tower (including telecommunications facilities), and (b) the replacement tower is to be located within 20 metres of the position of the original tower but no closer to land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone.
		8.3	The replacement must be similar in appearance to the original tower, except that a lattice tower (free standing steel framework tower) may be replaced by a monopole tower (free standing mast or pole like tower).
		8.4	The original tower is to be decommissioned and removed within 12 weeks of the telecommunications equipment on the replacement tower being commissioned.
		8.5	The location of the tower that has been removed must be restored to a condition that is similar to its condition before the original tower was installed, and landscaped as appropriate.
9	<b>Underground housing for telecommunications facilities</b>	9.1	If the housing is in the form of a pit, manhole or other underground equipment or shelter housing, the opening area for the pit, manhole, shelter or housing must be not more than 2 square metres.
		9.2	The land on which the housing is located is to be restored to a condition that is similar to its condition before the underground housing was constructed.

ITEM	DEVELOPMENT PURPOSE		DEVELOPMENT STANDARDS
10	<b>Above ground housing of any of the following kinds:</b> <b>(a) a pillar, cabinet or pedestal installation,</b> <b>(b) an equipment shelter ,</b> <b>(c) housing within a building for subscriber connection equipment,</b> <b>(d) if on land in Zone RU1, RU2, RU3, RU4, RU5, or RU6 or an equivalent land use zone – a solar panel used to power telecommunications equipment contained in the above ground housing.</b>	10.1	If the development is a pillar, cabinet or pedestal installation, it must: (a) not be more than 2 metres high, and (b) have a base area of not more than 2 square metres.
		10.2	If the development is an equipment shelter (other than an equipment shelter used solely to house equipment associated with any antenna, radiocommunication, satellite or microwave dish, or tower or the like), it must: (a) not be more than 2.5 metres high, and (b) have a base area of not more than 5 square metres (excluding minor protrusions such as air conditioning units, steps and cable tray attachments), and (c) be the same colour as its background or painted a neutral colour such as grey.
		10.3	If the development is an equipment shelter used solely to house equipment associated with any antenna, radiocommunication, satellite or microwave dish, or tower or the like, it must: (a) not be more than 3 metres high, and (b) have a base area of not more than 7.5 square metres (excluding minor protrusions such as air conditioning units, steps and cable tray attachments), and (c) be the same colour as its background or painted a neutral colour such as grey.
		10.4	If the development is a solar panel used to power telecommunications equipment contained in the above ground housing, the base area of the panel must not be more than 7.5 square metres.
		10.5	If the development is on a heritage item or in a heritage conservation area, it must not be visible from the street at ground level from the property boundary.
11	<b>Underground conduit or cable including subscriber connection and fibre-optic cable for broadband</b>	11.1	The conduit or cable may only be: (a) laid in an existing trench, or (b) laid in a trench that has been lawfully created for any other purpose, or (c) hauled or otherwise deployed through a duct, pit, hole, tunnel or conduit, or (d) installed in, on or under an existing bridge.
		11.2	A marking post or sign must be erected indicating the location of the conduit cable.
		11.3	After the conduit or cable has been laid, deployed or installed, detectable metallic tracer material or similar material must be installed in or above the conduit or cable to assist with identifying the position of the conduit or cable.
		11.4	The land under which the conduit or cable is installed is to be restored to a condition that is similar to its condition before the conduit or cable was installed.

ITEM	DEVELOPMENT PURPOSE		DEVELOPMENT STANDARDS
12	<b>Above ground cable for subscriber connection or fibre optic cable for broadband</b>	12.1	The cable must be co-located with an above ground electricity supply connection and installed in a manner that is consistent with the requirements set out in the Cable Networks Code.
13	<b>Conduit or cable within a building for subscriber connection or fibre optic cable for broadband</b>		
14	<b>Boring or directional drilling in connection with a telecommunications facility</b>	14.1	The boring or directional drilling must take place at a minimum depth of 600 millimetres.
		14.2	The land on which the boring or directional drilling is carried out is to be restored to a condition that is similar to its condition before the drilling was carried out.
15	<b>Public payphone</b>	15.1	The public payphone cabinet or booth must: <ul style="list-style-type: none"> <li>(a) be for use solely for carriage and content services, and</li> <li>(b) not be designed for other uses (for example, as a vending machine), and</li> <li>(c) not be fitted with devices or facilities for other uses, and</li> <li>(d) not be used to display commercial advertising other than advertising related to the supply of standard telephone services, or displayed as part of the supply of a content service.</li> </ul>
		15.2	The public payphone instrument must: <ul style="list-style-type: none"> <li>(a) be for use solely for carriage and content services, and</li> <li>(b) not be designed for other uses (for example, as a vending machine), and</li> <li>(c) not be fitted with devices or facilities for other uses, and</li> <li>(d) not be used to display commercial advertising other than advertising related to the supply of standard telephone services, or displayed as part of the supply of a content service.</li> </ul>
16	<b>Installation and use of telecommunications facilities:</b> <b>(a) for use in an emergency, or</b> <b>(b) to provide assistance to an emergency services organisation.</b>		

ITEM	DEVELOPMENT PURPOSE		DEVELOPMENT STANDARDS
17	<p><b>Installation and use of temporary telecommunications facilities:</b></p> <p>(a) to provide service coverage during either routine or emergency maintenance of an existing telecommunications facility, or</p> <p>(b) to provide service coverage during the construction or installation of a replacement telecommunications facility, or</p> <p>(c) to provide additional service coverage at events such as sporting carnivals, cultural festivals, business conventions, or the like.</p>	17.1	<p>The facility must:</p> <p>(a) not permanently alter any building or site so that, upon removal, the building or site is in a substantially different condition than it was prior to the establishment of the facility, and</p> <p>(b) be removed within 28 days after the need for the facility has ceased.</p>
18	<p><b>Ancillary facilities to a telecommunications facility for any of the following purposes:</b></p> <p>(a) to ensure the protection or safety of the telecommunications facility, members of the public in close proximity to that facility or persons required to access and maintain that facility</p> <p>(b) to screen or shroud antennas or telecommunications equipment (or both) to minimise their visibility and improve visual outcomes.</p>	18.1	<p>If located on a heritage item or in a heritage conservation area, the facilities must not be visible from the street at ground level from the property boundary.</p>
		18.2	<p>The facilities must not include a power generator.</p>
19	<p><b>Maintenance activities in relation to a telecommunications facility for any of the following purposes:</b></p> <p>(a) the maintenance or repair of the facility,</p> <p>(b) to ensure the proper functioning of the facility.</p>	19.1	<p>The maintenance activities must not result in any more than a minimal increase in size, area occupied by, or noise levels associated with the facility.</p>
20	<p><b>Installation and use of permanent transmission and power cabling (including underground cabling that meets the development standards for underground cable or boring or directional drilling under this Schedule) to enable installation and removal of temporary telecommunications facilities for the purpose of providing additional service or coverage at events such as sporting carnivals, cultural festivals or business conventions, or the like, on the site.</b></p>		

## PART 2 – COMPLYING DEVELOPMENT

TABLE 2

ITEM	DEVELOPMENT PURPOSE		DEVELOPMENT STANDARDS
1	<b>Subscriber and non subscriber connection to a telecommunications network deployed by means of radio or satellite dish (including a radio communication dish) on land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone</b>	1.1	If the dish is located on a roof, the dish must: (a) not be more than 1.8 metres in diameter, and (b) be no more than 2.4 metres above the highest point of the roof.
		1.2	If the dish is ground mounted, the dish must: (a) be located in the rear yard, and (b) not be more than 1.8 metres in diameter, and (c) be no higher than 2.4 metres above the highest point of the existing ground level on the lot.
		1.3	The dish must be the same colour as its background or painted a neutral colour such as grey.
		1.4	If located in a heritage conservation area, the dish must not be visible from the street at ground level from the property boundary.
2	<b>A panel antenna , yagi antenna or other directional antenna on land other than in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone</b>	2.1	If the antenna is not flush mounted to an existing structure: (a) the antenna must not be more than 2.8 metres long, and (b) the antenna must not be more than 8 metres (including support mount) in height above the building or structure to which it is attached, and (c) if located in a heritage conservation area – the antenna must not be visible from the street at ground level from the property boundary.
		2.2	The antenna must be the same colour as its background or painted a neutral colour such as grey.
3	<b>An omnidirectional antenna on land in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone</b>	3.1	An antenna must not be: (a) more than 8.5 metres in height, (b) outrigged more than 500 millimetres from the support mount.
		3.2	The antenna must be the same colour as its background or painted a neutral colour such as grey.
		3.3	If located in a heritage conservation area, the antenna must not be visible from the street at ground level from the property boundary.
4	<b>An extension to a tower on land other than in Zone R1, R2, R3, R4, R5, or RU5 or an equivalent land use zone</b>	4.1	The extension must be: (a) no greater than 7.5 metres in height, and (b) for co-location purposes.
		4.2	The tower to be extended must not have previously been extended.



ITEM	DEVELOPMENT PURPOSE	DEVELOPMENT STANDARDS	
5	<b>New tower on land in Zone , IN1, IN2, IN3, RU1, RU2, RU3 or RU4 or an equivalent land use zone</b>	5.1	If the tower is located on land in Zone IN1, IN2, IN3 or an equivalent land use zone, the tower must not: <ul style="list-style-type: none"> <li>(a) be located within 100 metres of a Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone boundary, or</li> <li>(b) exceed 25 metres in height (including telecommunications facilities) where located between 100 and 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary, or</li> <li>(c) exceed 30 metres in height (including telecommunications facilities) where located more than 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary.</li> </ul>
		5.2	If the tower is located on land in Zone RU1, RU2, RU3, RU4 or an equivalent land use zone, the tower must not: <ul style="list-style-type: none"> <li>(a) be located within 100 metres of a Zone R1, R2, R3, R4, R5, RU5 or an equivalent land use zone boundary, and</li> <li>(b) exceed 25 metres in height (including telecommunications facilities) where located between 100 and 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary, and</li> <li>(c) exceed 50 metres in height (including telecommunications facilities) where located more than 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary.</li> </ul>
6	<b>Ancillary facilities to a telecommunications facility</b>	6.1	If located in a heritage conservation area, the facilities must not be visible from the street at ground level from the property boundary.
		6.2	If the facilities include a stand by power generator, it must be insulated to ensure noise levels do not exceed 35dB(A) from outside the generator housing.

## 6 Development Permitted Without Consent

### 6.1 SPECIFIC REQUIREMENTS

Table 3 provides a list of specific requirements for telecommunications facilities that are Permitted Without Consent in clause 114 of SEPP Infrastructure.

**TABLE 3**

SPECIFIC DEVELOPMENT PERMITTED WITHOUT CONSENT REQUIREMENTS
<p>(1) Development for the purposes of telecommunications facilities (including radio facilities) may be carried out by a public authority without consent on any land.</p> <p>(2) Before a public authority undertakes the development of a tower or mast under this clause, the public authority must:</p> <ul style="list-style-type: none"> <li>(a) give written notice of its intention to carry out the development to the council of the area in which the land is located (unless the authority is that council) and to the occupiers of any adjoining land, and</li> <li>(b) take into consideration any response to the notice that is received within 21 days after the notice is given, and</li> <li>(c) take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.</li> </ul> <p>(3) Development for the purpose of co-locating telecommunications network cables on electricity poles or with underground electricity facilities, other than subscriber connections, may be carried out by any person without consent on any land.</p> <p>(4) Development for the purpose of subscriber connections, other than development of a kind specified in clause 116, may be carried out by any person without consent on any land unless the subscriber's premises, or any land traversed by the connection, is a State or local heritage item or is located in a heritage conservation area.</p> <p>(5) To the extent that the development under this clause involves the erection of an aerial cable by a person other than a public authority, the erection of the cable must be consistent with the Cable Networks Code.</p>

## 7 Development Permitted With Consent

### 7.1 SPECIFIC REQUIREMENTS

Table 4 provides a list of specific requirements for telecommunications facilities that are Permitted With Consent in clause 115 of SEPP Infrastructure.

**TABLE 4**

SPECIFIC DEVELOPMENT PERMITTED WITH CONSENT REQUIREMENTS
<p>(1) Development for the purposes of telecommunications facilities, other than development in clause 114, or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.</p> <p>(2) To the extent that the development under this clause involves the erection of an aerial cable, the erection of the cable must be consistent with the Cable Networks Code.</p> <p>(3) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p>

# Appendix A – Terminology

Set out below is a guide to the terminology used in this Guideline.

<b>1G and 2G</b>	means the original mobile network systems, known as first generation (1G) included analog mobile phones. Second generation (2G) systems included digital mobile phones using Global System for Mobile (GSM) technology (a digital standard for mobile telecommunications).
<b>3G</b>	means traditional voice services, involving high-quality voice transmission, global roaming, always-on data availability, high speed mobile Internet access, and high capacity email.
<b>4G and 5G</b>	<p>The introduction of 3G technology provided a huge expansion in mobile capacity and bandwidth, and 4G, will do the same for broadband communications in the 2010-2015 timeframe. 4G will support a wide range of data rates, enhanced multimedia services, new transmission techniques, new Internet access technology, greater compatibility in interfacing with wired backbone networks, and security mechanisms.</p> <p>5G. The users of 5G will be able to download a movie or videogame and then store the data in a handset. 5G will support the sorts of advanced multimedia applications such as teleimmersion, three-dimensional virtual reality and telerobotics.</p>
<b>Above ground Housing</b>	means shelter for above ground telecommunications infrastructure. See Table 1 of this Guideline.
<b>ADSL</b>	means Asymmetric Digital Subscriber Line - a technology that allows existing twisted pair telephone lines to access the Internet at high speeds. A technology for transmitting digital information at a high bandwidth on existing phone lines to homes and businesses. Unlike regular dial up phone service, ADSL provides continuously-available, 'always on' connection. ADSL is asymmetric in that it uses most of the channel to transmit downstream to the user and only a small part to receive information from the user. ADSL simultaneously accommodates analog (voice) information on the same line.
<b>Aerial/antenna</b>	means a structure or electrical device that sends or receives electromagnetic wave signals.
<b>Aerial cabling</b>	means an outside communications cable designed to be suspended from poles or other overhead structures.
<b>Ancillary facilities</b>	<p>Ancillary facilities to a telecommunications facility means any of the following:</p> <ul style="list-style-type: none"> <li>(a) safety rails, fences or guards,</li> <li>(b) staircases or ladders,</li> <li>(c) steel walkways,</li> <li>(d) spreader beams supporting shelters,</li> <li>(e) screens or shrouds,</li> <li>(f) cable trays</li> <li>(g) pole, rail or pedestal mounts,</li> <li>(h) electromagnetic energy, safety or operational signage,</li> <li>(i) anti climbing devices,</li> <li>(j) power supply such as cabling, stand by generators or small solar arrays,</li> <li>(k) raised platforms in flood-liaible land.</li> </ul>

<b>Array of antennas</b>	means two or more antennas connected and arranged in a regular structure to form a single antenna.
<b>Base station</b>	See Macrocell, Microcell or Picocell Base Station.
<b>Boring or directional drilling</b>	means a process whereby new cable is run through ducts that already exist or is directionally bored underground from one end point to the other.
<b>Broadband</b>	<p>means a term used to express the speed and capacity at which a telecommunication service is delivered. Broadband is derived from the words, 'broad' and 'bandwidth' and is a generic term covering many different high capacity telecommunication circuits including two-way, 'always-on' Internet connections. Broadband offers the opportunity to access the Internet and to obtain high volume data, at fast speeds.</p> <p>The current and proposed delivery of broadband in Australia is via:</p> <ul style="list-style-type: none"> <li>(a) Copper telephone lines (e.g. ADSL and VDSL);</li> <li>(b) Wireless systems (e.g. mobiles, WiFi, WiMax, satellite);</li> <li>(e) Hybrid fibre-coaxial (HFC); and</li> <li>(f) Fibre systems, including the fibre-to-the-node (FTTN) and fibre-to-the-premises (FTTP) technology.</li> </ul> <p>Each of these digital delivery methods can produce fast broadband and include services such as voice, video, TV (including IPTV), data and text on a range of platforms.</p>
<b>Cabinet</b>	means a structure which protects transmitters and receivers and repeater equipment from damage. They can be in the form of small or large cabinets.
<b>Cable Network Code</b>	means the Australian Communications Industry Forum Industry Code entitled ACIF C524:2004 External Communication Cable Network.
<b>Carrier</b>	a telecommunication carrier has the same meaning as in the <i>Telecommunications Act 1997</i> .
<b>Cell</b>	means a geographic area of coverage of a base station.
<b>Co-located purpose</b>	means for the purpose of placing the telecommunications facilities of two or more carriers on the same support structure.
<b>Coverage objectives</b>	means the geographic area in which a carrier intends to provide their services
<b>Digital</b>	means a process which breaks an audio or video signal into a binary format where the audio or video data is represented by a series of '1's and '0's.
<b>Directional antenna</b>	means an antenna that focuses a narrow beam in a single specific direction, and includes an array of such antennas.
<b>DSL</b>	means digital subscriber line which is a family of technologies that provides digital data transmission over the wires of a local telephone network. DSL can be used at the same time and on the same telephone line with regular telephone, as it uses high frequency, while regular telephone uses low frequency.
<b>Electromagnetic Radiation Standard</b>	means the <i>Radiocommunications (Electromagnetic Radiation-Human Exposure) Standard 2003</i> made under section 162 of the <i>Radiocommunications Act 1992</i> of the Commonwealth.
<b>Electromagnetic waves/fields</b>	means electromagnetic waves/fields that are used to transmit and receive signals from mobiles phones and their base stations. The type of electromagnetic waves mobile phones use is called radiofrequency waves/fields.

<b>Emergency</b>	<p>in relation to a telecommunications facility, means circumstances in which the facility must be installed without delay to protect:</p> <p>(a) the integrity of a telecommunications network or a facility, or  (b) the health or safety of persons, or  (c) the environment, or  (d) property, or  (e) the maintenance of an adequate level of service.</p>
<b>Equivalent land use zone</b>	<p>equivalent land use zone, in relation to a named land use zone, means a land use zone that is equivalent to the named land use zone.</p> <p>Note: Land use zones that are named in this Guideline are those set out in the standard instrument. See also clause 6 of <i>State Environmental Planning Policy Infrastructure 2007</i> for the meaning of a land use zone that is equivalent to a named land use zone.</p>
<b>Feeder cable</b>	<p>means the cable which connects an antenna to a base station transmitter or receiver.</p>
<b>Fibre-to-the-premises (FTTP) network</b>	<p>means a telecommunication architecture based on fibre-optic cables run directly to the customers' premises. FTTP allows delivery of broadband services such as high speed internet.</p>
<b>Flush</b>	<p>means fixed flush with surface, where the facility is close to or against the surface.</p>
<b>Frequency</b>	<p>means the number of times per second at which an electromagnetic wave oscillates. It determines the wave's properties and usage. Frequencies are measured in hertz (Hz). 1 Hz is one oscillation per second, 1 kHz a thousand, 1 MHz is a million and 1GHz is a thousand million. Frequencies between 30 kHz and 300 GHz are widely used for telecommunications, and broadcast radio and television, and comprise the radiofrequency band. Mobile telephony systems currently operate at 800MHz, 900MHz, 1800MHz and 2100MHz.</p>
<b>Global positioning system antenna</b>	<p>means an antenna receives signals sent by GPS satellites.</p>
<b>Heritage item</b>	<p>means a local heritage item or a State heritage item.</p>
<b>Hybrid fibre-coaxial (HFC)</b>	<p>means a term for a broadband network which combines optical fibre and coaxial cable. The fibre optic network extends from the cable operators' master headend, sometimes to regional headends, and out to a neighbourhoods hubsite, and finally to a fibre optic node which serves anywhere from 25 to 2000 homes. A master headend will usually have satellite dishes for reception of distant video signals as well as IP aggregation routers. A fibre optic node has a broadband optical receiver which converts the downstream optically modulated signal coming from the headend/hub to an electrical signal going to the homes.</p>
<b>In-building coverage installation</b>	<p>means a facility installed within a building with the aim of managing and maintaining the supply of carriage services to a customer of a carrier.</p>
<b>IPTV</b>	<p>means Internet Protocol Television which is a system where a digital television service is delivered using Internet Protocol over a network infrastructure, which may include delivery by a broadband connection. A general definition of IPTV is television content that, instead of being delivered through traditional broadcast and cable formats, is received by the viewer through the technologies used for computer networks.</p> <p>For residential users, IPTV is often provided in conjunction with Video on Demand. IPTV is typically supplied by a service provider using a closed network infrastructure. This closed network approach is in competition with the delivery of TV content over the public Internet, called Internet Television</p>
<b>Lattice tower</b>	<p>means a freestanding steel framework tower.</p>

<b>Low impact facility</b>	Low-impact facility has the same meaning as in <i>Telecommunications (Low-impact Facilities) Determination 1997</i> .
<b>Low-Impact Facilities Determination</b>	means the Telecommunications (Low-impact Facilities) Determination 1997 made under clause 6(3) of Schedule 3 to the Telecommunications Act 1997 of the Commonwealth.
<b>Maintenance activities</b>	in relation to a telecommunications facility, means painting, restoration or minor replacement of materials, elements, components, equipment or fixtures that compromise the facility for the purposes of maintaining or ensuring the proper functioning of the facility.
<b>MDF</b>	means main distribution frame which is where inside and outside cables and conduit terminate. It is the usual location for most of the electronic hardware associated with the building's telecommunications facilities, including data equipment.
<b>Macrocell base station</b>	means the main infrastructure for a mobile telecommunications network. Antennas for macrocells are usually mounted on monopole towers or masts, rooftops and other existing structures but may be within a building. They are positioned at a height that is not obstructed by surrounding buildings and terrain. See Chapter 3 of this Guideline.
<b>Maintenance activities</b>	Maintenance activities, in relation to a telecommunications facility, means painting, repair or minor replacement of materials, elements, components, equipment or fixtures that comprise the facility for the purposes of maintaining, repair or ensuring the proper functioning of the facility.
<b>Microcell installation</b>	means an installation that comprises one or more antennas and associated equipment cabinets for use in supplementing a mobile phone network in heavy usage areas by providing localised additional coverage or extra call capacity (or both).
<b>Mobile Phone Networks Code</b>	Means the Australian Communications Industry Forum Industry Code entitled ACIF C564:2004 <i>Deployment of Mobile Phone Network Infrastructure</i> .
<b>Monopole tower</b>	means a single free standing mast or pole like tower. See 'Tower'.
<b>Omnidirectional antenna</b>	means an antenna that sends or receives signals equally in all directions, and includes: (a) an array of such antennas, and (b) such antenna for repeater installations, global positioning systems and the like
<b>Panel antenna</b>	means a directional antenna that is flat and has a panel-like appearance.
<b>Phased-array antennas</b>	means a small, flat antenna that is steered electronically. It is a group of antennas in which the relative phases of the respective signals feeding the antennas are varied in such a way that the effective radiation pattern of the array is reinforced in a desired direction and suppressed in undesired directions. It provides great agility and fast tracking, as well as the ability to form multiple antenna beams simultaneously. It allows for very fast and precise steering of the communication beam.
<b>Picocell installation</b>	means In-Building Coverage Installation or In-Building-Coverage-Systems that provide more localised coverage and are smaller than microcells. These are generally found inside buildings where coverage is poor or where there is a dense population of users such as in airport terminals, office buildings, hotels, stadiums, hospitals, train stations and shopping centres. The picocell base station equipment is usually located in a building's Facilities Room or other service area and includes: (a) cables which run from the base station through the building risers connecting the base station equipment to antennas; and (b) small antennas located on ceilings or walls in strategic locations  Picocells operate in a similar way to microcell external base stations but at lower power levels.

<b>Public utility structure</b>	means a structure used, or for use, by a public utility, for the provision to the public of: (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage; or (b) carriage services (other than carriage services supplied by a carriage service provider); or (c) transport services; or (d) a product or service of a kind that is similar to a product or service covered by paragraph (a), (b) or (c).
<b>Radiation Protection Standard</b>	means the Radiation Protection Standard entitled <i>Maximum Exposure Levels to Radiofrequency Fields-3 kHz to 300 GHz (2002)</i> published by the Australian Radiation Protection and Nuclear Safety Agency.
<b>Radiocommunication dish</b>	means a dish directional antenna used to send and /or receive radiofrequency communications, on a point to point basis for example between base stations, and forms part of the mobile telecommunications network.
<b>Radio traffic capacity demands</b>	means the amount of demand for wireless voice and data services in the geographic area.
<b>Radio waves</b>	means the electromagnetic waves (signals) occurring on the radiofrequency portion of the electromagnetic spectrum.
<b>Repeater installation</b>	means a radiofrequency installation is used in situations where signal is required to be improved. Repeaters may be used inside retail outlets, shopping centres or commercial buildings to improve coverage to specific areas within those buildings or at selected remote locations. A repeater installation consists of an external antenna or antennas, a small internal antenna and a small equipment box.
<b>Rf field hazard area</b>	means radiofrequency field hazard areas that show the assessed hazardous area related to Rf fields prepared for occupational exposure purposes related to a telecommunication facility.
<b>Subscriber connection</b>	means an installation for the sole purpose of connecting premises to a telecommunications network.
<b>Sufficient call quality</b>	means a service level metric applicable to the relevant carrier which may include latency and speed throughout.
<b>Support mount</b>	support mount, in relation to a telecommunications facility, means a structure to support the facility but does not include a tower.
<b>Telecommunications facility</b>	means: 1. any part of the infrastructure of a telecommunications network, or 2. any line, cable, optical fibre, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole, or other structure in connection with a telecommunications network.
<b>Telecommunications network</b>	Telecommunication network has the same definition as it has in the Standard Instrument. <b>Note:</b> The Standard Instrument defines telecommunications network as follows – 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.
<b>Tower</b>	means a freestanding ground-based structure that supports a telecommunications facility at a height where it can satisfactorily send and receive waves, but does not include the facility.
<b>Transmission tower</b>	means a steel tower or mast carrying high-tension electricity lines, telephone wires, or other cables and lines.



<b>Transmitter</b>	means electronic equipment that generates radiofrequency electromagnetic energy and is connected to an antenna via a feeder cable.
<b>Underground cable facility</b>	means an underground cable or duct that is placed into the ground by trenching or direct burial. Once in the ground, the ground is reinstated and the cable cannot be seen. It includes Fibre-to-the-Premises (FTTP) for broadband.
<b>Underground housing</b>	means underground housing including pits, boxes, manholes, etc, that house or provides access to equipment located beneath ground level. Their common feature is a surface lid that sits flush with the adjoining ground surface.
<b>VDSL</b>	means Very-High-Bit-Rate DSL – A transmission medium that provides a maximum span of about 1,500 m over a twisted-pair cable.
<b>Wavelength</b>	means the distance in metres between any two ‘similar’ points on a radio wave. This portion of the wave is referred to as one complete cycle. The lower the frequency of a wave the longer the wavelength.
<b>Whip antenna</b>	means an antenna that is a stiff, yet flexible, wire (almost always) mounted vertically, and attached at one end to a ground plane. Whips are thought of as omnidirectional, because they radiate equally in all directions when viewed from above, however whips are less receptive to signals directly above them.
<b>WiFi</b>	means a wireless Local Area Net technology (LAN) that provides wireless transmission of data based on the Institute of Electrical and Electronics Engineers or IEEE 802.11 standards. The trademark Wi-Fi was created by the Wi-Fi Alliance, comprising more than 300 companies, whose products are certified by the Wi-Fi Alliance to be interoperable. A Wi-Fi enabled device such as a laptop, PC (personal computer), PDA (personal digital assistant – handheld computer) or mobile phone can connect to the Internet when within range of a wireless network connected to the Internet.
<b>Wireless facility</b>	means a facility that transmits and receives radio frequency waves to communicate within a cellular network or to facilitate backhaul transmissions to a mobile telephone exchange.
<b>Wireline facility</b>	means a facility that provides telecommunications links and services by transmitting signals between network elements via a guided path such as copper or optical fibre.
<b>WiMax</b>	means Worldwide Interoperability for Microwave Access, which is a telecommunications technology that provides wireless transmission of data using a variety of transmission modes, from point-to-point links to portable internet access. The name ‘WiMAX’ was created by the WiMAX Forum, which was formed in June 2001 to promote conformity and interoperability of the standard. The forum describes WiMAX as ‘a standards-based technology enabling the delivery of last mile wireless broadband access as an alternative to cable and DSL’.
<b>Yagi antenna</b>	means an antenna that radiates in only one direction, consisting of one or two dipoles connected to the transmitting or receiving circuit, and several insulated dipoles all parallel and about equally spaced in a line. The formal name for a “Yagi antenna” is “Yagi-Uda array”. A Yagi antenna is used to improve the directional gain of a television antenna when reception is otherwise weak.
<b>Zone</b>	means a zone in the Standard Instrument Principal Local Environmental Plan or an equivalent zone

# Appendix B – Example of Set Standard Conditions of Consent

## PART A – ADMINISTRATIVE CONDITIONS

### A1 Development Description

Development consent is granted only to carrying out the development described in detail as follows:

### A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number... submitted by the applicant on, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following (Statement of Environmental Effects, Drawings, reports and the like)

### A3 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

## PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### B1 Payment of Levy Fee

Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

### B2 Airspace

The Council must, prior to the release of the Construction Certificate, be given a report:

- (1) showing compliance with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth, and
- (2) showing that it does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

**Note:** See the Advisory Circular 139-08(0) entitled Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia in 2005 concerning these conditions.

## PART C – PRIOR TO COMMENCEMENT OF WORKS

### C1 Construction Certificate

A Construction Certificate issued by the PCA is to be deposited with Council at least 48 hours prior to commencement of any building work on the site.

### Construction Management

#### C2 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Council a 24 hour telephone number to be operated for the duration of the construction works.

### Compliance

#### C3 Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Council a report addressing compliance with all relevant conditions of this consent.

## PART D – DURING CONSTRUCTION

### Site Maintenance

#### D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### Construction Management

#### D2 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the PCA.

#### D3 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and

#### **D4 Contact Telephone Number**

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development and this is displayed for public viewing at the entrance to the site.

#### **Noise and Vibration**

##### **D5 Hours of Work**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 5:00 pm, Mondays to Saturdays inclusive;
- (2) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities; or
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- (3) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

#### **Heritage**

##### **D6 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

If any previously unidentified archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the Heritage Branch of the Department of Planning must be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required for further works can be considered in that area. Works shall not recommence until the applicant receives written authorisation from the Heritage Branch.

##### **D7 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics**

If any previously unidentified Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately cease work and notify the DECCW in accordance with the *National Parks and Wildlife Act 1974* and obtain any necessary approvals to continue the work. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the DECCW and the applicant receives written authorisation from the DECCW.

#### **PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

##### **E1 Road Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets adjoining the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant prior to the issue of an Occupation Certificate.

##### **E2 Electromagnetic Emissions**

Where the development is part of infrastructure for a public mobile phone network – the Council must, before commencement of use, be given:

- (i) in the case of development that will produce electromagnetic radiation—a report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and
- (ii) a report showing compliance with the Australian Communications Industry Forum Industry Code entitled C1F C564:2004 *Deployment of Mobile Phone Network Infrastructure*.

##### **E3 Electromagnetic Emissions**

Where the development is part of infrastructure for a public mobile phone network – the Council must, before commencement of use, be given:

- (i) in the case of development that will produce electromagnetic radiation—a report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and

- (ii) a report showing compliance with the Australian Communications Industry Forum Industry Code entitled ACIF C564:2004 *Deployment of Mobile Phone Network Infrastructure*.

#### **ADVISORY NOTES**

##### **AN1 Compliance with Building Code of Australia**

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

# Appendix C – The (Commonwealth) Telecommunications (Low-Impact Facilities) Determination 1997

**Note:**

The compilation date of the *Telecommunications (Low-impact Facilities) Determination 1997* contained in Appendix C is dated 14 July 2004. This compilation has taken into account Amendment No. 1 of 1999.

Please check to ensure this compilation is the latest copy, and that other Commonwealth legislation does not apply. Please seek advice from the Commonwealth regarding compliance.

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## **Telecommunications (Low-impact Facilities) Determination 1997**

**as amended**

made under subclause 6 (3) of Schedule 3 of the

*Telecommunications Act 1997*

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This compilation was prepared on 14 July 2004  
taking into account amendments up to *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)*

Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra

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**Section 1.2**

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## Part 1 Preliminary

### 1.1 Citation [see Note 1]

This determination may be cited as the *Telecommunications (Low-impact Facilities) Determination 1997*.

### 1.2 Commencement

This determination commences on 1 July 1997.

#### Background to determination

Part 1 of Schedule 3 to the *Telecommunications Act 1997* authorises a carrier to enter on land and install a facility if the facility is a low-impact facility.

Under subclause 6 (3) of Part 1, the Minister may, by written instrument, determine that a specified facility is a low-impact facility.

Under subclauses 6 (4), (5) and (7), certain facilities cannot be low-impact facilities:

- designated overhead lines
- a tower that is not attached to a building
- a tower attached to a building and more than 5 metres high
- an extension to a tower that has previously been extended
- an extension to a tower, if the extension is more than 5 metres high.

A facility cannot be a low-impact facility unless it is specified in this determination. Therefore, overhead cabling and new mobile telecommunications towers are not low-impact facilities.

Also, a facility will be a low-impact facility only if it is installed in particular areas identified in this determination. The areas have an order of importance, based on zoning under State or Territory laws, so that any area only has its “highest” possible zoning. The order of priority is:

- area of environmental significance
- residential areas
- commercial areas
- industrial areas
- rural areas.

Part 1 Preliminary

### Section 1.3

One effect of this determination is that a facility in an area of environmental significance cannot be a low-impact facility.

Rules for the installation and maintenance of a low-impact facility can be found in Schedule 3 to the Telecommunications Act and the Telecommunications Code of Practice 1997.

#### Simplified outline of determination

The determination has 3 Parts.

Part 2 identifies areas in which a facility may be installed, by reference to zoning arrangements under State and Territory planning laws.

Part 3 and the Schedule identify the low-impact facilities.

Definitions for words and expressions used in this determination are to be found in section 1.3.

### 1.3 Definitions

In this determination:

*Aboriginal person* has the same meaning as in Schedule 3 to the Act.

*Act* means the *Telecommunications Act 1997*.

*area of environmental significance* has the meaning given by section 2.5.

*co-located facilities* means one or more facilities installed on or within:

- (a) an original facility; or
- (b) a public utility structure.

*commercial area* has the meaning given by section 2.1.

*emergency*, for the installation of a facility, means circumstances in which the facility must be installed without delay to protect:

- (a) the integrity of a telecommunications network or a facility; or
- (b) the health or safety of persons; or
- (c) the environment; or
- (d) property; or
- (e) the maintenance of an adequate level of service.

*emergency services organisation* has the same meaning as in subsection 265 (11) of the Act.

*Note* At the commencement of this determination, the emergency service organisations were:

- a police force or service
- a fire service

## Section 1.3

- an ambulance service
- a service specified in the numbering plan (see Act, s 455) as an emergency services organisation
- a service for despatching the force or service.

***in-building subscriber connection equipment*** means a facility installed within a building with the aim of managing and maintaining the supply of carriage services to a customer of a carrier.

***industrial area*** has the meaning given by section 2.2.

***installation***, for a facility, has the same meaning as in Part 1 of Schedule 3 to the Act.

*Note* Installation includes:

- construction of the facility
- attachment of the facility to a building or other structure
- any activity ancillary to installation.

***listed international agreement*** has the same meaning as in Schedule 3 to the Act.

*Note* Listed international agreements are agreements specified in the regulations.

***Nature Conservation Director*** means the Director of National Parks and Wildlife under the *National Parks and Wildlife Conservation Act 1975*.

***original facility*** means the original structure that is currently used, or intended to be used, for connection to a telecommunications network where the original structure was:

- (a) in place on the date on which the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)* took effect; or
- (b) installed after that date by means other than in accordance with Part 7 of the Schedule.

***planning law***, for an area, means a law of the State or Territory where the area is located dealing with land use, planning or zoning.

***principal designated use***, for an area, has the meaning given by section 1.4.

***public utility*** has the same meaning as in Schedule 3 to the Act.

***public utility structure*** means a structure used, or for use, by a public utility, for the provision to the public of:

- (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage; or
- (b) carriage services (other than carriage services supplied by a carriage service provider); or
- (c) transport services; or
- (d) a product or service of a kind that is similar to a product or service covered by paragraph (a), (b) or (c).

***relevant local government authority***, for land in a State or Territory, means an authority of the State or Territory responsible for the local government of the area where the land is located.

***residential area*** has the meaning given by section 2.3.

Part 1

Preliminary

**Section 1.4**

*rural area* has the meaning given by section 2.4.

*significant environmental disturbance* means significant interference with the relationship between a species or community and its immediate environment or habitat and includes, for example, significant interference with identified flora and fauna, ecological communities, geological features, wilderness values or scientific values within an area.

*subscriber connection* means an installation for the sole purpose of connecting premises to a telecommunications network.

*Torres Strait Islander* has the same meaning as in Schedule 3 to the Act.

*tower* means a tower, pole or mast.

*Note* A number of other words and expressions used in this determination are defined in the *Telecommunications Act 1997* (see s 7), including ‘carrier’ and ‘facility’.

*volume* means the apparent volume of materials that constitute:

- (a) co-located facilities; or
- (b) an original facility; or
- (c) a public utility structure;

where the materials are visible from a point outside the co-located facilities, original facility or public utility structure.

**1.4 Principal designated use**

- (1) If an area is described, under a planning law, as having a sole or principal use, the use is the *principal designated use* of the area.
- (2) If an area is described, under a planning law, as having 2 or more uses, in terms that show that 1 of the uses is the predominant, preferred or most likely use, the use is the *principal designated use* of the area.
- (3) If an area is described, under a planning law, as having 2 or more principal uses, without any indication of the predominant, preferred or most likely use, the *principal designated use* of the area is determined on the following basis:
  - (a) if the uses include residential purposes, the principal designated use is for residential purposes;
  - (b) if the uses include commercial purposes, but not residential purposes, the principal designated use is for commercial purposes;
  - (c) if the uses include industrial purposes, but neither residential nor commercial purposes, the principal designated use is for industrial purposes.
- (4) If a carrier proposes to engage in a low-impact facility activity in an area under Chapter 4 of the *Telecommunications Code of Practice 1997*, the principal designated use of the area is to be determined by reference to the time when the carrier proposes to issue the first notice to the owner or occupier of land in the area under Part 5 of that Chapter.

*Note* Areas of environmental significance are identified in accordance with section 2.5, not by reference to planning laws.

Preliminary

Part 1

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**Section 1.4**

The effect of this determination is that an area may be an area of environmental significance, and also a residential, commercial, industrial or rural area identified by reference to planning laws. However, the area's status as an area of environmental significance is more important for the identification of low-impact facilities.

Part 2 Areas

**Section 2.1**

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## **Part 2 Areas**

### **2.1 Commercial area**

An area is a commercial area if its principal designated use is for commercial purposes.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

### **2.2 Industrial area**

An area is an industrial area if its principal designated use is for industrial purposes.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

### **2.3 Residential area**

- (1) An area is a residential area if its principal designated use is for residential purposes.
- (2) A part of a built-up area is a residential area if it cannot otherwise be described as a commercial, industrial or rural area.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

### **2.4 Rural area**

- (1) An area is a rural area if its principal designated use is for rural purposes.
- (2) An area that is not part of a built-up area is a rural area if it cannot otherwise be described as a commercial, industrial or residential area.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

### **2.5 Area of environmental significance**

- (1) An area is an area of environmental significance if it is identified property for section 3A of the *World Heritage Properties Conservation Act 1983*.
- (2) An area is an area of environmental significance if it is an identified property (within the meaning of section 3A of the *World Heritage Properties Conservation Act 1983*).
- (3) An area is an area of environmental significance if it is a place that Australia is required to protect by the terms of a listed international agreement.
- (4) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:
  - (a) it is designated as a reserve for nature conservation purposes; and
  - (b) the principal purpose of the designated reserve is for nature conservation.

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**Section 2.5**

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- (5) An area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or Territory, is protected from significant environmental disturbance.
- (6) An area is an area of environmental significance if it is entered in the Register of the National Estate or the Interim List for that Register.
- (7) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
- (8) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it is:
  - (a) entered in a register; or
  - (b) otherwise identified;as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

Part 3                      Low-impact facilities

**Section 3.1**

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## **Part 3                      Low-impact facilities**

### **3.1                      Facilities**

- (1) A facility described in column 2 of an item in the Schedule is a low-impact facility only if it is installed, or to be installed, in an area mentioned in column 3 of the item.
- (2) However, the facility is not a low-impact facility if the area is also an area of environmental significance.
- (3) For subsection (1), trivial variations for a facility mentioned in column 2 are to be disregarded.
- (4) A facility that is ancillary to a facility covered by subsection (1) is also a low-impact facility only if it is installed, or to be installed, solely to ensure the protection or safety of:
  - (a) the low-impact facility; or
  - (b) persons or property in close proximity to the low-impact facility.



## Schedule Facilities and areas

(section 3.1)

### Part 1 Radio facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
1A	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
2	Panel, yagi or other like antenna: (a) flush mounted to an existing structure; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
3	Panel, yagi or other like antenna: (a) not more than 2.8 metres long; and (b) if the antenna is attached to a structure — protruding from the structure by not more than 3 metres; and (c) either: (i) colour-matched to its background; or	Residential Commercial Industrial Rural

Schedule Facilities and areas  
Part 1 Radio facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	(ii) in a colour agreed in writing between the carrier and the relevant local authority	
4	An omnidirectional antenna or an array of omnidirectional antennas: (a) not more than 4.5 metres long; and (b) not more than 5 metres apart; and (c) if the array is attached to a structure — protruding from the structure by not more than 2 metres	Industrial Rural
5	Radiocommunications dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority; and (c) if attached to a supporting structure, the total protrusion from the structure is not more than 2 metres	Residential Commercial Industrial Rural
5A	Radiocommunications dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
6	Microcell installation with: (a) a cabinet not more than 1 cubic metre in volume; and (b) a separate antenna not more than 1 metre long	Residential Commercial Industrial Rural
7	In-building coverage installation: (a) to improve cellular coverage to mobile phone users operating inside a building; and (b) wholly contained and concealed in a building	Residential Commercial Industrial Rural

Facilities and areas  
Above ground housing

Schedule  
Part 3

Column 1 Item no.	Column 2 Facility	Column 3 Areas
8	Equipment installed inside a structure, including an antenna concealed in an existing structure	Commercial Industrial Rural
9	An extension to a tower if: (a) the height of the extension does not exceed 5 metres; and (b) there have been no previous extensions to the tower	Industrial Rural

## Part 2      Underground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pit with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Manhole with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
3	Underground equipment shelter or housing with surface area of not more than 2 square metres	Residential Commercial Industrial Rural

## Part 3      Above ground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pillar: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Roadside cabinet: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural

Schedule  
Part 3

Facilities and areas  
Above ground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
3	Pedestal: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
4	equipment shelter: (a) not more than 2.5 metres high; and (b) with a base area of not more than 5 square metres; and (c) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
5	equipment shelter: (a) used solely to house equipment used to assist in providing a service by means of a facility mentioned in Part 1; and (b) not more than 3 metres high; and (c) with a base area of not more than 7.5 square metres; and (d) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
6	In-building subscriber connection equipment	Residential Commercial Industrial Rural
7	Solar panel with a base area of not more than 7.5 square metres	Rural

Facilities and areas  
Underground cable facilities

Schedule  
Part 4

## Part 4      Underground cable facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Underground conduit or cable deployed by: <ul style="list-style-type: none"> <li>(a) narrow trench not more than:               <ul style="list-style-type: none"> <li>(i) 450 millimetres wide; or</li> <li>(ii) 650 millimetres wide if intended to be used by more than one carrier; or</li> </ul> </li> <li>(b) direct burial; or</li> <li>(c) bore or directional drill hole at least 600 millimetres below the surface;</li> </ul> where: <ul style="list-style-type: none"> <li>(d) access to business premises is not restricted between the hours of 8 am and 6 pm, Monday to Friday, or such other hours agreed to by the relevant local government authority; and</li> <li>(e) in relation to residential areas, not more than 100 metres of excavation is left open at any time and vehicle access to each property is not lost for more than 8 hours in total</li> </ul>	Residential Commercial Industrial Rural
2	Conduit or cabling to be laid in: <ul style="list-style-type: none"> <li>(a) an existing trench; or</li> <li>(b) a trench created by a developer, relevant local government authority, public utility or carrier.</li> </ul>	Residential Commercial Industrial Rural
3	Cable location marking post or sign	Residential Commercial Industrial Rural

Schedule	Facilities and areas
Part 5	Public payphones

## Part 5 Public payphones

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Public payphone cabinet or booth: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services	Residential Commercial Industrial Rural
2	Public payphone instrument: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services or displayed as part of the supply of a content service	Residential Commercial Industrial Rural

## Part 6 Emergency facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A temporary facility installed: (a) in an emergency; and (b) to provide assistance to an emergency services organisation	Residential Commercial Industrial Rural

Facilities and areas  
Co-located facilities

Schedule  
Part 7

## Part 7 Co-located facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4;  installed on or within: (c) an original facility; or (d) a public utility structure	Industrial Rural
2	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4;  installed on or within: (c) an original facility; or (d) a public utility structure;  where: (e) the total volume of the co-located facilities is no more than 25 per cent greater than the volume of the original facility or the original infrastructure; and (f) the levels of noise that are likely to result from the operation of the co-located facilities are less than or equal to the levels of noise that resulted from the operation of the original facility or the public utility structure	Residential Commercial

Notes to the *Telecommunications (Low-impact Facilities) Determination 1997*

### Table of Instruments

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## Notes to the *Telecommunications (Low-impact Facilities) Determination 1997*

### Note 1

The *Telecommunications (Low-impact Facilities) Determination 1997* (in force under subclause 6 (3) of the *Telecommunications Act 1997*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

Title	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Telecommunications (Low-impact Facilities) Determination 1997</i>	30 June 1997 (see Gazette 1997, No. S250)	1 July 1997	
<i>Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)</i>	17 Aug 1999 (see Gazette 1999, No. S377)	17 Aug 1999	—



Notes to the *Telecommunications (Low-impact Facilities) Determination 1997***Table of Amendments****Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
S. 1.3.....	am. 1999 No. 1
<b>Part 2</b>	
S. 2.5.....	am. 1999 No. 1
<b>Part 3</b>	
S. 3.1.....	am. 1999 No. 1
<b>Schedule</b>	
<b>Part 1</b>	
Part 1.....	am. 1999 No. 1
<b>Part 3</b>	
Part 3.....	am. 1999 No. 1
<b>Part 4</b>	
Part 4.....	am. 1999 No. 1
<b>Part 5</b>	
Part 5.....	am. 1999 No. 1
<b>Part 7</b>	
Part 7.....	am. 1999 No. 1

# Appendix D

## Surveys of Environmental Radiofrequency Electromagnetic Energy (RF EME) Levels arising from Mobile Phone Base Station Antennas by ARPANSA

### SURVEY – 1997–99

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) conducted measurements of RF EME levels at 14 locations near GSM mobile phone base stations during 1997-99. ARPANSA found that emissions from these antennas were usually many orders of magnitude below the limit of 450  $\mu\text{W}/\text{cm}^2$  set by the ARPANSA Radiation Protection Standard 'Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz' for general public exposure. The levels measured were comparable to television and FM radio transmitters and considerably lower than those from AM radio transmitters, all measured at the same time.

### SURVEY – 2003

A further study of 60 base stations, including GSM and 3G technologies, in 2003 confirmed that RF EME levels were well below general public exposure limits.

### SURVEY 2007–08

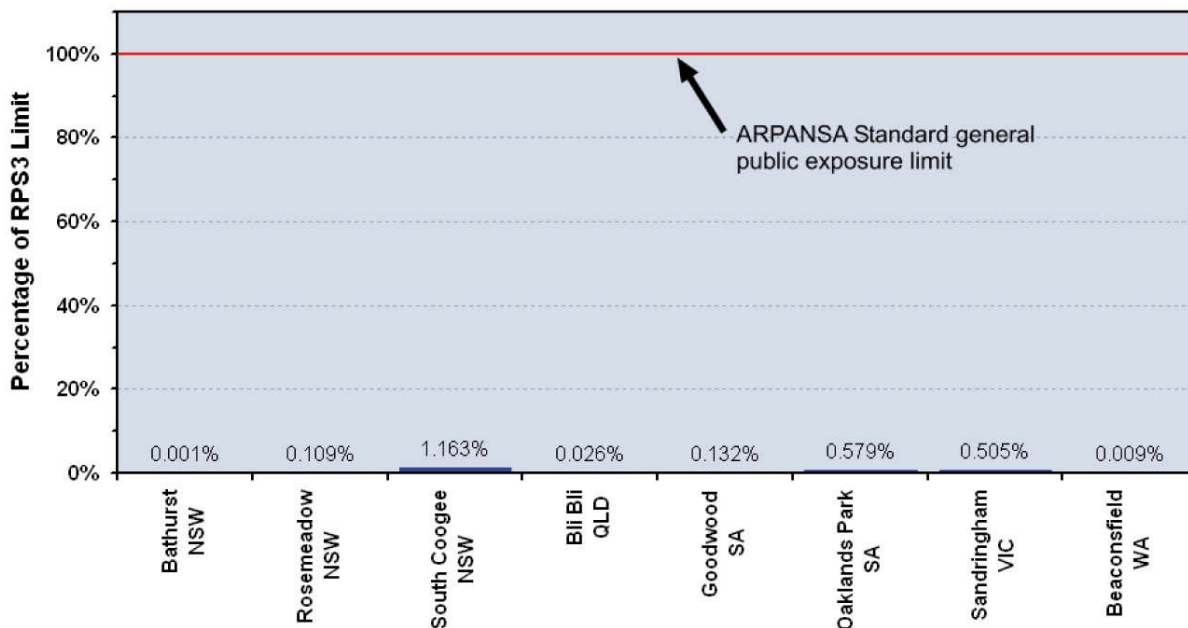
ARPANSA is coordinating a survey of environmental radiofrequency electromagnetic energy (RF EME) levels arising from mobile phone base station antennas during 2007-08 and according to their web site results are still being gathered. Suitability of the location was primarily determined by ability to access to the areas expected to have the highest levels and good line of sight to the antennas as well as being representative of carrier, technology, geography and type of installation, level of public concern, concentration of base stations in close proximity, or other special circumstances that may provide cause for community concern. The exposure levels measured, as reported to date on their web site, are well below the maximum level of exposure allowed by the Australian Government and the summary results are as follows:

Suburb/Town	Address	State	RF Level (% of maximum exposure allowed by Australian Government Standard)
Bathurst	230 Howick Street	NSW	<0.001%
Rosemeadow	Lot 1 Appin Road	NSW	0.109%
South Coogee	175 Malabar Road	NSW	1.163%
Bli Bli	Whitecross Road	QLD	0.026%
Goodwood	147 Goodwood Road	SA	0.132%
Oaklands Park	Warradale Barracks	SA	0.579%
Sandringham	48 Bay Road	VIC	0.505%
Beaconsfield	20 Moran Street	WA	0.009%
City Beach	Lot 245 Kilpa Court	WA	0.303%

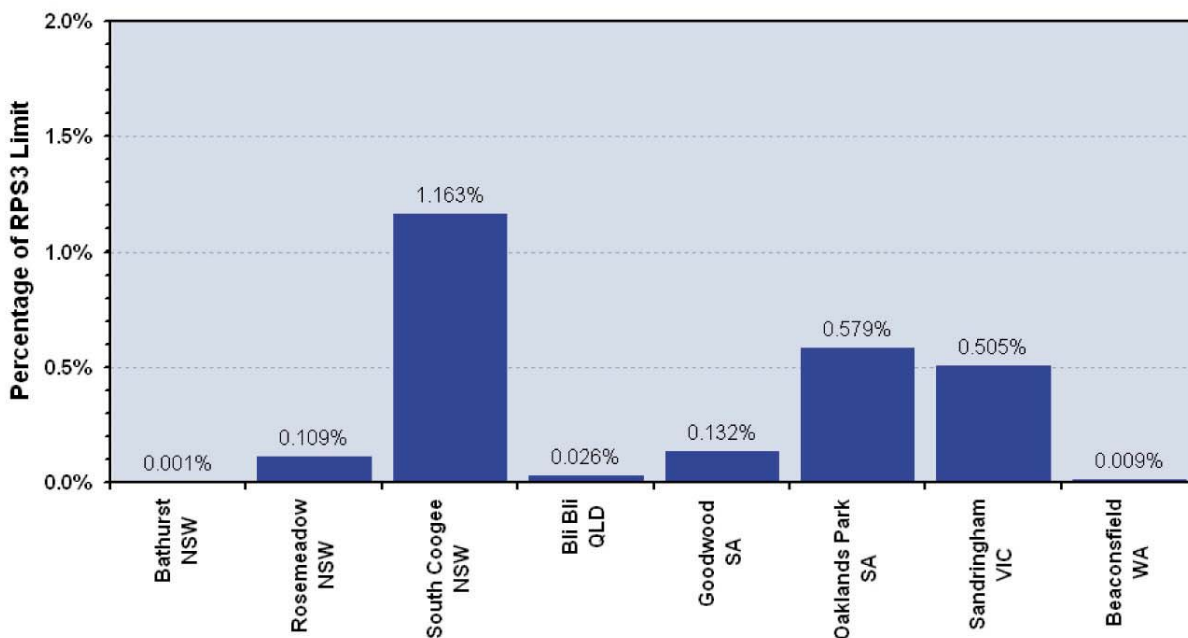
The following graphs summarise the results of the 2007-08 ARPANSA Survey.

Source: ([www.arpansa.gov.au/radiationprotection/BaseStationSurvey/index.cfm](http://www.arpansa.gov.au/radiationprotection/BaseStationSurvey/index.cfm)).

Summary Results and ARPANSA Standard limit



Summary Results on an expanded scale (2% of limit)

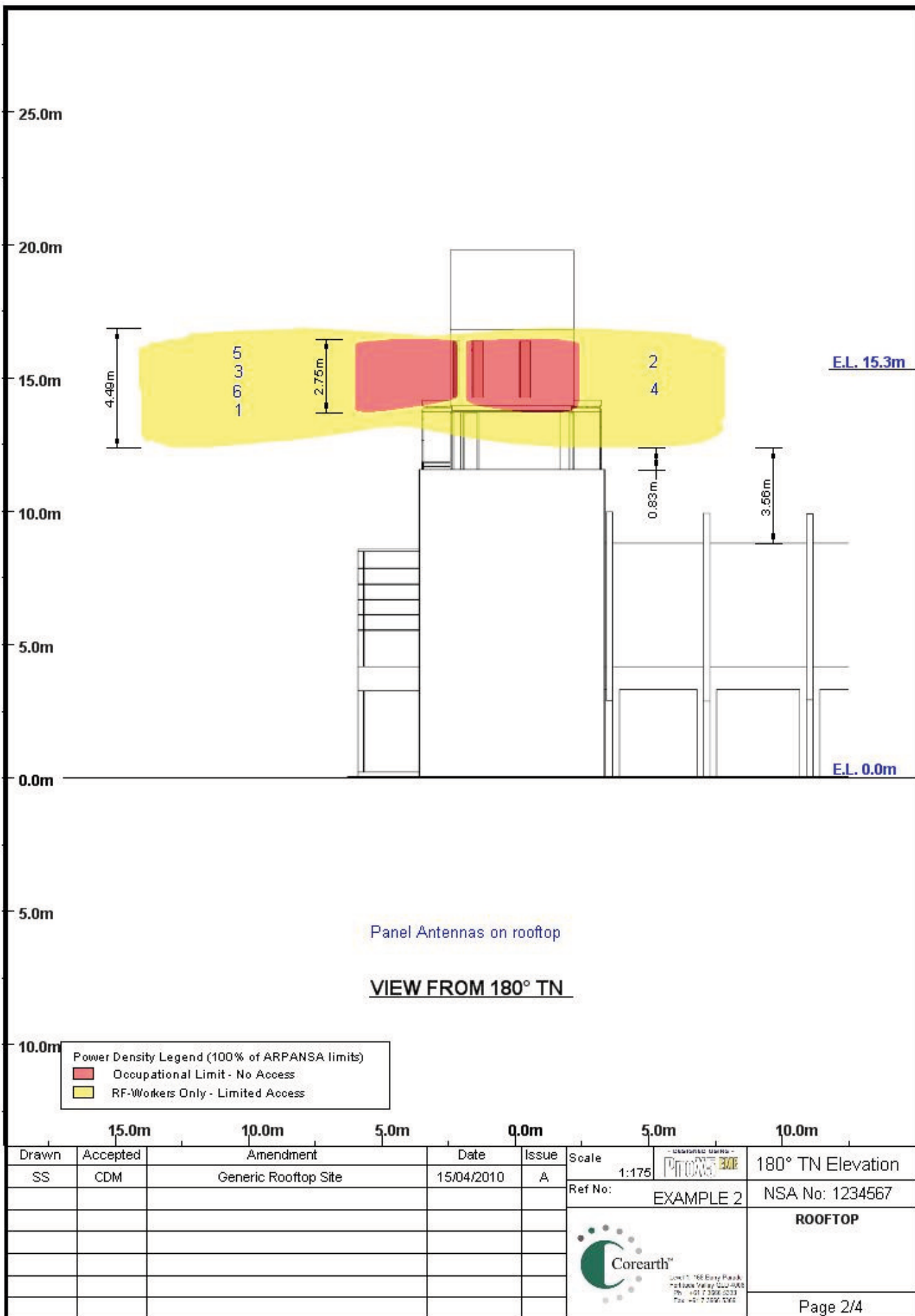


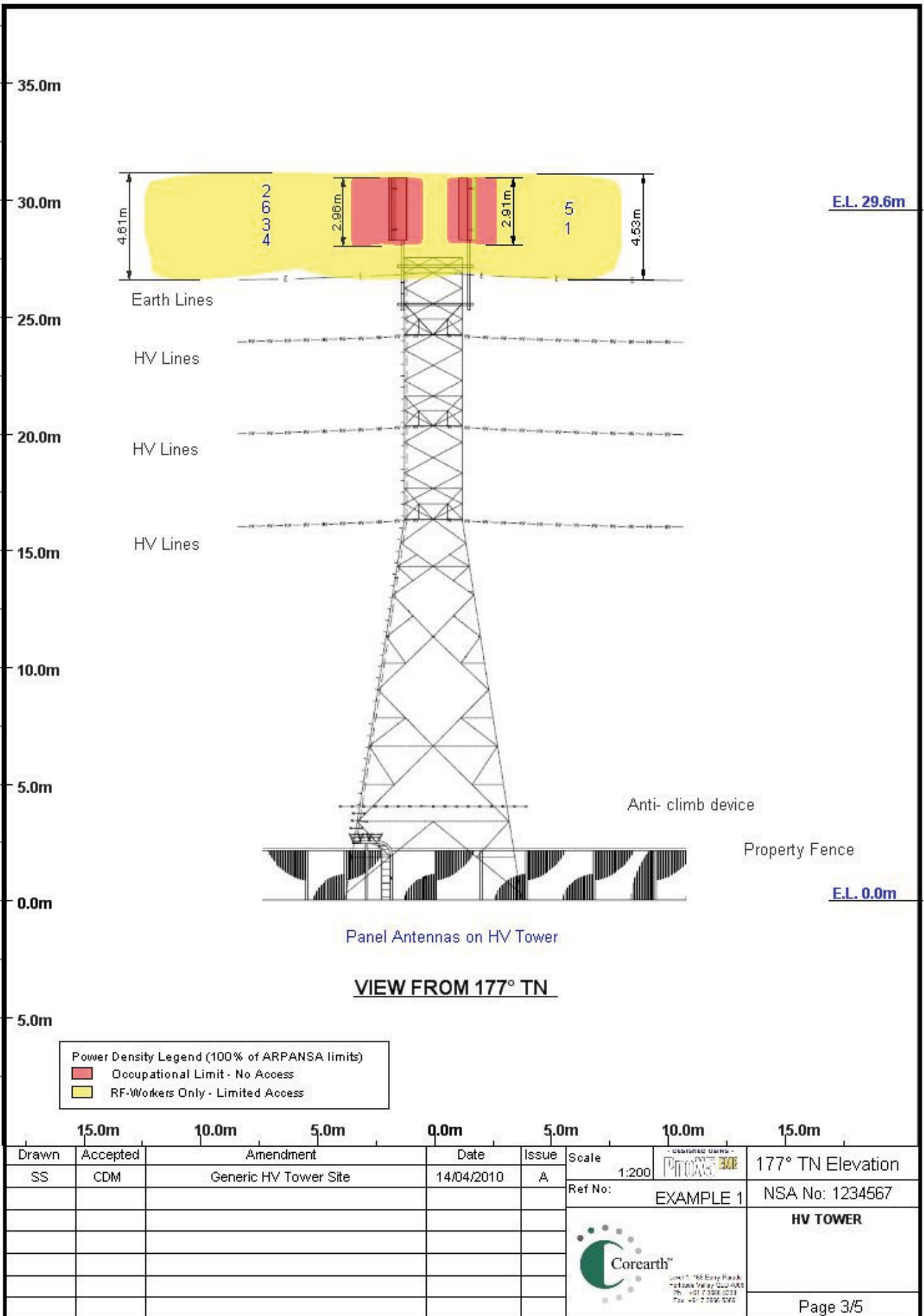
## Appendix E – Radiofrequency Hazard Fields

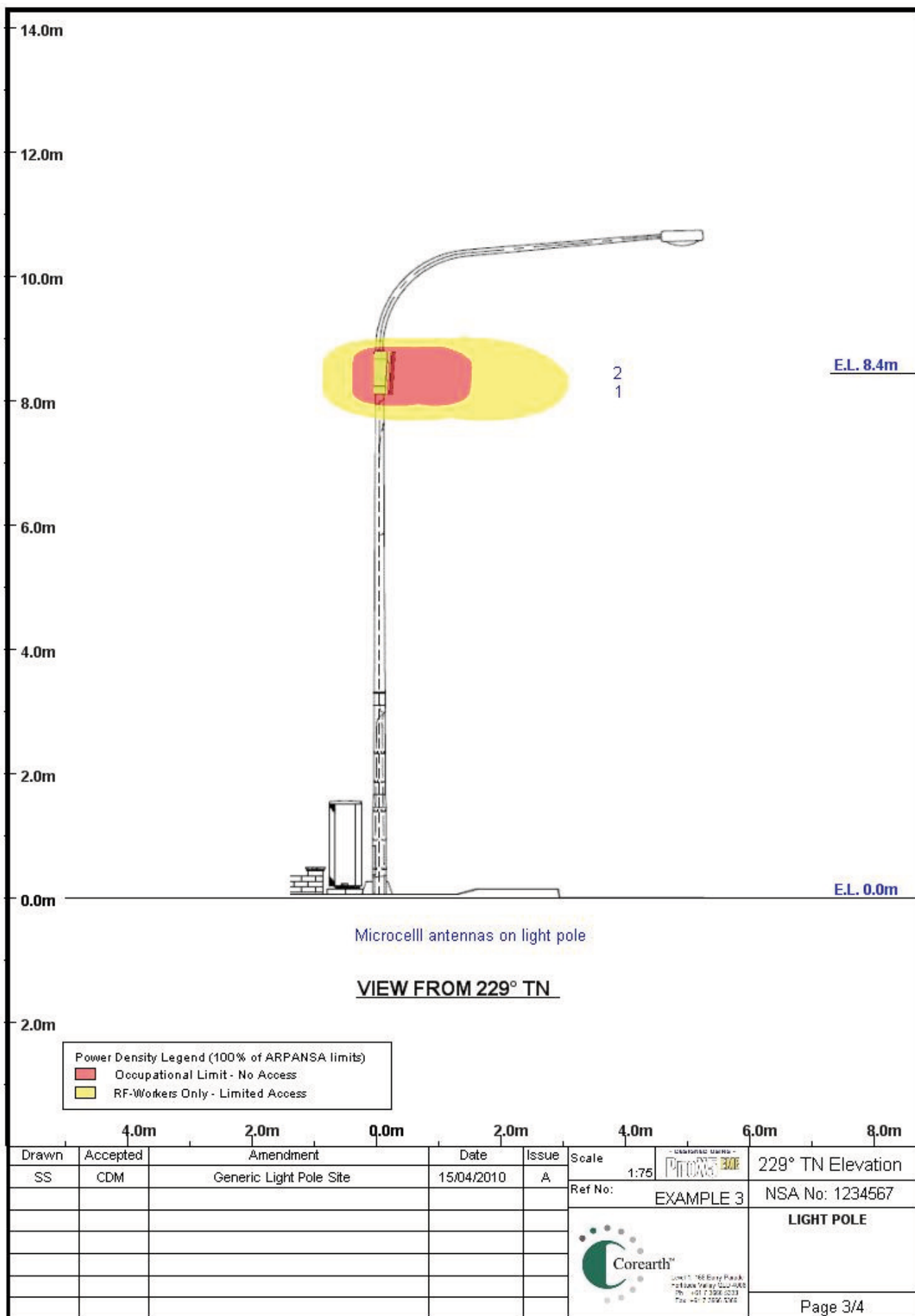
The antennas associated with mobile phone base stations emit radiofrequency (RF) beams that are typically very narrow in the vertical direction but quite broad in the horizontal direction. These create RF fields and the only locations where RF field intensity exceeds exposure limits are in immediate proximity to the antennas.

The typical extent of RF field hazard areas associated with different types of mobile phone base station facilities (rooftop, monopole and microcell installations) are depicted in the following diagrams.

Typically, the hazard areas extend only a short distance from the antennas and the only way a transmitting facility can be non compliant with the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz (2002)* is if these areas are accessible to the public in some way. For this reason, telecommunication carriers employ mandatory site practices that restrict access to antennas to keep the public away from locations where RF fields may exceed exposure limits.









# Appendix F – Consultation

In relation to notification, the general requirement for both exempt development and complying development is that to the extent that the development involves the installation of fixed radiocommunications infrastructure used, intended to be used or capable of being used to supply Public Mobile Telecommunications Services, the installation of such a facility must comply with the Mobile Phone Networks Code. This means that, amongst other matters, the notification requirements of the Mobile Phone Networks Code are to be followed.

The notification requirements in Mobile Phone Networks Code are provided in clause 5.4, 5.5 and 5.6 of that Code as follows. Please check to ensure these clauses are the latest copy, and that the requirements have not altered. Please seek advice from Australian Communications Industry Forum, now called Communications Alliance Ltd, regarding compliance.

## 5.4 NOTIFICATION TO COUNCIL – INSTALLATION AT A NEW SITE WITHOUT DEVELOPMENT APPLICATION

**5.4.1** Section 5.4 applies if:

- (a) a Carrier proposes to carry out any work at premises in relation to the installation of radiocommunications infrastructure that is not Low RF Power Infrastructure; and
- (b) there is no radiocommunications infrastructure at the premises, other than Low Power RF Infrastructure; and
- (c) the work does not require Development Approval.

Note: The consultation requirements of this Code do not apply to infrastructure that requires Development Approval. In such cases it is expected that public consultation will occur though the Development Application process.

**5.4.2** Before commencing the proposed work, the Carrier must notify Council about the work.

**5.4.3** Where it can reasonably be expected that an adjacent local government area will be impacted by a proposal, the Carrier must also notify the Council administering that adjacent local government area.

**5.4.4** Notification to the Councils must include:

- (a) the proposed location;
- (b) a written description of the proposal;

- (c) a statement setting out whether the Carrier regards the infrastructure as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion;
- (d) a statement that the proposed infrastructure will be in compliance with the ACA EMR regulatory arrangements;
- (e) if the radiocommunications infrastructure is associated with a base station used for the supply of public mobile telecommunications services, a statement of estimated EMR exposure levels in accordance with the ARPANSA prediction methodology and report format (see Appendix B – *Additional Design Information*);
- (f) references to information on the effects of radio emissions on health;
- (g) the Carrier's contact details; and
- (h) the proposed community consultation plan for the site.

Note: The Carrier may also have to comply with State and local planning requirements.

**5.4.5** The Carrier must allow Council:

- (a) a comment period of five business days from the date of notification, to provide comment in writing in relation to the proposed community consultation plan (provided under clause 5.5.2);
- (b) an extension period of an additional five business days to provide comment if requested by Council in writing.

**5.4.6** Comments under clause 5.4.5 (a) or written requests under clause 5.4.5 (b) must be received by the Carrier by no later than 5.00pm on the fifth business day from the date of notification.

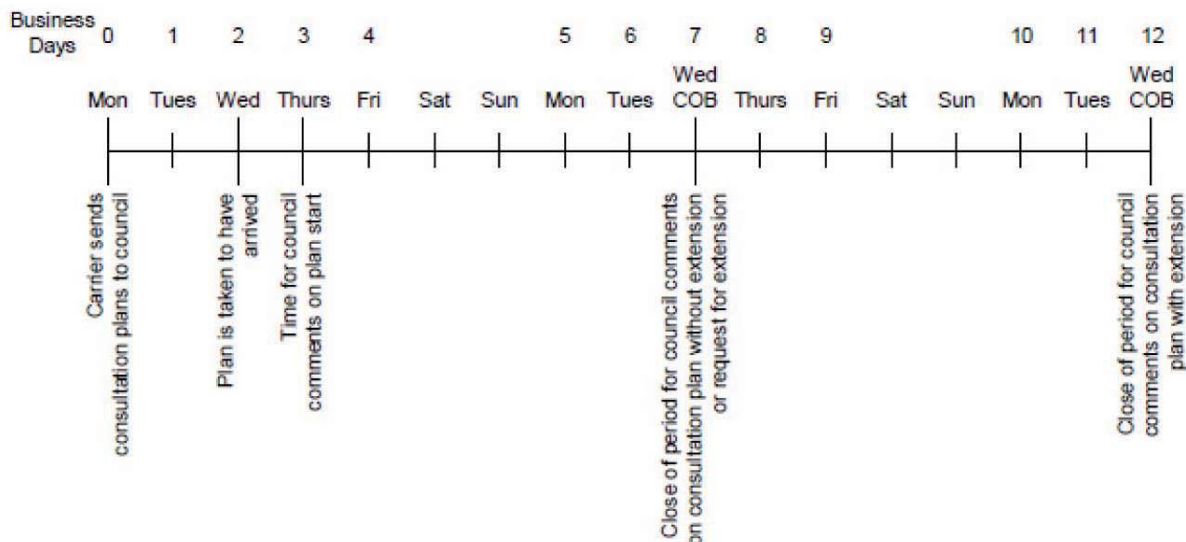
**5.4.7** The Carrier must not give notices under clause 5.5.7 before it has considered, and responded in writing to all issues raised in the Council's comments indicating acceptance or reasons for rejection of Council's views. The Carrier may commence the consultation process as in its plan under clause.

**5.5.2:**

- (a) if there is an extension period, at the close of that extension period; or
- (b) if there is no extension period, at the close of the comment period.



### Timeline for Council on Carrier Consultation Plan



**Note:** The above figure is included to provide an indication of number of days to be allowed for receipt of notice and council comments.

Public holidays and weekends are not counted as business days.

## 5.5 CONSULTATION WITH LOCAL COMMUNITIES – INSTALLATION AT A NEW SITE WITHOUT DEVELOPMENT APPLICATION

**5.5.1** Section 5.5 applies if:

- (a) a Carrier proposes to carry out any work at premises in relation to the installation of radiocommunications infrastructure that is not Low RF Power Infrastructure; and
- (b) there is no radiocommunications infrastructure at the premises, other than
  - (i) Low Power RF Infrastructure; or
  - (ii) Exempt Radiocommunications Infrastructure; and
- (c) the work does not require Development Approval.

Note: For guidance, where there is a large physical separation between facilities on a premises, they should be dealt with as separate sites for the purposes of consultation.

**5.5.2** Before commencing the proposed work, the Carrier must develop a plan for local community consultation.

Note: The Carrier must notify the Council of its consultation plan under clause 5.4.4.

Note: Appendix C - Consultation Guidelines, should be used for guidance.

**5.5.3** The consultation plan must be in writing and set out the consultation that the Carrier proposes to carry out in relation to a site.

**5.5.4** The Carrier must comply with its consultation plan.

**5.5.5** In developing a consultation plan for a site the Carrier must:

- (a) have regard to the objectives of:
  - (i) identifying and informing Interested and Affected Parties of the proposed project;
  - (ii) providing adequate time for Interested and Affected Parties to consider and engage in meaningful dialogue on the project;
  - (iii) maximising the level of accurate and accessible information about the project to Interested and Affected Parties;
  - (iv) identifying and attempting to resolve potential issues early in the site planning process; and
  - (v) obtaining mutually acceptable outcomes on individual projects;
- (b) have regard to the fact that a consultation program may not always:
  - (i) satisfy all participants; or
  - (ii) resolve all differences of opinion or values.
- (c) have regard to Council's views on consultation;
- (d) use its reasonable endeavours to identify community sensitive locations; and

Note: Examples of sites which sometimes have been considered to be sensitive include residential areas, childcare centres, schools, aged care centres and hospitals.

- (e) use its reasonable endeavours to identify relevant community stakeholders.

Note: Examples of relevant community stakeholders who have sometimes been identified for specific sites include Local Progress Associations, Parents and Citizens groups for preschools and schools, Local MPs, Resident Groups.

**5.5.6** The plan must require the Carrier to:

- (a) consult with the owner of the subject site;
- (b) consult with the Council;
- (c) consult occupiers of the subject site;

Note: By way of clarification, where the subject contains multiple residences, notification to the occupants of all residences is required.

- (d) consult immediate residential neighbours;
- (e) consult Interested and Affected Parties, occupiers of community sensitive locations and relevant community stakeholders who were identified under clause 5.5.5;
- (f) respond to specific information requests in a timely manner;
- (g) provide the Carrier's phone contact for development and/or construction issues in all notices;
- (h) provide the Carrier's phone contact for references to EMR information in all notices;
- (i) identify timeframes allowed in the consultation plan; and
- (j) undertake the following in respect of on-site signage:
  - (i) place a sign regarding the proposed work at the site proposed in a manner that ensures that it is clearly visible and legible from a public road or footpath, unless local government approval is required for the sign, the Council instructs otherwise, or it is not practical to do so;
  - (ii) the sign must include:
    - (A) the name and contact details of the Carrier or site manager;
    - (B) information on how to register comments with the Carrier or site manager;
    - (C) the closing date for comment;
  - (iii) the sign must be weather proof if installed externally;
  - (iv) the sign must not be removed by the Carrier until construction is complete.

**5.5.7** Any notice given for the purposes of the consultation plan must contain:

- (a) the time within which they may comment on the proposed work; and
- (b) a statement as to whether the Carrier regards the proposed work as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion.

**5.5.8** The time under clause 5.5.7 (a) must be:

- (a) if the notification is to a Council, not less than twenty business days; or
- (b) if the notification is not to a Council, not less than ten business days.

**5.5.9** The Carrier must provide the Council with a report about the responses received from those notified and the results of any other consultation conducted under the plan.

Note: If everyone notified in accordance with the plan agrees, then the Carrier may immediately report to Council.

**5.5.10** The Report must include:

- (a) summary of comments received during the consultation process;
- (b) the Carrier's consideration of these comments; and
- (c) a statement about the Carrier's intended actions regarding the proposed work.

**5.5.11** This Report must be available to a member of the public on written request.

**5.5.12** The Carrier must not commence the work until after the Report has been given to Council.

## **5.6 NOTIFICATION TO COUNCILS AND THE PUBLIC – INSTALLATION AT AN EXISTING SITE WITHOUT DEVELOPMENT APPLICATION**

**5.6.1** Section 5.6 applies if:

- (a) a Carrier proposes to carry out any work at premises in relation to the installation of radiocommunications infrastructure that is not Low RF Power Infrastructure; and
- (b) there is already radiocommunications infrastructure at the premises, other than
  - (i) Low Power RF Infrastructure; or
  - (ii) Exempt Radiocommunications Infrastructure and;
- (c) the work does not require Development Approval.

Note: For guidance, where there is a large physical separation between facilities on a premises, they should be dealt with as separate sites for the purposes of consultation.

**5.6.2** The Carrier must give the Council notice of the proposed work which must include:

- (a) the proposed location;
- (b) a written description of the proposed work;
- (c) a statement setting out whether the Carrier regards the infrastructure as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion;
- (d) a statement that the proposed infrastructure will be in compliance with the ACA EMR regulatory arrangements;

- (e) if the radiocommunications infrastructure is associated with a base station used for the supply of public mobile telecommunications services, a statement of estimated EMR exposure levels in the ARPANSA Report format (see Appendix B – *Additional Design Information*); and
- (f) a statement that Council may obtain further information on the proposed work, and contact details for the Carrier's representative from whom the information may be obtained.

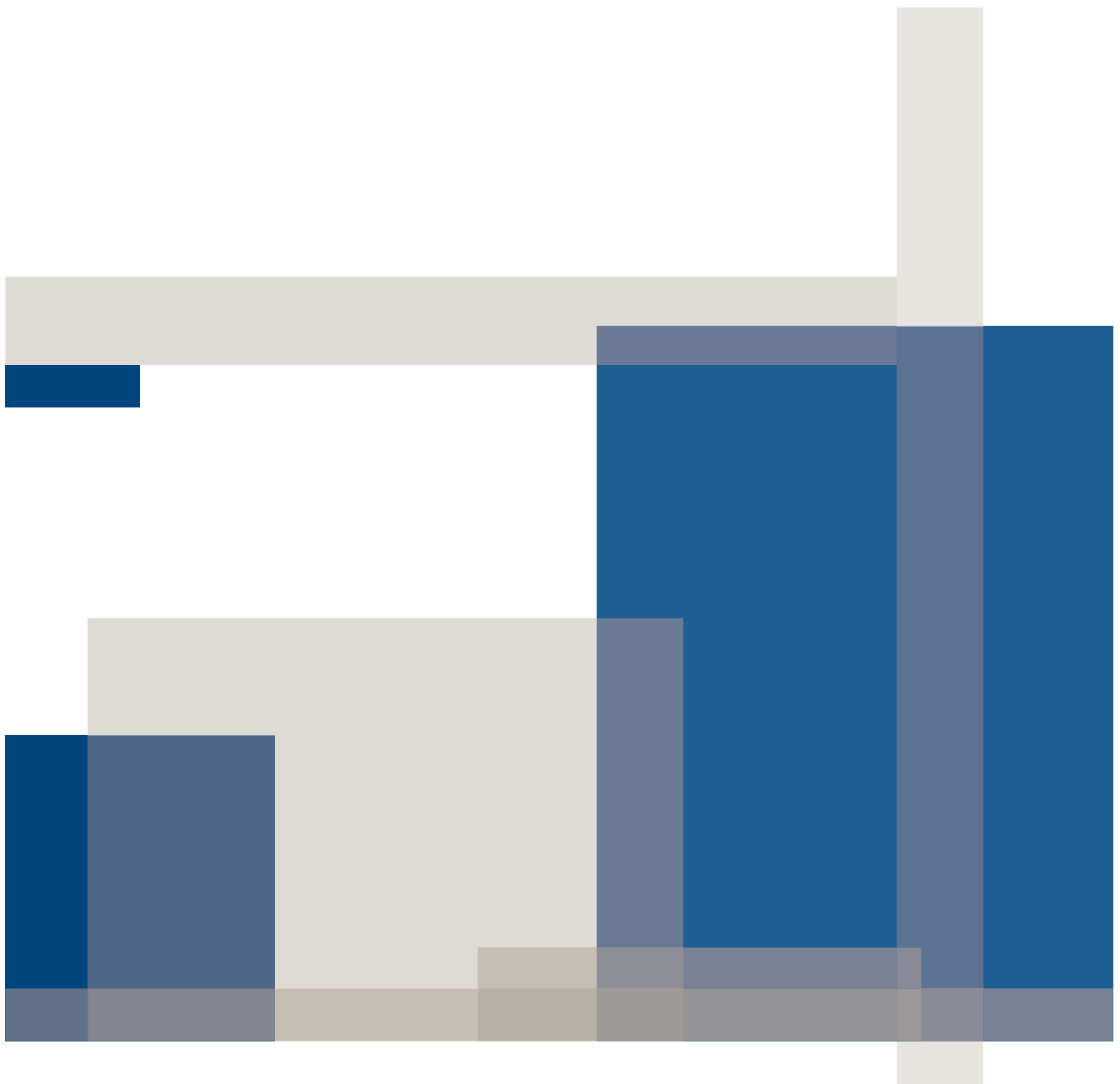
**5.6.3** The Carrier must also publish in a newspaper circulating in the area surrounding the location of the proposed work a notice which must:

- (a) describe the proposed work and its location, including street address and suburb if applicable; and
- (b) state that members of the public may obtain further information on the proposed work, and set out contact details for the Carrier's representative from whom the information may be obtained; and
- (c) invite written submissions on the proposed work;
- (d) specify the closing date for submissions, which must be at least 10 days after the date on which the notice is published; and
- (e) state the address to which submissions should be sent.

**5.6.4** The notice must be legible and be in the public notice section of the newspaper.

**5.6.5** Before commencing the work, the Carrier must have regard to any submissions received from the public and Council.

Note: The potential for increase in EMR from maintenance of, or changes to, existing infrastructure is currently regarded as low. However, such increases will be notified to the ACA and the issue will be reconsidered when this Code is reviewed.



## Roads and Traffic Authority

### ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999

#### ORDER

James Allsop, Administrator.

I, the Honorable Justice JAMES ALLSOP, Administrator of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the Road Transport (Safety and Traffic Management) Act 1999 (the Act), (including section 57C, Approval of devices for multiple detection functions), do, by this my Order, approve a device of the type described hereunder as a:

**speed measuring device**, designed to perform the detection functions referred to in section 44 of the Act; and

**camera recording device**, designed to perform the detection functions referred to in section 45(1) of the Act, and which is capable of recording images in the form of digitalised, electronic or computer-generated images, in accordance with the terms of section 45(2) of the Act.

Type of device:

The multiple detection device, **Redflex M101**.

Signed and sealed at Sydney, this 14th day of July 2010.

By the Administrator's Command,

DAVID BORGER, M.P.,  
Minister for Roads  
and Minister for Western Sydney

### ROAD TRANSPORT (GENERAL) ACT 2005

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

NEWCASTLE 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 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 5 July 2010.

LINDY HYAM,  
General Manager,  
Newcastle City Council  
(by delegation from the Minister for Roads)

#### SCHEDULE

#### 1. Citation

This Notice may be cited as Newcastle City Council 25 Metre B-Double route Notice No. 1/2010.

#### 2. Commencement

This Notice takes effect on the date of gazettal.

#### 3. Effect

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

#### 4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

#### 5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	464.	Maitland Road then via Hunter Street, from Mayfield West to Newcastle West.	Industrial Drive (MR316), Mayfield West.	Pacific Highway (HW10 – Stewart Avenue), Newcastle West.

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 13 July 2010.

MICHAEL BUSHBY,  
Chief Executive,  
Roads and Traffic Authority

**SCHEDULE****1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 29/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	10.	Pacific Highway, Berowra.	Windy Banks Interchange, Berowra.	F3 Sydney – Newcastle Expressway, Cowan.

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which 4.6m High Vehicles may be used.

Dated: 13 July 2010.

MICHAEL BUSHBY,  
Chief Executive,  
Roads and Traffic Authority

**SCHEDULE****1. Citation**

This Notice may be cited as the Roads and Traffic Authority 4.6m High Vehicle Notice No. 6/2010.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2012 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those 4.6m high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
4.6.	10.	Pacific Highway, Berowra.	Windy Banks Interchange, Berowra.	F3 Sydney – Newcastle Expressway, Cowan.

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which 19Metre B-Doubles may be used.

Dated: 13 July 2010.

MICHAEL BUSHBY,  
Chief Executive,  
Roads and Traffic Authority

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 19Metre B-Double Route Notice No. 30/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those 19 metre B-Doubles where gross weight exceeds 50 tonnes, vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
19m.	Clarkes Road, Mumbulla State Forest.	Mumbulla State Forest Boundary, approx 2.3km from Jews Creek Road.	Mumbulla Trig Road.	All drivers are required to hold a current Forest Operators License and follow Contractor Haulage Operations Plans.
19m.	Mumbulla Trig Road, Mumbulla State Forest.	Clarkes Road.	Mumbulla Creek Road.	All drivers are required to hold a current Forest Operators License and follow Contractor Haulage Operations Plans.
19m.	Mumbulla Creek Road, Mumbulla State Forest.	A point approx 2km north of Mumbulla Trig Road.	Mumbulla State Forest Boundary, approx 2km north of Dr George Mountain Road.	All drivers are required to hold a current Forest Operators License and follow Contractor Haulage Operations Plans.
19m.	Tee Ridge Road, Mumbulla State Forest.	Mumbulla Creek Road.	Lizard Road.	All drivers are required to hold a current Forest Operators License and follow Contractor Haulage Operations Plans.
19m.	Lizard Road, Mumbulla State Forest.	Tee Ridge Road.	Entire length, approx, 3km from Tee Ridge Road.	All drivers are required to hold a current Forest Operators License and follow Contractor Haulage Operations Plans.



**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which 19Metre B-Doubles may be used.

MICHAEL BUSHBY,  
Chief Executive,  
Roads and Traffic Authority

**SCHEDULE****1. Citation**

This Notice may be cited as the Roads and Traffic Authority 19Metre B-Double Route Notice No. 31/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

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

**4. Application**

This Notice applies to those 19 metre B-Doubles where gross weight exceeds 50 tonnes, vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
19.	1.	Princes Highway, Bega.	HW4 Snowy Mountains Highway.	Greendale Road.

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which 4.6m High Vehicles may be used.

Dated: 13 July 2010.

MICHAEL BUSHBY,  
Chief Executive,  
Roads and Traffic Authority

**SCHEDULE****1. Citation**

This Notice may be cited as the Roads and Traffic Authority 4.6m High Vehicle Notice No. 5/2010.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2012 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those 4.6m high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

<i>Type</i>	<i>Road No.</i>	<i>Road</i>	<i>Starting Point</i>	<i>Finishing Point</i>
4.6.	635.	Old Windsor Road.	Hart Drive, Constitution Hill.	Windsor Road, Kellyville.

**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Kariong  
in the Gosford 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

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SCHEDULE

ALL that piece or parcel of Crown land situated in the Gosford City Council area, Parish of Gosford and County of Northumberland shown as Lot 12 Deposited Plan 1147560 being part of the land in Certificate of Title 452/729016.

(RTA Papers: 10M766; RO 30/184.1123)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road at  
Trewilga in the Parkes Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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SCHEDULE

ALL that piece or parcel of land situated in the Parkes Shire Council area, Parish of Burrill and County of Kennedy, shown as Lot 20 Deposited Plan 1145712.

(RTA Papers: 17/353.1125)

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**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at  
Queanbeyan East in the Queanbeyan 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 those pieces or parcels of land situated in the Queanbeyan City Council area, Parish of Queanbeyan and County of Murray, shown as:

Lot 4 Deposited Plan 1149926, being part of the land in Certificate of Title 39/26219; and

Lot 5 Deposited Plan 1149926, being part of the land in Certificate of Title 21/1022717.

The land is said to be in the possession of Queanbeyan City Council.

(RTA Papers: 10M1770; RO 374.1504)

## Office of Water

### WATER ACT 1912

APPLICATIONS for a licence under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Charles Michael BUCKLE and Frances Elizabeth BUCKLE for a pump on the Brogo River being Part Lot 443, DP 802080, Parish of Brogo, County of Auckland, for water supply for domestic purposes (new licence – partly replacing 10SL047347 due to the permanent transfer of 1.0 megalitre – exempt from the 2007 South Coast Rivers embargo) (Reference: 10SL56913).

Ronald Keith DOUCH and Patricia Kay DOUCH for a pump on the Brogo River being Part Lot 443, DP 802080, Parish of Brogo, County of Auckland, for water supply for domestic purposes (new licence – partly replacing 10SL047347 due to the permanent transfer of 1.0 megalitre – exempt from the 2007 South Coast Rivers embargo) (Reference: 10SL56912).

RYEFIELDS PTY LTD for three pumps on Colombo Creek being Lot 3, DP 852595, Parish of Colombo, County of Auckland, for water supply for the irrigation of 49.5 hectares and farming purposes (dairy washout) (replacement licence due to the amalgamation of existing licences 10SL055029 and 10SL035330 – no increase in area of irrigation or entitlement – exempt from the 2007 South Coast Rivers embargo) (Reference: 10SL056914).

RYEFIELDS PTY LTD and H F TAYLOR & CO. PTY LTD for four pumps on the Bemboka River being Part Road North of Lot 89, DP 750191, Parish of Bemboka and Lot 3, DP 239483, Parish of Mogila, all County Auckland, for water supply for the irrigation of 146.0 hectares and farming purposes (dairy washout) (replacement licence due to the amalgamation of existing licences 10SL043331, 10SL051682 and 10SL055028 – no increase in area of irrigation or entitlement – exempt from the 2007 South Coast Rivers embargo) (Reference: 10SL056915).

Any inquiries should be directed to (02) 4429 4442.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 309, Nowra NSW 2541, within 28 days of the date of this publication.

WAYNE RYAN,  
Licensing Officer

### WATER ACT 1912

#### MACQUARIE

AN application for a new licence under Part 5 of the Water Act 1912, as amended has been received as follows:

Deirdre Emilie Brown for a proposed artesian bore, Lot 565, DP 761525, Parish Quin, County Fitzgerald, for water supply for stock and domestic purposes. New Licence. Ref:85BL241308.

Written objections to the applications specifying the grounds thereof must be lodged with the NSW Office of Water, PO Box 717, Dubbo NSW 2830 within 28 days of the date of publication.

RICHARD WHEATLEY,  
A / Licensing Manager,  
(Macquarie-Western)

### WATER ACT 1912

#### MACQUARIE

AN application for a licence under Part 2 Section 10 of the Water Act 1912 within a proclaimed (declared) local area under section 5 (4) has been received as follows:

#### *Macquarie River Valley*

THE Minister Administering the NP&W Act 1974 for 3 pumps on the Macquarie River Lot 1, DP 1132699 and Lot 5, DP 1132699, Parish Pullingarwarina, County Gregory for irrigation of 648 ha. Replacing existing authority 80SA002091. Ref:80SL96314.

Written objections to the application specifying the grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be affected and must be lodged with the NSW Office of Water, PO Box 717, Dubbo NSW 2830 within 28 days of the date of publication.

RICHARD WHEATLEY,  
A / Licensing Manager,  
(Macquarie-Western)

### WATER ACT 1912

#### HUNTER

AN application for a licence under Part 5 of the Water Act 1912 has been received as follows:

Peter Vickers for an excavation up to 15 metres below groundwater level and associated dewatering on Lot 169, DP 753207 Parish Tuncurry, County Gloucester, for industrial purposes (sand extraction). Ref: 20BL172261.

Written objections to the application specifying grounds thereof must be lodged with the NSW Office of Water, PO Box 2213, Dangar NSW 2309 within 28 days of the date of publication.

S. HARRIS,  
Senior Licensing Officer

### WATER ACT 1912

#### HUNTER

AN application for a licence under section 113 of Part 5 of the Water Act has been received as follows:

Anthony Williams for a groundwater bore Lot 1322, DP 847915, Parish Murulla, County Brisbane, for irrigation of 60ha/240ML. New licence, improved pasture, extraction from hard rock aquifer. Ref: 20BL172280.

Written objections to the application specifying grounds thereof must be lodged with the NSW Office of Water, PO Box 2213, Dangar NSW 2309 within 28 days of the date of publication.

B. WESTBROOK,  
Licensing Officer

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### WATER ACT 1912

AN application for an authority under section 20 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Emmanuel Victor & Pauline June XERRI for a pump on the Hawkesbury River on Part Lot 2, DP 212263, Parish of Currency, County of Cook for the irrigation of 13.0 hectares (vegetables) (replacement authority and permanent transfer of 68.0 megalitres from 10SL055102 and also replacing 10SL056536) (no increase in annual water entitlement) (not subject to the amended 2003 Hawkesbury/Nepean Embargo) (Ref:10SA002549).

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

A R COMPANY PTY LTD for a pump on the Hawkesbury River on Part Lot 27//566434, Parish Ham Common, County of Cumberland for the irrigation of 10.0 hectares (polo fields) (part replacement licence – permanent transfer of 3 4.0 megalitres from 10SL055397) (no increase in annual water entitlement) (not subject to the amended 2003 Hawkesbury/Nepean Embargo) (Ref:10SL056917).

A R COMPANY PTY LTD for a pump on the Hawkesbury River on Part Lot 27//566434, Parish Ham Common, County of Cumberland for the irrigation of 17.0 hectares (polo fields) (replacement licence – replacing 10SL56796 and permanent transfer of 20.0 megalitres from 10SL056808)(no increase in annual water entitlement) (Not subject to the amended 2003 Hawkesbury/Nepean Embargo) (Ref:10SL056918).

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of this publication. GA1808847.

WAYNE CONNERS,  
Natural Resource Project Officer

## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, an exemption is given from sections 8, 51, 52 and 53 of the Anti-Discrimination Act 1977, to JERRY BAILEY CHILDREN'S CENTRE, to designate and recruit for an Aboriginal Trainee Child Care Worker.

This exemption will remain in force for a period of five years from the date given.

Dated this 5th day of July 2010.

STEPAN KERKYASHARIAN, AM,  
President,  
Anti-Discrimination Board of NSW

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Electrical Wholesaling under section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of traineeship, probationary period/s, and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at [https://www.training.nsw.gov.au/cib\\_vto/cibs/cib\\_470.html](https://www.training.nsw.gov.au/cib_vto/cibs/cib_470.html)

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Civil Construction
- Civil Construction – Bituminous Surfacing
- Civil Construction – Plant Operations
- Civil Construction – Bridge Construction and Maintenance
- Civil Construction – Civil Foundations
- Civil Construction – Pipe Laying
- Civil Construction – Road Construction and Maintenance
- Civil Construction – Road Marking
- Civil Construction – Trenchless Technology
- Civil Construction – Tunnel Construction
- Civil Construction – Timber Bridge Construction and Maintenance,

under section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of traineeship, probationary period/s, and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at [https://www.training.nsw.gov.au/cib\\_vto/cibs/cib\\_471.html](https://www.training.nsw.gov.au/cib_vto/cibs/cib_471.html)

### ASSOCIATIONS INCORPORATION ACT 2008

Notice under Section 601AC of the Corporations Act 2001 as Applied by Section 64 of the Associations Incorporation Act 2008

NOTICE is hereby given that the Incorporated Association mentioned below will be deregistered when three months have passed since the publication of this notice.

Queanbeyan Youth Resources Incorporated (In Liquidation) Y0222611.

Dated this 8th day of July 2010.

A. DONOVAN,  
Delegate of the Registrar of Co-operatives

### ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 72

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

- Coolamon Rovers' Junior Football Club Incorporated – Y0150610
- Singleton Badminton Association Incorporated – Y2492806
- Federation of Indian Students of Australia (NSW) Incorporated – Inc9891485
- Sydney Prayer Breakfast Incorporated – Inc9892440
- Central Western Regional Development Board Incorporated – Y1583808
- Adamstown Croquet Club Incorporated – Y1898921
- The 416 Group Incorporated – Inc9877252
- The O&G Imaging Society of Australia and New Zealand Incorporated – Inc9876579
- Grafton District Mens Hockey Association Inc – Y0069045
- Wagga Bidgee River Trails Incorporated – Inc9884213
- Round The Clock Rock Coraki Incorporated – Y2736509
- Cobar Health Centre Committee Incorporated – Inc9887238
- Lake Cargelligo Cancer Support Group Incorporated – Inc9875588
- RHAC Soccer Club Incorporated – Inc9884855
- Limpinwood Valley Landcare Group Incorporated – Y2820036



Lake Macquarie/Newcastle HACC Support Project  
Incorporated – Y2354527  
Tomingley West Land Care Association Incorporated  
– Inc9876834  
Natural Health Care Alliance Incorporated –  
Inc9880177

Dated: 14 July 2010.

ANTHONY DONOVAN,  
A/Manager, Financial Analysis,  
Registry of Co-operatives and Associations,  
NSW Fair Trading,  
Department of Services and Administration

### ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 76 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

Bindogundra Landcare Group Incorporated –  
Y3050107  
Gweeanj Aboriginal Association Incorporated –  
Inc9887380  
Elsie Refuge for Women and Children Inc –  
Y0638520  
Delvena Women's and Children's Shelter Inc –  
Y0576319  
Western Districts Old Buffer's Soccer Association  
Incorporated – Y2233739  
Disability Sports Australia Incorporated – Inc9877998  
Wauchope Information and Neighbourhood Centre  
Incorporated – Y2201218

Dated: 14 July 2010.

ANTHONY DONOVAN,  
A/Manager, Financial Analysis,  
Registry of Co-operatives and Associations,  
NSW Fair Trading,  
Department of Services and Administration

### CHARITABLE TRUSTS ACT 1993

Notice under Section 15  
Proposed Cy-Pres Scheme Relating to  
The Doris Smith Scholarship Fund

SECTION 9 (1) of the Charitable Trusts Act 1993, permits the application of property cy-pres where the spirit of the original trust can no longer be implemented.

In her will dated 25 July 1977, Doris Smith made a bequest establishing a “scholarship for the teaching and training of singers” to be awarded to “residents of the municipalities of the cities of Newcastle, Maitland and Cessnock and the Shires of Lake Macquarie and Port Stephens”. The scholarship was to be awarded by the trustee following consultation with “the Principal of the Newcastle Branch of the said Conservatorium of Music” who was empowered to “arrange the rules of the competition of the said scholarship”.

The trustee has asked the Attorney General to establish a cy pres scheme under section 12 of the Charitable Trusts Act 1993, whereby the scholarship would be tenable at the

University of Newcastle, awarded annually and have the value of the net income of the Trust Fund. The trustee also seeks that the scheme provide that the “sum in the accumulations account be added to the capital of the trust fund”.

The Solicitor General, as delegate of the Attorney General in Charitable Trusts Act 1993, matters, has determined that this is an appropriate matter in which the Attorney General should approve a cy-pres scheme under section 12 (1) (a) of the Charitable Trusts Act 1993. The cy pres scheme varies the original trust so that:

- (1) The Doris Smith Scholarship will be:
  - (a) Open to students within the geographic and subject limitations prescribed by the Testator and who are enrolled or otherwise studying at the University of Newcastle; and
  - (b) Tenable at the University of Newcastle.
- (2) The Head of the School of Drama, Fine Art and Music, or howsoever that position may be described at the University of Newcastle, shall from time to time arrange the rules of the competition of the said scholarship subject to the approval of my said Trustee.
- (3) The sum in the accumulations account be added to the capital of the Trust Fund.

Take note that within one month after the publication of this notice any person may make representations or suggestions to the Attorney General in respect of the proposed scheme. Representations should be made to the Director, Legal Services Branch, NSW Department of Justice and Attorney General, GPO Box 6, Sydney NSW 2001.

Dated: 9 July 2010.

MAUREEN TANGNEY,  
Acting Director General,  
NSW Department of Justice and Attorney General

### CHARITABLE TRUSTS ACT 1993

Notice under Section 15  
Proposed Cy-Pres Scheme Relating to  
The John Sinclair Cormack Scholarship Trust

SECTION 9 (1) of the Charitable Trusts Act 1993, permits the application of property cy-pres where the spirit of the original trust can no longer be implemented.

In his will dated 25 July 1977, John Sinclair Cormack made a bequest establishing a “scholarship for the teaching of piano and violin” to be awarded to “residents of the municipalities of the cities of Newcastle, Maitland and Cessnock and the Shires of Lake Macquarie and Port Stephens”. The scholarship was to be awarded by the trustee following consultation with “the Principal of the Newcastle Branch of the said Conservatorium of Music” who was empowered to “arrange the rules of the competition of the said scholarship”.

The trustee has asked the Attorney General to establish a cy pres scheme under section 12 of the Charitable Trusts Act 1993, whereby the scholarship would be tenable at the University of Newcastle, awarded annually and have the value of the net income of the Trust Fund. The trustee also seeks that the scheme provide that the “sum in the accumulations account be added to the capital of the trust fund”.

The Solicitor General, as delegate of the Attorney General in Charitable Trusts Act 1993, matters, has determined that this is an appropriate matter in which the Attorney General should approve a cy-pres scheme under section 12 (1) (a) of the Charitable Trusts Act 1993. The cy pres scheme varies the original trust so that:

- (1) The John Sinclair Cormack Scholarship will be:
  - (a) Open to students within the geographic and subject limitations prescribed by the Testator and who are enrolled or otherwise studying at the University of Newcastle; and
  - (b) Tenable at the University of Newcastle.
- (2) The Head of the School of Drama, Fine Art and Music, or howsoever that position may be described at the University of Newcastle, shall from time to time arrange the rules of the competition of the said scholarship subject to the approval of my said Trustee.
- (3) The sum in the accumulations account be added to the capital of the Trust Fund.

Take note that within one month after the publication of this notice any person may make representations or suggestions to the Attorney General in respect of the proposed scheme. Representations should be made to the Director, Legal Services Branch, NSW Department of Justice and Attorney General, GPO Box 6, Sydney NSW 2001.

Dated: 9 July 2010.

MAUREEN TANGNEY,  
Acting Director General,  
NSW Department of Justice and Attorney General

### FOOD ACT 2003

THE NSW Food Authority advises convictions under the Food Act 2003 against P & M QUALITY SMALLGOODS PTY LIMITED of 18 Hume Highway Chullora NSW 2190. Forty-five (45) charges related to misleading or deceptive conduct associated with the packaging and labelling of bacon products. Another eighteen (18) charges related to a failure to comply with the Meat Food Safety Scheme linked to documents that enable the traceability and recall of product. The total penalty imposed under the Act was \$233,325. Prosecution costs of \$200,000 were also awarded.

Further details of the charges and the judgement decision can be viewed on the NSW Food Authority's Offence Register webpage [www.foodauthority.nsw.gov.au/aboutus/offences/prosecutions](http://www.foodauthority.nsw.gov.au/aboutus/offences/prosecutions)

NSW Food Authority  
PO Box 6682  
Silverwater NSW 1811

### FORESTRY ACT 1916

#### PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., 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 Gundagai;  
Gundagai Shire Council Area;  
Hume Forestry Region*

Red Hill State Forest No. 591, No. 25 Extension. An area of about 3.67 hectares in the Parish of Goobarralong, County of Buccleuch, being the parts of Lot 4 in Deposited Plan 1124734 within Lots 29 and 178 in Deposited Plan 750987 (71156)

Signed and sealed at Sydney, this 7th day of July 2010.

By Her Excellency's Command,

PAUL McLEAY, M.P.,  
Minister for Mineral and Forest Resources

GOD SAVE THE QUEEN!

### HUNTER WATER ACT 1991

Hunter Water Corporation – Operating Licence

#### PROCLAMATION

I, Professor MARIE BASHIR, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the power vested in me under section 14 of the Hunter Water Act 1991, do by this my Proclamation, amend clause 4.1, clause 4.2 and clause 4.3 of the Hunter Water Corporation Operating Licence described hereunder.

Signed and sealed at Sydney this 7th day of July 2010.

MARIE BASHIR,  
Governor

By Her Excellency's Command,

PHILLIP COSTA, M.P.,  
Minister for Water

GOD SAVE THE QUEEN!

#### Amendment

Amends clause 4.1 of the Hunter Water Corporation Operating Licence as follows:

#### 4.1 Water Pressure Standard

- 4.1.1 Hunter Water must ensure that no more than 4,800 Properties in a financial year experience a Water Pressure Failure.
- 4.1.2 A Property experiences a water pressure failure (Water Pressure Failure) if the Property experiences a pressure of less than 20 metres head for a continuous period of 30 minutes or more measured at the point of connection of the Property to the Water Supply System, usually at the point of connection known as the "main tap".
- 4.1.3 For the purpose of the Water Pressure Standard (and any applicable service quality and system performance indicators in clause 4.7) the following applies:
  - (a) each separately billed or separately occupied part of a multiple occupancy Property is considered to be a separate Property;



- (b) a Property is taken to have experienced a Water Pressure Failure at each of the following times:
- (i) when a person notifies Hunter Water that the Property has experienced a Water Pressure Failure and that Water Pressure Failure is confirmed by Hunter Water; or
  - (ii) when Hunter Water's systems identify that the Property has experienced a Water Pressure Failure; and
- (c) a Property will not be taken to have experienced a Water Pressure Failure only because of:
- (i) a Planned Water Interruption or Unplanned Water Interruption;
  - (ii) water usage by authorised fire authorities in the case of a fire; or
  - (iii) operational problems (including breaks in a main or failure in a pump) that are temporary and short term in nature.
- (d) the property count in clause 4.1.1 does not include properties that experience low pressure on a day when peak day demand exceeds 370 megalitres per day.

and

Amends clause 4.2 of the Hunter Water Corporation Operating Licence as follows:

#### 4.2 Water Continuity Standard

##### 4.2.1 Hunter Water must ensure that:

- (a) no more than 10,000 Properties in a financial year experience an Unplanned Water Interruption exceeding 5 hours; and
- (b) no more than 5,000 Properties experience 3 or more Unplanned Water Interruptions of more than 1 hour duration in a financial year, in its drinking water supply system.

##### 4.2.2 For the purpose of the Water Continuity Standard, the following applies:

- (a) in determining whether a Property experiences an Unplanned Water Interruption a best estimate is to be applied from the best available data, taking account of water pressure data where that data is available;
- (b) a Property is taken to have experienced a separate Unplanned Water Interruption for each period of 5 hours or more that the Unplanned Water Interruption exists;
- (c) each separately billed or separately occupied part of a multiple occupancy Property is a separate Property;
- (d) interruptions caused by third parties are excluded;
- (e) interruptions of less than 1 hour are excluded; and
- (f) Clause 4.2.2 does not limit the circumstances in which a Property may experience an Unplanned Water Interruption under clause 4.2.1.

and

Amends clause 4.3 of the Hunter Water Corporation Operating Licence as follows:

#### 4.3 Sewage Overflows on Private Property Standard

##### 4.3.1 Hunter Water must ensure that:

- (a) no more than 5,000 Properties (other than Public Properties) experience an Uncontrolled Sewage Overflow in dry weather in a financial year, and
- (b) no more than 45 Properties (other than Public Properties) experience 3 or more Uncontrolled Sewage Overflows in dry weather in a financial year.

##### 4.3.2 For the purposes of Uncontrolled Sewage Overflows under clause 4.3.1, each multiple occupancy Property is counted as a single Property.

### EXPLANATORY NOTE

#### HUNTER WATER ACT 1991

(Amendment of clauses 4.1, 4.2 and 4.3 of the Hunter Water Corporation Operating Licence) – Proclamation

PURSUANT to section 14 of the Hunter Water Act 1991 (the Act), the Governor may amend the Hunter Water Corporation Operating Licence (the licence).

Section 13 of the Act requires that the operating licence includes obligations that Hunter Water meets quality and performance standards that are specified in the operating licence. These standards relate to water quality, service interruptions, price levels and other matters that are determined by the Governor and set out in the operating licence. The existing licence includes performance standards that deal with water pressure, continuity of water supply, and overflows from the sewer system onto private land. Collectively, these are termed system performance standards.

Clause 4.6.1 of the operating licence requires that at least once during the term of the operating licence IPART must consult with Hunter Water and other stakeholders and report to the Minister on whether the Water Pressure, Water Continuity and Sewage Overflow standards specified in clauses 4.1, 4.2 and 4.3 respectively, should be amended, and if so the nature of the amendments.

IPART has completed a review of Hunter Water's system performance standards. This review suggests that amendments should be made to Hunter Water's existing system performance measures and associated performance targets for each of the measures of system performance. Hunter Water Corporation has endorsed the proposed amendments.

#### Water Pressure Standard

In respect to the Water Pressure Standard, the following amendments have been made to the current clause 4.1 as shown in the amended clause 4.1 hereunder:

The insertion of:

- "each separately billed or separately occupied part of a multiple occupancy property is to be considered a separate property" at clause 4.1.3 (a); and
- "the property count in subclause 4.1.1 does not include properties that experience low pressure on

a day when peak day demands exceed 370 litres per day. This usually occurs only in periods of very hot weather: as at 4.1.3 (d).

The amended clause 4.1 states:

#### 4.1 Water Pressure Standard

4.1.1 Hunter Water must ensure that no more than 4,800 Properties in a financial year experience a Water Pressure Failure.

4.1.2 A Property experiences a water pressure failure (Water Pressure Failure) if the Property experiences a pressure of less than 20 metres head for a continuous period of 30 minutes or more measured at the point of connection of the Property to the Water Supply System, usually at the point of connection known as the “main tap”.

4.1.3 For the purpose of the Water Pressure Standard (and any applicable service quality and system performance indicators in clause 4.7) the following applies:

- (a) each separately billed or separately occupied part of a multiple occupancy Property is considered to be a separate Property;
- (b) a Property is taken to have experienced a Water Pressure Failure at each of the following times:
  - (i) when a person notifies Hunter Water that the Property has experienced a Water Pressure Failure and that Water Pressure Failure is confirmed by Hunter Water; or
  - (ii) when Hunter Water’s systems identify that the Property has experienced a Water Pressure Failure; and
- (c) a Property will not be taken to have experienced a Water Pressure Failure only because of:
  - (i) a Planned Water Interruption or Unplanned Water Interruption;
  - (ii) water usage by authorised fire authorities in the case of a fire; or
  - (iii) operational problems (including breaks in a main or failure in a pump) that are temporary and short term in nature.
- (d) the property count in clause 4.1.1 does not include properties that experience low pressure on a day when peak day demand exceeds 370 megalitres per day.

#### Water Continuity Standard

In respect to the Water Continuity Standard, the following amendments have been made to the current clause 4.2 as shown in the amended clause 4.2 hereunder:

- Only unplanned water supply interruptions are now considered.
- Both single and multiple unplanned water supply interruptions are now considered.
- A limit of 10,000 properties has been applied to single unplanned water supply interruptions.
- A limit of 5,000 properties has been applied to multiple unplanned water supply interruptions
- Each separately billed or separately occupied part of a multiple occupancy property is to be considered a separate property.

- Interruptions caused by third parties are to be excluded from property counts.
- Interruptions with a duration of less than one hour are to be excluded from property counts.

The amended clause 4.2 states:

#### 4.2 Water Continuity Standard

4.2.1 Hunter Water must ensure that:

- (a) no more than 10,000 Properties in a financial year experience an Unplanned Water Interruption exceeding 5 hours; and
- (b) no more than 5,000 Properties experience 3 or more Unplanned Water Interruptions of more than 1 hour duration in a financial year, in its drinking water supply system.

4.2.2 For the purpose of the Water Continuity Standard, the following applies:

- (a) in determining whether a Property experiences an Unplanned Water Interruption a best estimate is to be applied from the best available data, taking account of water pressure data where that data is available;
- (b) a Property is taken to have experienced a separate Unplanned Water Interruption for each period of 5 hours or more that the Unplanned Water Interruption exists;
- (c) each separately billed or separately occupied part of a multiple occupancy Property is a separate Property;
- (d) interruptions caused by third parties are excluded;
- (e) interruptions of less than 1 hour are excluded; and
- (f) Clause 4.2.2 does not limit the circumstances in which a Property may experience an Unplanned Water Interruption under clause 4.2.1.

#### Sewage Overflow Standard

In respect to the Sewage Overflow Standard, amendments have been made to the current clause 4.3 as shown hereunder:

#### 4.3 Sewage Overflows on Private Property Standard

4.3.1 Hunter Water must ensure that the number of Uncontrolled Sewage Overflows in a financial year (other than on Public Properties) does not exceed 6,500. This is known as the Sewage Overflow Standard.

The amended clause 4.3 includes the following elements:

- Both single and multiple uncontrolled sewage overflows are now considered.
- A limit of 5,000 properties has been applied to single uncontrolled sewage overflow events.
- A limit of 45 properties has been applied to multiple uncontrolled sewage overflow events.
- Only dry weather overflows are considered
- Multiple occupancy properties are counted as a single property.

The amended clause 4.3 then becomes:

#### 4.3 Sewage Overflows on Private Property Standard

4.3.1 Hunter Water must ensure that:

- (a) no more than 5,000 Properties (other than Public Properties) experience an Uncontrolled Sewage Overflow in dry weather in a financial year, and
- (b) no more than 45 Properties (other than Public Properties) experience 3 or more Uncontrolled Sewage Overflows in dry weather in a financial year.

4.3.2 For the purposes of Uncontrolled Sewage Overflows under clause 4.3.1, each multiple occupancy Property is counted as a single Property.

The object of this proclamation is to amend the Hunter Water Corporation Operating Licence as described above.

Contact Officer: BOB BURFORD, Senior Technical Analyst, Licensing, Phone (02) 9290 8408.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

**Dharawal Resting Place – Middle Rill Aboriginal Place**

IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, the Minister for Climate Change, Environment and Water, do, by this my order, declare such of the lands described hereunder as an Aboriginal Place.

It is my opinion that this place is or was of special significance to Aboriginal culture for reasons including those which are described hereunder.

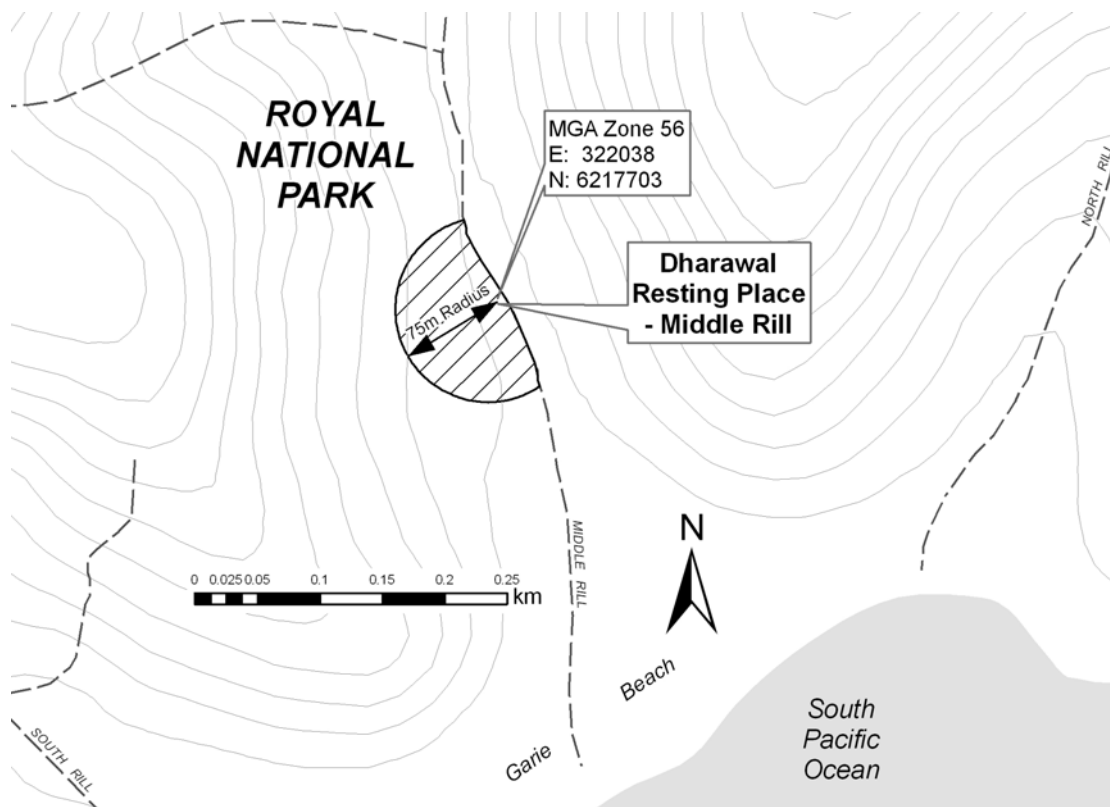
- The area is of great significance to the Aboriginal community for the existing traditional burial place and recent establishment of the resting place for the repatriation of Aboriginal ancestral remains to be returned to Country. This Aboriginal Place demonstrates the connection of traditional practices to the contemporary practices of the Aboriginal community.
- Aboriginal burials are among the most significant of Aboriginal sites to the Aboriginal community today. This area is a place where traditional culture can continue; for educating the Aboriginal community about Aboriginal culture and burial practices; an opportunity for spiritual and cultural connection for Aboriginal people.

FRANK SARTOR, M.P.,  
Minister for Climate Change  
and the Environment

Description

*Land District – Metropolitan;  
L.G.A. – Sutherland*

County Cumberland, Parish Bulgo, about 1 Hectare, being the area shown by hatching in the diagram hereunder; DECCW



**NATIONAL PARKS AND WILDLIFE ACT 1974**

Reservation of Land in a State Conservation Area as a National Park or Nature Reserve

I, Professor MARIE BASHIR, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, pursuant to section 47MA (1) of the National Parks and Wildlife Act 1974, hereby revoke the reservation of the State Conservation Areas described in column 1 of the Schedule below, and reserve those lands as a National Park or Nature Reserve as set out in column 3 of the Schedule.

Signed and sealed at Sydney, this 5th day of May 2010.

MARIE BASHIR,  
Governor

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

<i>Column 1</i> <i>State Conservation Area</i>	<i>Column 2</i> <i>Reservation Date</i>	<i>Column 3</i> <i>National Park/Nature Reserve</i>
Barnunj State Conservation Area.	1 January 2003.	Meroo National Park (addition).
Bridal Veil Falls State Conservation Area.	23 December 2005.	Bridal Veil Falls Nature Reserve (addition).
Fishermans Bend State Conservation Area.	23 December 2005.	Fishermans Bend Nature Reserve (addition).
Georges River State Conservation Area.	26 September 1975.	Georges River National Park (addition).
Yarriabini State Conservation Area.	23 December 2005.	Yarriabini National Park (addition).

**OCCUPATIONAL HEALTH AND SAFETY  
REGULATION 2001**

(Clause 348)

Exemption Order – No. 004/10

I, JOHN WATSON, General Manager of the Occupational Health and Safety Division, WorkCover Authority of New South Wales, pursuant to Clause 348 of the Occupational Health and Safety Regulation 2001 (the Regulation), make the following Exemption Order.

Dated this 13th day of July 2010.

JOHN WATSON,  
General Manager,  
Occupational Health and Safety Division,  
WorkCover Authority of New South Wales

Explanatory Note

Clause 348 of the Occupational Health and Safety Regulation 2001, provides that the regulatory authority may, by order published in the *New South Wales Government Gazette*, exempt any class of persons or things from a specified provision of the Regulation.

This order exempts each of an importer into New South Wales of hazardous substances, and a manufacturer of hazardous substances, from the requirement to comply with certain requirements of the Regulation requiring classification of hazardous substances. The exemption is granted on the condition that the hazardous substances are classified in accordance with the Globally Harmonised System of Classification and Labelling of Chemicals as published by the United Nations from time to time (GHS).

This order also exempts each of an importer into New South Wales of dangerous goods, a manufacturer of

dangerous goods and a supplier of dangerous goods, from certain labelling requirements of the Regulation, on the condition that the dangerous goods are labelled in accordance with the GHS.

Occupational Health and Safety Regulation 2001  
Exemption Order No. 004/10

1. Name of Order  
This Order is the Occupational Health and Safety Regulation 2001 Exemption Order No. 004/10.
2. Commencement  
This Order commences on the date it is published in the *New South Wales Government Gazette* and has effect for a period of five years from that date.
3. Exemptions
  - 3.1 A person who is:
    - (a) An importer of hazardous substances manufactured outside of New South Wales for supply to others or for the person's own use, or
    - (b) A manufacturer of hazardous substances,
 is exempt from the requirements of clause 149 (1) (b) of the Regulation to ascertain whether a substance fits the criteria for hazardous substances set out in the document entitled "Approved Criteria for Classifying Hazardous Substances [NOHSC:1008(1999)] published by the NOHS Commission.
  - 3.2 Granting of the exemption in 3.1 is subject to the following conditions:
    - (a) the person in 3.1 (a) or (b) ("the exempt person") must ascertain whether the substance fits the

criteria for hazardous substances set out in the GHS, and

- (b) if the exempt person determines that the substance is a hazardous substance on the basis of the GHS, the exempt person is to treat that determination as if it were equivalent to a determination made under clause 149 (2) (a) of the Regulation.

3.3 A person who is :

- (a) An importer of dangerous goods manufactured outside New South Wales for supply to others or for the person's own use, or  
 (b) A manufacturer of dangerous goods, or  
 (c) A supplier of dangerous goods

is exempt from complying with the requirements of Part 6A.2 of the Regulation to the extent necessary to permit the use of a hazard label complying with GHS, in place of a class label complying with the ADG Code.

3.4 Granting of the exemption in 3.3 is subject to the following conditions:

- (a) The person in 3.3 (a), (b) or (c) must ensure that the relevant hazard information is conveyed by a rectangular label complying with GHS and incorporates substantially the same hazard pictogram as the pictogram on the class label, and  
 (b) the exemption in 3.3 does not apply to the placarding required by the Regulation of storage and handling locations for dangerous goods at premises.

#### 4. Definitions

In this Order all terms and definitions have the meaning set out in the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001.

“*GHS*” means the Globally Harmonised System of Classification and Labelling of Chemicals as published by the United Nations from time to time (GHS).

“*Regulation*” means the Occupational Health and Safety Regulation 2001.

### PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION ACT 1976

Incorporation of Parents and Citizens Associations

THE following associations are hereby incorporated under the Parents and Citizens Associations Incorporation Act 1976:

1. Elderslie High School.
2. Appin Public School.

VERITY FIRTH, M.P.,  
Minister for Education and Training

### POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 175 (1),  
Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008 an Order has been made on Robert Anthony Cooksley NMW0001312581 of 3 Urambi Place, Engadine NSW 2233. prohibiting him, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation.

This Order is to take effect on and from 12 July 2010.

Professor DEBORA PICONE, AM,  
Director-General

Department of Health, New South Wales  
Sydney 8 July 2010



# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### COOLAMON SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

COOLAMON SHIRE COUNCIL declares with the approval of Her Excellency the Governor that the lands described in the Schedule below, excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the expansion of the Allawah Retirement Village.

Dated at Coolamon this Thirteenth day of July, 2010.

TERREY KISS,  
General Manager

#### SCHEDULE

Lot 1, Section 33, DP 758277  
 Lot 2, Section 33, DP 758277  
 Lot 3, Section 33, DP 758277  
 Lot 4, Section 33, DP 758277  
 Lot 5, Section 33, DP 758277 [5351]

### FAIRFIELD CITY COUNCIL

The Horsley Drive, Smithfield and Wetherill Park –  
Light Traffic Thoroughfare

NOTICE is hereby given that Council proposes to implement a "5 Tonne Load Limit" in The Horsley Drive, between Cumberland Highway and Elizabeth Street to enhance residential amenity.

The proposed load limit does not prevent drivers from using the section of road to access properties to deliver or collect goods/people. However, the proposed load limit restriction will prohibit vehicles over 5 tonne, which do not have a destination in The Horsley Drive (i.e. through traffic).

Council is now seeking comments on the proposal from the residents and other organisations affected by the proposal. Submissions in writing by way of support or objection to the proposal must reach Council by 27 August 2010 (Please quote reference G10-08-241 in reply).

Further information can be obtained by contacting 9725 0107.

ALAN YOUNG, City Manager, PO Box 21, Fairfield NSW 1860. [5352]

### FORBES SHIRE COUNCIL

#### ERRATUM

IN the notice appearing in the NSW Government Gazette of the 15 October 1999, Folio 10017, under the heading Forbes Shire Council, note that Lot 4 DP1005970 was acquired under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for public road purposes. C BYWATER, General Manager, Forbes Shire Council, PO Box 333, Forbes NSW 2871. [5353]

### YASS VALLEY COUNCIL

Roads Act 1993, Section 162

Roads Re-Naming

NOTICE is hereby given that Yass Valley Council, pursuant to the abovementioned Act, has re-named the following roads located within Yass Valley Council. DAVID ROWE, General Manager, Yass Valley Council, PO Box 6, Yass, NSW, 2582.

<i>Current Road Name</i>	<i>New Road Name</i>	<i>Location</i>
Burrai Place	Guginya Place	Northern end of Grand Junction Road; adjacent to the eastern boundary of Lot 1, DP 1087049.
Guginya Place	Burrai Place	Northern end of Grand Junction Road, adjacent to the northern boundary of Lot 84, DP 719339.

[5354]

## ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of WINIFRED MARY PATRICIA LEES late of Turrumurra in the State of New South Wales, widow, who died on 24 May 2010 must send particulars of the claim to the executor, Barbara Mary Oates, care of Truman Hoyle Lawyers, Level 11, 68 Pitt Street Sydney NSW 2000, within 31 days from the publication of this notice. After that time and after six months from the date of the death of the deceased the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 9 July 2010. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street Sydney NSW 2000, DX 263 SYDNEY, ref: SR 91610, tel.: 9226 9888. [5355]

## OTHER NOTICES

### INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement at Illaroo  
 INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor with the advice of the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Huntingwood this 28 day of June 2010.

ROD HOWARD,  
Group General Manager, Network,  
Integral Energy Australia,  
51 Huntingwood Drive,  
Huntingwood NSW 2148

## SCHEDULE 1

Easement for underground cables 1 wide as set out in Memorandum No 9262885 filed at NSW Land and Property Management Authority. For the purpose of this notice, in Memorandum No 9262885 “lot burdened” means unformed Crown Road Reserve 20.115 wide shown in DP 1147629.

## SCHEDULE 2

All that piece or parcel of land at Illaroo, in the local government area of Shoalhaven, Parish of Illaroo and County of Camden, being the site of the proposed acquisition of easement for underground cables 1 wide designated (B) in DP 1147629 and affecting unformed Crown Road Reserve 20.115 wide.

The land is said to be unformed Crown Road Reserve 20.115 wide, owned and managed by the Crown – The State of New South Wales. [5356]

**INTEGRAL ENERGY AUSTRALIA**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement at Illaroo

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor with the advice of the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Huntingwood this 28 day of June 2010.

ROD HOWARD,  
Group General Manager, Network,  
Integral Energy Australia,  
51 Huntingwood Drive,  
Huntingwood NSW 2148

IE Ref: 2009/01929/001 – NRL7804.

## SCHEDULE 1

Easement for overhead power lines 9 wide as set out in Memorandum No 9262884 filed at NSW Land and Property Management Authority. For the purpose of this notice, in Memorandum No 9262884 “lot burdened” means unformed Crown Road Reserve 20.115 wide shown in DP 1143834.

## SCHEDULE 2

All that piece or parcel of land at Cambewarra, in the local government area of Shoalhaven City, Parish of Illaroo and County of Camden, being the site of the proposed easement for overhead power lines 9 wide designated (B) in DP 1143834 and affecting Crown Road Reserve 20.115 wide.

The land is said to be unformed Crown Road Reserve 20.115 wide, owned and managed by the Crown – The State of New South Wales. [5357]

**MAITLAND PRESBYTERIAN CHURCH  
LAND ACT 1870**

THE Trustees of the Presbyterian Glebe Lands constituted by the Lands Act notify that on 8 November 2009 MICHAEL MINTER was appointed as a Trustee pursuant to the provisions of the above Act. [5358]