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GOVERNMENT NOTICES

Miscellaneous Instruments

ELECTRICITY (CONSUMER SAFETY) ACT 2004

Order under Section 5

I, John Tansey, Assistant Commissioner, Home Building Service, New South Wales Fair Trading, Department of Finance and Services:

- (1) revoke, on and from the date on which this Order is published in the *New South Wales Government Gazette*, the Order dated 29 August 2014 and published in the *New South Wales Government Gazette* of 26 September 2014 No. 79 at page 3288; and
- (2) pursuant to sections 5 (2) and 5 (3) of the *Electricity (Consumer Safety) Act 2004* by this Order, declare the electrical articles of a class described in Schedule 1 to be, on and from the date on which this Order is published in the *New South Wales Government Gazette*, declared electrical articles for the purposes of Part 2 of the *Electricity (Consumer Safety) Act 2004* and the specifications, including modifications, specified in Schedule 1 to be those applicable to electrical articles of that class.

Signed this 16th day of February 2015

JOHN TANSEY
Assistant Commissioner, Home Building Service
NSW Fair Trading
Office of Finance and Services
Department of Treasury and Finance

Schedule 1

Declared Electrical Articles

Interpretation:

In this schedule a reference to –

AS/NZS 60335.1 means AS/NZS 60335.1:2011 A1+A2;

AS/NZS 3100 means AS/NZS 3100:2009+A1-3;

AS/NZS 60745.1 means AS/NZS 60745.1:2009 or AS/NZS 60745.1: 2003 A1-3. The 2009 edition will supersede AS/NZS 60745.1:2003 and its amendments after all of the Parts 2 of that standard have been superseded.

AS/NZS 60598.1 means AS/NZS 60598.1:2013

AS/NZS 61347.1 means AS/NZS 61347.1:2002

AS/NZS 61535.1 means AS/NZS 61535.1:2011

AS/NZS 61558.1 means AS/NZS 61558.1:2008+A1;

1. APPLIANCE CONNECTOR – an electrical device which –

- (a) is for attachment to a flexible cord; and
- (b) makes a detachable connection between the conductors of the cord and the pins or contacts of any low voltage appliance or equipment of a type intended or generally used for household applications;

but does not include –

- (c) a connector within the scope of AS/NZS 3123; or
- (d) a plug or socket-outlet within the scope of AS/NZS 3131; or
- (e) an installation coupler within the scope of AS/NZS 61535.1

Class specification:

Appliance connector –
AS/NZS 60320.1:2012

Plug connector
AS/NZS 60320.1:2012 and AS/NZS 60320.2.2:2004

Sewing machine connector –
AS/NZS 60320.2.1 : 2004

2. ARC WELDING MACHINE – an electrical appliance which –

- (a) is for use in the electric arc welding process;

- (b) is for connection to single phase low voltage supply;
- (c) is fitted with a flexible cord and plug rated at not more than 16 A;
- (d) can easily be moved from one place to another while it is connected to supply; and
- (e) has, for GMAW (gas metal arc welding), GTAW (gas tungsten arc welding), and FCAW (flux cored arc welding) machines, a 100% output rating not exceeding 65 A.

The 100% rating is calculated from the square root of the marked duty cycle expressed in decimal form multiplied by the marked output current associated with the duty cycle in amperes;

but does not include –

- (f) an arc welding machine promoted exclusively to industry.

Class specification:
AS 60974.6:2006

3. BAYONET LAMPHOLDER – an electrical device which –

- (a) accommodates a lamp with a bayonet cap of 15 mm or 22 mm nominal diameter;

but does not include –

- (b) a lampholder which by design is restricted to specific appliances; or
- (c) a lampholder which is for incorporation in industrial equipment only.

Class specification:
AS/NZS 3100 and AS/NZS 3117: 2007 (until 30 December 2016); or
AS/NZS 61184:2007

4. BAYONET LAMPHOLDER ADAPTOR – an electrical device which –

- (a) is for insertion into a B22 bayonet lampholder; and
- (b) is for connection to a flexible cord; or
- (c) has one or more lampholders.

Class specification:
AS/NZS 3100 and AS 3119:1994

5. BLANKET – an electrical appliance which –

- (a) is for the application of heat to a bed;
- (b) is flexible;
- (c) has a fabric enclosure; and
- (d) has a projected surface area exceeding 0.6 square metres;

and includes –

- (e) any associated power supply or controller.

Class specification:
AS/NZS 60335.1 and AS/NZS 60335.2.17:2004+A1-2 (until 26 October 2015) or AS/NZS 60335.2.17:2012.

6. BREAD TOASTER – an electrical appliance which –

- (a) is a household type; and
- (b) is for toasting bread or similar foods.

Class specification:
AS/NZS 60335.1 and AS/NZS 60335.2.9: 2009+A1 (until 28 November 2016), or AS.NZS 60335.2.9:2014.

7. CLOTHES DRYER – an electrical appliance which –

- (a) is a household type; and
- (b) is for drying textile material.

but does not include –

- (c) a heated towel rail

Class specification:
Rotary type –
AS/NZS 60335.1 and AS/NZS 60335.2.11:2009+A1-2
Cabinet type –
AS/NZS 60335.1 and AS/NZS 60335.2.43:2005+A1-2

- 8. CONTROL OR CONDITIONING DEVICE** – an electrical device which –
- (a) is a household type;
 - (b) is for automatically controlling or conditioning the electrical input to electrical apparatus via outlet facilities of the control or conditioning device.
 - (c) is self contained and portable; and
 - (d) connects to supply by means of a flexible cord and plug, appliance inlet or pins for engagement with a socket-outlet.
- Class specification:
AS/NZS 3100 and AS/NZS 3105:2014 or AS/NZS 3100 and AS/NZS 3197:2005 (until 28 April 2016).
- 9. COOKING APPLIANCE – PORTABLE TYPE** – an electrical appliance which –
- (a) is a household type;
 - (b) is for cooking or warming food by electrical energy; and
 - (c) is portable.
- Class specification:
Griller, roaster, or oven (including breadmaker) –
AS/NZS 60335.1 and AS/NZS 60335.2.9: 2009+A1 (until 28 November 2016), or AS/NZS 60335.2.9:2014
- Warming plate and similar –
AS/NZS 60335.1 and AS/NZS 60335.2.12:2004+A1
- Frying pan, deep fryer or wok –
AS/NZS 60335.1 and AS/NZS 60335.2.13:2010.
- Outdoor barbecue –
AS/NZS 60335.1 and AS/NZS 60335.2.78:2005+A1-2
- 10. CORD EXTENSION SOCKET** – an electrical device which –
- (a) is for attachment to a flexible cord;
 - (b) has a maximum rating of 20 A at low voltage; and
 - (c) has contacts whereby a detachable connection may be made with the corresponding pins of a plug or an inlet; but does not include –
 - (d) a connector or appliance connector designated in AS/NZS 3123; or
 - (e) a socket outlet designated in AS/NZS 3131.
 - (f) an installation coupler designated in AS/NZS 61535.1
- Class specification:
AS/NZS 3100 and AS/NZS 3120:2011+A1.
- 11. CORD-LINE SWITCH** – an electrical device which –
- (a) is for attachment in a flexible cord;
 - (b) manually opens and closes an electrical circuit; and
 - (c) has a rating not exceeding 16 A at low voltage; but does not include –
 - (d) bell push and pendant switches.
- Class specification:
AS/NZS 3100 and AS/NZS 3127:2005.
- 12. DECORATIVE LIGHTING OUTFIT** – an electrical appliance which –
- (a) is for decorative, display or illumination purposes;
 - (b) is portable;
 - (c) consists of –
 - (i) lamps (including Light Emitting Diode “LED” types) or lampholders interconnected by flexible cord of less than 2.5 mm² cross-sectional area; or
 - (ii) lamps (including Light Emitting Diode “LED” types) within a flexible enclosure; and
 - (d) may be integral with a frame or similar support; and includes –
 - (e) any integral power supply or control device.
- Class specification:
AS/NZS 60598.1 and AS/NZS 60598.2.20:2002.

13. DISHWASHING MACHINE – an electrical appliance which –

- (a) is a household type; and
- (b) is for washing of eating or cooking utensils.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.5:2002+A1-3 (until 27 June 2017) or AS/NZS 60335.2.5:2014.

14. EDISON SCREW LAMP HOLDER – an electrical device which –

- (a) accommodates a lamp with an Edison screw cap of 14 mm or 27 mm nominal outside diameter; but does not include –
- (b) a lampholder which by design is restricted to specific appliances; or
- (c) a lampholder which is for incorporation in industrial equipment only.

Class specification:

AS/NZS 3100 and AS/NZS 3140:2007 (until 30 December 2016) or AS/NZS 60238:2007.

15. FAN – an electrical appliance which –

- (a) is a household type;
 - (b) has a primary function of moving air in its vicinity for comfort or extraction purposes; and
 - (c) is self-contained;
- and includes –
- (d) any associated ancillary equipment.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.80:2004+A1.

16. FENCE ENERGISER – an electrical appliance which regulates and controls the supply of electrical energy to an electric fence.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.76:2003+A1-2 (until 2 October 2015) or AS/NZS 60335.2.76:2003+A1-3

17. FLEXIBLE HEATING PAD – an electrical appliance which –

- (a) is for application of heat to parts of the human body;
- (b) is in the form of a flexible pad; and
- (c) has a projected area not exceeding 0.6 square metres.

But does not include –

- (d) appliances specifically intended for use under direct medical supervision.

Class specification:

Foot warmer and foot mat –

AS/NZS 60335.1 and AS/NZS 60335.2.81: 2012

Other –

AS/NZS 60335.1 and AS/NZS 60355.2.17:2012.

18. FLOOR POLISHER/SCRUBBER – an electrical appliance which –

- (a) is a household type; and
- (b) is used to polish or scrub floors.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.10:2006+A1

19. FLUORESCENT LAMP BALLAST – an electrical device which –

- (a) is for controlling the magnitude of current flowing through the discharge path of a fluorescent lamp;
 - (b) is of the independent or built-in type intended for use with luminaires (portable or fixed); or
 - (c) is of the integral type, rated at 60 watts or less, such that it forms a non-replaceable part of a fluorescent lamp/ballast combination; or
 - (d) is of the adaptor type such that it allows the insertion of a fluorescent lamp into the ballast by the user;
- and includes –
- (e) any capacitor incorporated in or supplied with the ballast;
- but does not include –

- (f) a ballast which is incorporated in luminaires certified for compliance with the requirements for electrical equipment with increased safety type protection (Ex e) for use in hazardous locations.

Class specification:

Integral (self ballasted lamp) magnetic and electronic types
AS/NZS 60968:2001.

Other magnetic type –

AS/NZS 61347.1 and AS/NZS 61347.2.8:2003.

Other electronic type

AS/NZS 61347.1 and AS/NZS 61347.2.3:2004.

Fluorescent lamp adaptors (T8:T5)

AS/NZS 61347.1 and AS/NZS 61347.2.3:2004 and the relevant requirements of AS/NZS 60598.1.

20. FLUORESCENT LAMP STARTER – an electrical device which –

- (a) is for starting preheat type fluorescent lamps;
- (b) is a glow-start type; and
- (c) has an enclosure of insulating material.

Class specification:

AS/NZS 60155:2000 (Section 1) +A1-2.

21. HAIR CARE APPLIANCE – an electrical appliance which –

- (a) is a household type or a commercial hand-held type; and
- (b) is for drying, styling or the caring of human hair.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.23:2012.

22. HEDGE CLIPPER – an electrical appliance which –

- (a) is for trimming hedges; and
- (b) is hand held.

Class specification:

AS/NZS 60745.1 and AS/NZS 60745.2.15:2010.

23. IMMERSION HEATER – an electrical appliance which –

- (a) is a household type;
- (b) is for heating liquid in which it may be immersed; and
- (c) is self contained;

and includes –

- (d) aquarium type immersion heaters.

Class specification:

Aquarium type –

AS/NZS 60335.1 and AS/NZS 60335.2.55:2011.

Portable (other than aquarium) type –

AS/NZS 60335.1 and AS/NZS 60335.2.74:2005+A1-2.

Fixed type –

AS/NZS 60335.1 and AS/NZS 60335.2.73:2005+A1-2.

24. INSECT ELECTROCUTOR – an electrical appliance which –

- (a) is a household type; and
- (b) kills insects by the application of electrical energy.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.59:2005+A1-3.

25. INSPECTION HANDLAMP – an electrical appliance which –

- (a) is for inspection purposes using illumination;
- (b) holds an incandescent or discharge lamp; and
- (c) is hand held;

but does not include –

(d) handlamps with a magnification facility.

Class specification:

AS/NZS 60598.1 and AS/NZS 60598.2.8:2002.

26. IRON – an electrical appliance which –

(a) is a household type;

(b) is for smoothing or pressing fabric by the application of heat or steam; and

(c) is hand held except for any separate steam generator;

and includes –

(d) any associated equipment.

Class specification:

Fabric steamer –

AS/NZS 60335.1 and AS/NZS 60335.2.85:2005+A1.

Other –

AS/NZS 60335.1 and AS/NZS 60335.2.3:2002+A1-2 (until 26 October 2015) or AS/NZS 60335.2.3:2012

27. KITCHEN MACHINE – an electrical appliance which –

(a) is a household type;

(b) is for the preparation of food by mechanical means; or

(c) is for opening cans; or

(d) is for sharpening of knives.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.14:2007+A1 (until 25 October 2016) or

AS/NZS 60335.2.14: 2013

28. LAWN CARE APPLIANCE – an electrical appliance which –

(a) is a household type; and

(b) is for cutting grass or lawn.

Class specification:

Mower (except for robotic lawn mower) –

AS/NZS 60335.1 and AS/NZS 60335.2.77:2002+A1.

Robotic lawn mower –

AS/NZS 60335.2.107:2013

Trimmer (with non-metallic filament line or cutter/s) –

AS/NZS 60335.1 and 60335.2.91:2008+A1

Trimmer (other) –

AS/NZS 60335.2.91:2008+A1.

Grass Shears:

AS/NZS 60335.2.94:2008

29. LIQUID HEATING APPLIANCE – an electrical appliance which –

(a) is a household type;

(b) is portable;

(c) has a capacity not exceeding 10L; and

(d) heats liquid for:

(i) humidifying room air; or

(ii) use in, or as, a hot beverage; or

(iii) cooking.

Class specification:

Humidifier –

AS/NZS 60335.1 and AS/NZS 60335.2.98:2005+A1.

Other –

AS/NZS 60335.1 and AS/NZS 60335.2.15:2002+A1-4 (until 25 October 2016) or AS/NZS 60335.2.15:2013.

30. LUMINAIRE – PORTABLE TYPE – an electrical appliance which –

- (a) is a household type;
- (b) provides illumination or for decorative purposes, produces light;
- (c) is fitted with a supply flexible cord, an appliance inlet socket or a power supply unit with integral pins for insertion into a socket outlet;
- (d) is for standing on a table or floor, or is fitted with a clamp or similar for attachment to vertical or horizontal surfaces;
- (e) is for use with tungsten filament, tubular fluorescent or other discharge lamps or Light Emitting Diode “LED” types; and
- (f) is constructed to represent a model, person or animal and by its design and materials is likely to be treated by a child as a toy; or
- (g) has metal parts which are required to be earthed or double insulated from live parts (excluding live parts of an all insulated lampholder).

Class specification:

Child appealing type (refer to clause (f)) –
AS/NZS 60598.1 and AS/NZS 60598.2.10:1998.

Type fitted with a built-in transformer or convertor –
AS/NZS 60598.1 and AS/NZS 60598.2.6:1998.

Other –
AS/NZS 60598.1 and AS/NZS 60598.2.4:2005+A1.

31. MASSAGE APPLIANCE – an electrical appliance which –

- (a) is a household type;
- (b) is for massaging the human body;
- (c) is portable; and
- (d) is self-contained.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.32:2004+A1 (until 28 November 2016); or AS/NZS 60335.2.32:2014

32. MICROWAVE OVEN – an electrical appliance which –

- (a) is a household type; and
- (b) applies heat to food, liquid or other substances in a chamber by means of high frequency electromagnetic radiation.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.25:2011.

33. MINIATURE OVERCURRENT CIRCUIT-BREAKER – an electrical device which –

- (a) is an enclosed air-break switch;
- (b) opens a low voltage circuit automatically under pre-determined conditions of overcurrent;
- (c) has a nominal rating not exceeding 125 A; and has –
 - (i) a current breaking capacity up to but not including 10 kA;
 - and/or
 - (ii) a projected panel mounting area not exceeding 4000 square millimetres per pole;

but does not include –

- (d) miniature overcurrent circuit-breakers as defined but which are intended and marked as being only for use in industrial application.

Class specification:

AS/NZS 60898.1:2004 and AS/NZS 60898.2:2004

(or AS 60947.2:2005 for DC circuit breakers outside the scope of AS/NZS 60898.2) or

AS/NZS 3111:2009 A1

AS/NZS 3111:2009 A1 is modified by varying Clause 7.5.1 as follows:

The existing Clause 7.5.1 (b) deleted and replaced by –

Clause 7.5.1

- (b) For a circuit breaker having more than one pole between each pair of poles with the circuit breaker in both the closed and open positions; and
- (c) between incoming terminals and outgoing terminals, with all outgoing terminals bonded together.

34. OUTLET DEVICE – an electrical device which –

- (a) is a household type;
- (b) as its primary function, extends supply from a socket-outlet;
- (c) is portable;
- (d) incorporates facilities for the insertion of a plug or plugs; and
- (e) has a rating not exceeding 20 A;

but does not include –

- (f) a cord extension set.

Class specification:

Integral pin type (including travel adaptor) –
AS/NZS 3100 and AS/NZS 3122:2005.

AS/NZS 3122:2005 is modified to preclude types that can be rewired by the user.

Other –

AS/NZS 3100 and AS/NZS 3105:2014; or
AS/NZS 3105:2012 (until 28 April 2016)

35. PLUG – an electrical device which –

- (a) makes a detachable connection between the contacts of a socket-outlet and the conductors of a flexible cord;
- (b) has two, three or four pins for insertion into a socket-outlet; and
- (c) has a rating not exceeding 20A.;

but does not include –

- (d) a plug which is within the scope of AS/NZS 3123:2005 and is intended for industrial use; or
- (e) a plug which is within the scope of AS/NZS 3131:2001 or AS/NZS 61535:2011.

Class specification:

AS/NZS 3100 and AS/NZS 3112:2011+A1-2 or
AS/NZS 60884.1:2013 (including Annex ZZ)

36. POWER SUPPLY OR CHARGER – an electrical appliance which –

- (a) provides an output not exceeding 50 volts a.c. or 120 volts ripple free d.c.; and
- (b) is a type to provide supply to separate luminaires; or
- (c) is a household type for either charging batteries or to provide a supply to separate equipment.

but does not include:

- (d) Information Technology and Audio Video equipment that can use the output to also transmit data that is not associated with a power supply or charger function.

Class specification:

Power supply for general use –

AS/NZS 61558.1 and AS/NZS 61558.2.6:2009+A1 or AS/NZS 61558.2.16: 2010 A1-3 (for switched mode types)

Power supply (electronic or transformer types) designated for use with specific electronic equipment –

AS/NZS 60065:2012; or

AS/NZS 60950.1:2011+A1; or

AS/NZS 61558.1 and AS/NZS 61558.2.16: 2010+A1-3 (for switched mode types)

Power supply for toys –

AS/NZS 61558.1:2008 and 61558.2.7:2008; or

AS/NZS 61558.2.16: 2010+A1-3 (for switched mode types)

Power supply for bells or chimes –

AS/NZS 61558.1 and AS/NZS 61558.2.8:2011; or

AS/NZS 61558.2.16: 2010+A1-3 (for switched mode types)

Power supply for lighting purposes –

Electronic Type:

LED modules: AS/NZS 61347.1 and AS/NZS IEC 61347.2.13:2013

Other: AS/NZS 61347.1 and AS/NZS 61347.2.2:2007.

Ferromagnetic Type: AS/NZS 61558.2.6: 2009

Power supply for Handlamps –

AS/NZS 61558.1 and AS/NZS 61558.2.9:2011; or

AS/NZS 61558.2.16: 2010+A1-3 (for switched mode types)

Power Supply for fence energiser –
AS/NZS 61558.1 and AS/NZS 61558.2.6:2009 A1 together with AS/NZS 60335.2.76:2003 A1-3; or
AS/NZS 61558.2.16:2010 A1-3 together with AS/NZS 60335.2.76 A1-3 (for switched mode types)

Battery charger –
AS/NZS 60335.1 and AS/NZS 60335.2.29:2004+A1-2.

37. PROJECTOR – an electrical appliance which –

- (a) is a household type; and
- (b) is for projecting an image from a photographic slide or moving film.

Class specification:
AS/NZS 60335.1 and AS/NZS 60335.2.56:2006+A1.

38. RANGE – an electrical appliance which –

- (a) is a household type;
- (b) is for cooking food using heat produced by electrical energy; and
- (c) is stationary.

Class specification:
Fixed outdoor barbecue –
AS/NZS 60335.1 and AS/NZS 60335.2.78:2005+A1-2.

Other –
AS/NZS 60335.1 and AS/NZS 60335.2.6:2008+A1-4 until 28 November 2017); or AS/NZS 60335.2.6:2014.

39. RANGE HOOD – an electrical appliance which –

- (a) is a household type;
- (b) collects and/or filters air; and
- (c) is for installation above a cooking appliance.

Class specification:
AS/NZS 60335.1 and AS/NZS 60335.2.31:2004+A1-4 (until 25 October 2016) or AS/NZS 60335.2.31:2013

40. RAZOR/HAIR CLIPPER – an electrical appliance which –

- (a) is a household type; and
- (b) shaves, cuts or trims human hair.

Class specification:
AS/NZS 60335.1 and AS/NZS 60335.2.8:2004+A1-2 (until 25 October 2016) or
AS/NZS 60335.2.8: 2013

41. REFRIGERATOR/FREEZER – an electrical appliance which –

- (a) is a household type; and
- (b) cools and stores food.

Class specification:
AS/NZS 60335.1 and AS/NZS 60335.1 and AS/NZS 60335.2.24:2010+A1

42. RESIDUAL CURRENT DEVICE – an electrical device which –

- (a) isolates or initiates a tripping signal to isolate a low-voltage supply to protected circuits, sockets-outlets or equipment in the event of a current flow to earth which exceeds a pre-determined level;
- (b) may be fixed or portable
- (c) has a rated residual current not exceeding 300 mA for devices intended for connection to fixed wiring or 30 mA for other devices; and
- (d) has a rated load current not exceeding 125 A for devices intended for connection to fixed wiring or 20 A for other devices;

but does not include –

- (e) a device intended to be used with a particular circuit-breaker other than a miniature overcurrent circuit-breaker;
or
- (f) a device intended to protect an electricity supply authority distribution system; or
- (g) a device covered by AS 2081 and intended for mines use.

Class specification:
Without integral overcurrent protection –
AS/NZS 61008.1:2011 or AS/NZS 3190:2011

With integral overcurrent protection –
AS/NZS 61009.1:2011 or;
AS/NZS 3190:2011 and AS/NZS 3111: 2009 or AS/NZS 3111: 2009+A1

Type 'B' and 'F' devices: IEC 62423
Type SPE – PRCD's: IEC 62335

For portable types –

- (a) AS/NZS3190:2011;or
- (b) AS/NZS 3190:2011 together with AS/NZS 3012:2010 (Type PSOA); or
- (c) IEC 62355 (Type SPE)

43. ROOM HEATER – an electrical appliance which –

- (a) is a household type; and
- (b) is for heating, by electrical energy, the atmosphere for comfort purposes;
and includes –
- (c) an appliance that accommodates one or more heatlamps;
but does not include –
- (d) an air-conditioning appliance;
- (e) a heating system that is intended to heat the atmosphere of a room primarily by raising the temperature of any floor, wall, or ceiling area; or
- (f) an under-carpet heating system.

Class specification:

Thermal storage type –
AS/NZS 60335.1 and AS/NZS 60335.2.61:2005+A1-2.

Other –

AS/NZS 60335.1 and AS/NZS 60335.2.30:2009+A1-2.

44. SEWING MACHINE – an electrical appliance which –

- (a) is a household type; and
- (b) is for stitching fabric or other material.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.28:2006+A1.

45. SOCKET-OUTLET – an electrical device which –

- (a) is for fixing at a point at which fixed wiring terminates;
 - (b) provides a detachable connection with the pins of a plug;
 - (c) has two, three or four contacts; and
 - (d) has a rating not exceeding 20A.;
- but does not include –
- (e) an outlet within the scope of AS/NZS 3123 or AS/NZS 3131 or AS/NZS 61535.

Class specification:

AS/NZS 3100 and AS/NZS 3112:2011+A1-2 or
AS/NZS 60884.1:2013 (including annex ZZ)

46. SOLDERING IRON – an electrical appliance which –

- (a) is for the application or removal of solder; and
 - (b) is hand held;
- and includes –
- (c) any integral or associated power supply or controller;
- but does not include –
- (d) a soldering iron promoted exclusively to industry.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.45: 2012

47. SUPPLY FLEXIBLE CORD – an electrical cord which –

- (a) is unscreened and flexible;
- (b) is designed for use at low voltage;
- (c) consists of two or three elastomer or PVC insulated cores of multistrand construction;
- (d) has a cross-sectional area of each conductor not exceeding 2.5 square millimetres; and
- (e) has for other than tinsel cords, individual wire strandings not exceeding –
 - (i) 0.21 mm for conductor sizes up to 1 square millimetre; or
 - (ii) 0.26 mm for conductor sizes exceeding 1 square millimetre;

but does not include –

- (f) a flexible cord directly connected to equipment or approved non-rewirable accessories which is marked in accordance with the CENELEC HAR marking scheme for flexible cords.

Class specification:

General flexible cord –

AS/NZS 3191:2008; or

AS/NZS 60227.5:2003 with amendment 1 (PVC); or

AS/NZS 60245.4:2003 with amendment 1 (Rubber).

Halogen-free thermoplastic insulation cord –

EN 50525-3-11:2011

Halogen-free crosslinked insulation cord –

EN 50525-3-21:2011

48. SWIMMING POOL OR SPA EQUIPMENT – an electrical appliance or device –

- (a) that is a transportable spa pool or transportable spa-bath, or
- (b) that is for circulating air or water in a conventional bath; or
- (c) that is for use in the operation or cleaning of a swimming pool, non-transportable spa pool or non-transportable spa-bath.

But does not include –

- (d) an appliance or device exclusively promoted for commercial use; or
- (e) a heat pump

Class specification:

Pump –

AS/NZS 60335.1 and AS/NZS 60335.2.41:2004+A1 (until 25 October 2016) or AS/NZS60335.2.41:2013.

Spa pool, Spa bath or an appliance intended to circulate air or water in a conventional bath –

AS/NZS 60335.1 and AS/NZS 60335.2.60:2006+A1.

UV radiation water treatment appliances –

AS/NZS 60335.2.109:2011+A1

Other –

AS/NZS 3100 and AS/NZS 3136:2001+A1-2.

49. TELEVISION RECEIVER – an electrical appliance which –

- (a) is for household use;
- (b) is for the display of public or subscription television broadcasts; and
- (c) incorporates a single cathode ray picture tube.

Class specification:

AS/NZS 60065:2012

50. THERAPEUTIC LAMP – an electrical appliance which –

- (a) is a household type;
- (b) produces ultraviolet or infra-red radiation for personal, therapeutic or cosmetic purposes; and
- (c) is portable.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.1 and AS/NZS 60335.2.27:2010+A1

51. TOOL – PORTABLE TYPE – an electrical appliance which –

- (a) is for machining, drilling, sawing, or surface preparation; and

(b) may be entirely supported by hand during operation;

but does not include –

(c) a tool, portable type, promoted exclusively to industry.

Class specification:

Drill –

AS/NZS 60745.1 and AS/NZS 60745.2.1:2009

Sander or polisher (other than disk types) –

AS/NZS 60745.1 and AS/NZS 60745.2.4:2009

Circular saw –

AS/NZS 60745.1 and AS/NZS 60745.2.5:2011.

Jig or sabre saw –

AS/NZS 60745.1 and AS/NZS 60745.2.11:2009

Planer –

AS/NZS 60745.1 and AS/NZS 60745.2.14:2011.

Router –

AS/NZS 60745.1 and AS/NZS 60745.2.17:2011.

Grinder, polisher and disk type sander –

AS/NZS 60745.1 and AS/NZS 60745.2.3:2011+A1.

Chain saw –

AS/NZS 60745.1 and AS/NZS 60745.2 13:2010+A1.

Jointer –

AS/NZS 60745.1 and AS/NZS 60745.2.19:2011.

Other: (in the 60745 Series)

AS/NZS 60745.1 and the appropriate AS/NZS 60745 Part 2 when published;

Other (where an AS.NZS 60745 Part 2 is not available)

AS/NZS 3100 and AS/NZS 3160:2009 A1

52. VACUUM CLEANER – an electrical appliance which –

(a) is a household type;

(b) is portable; and

(c) removes dust, dirt or moisture and the like from floor coverings by suction; or

(d) removes garden refuse from lawns or paths and the like by suction.

Class specification:

Hand held garden type –

AS/NZS 60335.1 and AS/NZS 60335.2.100:2003

Other –

AS/NZS 60335.1 and AS/NZS 60335.2.2:2010+A1-2

53. WALL SWITCH – an electrical device which –

(a) is an air-break switch;

(b) is for connection to the wiring of an electrical installation;

(c) is primarily for mounting on a vertical surface;

(d) is manually opened and manually closed; and

(e) has a rating not exceeding 20 A.

Class specification:

AS/NZS 3100 and AS/NZS 3133:2013+A1; or

AS/NZS 60669.1:2013 and AS/NZS60669.2.1:2013

54. WASHING MACHINE – an electrical appliance which –

(a) is a household type; and

(b) is used for washing clothes.

Class specification:

AS/NZS 60335.1 and AS/NZS60335.2.7:2012

55. WATER BED HEATER – an electrical appliance which –

(a) is for installation under a water bed envelope; and

(b) heats water contained in that envelope;

and includes –

(c) any associated control device.

Class specification:

AS/NZS 60335.1 and AS/NZS 60335.2.66: 2012

56. WATER HEATER – an electrical appliance which –

(a) is for heating and storage of water for bathing, washing or similar purposes;

(b) incorporates a heating element;

(c) is unvented; and

(d) has a storage capacity not less than 4.5 L nor more than 680 L.

or

(e) is for heating water

(f) is of the instantaneous type; and

(g) incorporates live parts in contact with water.

Class specification:

Pressure storage –

AS/NZS 60335.1 and AS/NZS 60335.2.21:2002+A1-3 (until 25 October 2016) or

AS/NZS 60335.2.21: 2013

Instantaneous –

AS/NZS 60335.1 and AS/NZS 60335.2.35:2004+A1-2 (until 25 October 2016) or AS/NZS 60335.2.35: 2013.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Minister for Planning, under section 23 of the *Environmental Planning and Assessment Act 1979* (**the Act**):

1. Revoke the delegation of my functions made under instrument of delegation dated 10 November 2014, published in Gazette No 103 of 14 November 2014 at 3740–3755.
2. Delegate the functions identified in Column 2 of Schedule 1 to this Instrument, subject to any specified limitations, to the persons holding the positions or having the roles described in Column 3 of Schedule 1.
3. Delegate the functions listed in Column 2 of Schedule 2 to this Instrument, subject to the specified limitations, in relation to applications and requests specified in Column 3 of Schedule 2 to this Instrument, to the persons holding the positions or having the roles described in Column 4 of Schedule 2 to this Instrument.
4. Delegate the functions listed in Column 2 of Schedule 4 to this Instrument in relation to applications specified in Column 3 of Schedule 4 to this Instrument, to the persons holding the positions or having the roles described in Column 4 of Schedule 4 to this Instrument. This delegation applies only to applications specified in Column 3 of Schedule 4 to this Instrument which relate to development on land comprising the Sydney International Convention, Exhibition and Entertainment Precinct site which is identified with a solid red boundary on the map in Schedule 5 to this Instrument.
5. Delegate the functions identified in Column 2 of Schedule 6 to this Instrument, subject to any specified limitations, to the staff of the Sydney Olympic Park Authority holding the positions or having the roles described in Column 3 of Schedule 6 in relation to development on land within the Sydney Olympic Park site within the meaning of Part 23 of Schedule 3 to the *State Environmental Planning Policy (Major Development) 2005*.
6. Delegate the functions identified in Schedule 7 to this Instrument, subject to the specified limitations to the Council of the City of Sydney in relation to development on land within the Redfern-Waterloo Authority sites within the meaning of Part 5 of Schedule 3 to the *State Environmental Planning Policy (Major Development) 2005*.
7. Delegate the functions identified in Schedule 8 to this Instrument, subject to any specified limitations to the City of Canada Bay Council in relation to development on land shown on the Rhodes West Precinct Map at Schedule 9 to this Instrument.

The terms and expressions used in Schedules 1 and 2 of this Instrument of Delegation have the meanings set out in the definitions in Schedule 3 of this Instrument of Delegation.

Dated: 16 February 2015

The Hon PRU GOWARD, MP
Minister for Planning

Schedule 1

Delegation to staff of the Department of Planning and Environment (DP&E)
General Assessment Delegations

Item	Function	Delegate
Functions under the Environmental Planning and Assessment Act 1979		
1.	Determining development applications under section 80 of the Act. This delegation applies only to applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has not been made, (c) there are less than 25 public submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services
2.	Determining development applications under section 80 of the Act. This delegation applies only to applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has not been made, and (c) there are no public submissions in the nature of objections.	DP&E staff: (a) Directors and Managers who report to Executive Directors in the Planning Services division
3.	Determining development applications under section 80 of the Act. This delegation applies only to applications: (a) in relation to land to which <i>State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007</i> applies, and (b) where there are less than 25 submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to Executive Directors in the Planning Services division (e) Team Leader, Alpine Resorts Team
4.	My functions under section 89D of the Act. Note. These functions are only exercisable where a staged development application is made in respect of State significant development.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services
5.	Determining development applications for State significant development under section 89E of the Act. This delegation applies only to applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has not been made, and (c) there are less than 25 public submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services

Item	Function	Delegate
6.	Determining applications to extend the lapsing period of development consents under section 95A of the Act.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to Executive Directors in the Planning Services division
7.	Determining modification applications under sections 96 and 96AA of the Act. This delegation applies only to applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has not been made, and (c) there are less than 25 public submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services
8.	Determining modification applications under sections 96 and 96AA of the Act. This delegation applies only to modification applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has been made, but only in respect of a previous related application, and (c) there are less than 10 public submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services
9.	Determining modification applications under sections 96 and 96AA of the Act. This delegation applies only to applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has not been made, and (c) there are no public submissions in the nature of objections.	DP&E staff: (a) Directors and Managers who report to the Executive Directors in the Planning Services division
10.	Determining modification applications under sections 96 and 96AA of the Act. This delegation applies only to applications: (a) in relation to land to which <i>State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007</i> applies, and (b) where there are less than 25 submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to the Executive Directors in the Planning Services division (e) Team Leader, Alpine Resorts Team
11.	My functions as a certifying authority under Part 4A of the Act.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to the Executive Directors in the Planning Services division

Item	Function	Delegate
12.	<p>My functions as a certifying authority under Part 4A of the Act.</p> <p>This delegation applies only in relation to land to which <i>State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007</i> applies.</p>	<p>DP&E staff:</p> <p>(a) Team Leader, Alpine Resorts Team</p>
13.	<p>Approving or disapproving the carrying out of State significant infrastructure under section 115ZB of the Act.</p> <p>This delegation applies only to applications where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has not been made, and</p> <p>(c) there are less than 25 public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Directors who report to the Deputy Secretary, Planning Services</p>
14.	<p>Determining a modification request under section 115ZI of the Act.</p> <p>This delegation applies only to modification requests where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has not been made, and</p> <p>(c) there are less than 25 public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Directors who report to the Deputy Secretary, Planning Services</p>
15.	<p>Determining a modification request under section 115ZI of the Act.</p> <p>This delegation applies only to modification requests where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has been made, but only in respect of a previous related application, and</p> <p>(c) there are less than 10 public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Directors who report to the Deputy Secretary, Planning Services</p>
16.	<p>Determining a modification request under section 115ZI of the Act.</p> <p>This delegation applies only to modification requests where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has not been made, and</p> <p>(c) there are no public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Directors and Managers who report to the Executive Directors in the Planning Services division.</p>

Item	Function	Delegate
17.	My functions under Divisions 2A, 2B and 2C of Part 6 of the Act.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to Executive Directors in the Planning Services division (e) Investigations Lead (Compliance) in the Planning Services division
18.	My functions under the following provisions of the Act: (a) section 118L(2)(a), (b) Division 2A of Part 6, and (c) sections 149A to 149G. This delegation applies only in relation to land to which <i>State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007</i> applies.	DP&E staff: (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to Executive Directors in the Planning Services division (e) Team Leader, Alpine Resorts Team
19.	Certifying a person to be the proponent under section 75A of the Act.	DP&E staff: (a) Secretary
20.	Amending or revoking the declaration of a project under section 75B of the Act.	DP&E staff: (a) Secretary (b) Deputy Secretaries
21.	Approving or disapproving the carrying out of a project under section 75J of the Act. This delegation applies only to applications where: (a) the relevant local council has not made an objection, and (b) a political disclosure statement has not been made, and (c) there are less than 25 public submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries
22.	Giving or refusing to give approval for a concept plan for a project under section 75O of the Act. This delegation applies only to applications (including single applications under section 75M(3A)) where: (a) the project the subject of the application is consistent (in the opinion of the delegate) with the Metropolitan Plan for Sydney or a relevant Regional Strategy or Sub-Regional Strategy prepared by the DP&E and endorsed by the Minister, and (b) the relevant local council has not made an objection, and (c) a political disclosure statement has not been made, and (d) there are less than 25 public submissions in the nature of objections.	DP&E staff: (a) Secretary (b) Deputy Secretaries

Item	Function	Delegate
23.	<p>My functions under section 75P of the Act.</p> <p>Note. These functions are only exercisable if approval is given for a concept plan for a project under section 75O.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p>
24.	<p>Determining a modification request under section 75W of the Act.</p> <p>This delegation applies only to modification requests where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has not been made, and</p> <p>(c) there are less than 25 public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Directors who report to the Deputy Secretary, Planning Services</p>
25.	<p>Determining a modification request under section 75W of the Act.</p> <p>This delegation applies only to modification requests where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has been made, but only in respect of a previous related application, and</p> <p>(c) there are less than 10 public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Directors who report to the Deputy Secretary, Planning Services</p>
26.	<p>Determining a modification request under section 75W of the Act.</p> <p>This delegation applies only to modification requests where:</p> <p>(a) the relevant local council has not made an objection, and</p> <p>(b) a political disclosure statement has not been made, and</p> <p>(c) there are no public submissions in the nature of objections.</p>	<p>DP&E staff:</p> <p>(a) Directors and Managers who report to Executive Directors in the Planning Services division</p>
Functions under the Environmental Planning and Assessment Regulation 2000		
27.	<p>Determining whether to reject applications under clause 8D of the Regulation.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Directors who report to the Deputy Secretary, Planning Services</p>
28.	<p>My functions under clause 8M(2) of the Regulation.</p> <p>This delegation only extends to matters where the delegate exercising these functions has (as delegate) revoked the declaration of a project under Part 3A.</p>	<p>DP&E staff:</p> <p>(a) Secretary</p>

Item	Function	Delegate
29.	<p>My functions as either a planning authority, consent authority or certifying authority under the following Parts or Schedules of the Regulation:</p> <ul style="list-style-type: none"> (a) Part 4, (b) Part 6, (c) Part 8, (d) Part 9, (e) Part 15, and (f) Schedule 3. <p>Note 1. These functions relate to development contributions including the giving of public notice of proposed planning agreements, procedures for development applications, certification of development, fire safety matters and fees.</p> <p>Note 2. Some of the functions relate to Part 3A of the Act (see section 75R(4) of the Act).</p>	<p>DP&E staff:</p> <ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries (c) Executive Directors who report to the Deputy Secretary, Planning Services (d) Directors and Managers who report to Executive Directors in the Planning Services division
30.	<p>My functions as either a consent authority or certifying authority under the following Parts of the Regulation:</p> <ul style="list-style-type: none"> (g) Part 6, (h) Part 8, (i) Part 9, and (j) Part 15. <p>This delegation applies only in relation to land to which <i>State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007</i> applies.</p>	<p>DP&E staff:</p> <ul style="list-style-type: none"> (a) Team Leader, Alpine Resorts Team
Functions under Sydney Regional Environmental Plan No. 26 – City West		
31.	<p>My functions as consent authority in relation to urban development plans and master plans under the following clauses in <i>Sydney Regional Environmental Plan No. 26 – City West</i>:</p> <ul style="list-style-type: none"> (a) clause 38, (b) clause 40, and (c) clause 44. 	<p>DP&E staff:</p> <ul style="list-style-type: none"> (a) Secretary
Functions under Sydney Local Environmental Plan 2005		
32.	<p>My functions as consent authority in relation to master plans under the following clauses in <i>Sydney Local Environmental Plan 2005</i>:</p> <ul style="list-style-type: none"> (a) clause 106, and (b) clause 110. 	<p>DP&E staff:</p> <ul style="list-style-type: none"> (a) Secretary
Functions under section 88E of the Conveyancing Act 1919		
33.	<p>My functions as a prescribed authority under section 88E of the <i>Conveyancing Act 1919</i>.</p>	<p>DP&E staff:</p> <ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries

Schedule 2

Delegation to staff of the Department of Planning and Environment (DP&E)
Barangaroo Site Delegations

Item	Function	Application	Delegate
Functions under the Environmental Planning and Assessment Act 1979			
1.	<p>Approving or disapproving the carrying out of a project application under section 75J of the Act (as continued in force by Schedule 6A to the Act).</p> <p>This delegation applies only to project applications where:</p> <p>(a) a political disclosure statement has not been made, and</p> <p>(b) there are less than 25 public submissions in the nature of objections, and</p> <p>(c) the delegate, being a person in a position listed in column 4 of this item, forms the opinion that the project application if approved would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination, and</p> <p>(d) the delegate, being a person listed in column 4 of this item, forms the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application.</p>	<p>Any application for approval of a project lodged before or after the date of this Instrument under Part 3A of the Act to carry out development on any land identified as the "Barangaroo Site" in State Environmental Planning Policy (Major Development) 2005 at the time the delegation is exercised.</p>	<p>(a) Secretary (b) Deputy Secretaries (c) Executive Director, Infrastructure and Industry Assessments</p>
2.	<p>Determining a modification request under section 75W of the Act (as continued in force by Schedule 6A to the Act).</p> <p>This delegation applies only to modification requests where:</p> <p>(a) a political disclosure statement has not been made, and</p> <p>(b) there are less than 25 public submissions in the nature of objections, and</p> <p>(c) the delegate, being a person in a position listed in column 4 of this item, forms the opinion that the approval if modified would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination, and</p> <p>(d) the delegate, being a person listed in column 4 of this item, forms the opinion that any submission made about the request by the Council of the City of Sydney has been considered in the assessment of the request.</p>	<p>Any request lodged before or after the date of this Instrument under section 75W of the Act for the Minister to modify an approval granted under section 75J of the Act to carry out development on any land identified as the "Barangaroo Site" in State Environmental Planning Policy (Major Development) 2005 at the time the delegation is exercised.</p>	<p>(a) Secretary (b) Deputy Secretaries (c) Executive Director, Infrastructure and Industry Assessments</p>

Item	Function	Application	Delegate
3.	<p>Determining development applications under section 80 of the Act.</p> <p>This delegation applies only to development applications where:</p> <ul style="list-style-type: none"> (a) a political disclosure statement has not been made, and (b) there are less than 25 public submissions in the nature of objections, and (c) the delegate, being a person in a position listed in column 4 of this item, forms the opinion that the development application if approved would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination, and (a) the delegate, being a person listed in column 4 of this item, forms the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application. 	<p>Any development application lodged before or after the date of this Instrument under Part 4 of the Act for development on any land identified as the "Barangaroo Site" in State Environmental Planning Policy (Major Development) 2005 at the time the delegation is exercised.</p>	<ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries (c) Executive Director, Infrastructure and Industry Assessments
4.	<p>Determining modification applications under section 96 and 96AA of the Act.</p> <p>This delegation applies only to modification applications where:</p> <ul style="list-style-type: none"> (a) a political disclosure statement has not been made, and (b) there are less than 25 public submissions in the nature of objections, and (c) the delegate, being a person in a position listed in column 4 of this item, forms the opinion that the development consent if modified would be generally consistent with the approved Barangaroo Concept Plan (MP 06_0162) current at the time of determination, and (b) the delegate, being a person listed in column 4 of this item, forms the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application. 	<p>Any application lodged before or after the date of this Instrument under section 96 and 96AA of the Act for the Minister to modify a Part 4 development consent for development on any land identified as the "Barangaroo Site" in State Environmental Planning Policy (Major Development) 2005 at the time the delegation is exercised.</p>	<ul style="list-style-type: none"> (a) Secretary (b) Deputy Secretaries (c) Executive Director, Infrastructure and Industry Assessments

Schedule 3

Definitions:

In Schedule 1 and Schedule 2:

Objection means a submission in the nature of an objection, and does not include draft conditions requested to be imposed by the relevant local council on the consent or approval.

Political disclosure statement means a statement required to be made under section 147 of the Act, and includes a statement made in respect of a previous related application.

Previous related application means:

In respect of Part 4 of the Act

- the application for consent to any previous stage of a staged development application within the meaning of section 83B of the Act; and
- for modification applications, the application for development consent the subject of the modification application or a previous modification application to modify that consent.

In respect of Part 5.1 of the Act

- the application for approval of any previous stage of a staged infrastructure application within the meaning of section 115ZD of the Act; and
- for requests to modify an approval, the application for approval of State significant infrastructure the subject of the modification request or a previous modification request to modify that approval.

In respect of Part 3A of the Act

- the application for approval to carry out a part project for which an application for approval to carry out another part of the project is made under section 75E of the Act;
- for applications to carry out a project (or part project), the application for approval of the concept plan for the project; and
- for requests to modify an approval to carry out a project (or part project) or an approval of a concept plan, any previous application or request made under Part 3A of the Act in respect of the relevant project.

Public submissions refers to submissions received from the general public during the statutory exhibition process of applications, and does not include any submissions received from public authorities.

Note: A petition or a single submission that is signed by multiple parties is taken to be one submission for the purposes of Schedules 1 and 2.

Schedule 4

Delegation to staff of the Department of Planning and Environment (DP&E)
Sydney International Convention, Exhibition and Entertainment Precinct Delegations

Item	Function	Application	Delegate
1.	<p>Determining development applications in respect of State significant development under section 89E of the Act.</p> <p>This delegation applies only to development applications where:</p> <p>(a) A political disclosure statement has not been made, and</p> <p>(b) The delegate forms the opinion that any submission made about the application by the Council of the City of Sydney or members of the public has been considered in the assessment of the application.</p>	<p>Any development application, lodged before or after the date of this Instrument, under Part 4 of the Act, including any staged development applications made under Division 2A of Part 4 of the Act on any land identified in Schedule 5 to this Instrument.</p>	<p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Director, Infrastructure and Industry Assessments</p>
2.	<p>Determining modification applications under section 96 and 96AA of the Act.</p> <p>This delegation applies only to applications where:</p> <p>(a) A political disclosure statement has not been made, and</p> <p>(b) The delegate forms the opinion that any submission made about the application by the Council of the City of Sydney or members of the public has been considered in the assessment of the application.</p>	<p>Any application, lodged before or after the date of this Instrument, under section 96 or 96AA of the Act on any land identified in Schedule 5 to this Instrument.</p>	<p>(a) Secretary</p> <p>(b) Deputy Secretaries</p> <p>(c) Executive Director, Infrastructure and Industry Assessments</p>

Definitions:

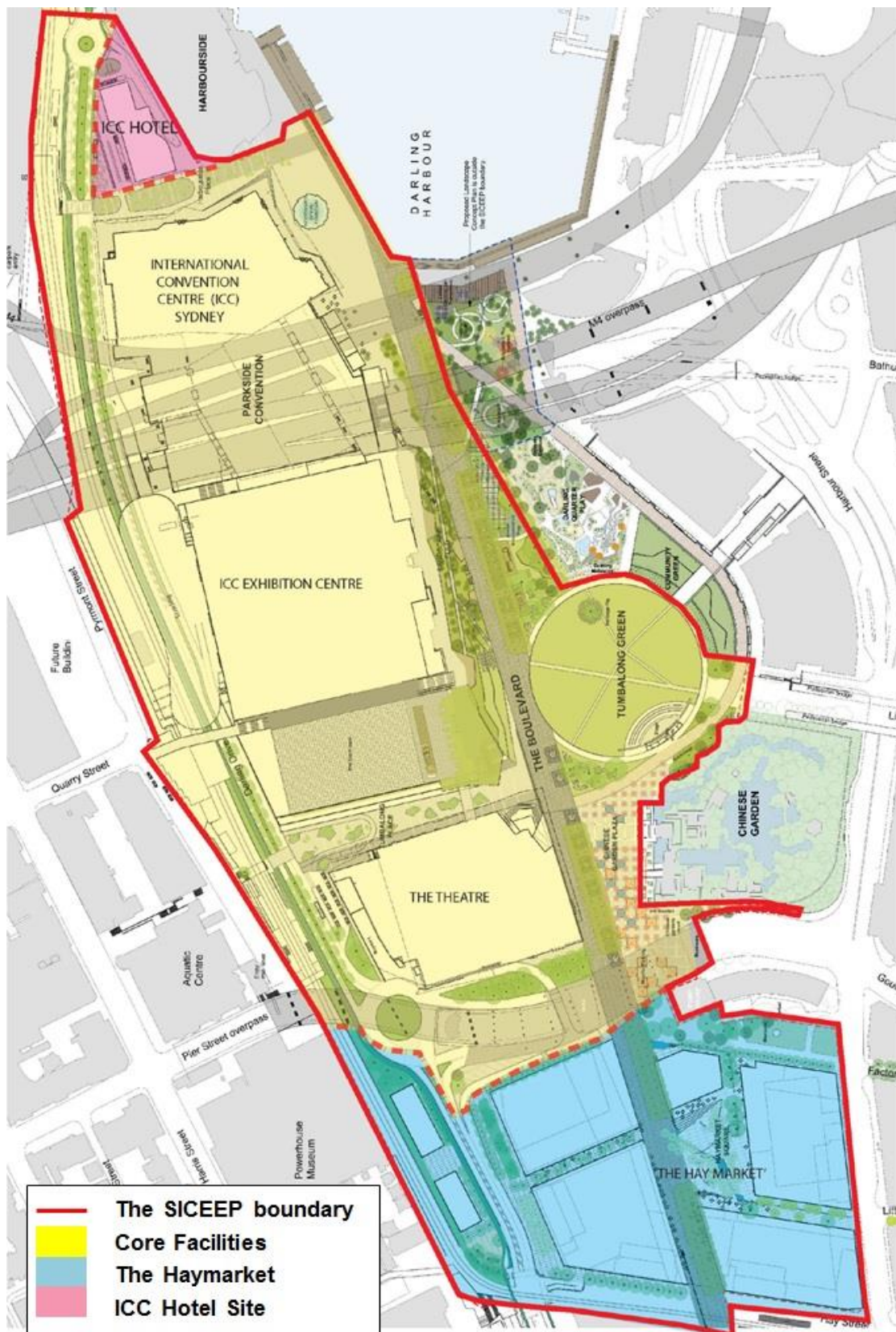
Words and expressions used in this Schedule have the same meaning as they do in the Act unless otherwise defined below:

Political disclosure statement means a disclosure required under section 147(3)(a) of the Act made in accordance with section 147(6) of the Act, and includes a disclosure made under section 147(3)(a) in respect of a previous related application.

Previous related application means:

- (a) An application for consent to any previous stage of development the subject of a staged development application within the meaning of section 83B of the Act; and
- (b) For modification applications, the application for development consent the subject of a modification application or a previous modification application to modify that consent.

Schedule 5



Schedule 6

Delegation to staff of the Sydney Olympic Park Authority (SOPA)

Item	Function	Delegate
Environmental Planning and Assessment Act 1979		
1.	<p>Determining development applications under section 80 of the Act and applications to extend the lapsing period of development consents under section 95A of the Act.</p> <p>This delegated function may only be exercised in relation to development applications where:</p> <p>(a) SOPA is not the applicant of the application (unless the application only relates to temporary development for a period of up to 12 months), and</p> <p>(b) SOPA will not receive annual income or other commercial benefits (not being development contributions) as a result of the development of a value greater than \$250,000.</p>	<p>SOPA staff:</p> <p>(a) Chief Executive Officer</p> <p>(b) Executive Manager, Urban Planning and Design</p>
2.	Determining modification applications under sections 96 and 96AA of the Act.	<p>SOPA staff:</p> <p>(a) Chief Executive Officer</p> <p>(b) Executive Manager, Urban Planning and Design</p>
3.	My functions as a certifying authority under Part 4A of the Act.	<p>SOPA staff:</p> <p>(a) Chief Executive Officer</p> <p>(b) Executive Manager, Urban Planning and Design</p>
4.	My functions under Division 2A of Part 6 of the Act.	<p>SOPA staff:</p> <p>(a) Chief Executive Officer</p> <p>(b) Executive Manager, Urban Planning and Design</p>
Environmental Planning and Assessment Regulation 2000		
5.	<p>My functions as either a planning authority, consent authority or certifying authority under the following Parts or Schedules of the Regulation:</p> <p>(a) Part 4,</p> <p>(b) Part 6,</p> <p>(c) Part 8,</p> <p>(d) Part 9,</p> <p>(e) Part 15, and</p> <p>(f) Schedule 3.</p> <p>Note. These functions relate to development contributions including the giving of public notice of proposed planning agreements, procedures for development applications, certification of development, fire safety matters and fees.</p>	<p>SOPA staff:</p> <p>(a) Chief Executive Officer</p> <p>(b) Executive Manager, Urban Planning and Design</p>
State Environmental Planning Policy (Major Development) 2005		
6.	<p>My functions as consent authority under clauses 31(2) and 31(4) of Part 23 of Schedule 3 to the Major Development SEPP.</p> <p>Note. These functions relate to heritage conservation.</p>	<p>SOPA staff:</p> <p>(a) Chief Executive Officer</p> <p>(b) Executive Manager, Urban Planning and Design</p>

Schedule 7

Delegation to the Council of the City of Sydney

Item	Function
Environmental Planning and Assessment Act 1979	
1.	Determining development applications under section 80 of the Act.
2.	Determining applications to extend the lapsing period of development consents under section 95A of the Act.
3.	Determining modification applications under sections 96 and 96AA of the Act.
4.	Imposing a condition under Division 6 of Part 4 of the Act in accordance with section 30 of the <i>Redfern-Waterloo Authority Act 2004</i> . Note. This function relates to the imposition of conditions for affordable housing contributions. Section 30 of the <i>Redfern-Waterloo Authority Act 2004</i> continues to have effect, despite the repeal of that Act, under clause 18 of Schedule 4 of the <i>Growth Centres (Development Corporations) Act 1974</i> .
5.	My functions as a certifying authority under Part 4A of the Act.
6.	My functions under Division 2A of Part 6 of the Act.
Environmental Planning and Assessment Regulation 2000	
7.	My functions as either a planning authority, consent authority or certifying authority under the following Parts or Schedules of the Regulation: (a) Part 4, (b) Part 6, (c) Part 8, (d) Part 9, (e) Part 15, and (f) Schedule 3. Note. These functions relate to development contributions including the giving of public notice of proposed planning agreements, procedures for development applications, certification of development, fire safety matters and fees.
Redfern-Waterloo Authority Act 2004	
8.	Imposing a condition under section 31 of the <i>Redfern-Waterloo Authority Act 2004</i> . Note. This function relates to the imposition of conditions for development contributions (including payment of a levy in accordance with a contributions plan), other than for affordable housing. Section 31 of the <i>Redfern-Waterloo Authority Act 2004</i> continues to have effect, despite the repeal of that Act, under clause 18 of Schedule 4 of the <i>Growth Centres (Development Corporations) Act 1974</i> .
State Environmental Planning Policy (Major Development) 2005	
9.	My functions as consent authority under the following clauses in Part 5 of Schedule 3 to the Major Development SEPP: (a) whether to approve exempt development guidelines under clause 17, and (b) whether to approve design competition guidelines under clause 22.
10.	My functions as consent authority under the following clauses in Part 5 of Schedule 3 to the Major Development SEPP: (a) clause 27(2), and (b) clauses 28(3), 28(5) and 28(6). Note. These functions relate to heritage conservation and the preservation of trees.

Schedule 8

Delegation to City of Canada Bay Council

Item	Function
<i>Environmental Planning and Assessment Act 1979</i>	
1.	<p>Modifying an approval or disapproving a modification request under section 75W of the Act.</p> <p>This delegation applies only to modification requests where the modification, if approved, does not increase:</p> <p>(a) the total gross floor area of all buildings within each Precinct as approved by the Minister, and</p> <p>(b) the height of any building involving additional habitable level(s), unless the Secretary has approved that increase.</p>
2.	<p>Determining modification applications under sections 96 and 96AA of the Act.</p> <p>This delegation applies only to modification requests where the modification, if approved, does not increase:</p> <p>(a) the total gross floor area of all buildings within each Precinct as approved by the Minister, and</p> <p>(b) the height of any building involving additional habitable level(s), unless the Secretary has approved that increase.</p>
<i>Environmental Planning and Assessment Regulation 2000</i>	
3.	<p>My functions as consent authority under Division 12 of Part 6 and clause 256 of the Regulation, but only in relation to applications for which the City of Canada Bay Council may exercise consent authority functions under delegation.</p> <p>Note. These functions relate to modification applications and fees for those applications.</p>

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Secretary of the Department of Planning and Environment, under section 23 of the *Environmental Planning and Assessment Act 1979 (the Act)*, delegate my functions identified in Column 2 of Schedule 1 to this Instrument to the officers of the Department of Planning and Environment holding the positions or having the roles identified in Column 3 of Schedule 1 to this Instrument.

I revoke all previous delegations of my functions the subject of this Instrument of Delegation.

Dated 4 February 2014

CAROLYN McNALLY

Secretary

Department of Planning and Environment

Schedule 1

Item	Function	Delegate
<i>Environmental Planning and Assessment Act 1979 (the Act)</i>		
1.	All of my functions under a provision in an environmental planning instrument made under section 26 of the Act that requires satisfactory arrangements to be made for the provision of particular kinds of public infrastructure, facilities or services before development is carried out.	(a) Chief Financial and Operating Officer
2.	All of my functions under section 94C(3) of the Act to deal with a dispute between councils concerning cross-boundary issues (including giving directions).	(a) Chief Financial and Operating Officer
3.	All of my functions under a determination made under section 94EE of the Act.	(a) Chief Financial and Operating Officer (b) Directors reporting to the Chief Financial and Operating Officer
4.	Administration of the Special Contributions Area Infrastructure Fund under section 94EJ of the Act.	(a) Chief Financial and Operating Officer
<i>Environmental Planning and Assessment Regulation 2000 (the Regulation)</i>		
5.	Giving public notice of a proposed agreement under clause 25D(1A) and (2A) of the Regulation.	(a) Chief Financial and Operating Officer
<i>North Sydney Local Environmental Plan 2013</i>		
6.	Certifying, pursuant to clause 6.5(2)(a) of the <i>North Sydney Local Environmental Plan 2013</i> that satisfactory arrangements have been made for railway infrastructure that will provide for the increased demand for railway infrastructure generated by the development.	(a) Chief Financial and Operating Officer
<i>Miscellaneous</i>		
7.	All my functions under a planning agreement entered into under section 93F of the Act.	(a) Chief Financial and Operating Officer (b) Directors reporting to the Chief Financial and Operating Officer

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Order under Clause 6 of Schedule 6A

I, the Minister for Planning, declare the development specified in Schedule 1 on the land specified in Schedule 2 to be State significant development under clause 6 of Schedule 6A to the *Environmental Planning & Assessment Act 1979* for the purposes of that Act.

Schedule 1

Development for the purposes of the Pindimar Abalone Farm Project, including:

- hatchery and cultivation facilities such as tanks and grow out sheds;
- laboratory, maintenance and workshop facilities;
- settlement ponds, pumps and pipelines for the intake and outlet of marine water;
- processing and packaging areas, administration and staff amenities;
- pedestrian boardwalk for emergency pedestrian egress; and
- other associated infrastructure such as car parking and access upgrades;

as described in the Environmental Assessment for the project (MP No. 10_0006) dated February 2014.

Schedule 2

All land within the project area and waters generally shown in Figure 8 of the Environmental Assessment (attached) and situated on the boundary of the local government areas of Great Lakes and Port Stephens.

Dated: 12 January 2015

PRU GOWARD, MP
Minister for Planning



Figure 8: Pindimar Abalone Farm Project site

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Order under Clause 6 of Schedule 6A

I, the Minister for Planning, declare the development specified in Schedule 1 on the land specified in Schedule 2 to be State significant development under clause 6 of Schedule 6A to the *Environmental Planning & Assessment Act 1979* for the purposes of that Act.

Schedule 1

Development for the purposes of subdivision of the land into 318 lots (under torrens title) including:

- 312 residential lots;
- 1 large rural/residential lot (2.86ha);
- 5 open space areas, including environmental conservation areas of 9.49ha; and
- associated site works, including construction of internal roads and infrastructure and site remediation;

as described in the Environmental Assessment for the project (MP No. 08_0141) dated April 2013 ('Environmental Assessment').

Schedule 2

All land within the project area described in the Environmental Assessment including Lot 3 DP 568613 and Lot 384 DP 755952 and situated in the local government area of Shoalhaven.

Dated: 12 January 2015

PRU GOWARD, MP
Minister for Planning

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Order under Clause 6 of Schedule 6A

I, the Minister for Planning, declare the development specified in Schedule 1 on the land specified in Schedule 2 to be State significant development under clause 6 of Schedule 6A to the *Environmental Planning & Assessment Act 1979* for the purposes of that Act.

Schedule 1

Development for the purposes of subdivision of the land into 109 lots (under torrens title) including:

- 104 residential lots
- 1 lot for commercial purposes/neighbourhood shops
- 4 open space lots
- associated site works, including construction of internal roads and infrastructure and site remediation;

as described in the Environmental Assessment for the project (MP No. 09_0056) dated April 2013 ('Environmental Assessment').

Schedule 2

All land within the project area described in the Environmental Assessment including Lot 1 DP 1021332 and Part Lot 458 DP 1063107 situated in the local government area of Shoalhaven.

Dated: 12 January 2015

PRU GOWARD, MP
Minister for Planning

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Order under Clause 6 of Schedule 6A

I, the Minister for Planning, declare the development specified in Schedule 1 on the land specified in Schedule 2 to be State significant development under clause 6 of Schedule 6A to the *Environmental Planning & Assessment Act 1979* for the purposes of that Act.

Schedule 1

Development for the purposes of subdivision of the land into 162 lots (under torrens title) including:

- Subdivision of land to create 162 lots comprising 159 torrens title residential lots, a public reserve lot (0.33 hectares), a drainage reserve lot (1.80 hectares) and road reserves (4.01 hectares);

- Dedication of approximately 2 hectares of land to Coffs Harbour City Council for the purposes of environmental conservation and community purposes;
- Provision of part of a collector road to link to approved residential development to the north of the site (Glades Estate); and,
- The extension of sewer and water infrastructure to service the site.

as described in the Environmental Assessment for the project (MP No. 09_0067) dated June 2013 ('Environmental Assessment').

Schedule 2

All land within the project area described in the Environmental Assessment including Lot 1 DP 1097743 and Lot 6 DP 252223 Pacific Highway, Moonee Beach situated in the local government area of Coffs Harbour.

Dated: 12 January 2015

PRU GOWARD, MP
Minister for Planning

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Order under Clause 6 of Schedule 6A

I, the Minister for Planning, declare the development specified in Schedule 1 on the land specified in Schedule 2 to be State significant development under clause 6 of Schedule 6A to the *Environmental Planning & Assessment Act 1979* for the purposes of that Act.

Schedule 1

Development for the purposes of subdividing the land into 637 Torrens Title lots including:

- 47 small lot dwellings for over 55s;
- 500 standard residential lots ranging in size between 500 m² and 900m²; and
- 28 industrial lots.

In addition, the Concept Plan seeks to permit the following development:

- 48 apartments;
- 60 medium density town houses;
- 36 mixed-use dwellings;
- waterfront sites for tourist oriented developments;
- a 3.75 km long foreshore park;
- a major recreation area; and
- a vista park.

as described in the Environmental Assessment for the project (MP No. 09_0088) dated March 2013 ('Environmental Assessment').

Schedule 2

All land within the project area described in the Environmental Assessment including Part of DP 1065111, Lot 2 DP 1182151 and Portions 61, 81 & 90 DP 755971 situated in the local government area of Shoalhaven.

Dated: 12 January 2015

PRU GOWARD, MP
Minister for Planning



New South Wales

Insurance Premiums Order 2014–2015 Amendment Order 2015

under the

Workers Compensation Act 1987

His Excellency, the Governor, with the advice of the Executive Council, and on the recommendation of the WorkCover Authority, has made the following Order under the *Workers Compensation Act 1987*.

DOMINIC PERROTTET, MP
Minister for Finance and Services

Explanatory note

The object of this Order is to amend the *Insurance Premiums Order 2014–2015* in relation to workers compensation insurance premiums payable in respect of professional and semi-professional footballers. This Order is made under section 168 of the *Workers Compensation Act 1987*.

Insurance Premiums Order 2014–2015 Amendment Order 2015 [NSW]

Insurance Premiums Order 2014–2015 Amendment Order 2015

under the

Workers Compensation Act 1987

1 Name of Order

This Order is the *Insurance Premiums Order 2014–2015 Amendment Order 2015*.

2 Commencement

This Order commences at 4 pm on 23 February 2015 and must be published in the Gazette.

Insurance Premiums Order 2014–2015 Amendment Order 2015 [NSW]
Schedule 1 Amendment of Insurance Premiums Order 2014–2015

Schedule 1 Amendment of Insurance Premiums Order 2014–2015

[1] Clause 8 Exemption limit for certain employers: section 155AA (8) of Act

Omit “931920,” from clause 8 (a).

[2] Schedule 14 Table A

Omit “\$167” and “\$78” from the matter relating to WorkCover Industry Classification Code 931920 (Professional Footballers) in the Table.

Insert instead “11.672%” and “1.7444%”, respectively.

[3] Schedule 15 Table B

Omit “931920,” from note 7 to the Table.

[4] Schedule 15 Table B

Omit the matter relating to WorkCover Industry Classification Code 931920 (Professional Footballers).

Insert instead:

931920 Professional Footballers

This class consists of employers of professional and semi-professional football players.

Primary Activities:

Professional Australian Rules football players

Professional football players (Soccer)

Professional Rugby League football players

Professional Rugby Union football players

NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, His Excellency General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under Section 68 of the *National Parks and Wildlife Act 1974*, with the consent of every owner and occupier do, on the recommendation of the Chief Executive of the Office of Environment and Heritage (OEH), by this my Proclamation declare the lands described hereunder to be a Wildlife Refuge for the purposes of the abovementioned Act.

To be known as “**Tarra Wildlife Refuge**”

Signed and sealed at Sydney this 11th day of February 2015

DAVID HURLEY
Governor

By His Excellency's Command

ROB STOKES, MP
Minister for the Environment

GOD SAVE THE QUEEN!

Description

Land District – Lismore Council – Byron

County of Rous, Parish of Teven, 41.42 hectares, being Lot 3 DP 713081 & Lot 11 DP 1160193, OEH FIL12/9692

PUBLIC LOTTERIES ACT 1996

APPROVED KENO RULES

I, THE HONOURABLE TROY GRANT MP, Deputy Premier and Minister for Hospitality, Gaming and Racing, being the Minister administering the *Public Lotteries Act 1996* (hereinafter referred to as “the Act”) pursuant to section 23 (1) of the Act DO HEREBY APPROVE the Rules annexed to this instrument for the conduct of Games of Keno by the joint licensees ClubKeno Holdings Pty Limited and Keno (NSW) Pty Ltd effective from the date of gazettal.

DATED this 15th day of December 2014

SIGNED BY
The Honourable TROY GRANT, MP
Deputy Premier
Minister for Trade and Investment
Minister for Regional Infrastructure and Services
Minister for Tourism and Major Events
Minister for Hospitality, Gaming and Racing
Minister for the Arts

KENO RULES

1. General

These Rules govern the playing of Keno and are effective on and from 20 February 2015.

Subject to the Act and these Rules, the Game of Keno is the exclusive responsibility of the Licensees and the Venues.

2. Definitions

- (a) In these Rules unless inconsistent with the context:
- (i) **“Act”** means the Public Lotteries Act 1996, as that Act may be amended from time to time, and any regulations made thereunder;
 - (ii) **“Approved”** means approved in writing by the Minister and “Approval” has a corresponding meaning;
 - (iii) **“Backup Site”** means the site at which the computer system which acts as a backup to the Central Site Computer is located;
 - (iv) **“Bonus Prize”** means an Approved prize offered to Subscribers to a Game of Keno over and above those prizes indicated on any Schedule of Prizes;
 - (v) **“Box” or “Boxed”** means an option on the “Quinella Place”, “Quinella”, “Exact Quinella”, “Trio”, “Trifecta”, “Quartet”, “Five Up” and “Superfecta” bet types in a game of Keno Racing that allows a Subscriber to forecast the result of the game by combining their selected Rows into all possible combinations on one Entry. A Subscription is payable in respect of each combination;
 - (vi) **“Casino Licensee”** means a holder of a licence granted under Section 18 of the Casino Control Act 1992;
 - (vii) **“Cash Game”** means a game in which an approved Bonus Prize is offered.
 - (viii) **“Category”**, and references to a game being of a particular “Category”, means a Category listed in a table in the licence held by the Licensees, which governs the apportionment of each Subscription for each game, including the Commission and the Keno Prize Fund Contribution. Each type of game is allocated a Category under these Rules;
 - (ix) **“Central Site”** means the site at which the Central Site Computer is operative and in direct control of the computing of the Game of Keno;
 - (x) **“Central Site Computer”** means the computer system that is used to process, store and display the Game of Keno;
 - (xi) **“Chip”** means a chip issued by a Casino Licensee under the Casino Control Act 1992;
 - (xii) **“Club”** means a club holding a certificate of registration under the Registered Clubs Act 1976.
 - (xiii) **“Column” or “Columns”** means the 12 numbers in 1 column of the Keno Roulette Grid whereby:
 - Column 1 means the numbers: 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31 and 34,
 - Column 2 means the numbers: 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32 and 35 and
 - Column 3 means the numbers: 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33 and 36;
 - (xiv) **“Combination”** means a combination of 1 to 10, 15, 20 and 40 Spots selected by the Subscriber from the 80 available numbers, where each Combination is taken to be a separate Game played by the Subscriber;
 - (xv) **“Combination Bet”** means an advanced form of Entry whereby a Subscriber may play 2 or more different Combinations in the same game on the same Entry;

The Subscriber (or in the case of a Standard Superplay, the Central Site Computer) selects the Spots and creates non-intersecting groups of those Spots (“Groups”) on the one Entry. A Group may comprise of a minimum one Spot only. A Spot may not form (and will not be counted as forming) part of more than one Group. All Spots forming part of a particular Group will be identified on the Receipt Ticket by the same alpha or alpha numeric character, which character will be different from the characters allocated to the Spots comprising other Groups.

The Combinations are formed by combining all the Spots in a Group or by combining all the Spots in a Group with all the Spots in another Group or Groups. The Subscriber must nominate the types of Combinations (except in the case of a Superplay, in which case the types of Combinations are pre-programmed), the amount to be wagered for each Combination and the number of games to be played. A Subscriber may (but need not) nominate all types of Combinations capable of being formed using the Groups selected (“All Combinations Bet”). For each type of Combination, the Subscriber must play the maximum number of Combinations which can be played using the Groups selected. This maximum number is as calculated by the Central Site Computer and specified on the Receipt Ticket;

- (xvi) **“Combo Bet”** has the same meaning as Combination Bet;
- (xvii) **“Commission”** means an amount paid to a Venue by Subscribers, in the Venue’s own right (and not as agent of the Licensees), and which:
 - (A) the Venue is entitled to deduct and retain from the Gross Subscription which the Venue receives from the Subscriber and deals with as agent of the Subscriber, pursuant to Rule 7(f); or
 - (B) the Operating Company is directed by the Subscriber to pay to the Venue, on behalf of the Subscriber, from the face value of a Prepaid Voucher, in accordance with the terms of the Prepaid Voucher and Rule 9B(a); or
 - (C) the Venue is entitled to deduct and retain from the amount received from a Subscriber for the purchase of a Gift Voucher, in accordance with Rule 9A(b);
- (xviii) **“Corner” or “Corners”** means a square of 4 adjacent numbers in the Keno Roulette Grid;
- (xix) **“Crossed Cheque”** means a cheque crossed as referred to in section 53 of the Cheques Act 1986 of the Commonwealth;
- (xx) **“Customer Session”** means the period of time when a Subscriber either:
 - (i) makes an Entry in a Game of Keno; or
 - (ii) checks a Receipt Ticket; or
 - (iii) cancels an Entry in a Game of Keno
 - to that time in the case of an Entry made through a Venue, when the End Customer Terminal key is activated;
- (xxi) **“Customised Superplay”** means a form of Combination Bet where the types of Combinations, the Groups and the Spots forming part of each Group applicable to that Combination Bet have been previously programmed for a particular Venue to accommodate particular Subscribers at that Venue and made available by that Venue from time to time;
- (xxii) **“Delayed Start Entry”** means an Entry for a game which is not open at the time the Receipt Ticket for that Entry is issued;
- (xxiii) **“Delayed Start Game”** means an Approved game in which Delayed Start Entries are permitted;
- (xxiv) **“Drawing”, “Draw” or “Drawn”** means the random selection by a Draw Device of 20 winning numbers;
- (xxv) **“Draw Device”** means a device Approved for conducting a Draw being an electronically operated device which selects at random and one at a time from a set of one to eighty numbers, the 20 winning numbers, in each Game of Keno;

- (xxvi) **“Entry”** means an entry referred to in Rule 7;
- (xxvii) **“Entry Form”** means an Approved form that may be completed by a person wishing to enter a Game of Keno;
- (xxviii) **“Game of Keno”** means the competition styled “Club Keno” or “Star Keno” conducted under the Act and “Keno”, “Keno game” and “game” shall have the same meaning;
- (xxix) **“Game Results Inquiry”** means a request from a Subscriber to display on a Terminal or to display on and print from a Terminal the results of a game or games;
- (xxx) **“Gift Voucher”** means an Approved document issued by a Venue which is the acknowledgment of the payment of money by a Subscriber and which entitles the holder (whether the initial Subscriber or another) to enter a particular type of Game of Keno;
- (xxxi) **“Group”** has the meaning given in Rule 2(a)(xiv);
- (xxxii) **“Gross Subscription”** means (subject to Rule 11 regarding cancellation of Entries) the amount prescribed by the Minister to be paid by a Subscriber for entry to a Game of Keno, and includes the amount of Commission received and retained by a Venue pursuant to Rule 7(f), and also includes the face value of Gift Vouchers, Prepaid Vouchers and Subscription Chips which have been used as Subscriptions for Games of Keno, and the applicable amount of the face value of SST Receipts that is used as Subscriptions for Games of Keno;
- (xxxiii) **“Heads or Tails?”** means the form of the Game of Keno, being a Category Q game, which may be played separately to other forms of the Game of Keno, the object of which is to forecast the distribution of the Drawn numbers. In this form of game, a Subscriber attempts to forecast the result of a single Game of Keno as being one of “Heads”, “Tails” or “Evens” as described following:
- (a) The result of a game is “Heads” when 11 or more of the 20 numbers Drawn in that Game of Keno are numbers in the range 1 to 40 inclusive;
 - (b) The result of a game is “Tails” when 11 or more of the 20 numbers Drawn in that Game of Keno are numbers in the range 41 to 80 inclusive;
 - (c) The result of a game is “Evens” when ten (10) of the 20 numbers Drawn in that Game of Keno are numbers in the range 1 to 40 inclusive and ten (10) of the 20 numbers Drawn in the same Game of Keno are numbers in the range 41 to 80 inclusive;
- If the Subscriber correctly forecasts the result of that game, then, subject to these Rules, a prize will be payable calculated in accordance with Rule 18(c);
- (xxxiv) **“Hotel”** means the holder of an Hotel Licence under the Liquor Act 2007 but not being a general bar licence;
- (xxxv) **“Inspector”** means a person appointed by the Minister as an inspector under Section 69 of the Act to undertake functions associated with the conduct of the Game of Keno;
- (xxxvi) **“Jackpot”** means the Regular Keno Jackpot and Keno Racing Jackpot;
- (xxxvii) **“Jackpot Fill”** means the sum described as the Jackpot Fill (if any) in Rule 18;
- (xxxviii) **“Jackpot Growth”** means (as the case may be):
- (a) for the Regular Keno Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(b) and, in the event a Pooled Jackpot is in existence, contributed to the Pooled Jackpot; and
 - (b) for the Keno Racing Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(c);
- (xxxix) **“Keno Bonus”** means the form of the Game of Keno, being a Category I game, which may only be played in conjunction with certain other forms of the Game of Keno as determined by the Operating Company (except Keno Racing), by which:
- (a) the Subscription for the Game of Keno it is played in conjunction with is multiplied by the Multiplier for the sole purpose of determining the prize payable on that Game of Keno in accordance with the Schedule of Prizes; and

- (b) where Keno Bonus is played in conjunction with a Regular Keno Jackpot, the Keno Bonus Jackpot Prize is payable on winning a Regular Keno Jackpot game;
- (xl) **“Keno Bonus Jackpot Prize”** means the prize offered in respect of a Keno Bonus game played by a Subscriber in conjunction with Regular Keno Jackpot where a Regular Keno Jackpot Prize is payable and the Multiplier is either 2, 3, 4, 5 or 10;
- (xli) **“Keno Day”** means the period between the start of Keno trading and the close of Keno trading, identified by the calendar day on which that period commenced;
- (xlii) **“Keno Grid”** means the standard layout of the range of the numbers 1 to 80 on a Standard Game Entry Form;
- (xliii) **“Keno Player Card”** or **“KPC”** means an Approved card or device issued by the Operating Company to a successful applicant. An applicant can store their favourite numbers on the KPC and use the KPC to enter a Game of Keno;
- (xliv) **“Keno Prize Fund”** means the account established for payment of prizes that receives from Net Subscriptions an amount equal to the Keno Prize Fund Contributions;
- (xlv) **“Keno Prize Fund Contribution”** means:
- (a) for Heads or Tails⁴ and Keno Roulette, being Category Q games - an amount equal to 80% of Subscriptions; and
 - (b) for Regular Keno, Keno Racing, Lucky Last and Keno Bonus, all being Category I games - an amount equal to 75% of Subscriptions;
- (xlvi) **“Keno Racing”** means the form of the Game of Keno, being a Category I game, which may be played separately to other forms of the Game of Keno, the object of which is to forecast the distribution of the Drawn numbers across the Rows of the Keno Grid in each game. In this form of the Game of Keno, a Subscriber attempts to forecast which Row shall be “First”, “Second”, “Third”, “Fourth”, “Fifth” or “Sixth” as described following:
- (a) “First” is the Row that has the most amount of Drawn numbers at the end of the Game of Keno;
 - (b) “Second” is the Row that has the second most amount of Drawn numbers at the end of the Game of Keno;
 - (c) “Third” is the Row that has the third most amount of Drawn numbers at the end of the Game of Keno;
 - (d) “Fourth” is the Row that has the fourth most amount of Drawn numbers at the end of the Game of Keno;
 - (e) “Fifth” is the Row that has the fifth most amount of Drawn numbers at the end of the Game of Keno;
 - (f) “Sixth” is the Row that has the sixth most amount of Drawn numbers at the end of the Game of Keno;

Where two or more Rows have the same amount of Drawn numbers at the end of the Game of Keno, the Row that achieved that amount of Drawn numbers earliest in time in the Game of Keno shall be placed ahead of the other Row or Rows and so on until an order is achieved. (In the event that two or more Rows each have no Drawn numbers at the end of the Game of Keno, each of these Rows shall be deemed to finish equal in the next available place in that Game).

In this form of Game of Keno, a Subscriber may select one or more bet types in attempting to forecast the order of the Rows. These bet types are described as follows:

- (a) “Win”, where a Subscriber attempts to forecast which Row shall be “First”;
- (b) “Place”, where a Subscriber attempts to forecast that a selected Row shall be either “First”, “Second” or “Third” ;

- (c) “Quinella Place”, where a Subscriber attempts to forecast any two Rows that shall be “First”, “Second” or “Third” irrespective of their order;
- (d) “Quinella”, where a Subscriber attempts to forecast which two Rows shall be “First” and “Second” irrespective of their order;
- (e) An “Exact Quinella”, where a Subscriber attempts to forecast which two Rows shall be “First” and “Second” in the correct order;
- (f) A “Trio”, where a Subscriber attempts to forecast which three Rows shall be “First”, “Second” and “Third” irrespective of their order;
- (g) A “Trifecta”, where a Subscriber attempts to forecast which three Rows shall be “First”, “Second” and “Third” in the correct order;
- (h) A “Quartet”, where a Subscriber attempts to forecast which four Rows shall be “First”, “Second”, “Third” and “Fourth” in the correct order;
- (i) A “Five Up”, where a Subscriber attempts to forecast which five Rows shall be “First”, “Second”, “Third”, “Fourth” and “Fifth” in the correct order; and
- (j) A “Superfecta”, where a Subscriber attempts to forecast which six Rows shall be “First”, “Second”, “Third”, “Fourth”, “Fifth” and “Sixth” in the correct order.

If the Subscriber correctly forecasts the result of that game, then, subject to these Rules, a prize shall be payable calculated in accordance with Rule 18(d);

- (xlvii) **“Keno Racing Jackpot”** means the form of the Game of Keno Racing, the object of which is to correctly forecast either the first four Rows in the correct order (“Quartet”), the first five Rows in the correct order (“Five Up”) or the first six Rows in the correct order (“Superfecta”);
- (xlviii) **“Keno Racing Jackpot Prize”** means the prize offered in respect of an Entry in a Keno Racing Jackpot which correctly forecasts either the first four rows in the correct order (“Quartet”), the first five rows in the correct order (“Five Up”) or the first six rows in the correct order (“Superfecta”);
- (xlix) **“Keno Roulette”** means the form of the Game of Keno, being a Category Q game, which may be played separately to other forms of the Game of Keno, the object of which is to forecast the Keno Roulette Number. In this form of the game, a Subscriber may select one or more bet types in attempting to forecast the result of a single game. These bet types are described as follows:
 - (a) “Straight Up” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be a single selected number in the range 1 to 36, 0 or 00 in the Keno Roulette Grid;
 - (b) “Splits” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of two selected bordering numbers in the Keno Roulette Grid;
 - (c) “Rows” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of a single selected Row of numbers in the Keno Roulette Grid;
 - (d) “Corners” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of a selected Corner of numbers in the Keno Roulette Grid;
 - (e) “Columns” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of a selected single Column of numbers in the Keno Roulette Grid;
 - (f) “Six-Line” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of any six numerically consecutive numbers (the first of which must commence in the 1st Column) in the Keno Roulette Grid;

- (g) “Dozens” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of a selected dozen of numbers, being between either 1 – 12 inclusive, 13 – 24 inclusive or 25 – 36 inclusive;
- (h) “Low or High” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be one of a “low” number (being any of numbers 1 – 18 inclusive) or a “high” number (being any of numbers 19 – 36 inclusive);
- (i) “Red or Black” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be either “red” (being any numbers of 1, 3, 5, 7, 9, 12, 14, 16, 18, 19, 21, 23, 25, 27, 30, 32, 34 or 36) or “black” (being any numbers of 2, 4, 6, 8, 10, 11, 13, 15, 17, 20, 22, 24, 26, 28, 29, 31, 33 or 35);
- (j) “Odd or Even” means a type of bet where a Subscriber attempts to forecast that the Keno Roulette Number will be either an “odd” number (being any of numbers 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, or 35) or an “even” number (being any of numbers 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 or 36);

If the Subscriber correctly forecasts the result of that game, then, subject to these Rules, a prize will be payable calculated in accordance with Rule 18(e);

- (l) **“Keno Roulette Grid”** means the standard layout of the range of numbers 0, 00 and 1 to 36 on a Roulette Game Entry Form;
- (li) **“Keno Roulette Number”** means the winning number (first “number” Drawn) in a Game of Keno Roulette. The Keno Roulette Number is one of 1 to 36, “0” or “00”. For the purposes of clarification, “0” and “00” are different Keno Roulette Numbers. The Keno roulette Number will be derived from the first number Drawn in each game. Should the first number Drawn not represent a Keno Roulette Number, the second number Drawn is used and so on until a Keno Roulette Number has been derived. The Keno Roulette Number is determined as follows:
 - Drawn numbers 1 to 36 represent Keno Roulette Numbers 1 to 36 respectively;
 - Drawn numbers 41 to 76 represent Keno Roulette Numbers 1 to 36 respectively;
 - Drawn numbers 37 and 77 represent keno Roulette Number “0”;
 - Drawn numbers 38 and 78 represent Keno Roulette Number “00”;
 - Drawn numbers 39, 40, 79 and 80 do not represent a Keno Roulette Number and the next number Drawn will be used;
- (lii) **“Keno Runner”** means a person authorised by a Venue to collect Subscriptions directly from the Subscriber;
- (liii) **“Key Employee”** has the meaning assigned to “key employee” by Section 4 of the Act;
- (liv) **“Kwikipik”** means the form of Entry whereby:
 - (a) a Subscriber nominates the Subscription for each game, the number of Spots and the number of games and the Terminal selects the Spots; or
 - (b) in Keno Racing, a Subscriber nominates the bet type, the Subscription and, where applicable, whether the bet shall be Boxed and the Terminal selects the Rows; or
 - (c) in Keno Roulette, a Subscriber nominates the bet type, the number of selections to be made, the Subscription and the Terminal selects the Straight Ups, Splits, Rows, Corners, Columns, Six Line, Dozens, Low or High, Red or Black and Odds or Evens as applicable; or
 - (d) in Heads or Tails? Prepick and Let it Run, a Subscriber nominates the bet type, the number of games, the Subscription and the Terminal selects the Heads, Tails or Evens selection for each game; or

More than one Kwikipik (a Multipik) can be played on a single ticket.

- (lv) **“Let it Run”** means the form of Prepick in which, subject to Rule 9(c) and 9(l), if the Subscriber correctly forecasts the result of the first game in a chosen series, the amount of the prize as specified in Rule 18(c) on that game is carried over as the Subscription for the

next game in the series and in which this procedure continues until such time as the series of games is complete or the Subscriber incorrectly forecasts one of the game results in the series or the Subscriber cancels the ticket;

- (lvi) **“Licensees”** means Clubkeno Holdings Pty Limited ABN 51 002 821 570 and Keno (NSW) Pty Ltd ABN 16 003 992 327;
- (lvii) **“Lucky Last”** means the form of the Game of Keno, being a Category I game, which may only be played in conjunction with certain other forms of the Game of Keno as determined by the Licensees (except Heads or Tails?, Keno Racing and Keno Roulette), the object of which is to match a selected number against the last number Drawn in that game;
- (lviii) **“Major Prize”** means a prize of more than \$1,000 won in a Game of but does not include that part of the prize comprising the Jackpot Fill, Jackpot Growth or Keno Bonus Jackpot Prize (if any);
- (lix) **“Minister”** means the Minister for the time being administering the Act or the Minister’s duly appointed representative, delegate or replacement;
- (lx) **“Multi - Game”** means the form of Entry whereby a Subscriber enters a number of games;
- (lxi) **“Multipik”** means when more than one Kwikipik is played on a single ticket
- (lxii) **“Multiplier”** means the multiplier that applies to the cumulative total of the twenty numbers Drawn from numbers between 1 and 80 where:
 - (a) the multiplier of 1x is assigned to the cumulative totals set out in Part A of the schedule;
 - (b) the multiplier of 2x is assigned to the cumulative totals set out in Part B of the schedule;
 - (c) the multiplier of 3x is assigned to the cumulative totals set out in Part C of the schedule;
 - (d) the multiplier of 4x is assigned to the cumulative totals set out in Part D of the schedule;
 - (e) the multiplier of 5x is assigned to the cumulative totals set out in Part E of the schedule; and
 - (f) the multiplier of 10x is assigned to the cumulative totals set out in Part F of the schedule;

The multiplier does not apply to Keno Racing.

- (lxiii) **“Net Subscription”** means the amount which the Venues hold and deal with as agent of the Licensees in accordance with Rule 7(h), being the Gross Subscription less the Commission including that part of the face value of a Gift Voucher, Prepaid Voucher or a Subscription Chip or an SST Receipt which has been used as a Subscription, remaining after payment of the Venue’s Commission in accordance with Rule 9A(b), Rule 9B(a) or Rule 9C(c), as the case may be;
- (lxiv) **“Operating Company”** means Keno (NSW) Pty Ltd ABN 16 003 992 327;
- (lxv) **“Parlay”** means the form of Entry whereby a Subscriber, subject to Rule 15(d), chooses to subscribe all or part of the Total Prize Money instead of collecting the Total Prize Money;
- (lxvi) **“Pooled Jackpot”** means the combining, by all participating jurisdictions, of Jackpot Growth for each Regular Keno Jackpot into a pool;
- (lxvii) **“Pooled Jackpot Amount”** means the total amount of Jackpot Growth contributed by all participating jurisdictions at any given time for Regular Keno Jackpots, as displayed in Venues.
- (lxviii) **“Premises”** means the premises owned or occupied by a Venue, at which a Venue is permitted to accept Entries and Subscriptions for Games of Keno pursuant to these Rules, and in respect of a Casino Licensee means the area or areas defined or redefined as the boundaries of the casino pursuant to section 19 of the Casino Control Act 1992;
- (lxix) **“Prepaid Voucher”** means an Approved document issued by the Operating Company or a

Venue, which is an acknowledgment of the payment of money (whether by the Operating Company or a Venue) and which operates as a direction to the Operating Company to pay an amount on behalf of the holder, and entitles the holder to enter a particular type of Game of Keno;

- (lxx) **“Prepick”** means the form of Heads or Tails? in which a Subscriber can vary a selection of Heads, Tails or Evens over a series of up to five (5) consecutive games of Heads or Tails? in a single Entry;
- (lxxi) **“Print Pay Ticket”** means a ticket issued by a Terminal detailing all games entered and all prizes won by an Entry;
- (lxxii) **“Pro-rating”** means the proportional reduction in value of all Major Prizes, Bonus Prizes and additional Approved prizes, in a Game of Keno so that the aggregate value of those prizes equals \$3,000,000;
- (lxxiii) **“Quick Pick”** has the same meaning as Kwikipik;
- (lxxiv) **“Receipt Ticket”** means the serial numbered ticket issued by a Terminal on which is recorded the particulars of an Entry;
- (lxxv) **“Regular Keno”** means the form of Game of Keno, being a Category I game, in which a person selects 1 to 10, 15, 20 or 40 numbers, from the set: 1 to 80, the object being to match (or in some cases not to match) those numbers against the 20 winning numbers Drawn in each game;
- (lxxvi) **“Regular Keno Jackpot”** means the form of the Game of Keno the object of which is to match all seven (7), eight (8), nine (9) or ten (10) spots selected, as the case may be, against the winning numbers Drawn in that game;
- (lxxvii) **“Regular Keno Jackpot Prize”** means the prize offered in respect of a Regular Keno Jackpot game played by a Subscriber which matches all Spots selected against the 20 winning numbers Drawn in that game.
- (lxxviii) **“Replay”** means the form of Entry whereby a Subscriber submits a Receipt Ticket and issues verbal instructions for any particular of the Entry which varies from the particulars recorded on the Receipt Ticket;
- (lxxix) **“Roulette Game Entry Form”** means a form that may be completed by a person wishing to play Keno Roulette;
- (lxxx) **“Row” or “Rows”** means a range of 3 numbers in one row of the Keno Roulette Grid whereby:
 - Row 1 means the range 1 to 3 inclusive,
 - Row 2 means the range 4 to 6 inclusive,
 - Row 3 means the range 7 to 9 inclusive,
 - Row 4 means the range 10 to 12 inclusive,
 - Row 5 means the range 13 to 15 inclusive,
 - Row 6 means the range 16 to 18 inclusive,
 - Row 7 means the range 19 to 21 inclusive,
 - Row 8 means the range 22 to 24 inclusive;
 - Row 9 means the range 25 to 27 inclusive;
 - Row 10 means the range 28 to 30 inclusive;
 - Row 11 means the range 31 to 33 inclusive;
 - Row 12 means the range 34 to 36 inclusive;
- (lxxxix) **“Self Service Terminal” or “SST”** means a Subscriber operated Terminal that provides Subscribers with the option of purchasing Entries (such Entries may be purchased independently or in conjunction with a person submitting their Keno Player Card), checking and redeeming Receipt Tickets and issuing and using SST Receipts.

- (lxxxii) **“Schedule of Prizes”** means the lists of prizes specified in Rule 18;
- (lxxxiii) **“Senior Writer”** means the person authorised by a Venue to be in control of the operation of Keno at the Premises of that Venue;
- (lxxxiv) **“Set Bet”** has the same meaning as Superplay;
- (lxxxv) **“Split” or “Splits”** means a range of 2 vertically or horizontally adjacent numbers in the Keno Roulette Grid;
- (lxxxvi) **“Spot”** means an integer selected from the range of 1 to 80;
- (lxxxvii) **“SST Receipt”** means a ticket issued by a Terminal which is an acknowledgement in place of cash to make an Entry, give change from an Entry or pay out winnings that a Subscriber may redeem up to the face value of cash and/or tender for payment of a Subscription for a Game of Keno.
- (lxxxviii) **“Standard Game Entry Form”** means the form that may be completed by a person wishing to play Regular Keno;
- (lxxxix) **“Standard Superplay”** means a form of Combination Bet where the number of Groups, the size of each Group and the types of Combinations applicable to that Combination Bet have been pre-programmed into the Central Site Computer by the Operating Company and made available to Subscribers generally from time to time, the details for which are set out in the officially sanctioned brochures displayed or available for inspection at any Venue. The Central Site Computer selects the Spots forming part of each Combination;
- (xc) **“Standout”** means an option on the “Quinella Place”, “Quinella”, “Exact Quinella”, “Trio”, “Trifecta”, “Quartet”, “Five Up” and “Superfecta” bet types in a game of Keno Racing that allows a Subscriber to nominate a particular Row or Rows that will finish “First” or “Second”, in the case of a “Quinella” or “Exact Quinella”; “First”, “Second” or “Third” in the case of a “Quinella Place”; “Trio” or “Trifecta”; “First”, “Second”, “Third” or “Fourth” in the case of a “Quartet”; “First”, “Second”, “Third”, “Fourth” or “Fifth” in the case of a “Five Up”; “First”, “Second”, “Third”, “Fourth”, “Fifth” or “Sixth” in the case of a “Superfecta” and to forecast the results of the game by combining these selections with other selected Rows to fill the other placing(s). A Subscription is payable in respect of each combination; **“Subscriber”** means:
- (i) a person who subscribes to the Game of Keno by way of Entry; and
 - (ii) where the context permits in, and for the purposes of, Rules 9A, 9B and 9D a person who purchases a Gift Voucher, a person who receives a Prepaid Voucher or a person who receives a SST Receipt; and
 - (iii) where, in its absolute discretion, the Operating Company thinks it appropriate, includes a person who bears or submits a Receipt Ticket; and
 - (iv) where any person defined in sub paragraph (i), (ii) or (iii) is under a legal incapacity or has died, includes the legal personal representative of such person;
- (xci) **“Subscription”** means a Gross Subscription unless otherwise stated in these Rules;
- (xcii) **“Subscription Chip”** means a Chip used by a Subscriber either for entry to a Game of Keno or for the purchase of a Gift Voucher;
- (xciii) **“Superplay”** means the form of Entry whereby a Subscriber nominates:
- (a) a Standard Superplay; or
 - (b) a Customised Superplay.
- In both cases the Subscriber nominates the amount to be wagered for each Combination and the number of games;
- (xciv) **“Supervisor”** means a person appointed by the Operating Company to supervise the operation of Keno games;
- (xcv) **“Terminal”** means an Approved device for either:

- (i) the processing of Entries, the issuing of Receipt Tickets or SST Receipts and the processing of claims; or
- (ii) the processing of Entries and the issuing of Receipt Tickets or SST Receipts;
- (xcvi) **“Total Prize Money”** means the total amount of money payable to a person, as a result of the person winning money in respect of a Customer Session in a Game of Keno (whether or not that Customer Session relates to one, or more than one, game or Entry in the Game of Keno);
- (xcvii) **“Unclaimed Prize”** means a prize for an entry made through a Venue that remains unclaimed for a period of 12 months after the date on which the Game of Keno to which the prize relates was conducted, or an SST Receipt that has not been redeemed in full for cash or tendered by way of Subscription in a Game of Keno within 12 months of its date of issue;
- (xcviii) **“Unclaimed Prize Claim Form”** means the document to be completed by a Subscriber in the event that:
 - a Receipt Ticket or SST Receipt is lost or mutilated; or
 - a Receipt Ticket's or SST Receipt's record is no longer resident on computer media on the Central Site Computer;
- (xcix) **“Venue”** means a Club, a Casino Licensee or a Hotel, appointed by the Licensees with Approval to accept Subscriptions for games of keno, and refers to the Venue acting in its own right, or as agent of the Licensees or of the Subscriber, as the context requires.
 - (c) **“Verbal Entry”** means the form of Entry which may be effected by the issue of verbal instructions by a person wishing to enter a Game of Keno and the issue of a Receipt Ticket (such verbal instructions may be issued independently or in conjunction with a person submitting their Keno Player Card);
 - (ci) **“With the Field”** means an option on the “Quinella Place”, “Quinella”, “Exact Quinella”, “Trio”, “Trifecta”, “Quartet”, “Five Up” and “Superfecta” bet types in a game of Keno Racing that allows a Subscriber to combine their selected Rows with all the remaining Rows in the Keno Grid. A Subscription is payable in respect of each combination;
 - (cii) **“Writer”** means a person authorised by a Venue to operate a Terminal at the Premises of that Venue.
- (b) In these Rules unless inconsistent with the context:
 - (i) a reference to the singular shall include the plural, and vice versa;
 - (ii) a reference to a person shall include an organisation of persons whether incorporated or unincorporated;
 - (iii) except in relation to a Delayed Start Entry a reference to a number of games shall be taken to mean a number of consecutive games commencing with the game which is open at the time the Receipt Ticket for that Entry is issued;
 - (iv) headings are for convenient reference only and have no effect in limiting or extending the language of the provisions to which they refer;
 - (v) all references to sums of money are references to Australian dollars.

3. Application of these Rules

- (a) These Rules are to be read subject to the Act and shall apply to every Game of Keno. If there is any inconsistency between the Act and these Rules, the Act will prevail to the extent of any inconsistency.
- (b) These Rules shall be binding on all Subscribers and by making an Entry in a Game of Keno, purchasing a Gift Voucher or accepting a Prepaid Voucher, Subscribers agree to be bound by these Rules.

4. Object

The object of the Game of Keno, known as Regular Keno, is to select from 1 to 10, 15, 20 or 40 numbers, from the set: 1 to 80 and to match (or in some games not to match) those numbers against the 20 winning numbers Drawn in each game. A number of other forms of the Game of Keno also exist. These may be varied or discontinued and other forms of the Game of Keno may be introduced by the Operating Company from time to time.

5. Eligibility for Inclusion in a Game of Keno

In order to be eligible for inclusion in a Game of Keno:

- (a) for an Entry made through a Venue, a Receipt Ticket the details of which must be recorded and be resident on computer media at the Central Site, must be issued to the Subscriber.

5A. Ineligibility of Certain Persons to Enter a Game of Keno

- (a) A Key Employee, an Inspector or an employee of the Licensees must not enter a Game of Keno.
- (b) An employee of a Venue during such time as that employee is in any way engaged in the operation of a Game of Keno must not enter a Game of Keno.
- (c) No person under the age of 18 years shall be permitted to enter a Game of Keno, whether personally, through another person, by mail, by using a Self Service Terminal, by electronic means or otherwise.
- (d) No person may make an Entry on behalf of a person under the age of 18 years.

6. Key Staff

(a) Operating Company

A Supervisor must be present at all times while the game is in progress at the Central Site or at the Backup Site where a Draw Device is operative and the Supervisor is responsible for ensuring that the game is conducted in accordance with these Rules.

(b) Venue

A Senior Writer must be present at the Premises at all times while the game is in progress at those Premises and the Senior Writer is responsible for ensuring that the game is conducted in accordance with these Rules.

6A. Responsibility of Venue

- (a) A Venue that is a Club must at all times ensure that Games of Keno conducted on its Premises are conducted in accordance with the Registered Clubs Act 1976 and regulations made under that Act, the Public Lotteries Act 1996 and these Rules.
- (b) A Venue that is a Casino Licensee must at all times ensure that Games of Keno conducted on its Premises are conducted in accordance with the Casino Control Act 1992 and regulations made under that Act, the Public Lotteries Act 1996 and these Rules.
- (c) A Venue that is a Hotel must at all times ensure that Games of Keno conducted on its Premises are conducted in a manner that does not contravene the , the Liquor Act 2007 and regulations made under that Act, the Public Lotteries Act 1996 and these Rules.

7. Entry and Entry Forms

- (a) Entry in a Game of Keno may only be made through a Venue in accordance with these Rules.
- (b) Entry in a Game of Keno, not being a Delayed Start Game, may only be made:
 - (i) either:
 - (a) by way of an Entry Form;
 - (b) by way of Self Service Terminal;

- (c) by Replay; or
- (d) by way of Verbal Entry (including in conjunction with a KPC), in relation to:
 - (i) Lucky Last;
 - (ii) Heads or Tails?;
 - (iii) Keno Racing;
 - (iv) Keno Roulette;
 - (v) Parlay;
 - (vi) Kwikipik;
 - (vii) Superplay; or
 - (viii) Keno Bonus;

and

(ii) by payment of the appropriate Subscription.

- (c) A Subscriber to a game of Heads or Tails? may only make one selection (ie. “Heads” or “Tails” or “Evens”) per Game per Entry.
- (d) A Subscriber to a game of Keno Racing or Keno Roulette may make more than 1 selection per Entry.
- (e) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers, Rule 9C relating to Subscription Chips, and Rule 9D relating to SST Receipts, each Gross Subscription must be paid by a Subscriber to a Venue (or to a Keno Runner on behalf of a Venue) and the Venue will hold the Gross Subscription as agent of the Subscriber until the Entry is completed.
- (f) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers and Rule 9D relating to SST Receipts, a Subscriber must pay a Commission to the Venue in consideration for the Venue acting as agent of the Subscriber, and for that purpose authorises the Venue to retain from the Gross Subscription received from the Subscriber an amount calculated as:
 - (i) for a Game of Keno:

[Gross Subscription - Keno Prize Fund Contribution] x 44%,

by way of Commission, after the Entry is completed.

- (g) After a Subscriber has completed an Entry Form, an Entry by way of Self Service Terminal, a Replay or a Verbal Entry and the Gross Subscription has been received by the Venue, the Venue, on behalf of the Licensees, will deliver a Receipt Ticket to the Subscriber. A separate Receipt Ticket will be issued in respect of a Delayed Start Entry. The Entry is completed by the delivery of the Receipt Ticket and the Venue is taken to have discharged its duty as agent to the Subscriber by the delivery of the Receipt Ticket in accordance with this Rule.
- (h) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers, Rule 9C relating to Subscription Chips and Rule 9D relating to SST Receipts, once the Entry is completed the Venue will be entitled to apply the Commission to its own account and will hold the Net Subscription as agent for and on behalf of the Licensees.
- (i) All marks appearing on an Entry Form shall be taken to have been made exclusively by the Subscriber and it is the responsibility of the Subscriber to ensure that the particulars recorded on a Receipt Ticket are identical to those submitted by the Subscriber either by way of an Entry Form, Verbal Entry or Entry by way of Self Service Terminal.
- (j) If the particulars recorded on a Receipt Ticket are inconsistent with the particulars resident on computer media at the Central Site, the latter shall prevail to the exclusion of the former and shall determine what prize, if any, a Subscriber is entitled to claim.
- (k) Except in relation to a Delayed Start Game, an Entry will be for the game which is open at the time the Receipt Ticket for that Entry is issued. A Delayed Start Entry will be for the next Delayed Start Game.

- (l) Instructions printed on an Entry Form, available on the Self Service Terminal are to be read and construed as part of these Rules except that, in the event of any inconsistency, the latter shall prevail to the exclusion of the former.
- (m) An Entry Form shall be returned to the Subscriber on request.
- (n) Where a Subscriber enters a Game of Keno as the trustee, representative or nominee of another person, the Licensees, the Venue and every other person shall be taken not to have knowledge or to be on notice, whether actual or constructive, of any such arrangement and the transaction will be taken to have been conducted solely with the Subscriber.
- (o) Upon presentation of a Receipt Ticket a Subscriber may on the Keno Day on which that Receipt Ticket was issued but after the payment of any prize won by the Entry of which that Receipt Ticket is evidence request a Print Pay Ticket. A Subscriber shall be taken to have requested in accordance with this Rule a Print Pay Ticket in respect of each Entry affected by a Keno Runner on that Subscriber's behalf.
- (p) Upon presentation of a SST Receipt a Subscriber may on the Keno Day on which that SST Receipt was issued but after the payment of any payout of the SST Receipt, request a Print Pay Ticket.
- (q) No person may promote or take part in the formation of a syndicate for fee or reward for the purpose of making an Entry in a Game of Keno, except a Venue as authorised by the Operating Company.
- (r) No person may advertise by any means that he or she or some other person will accept money for a share in an Entry in a Game of Keno, except as provided by Rule 7(q).

8. Keno Runners

- (a) A Keno Runner may operate from anywhere within the Premises of the Venue which has authorised the Keno Runner.
- (b) The Keno Runner must return to the Subscriber all original Receipt Tickets, Entry Forms and Print Pay Tickets.
- (c) Any dispute between a Keno Runner and a Subscriber shall be brought to the attention of the Senior Writer.
- (d) A Keno Runner will not be responsible for the placement of Entries in any particular Game of Keno but will use best endeavours to place the Entry in the next available game. Acceptance of Subscriptions does not constitute an official Entry until such time as a Receipt Ticket has been issued.

9. Subscriptions

- (a) Acceptable forms of payment of a Subscription include:
 - (i) the tender of cash;
 - (ii) the tender of a Gift Voucher or Prepaid Voucher, in accordance with its terms;
 - (iii) the tender of a Subscription Chip, but only to a Casino Licensee;
 - (iv) the tender of a SST Receipt;
 - (v) Parlay;
 - (vi) any combination of the above (if available).
- (b) No form of credit betting will be allowed.
- (c) Except as provided in Rule 9(d) - (l) inclusive the minimum Subscription for a game shall be \$1 and Subscriptions may increment in multiples of \$1 per game up to a maximum of \$9,999 for each Entry, except for an Entry by means of a Self Service Terminal, the maximum Subscription for which shall be \$250.
- (d) The minimum Subscription payable in respect of a Combination Bet Entry (excluding a Jackpot Entry) shall be:

- (i) Where not less than 4 and not more than 19 Combinations are played - \$0.50 per Combination;
- (ii) Where not less than 20 and not more than 49 Combinations are played - \$0.20 per Combination;
- (iii) Where not less than 50 Combinations are played - \$0.10 per Combination.
- (e) Subscriptions in respect of Combination Bet Entries where not less than 4 Combinations are played may increment in multiples of \$0.10 per Combination.
- (f) A Subscription tendered in respect of a Delayed Start Entry must be for the same amount as the Subscription tendered in respect of Entry in the game which is open at the time the Delayed Start Entry is effected.
- (g) The minimum Subscription for a game of Heads or Tails? played by a Subscriber (including Prepick and Let it Run) shall be \$1. Subscriptions may increment in multiples of \$1 per game played by a Subscriber (provided that all games played by a Subscriber on an Entry must increment by the same amount) up to a maximum of \$500 per game played by a Subscriber (excluding Let it Run where the maximum allowable Subscription for the first game played by a Subscriber which is the subject of the Entry shall be \$500 per Entry). In relation to the second and subsequent Games which are the subject of a Let it Run Entry, the maximum allowable Subscription specified in Rule 9(c) shall not apply but eligibility for entry in the next Game of Keno shall be subject to the aggregate Subscription limits set out in Rule 9(j).
- (h) The minimum Subscription in respect of a game of Keno Racing shall be \$0.50 per each bet made subject to a minimum aggregate Subscription per game of Keno Racing of \$1.
- (i) Notwithstanding any Rule to the contrary, the aggregate of the Subscriptions that may be bet on one of the results of a game of Heads or Tails? in any one Game of Keno between the opening and closure of that game shall not exceed:
 - (i) for all Subscriptions placed on the result of Heads, \$500,000;
 - (ii) for all Subscriptions placed on the result of Tails, \$500,000;
 - (iii) for all Subscriptions placed on the result of Evens, \$170,000.

In the event that the prize in respect of any Let it Run game played by a Subscriber would, but for this Rule, result in the total Subscriptions for the next game exceeding the above limits, the Entry on the next game played by that Subscriber will not be accepted and the prize in respect of the previous game will be paid to that Subscriber.

- (j) The minimum Subscription in respect of a selection of Keno Roulette will be as per the following table. Increments must be in multiples of \$1.00

Bet Type	Keno Roulette Minimum Subscription per selection
Straight Up	\$1.00
Split	\$1.00
Row	\$1.00
Corner	\$1.00
Six Line	\$1.00
Column	\$2.00
Dozens	\$2.00

Low or High	\$5.00
Red or Black	\$5.00
Odd or Even	\$5.00

- (k) The Subscription paid for Keno Bonus must be equivalent to the Subscription paid for the game it is played in conjunction with.
- (l) In circumstances where Keno Bonus is being played in conjunction with Let it Run, the amount of the prize that is carried over as the Subscription for the next game in the series shall be applied as follows:
 - (i) 50% of the prize as Subscription for Keno Bonus; and
 - (ii) 50% of the prize as Subscription for the game Keno Bonus is being played in conjunction with.
- (m) If the number of games of Keno Bonus being played on an Entry is less than the number of other Games of Keno being played on the Entry, Keno Bonus will be played in conjunction with the first and following games of Keno.
- (n) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers, Rule 9C relating to Subscription Chips and Rule 9D relating to SST Receipts, Subscriptions will be received by a Venue as follows:
 - (i) until the Entry is completed the Venue will hold the Gross Subscription as agent of the Subscriber pursuant to Rule 7(e);
 - (ii) once the Entry is completed, the Venue will:
 - (a) retain and hold that part of the Gross Subscription which constitutes the Commission in its own right (and not as agent of the Licensees); and
 - (b) hold the Net Subscriptions, being the balance of the Gross Subscription on behalf and as agent of the Licensees,
 in accordance with Rule 7(h).

9A. Gift Vouchers

- (a) A Subscriber must pay to a Venue, for the issue of a Gift Voucher, an amount equal to the face value of the Gift Voucher or present to a Casino Licensee a Subscription Chip with the face value equal to the face value of a Gift Voucher.
- (b) A Subscriber must pay a Commission to the Venue in respect of the issue of the Gift Voucher, and for that purpose, the Subscriber authorises the Venue to retain a proportion of the face value of the Gift Voucher received from the Subscriber calculated as:

[Face Value of the Gift Voucher - Keno Prize Fund Contribution for the Category of game able to be played with that Gift Voucher] x 44%,

 by way of Commission.
- (c) A Gift Voucher must be presented by way of Subscription in a Game of Keno within 12 months of the date of purchase, or such shorter period as may be notified at the time of purchase.
- (d) Where payment of a Subscription for a Game of Keno is made by the tender of a Gift Voucher in accordance with Rule 9(a)(ii), the Venue will hold the Gift Voucher, as agent of the Subscriber until the Entry is completed.
- (e) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, the Venue will have discharged its duty as agent to the Subscriber.
- (f) Notwithstanding Rule 7(f), the Venue is not entitled to charge the Subscriber any Commission for acting as agent of the Subscriber in accordance with Rule 9A(d).

9B. Prepaid Vouchers

- (a) A Venue is entitled to charge a Commission for the issue of a Prepaid Voucher or for the delivery (by the Venue) of a Prepaid Voucher issued by the Operating Company, and for that purpose, under the terms of the Prepaid Voucher, the Subscriber will be taken to direct the Operating Company to apply a proportion of the face value of the Prepaid Voucher calculated as:

[Face Value of Prepaid Voucher - Keno Prize Fund Contribution for the Category of game able to be played with that Prepaid Voucher] x 44%,

in payment to the Venue, on behalf of the Subscriber, of the Commission charged by the Venue for the issue or delivery of the Prepaid Voucher.

- (b) A Prepaid Voucher must be presented by way of Subscription in a Game of Keno within 7 days of the date of issue, or such shorter period as may be notified at the time of issue or delivery to the Subscriber.
- (c) Where payment of a Subscription for a Game of Keno is made by the tender of a Prepaid Voucher in accordance with Rule 9(a)(ii), the Venue will hold the Prepaid Voucher, as agent of the Subscriber until the Entry is completed.
- (d) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, the Venue will have discharged its duty as agent to the Subscriber.
- (e) Notwithstanding Rule 7(f), the Venue is not entitled to charge the Subscriber any Commission for acting as agent of the Subscriber in accordance with Rule 9B(c).

9C. Subscription Chips

The provisions of this Rule 9C apply to a Casino Licensee only:

- (a) A Subscriber must pay to a Casino Licensee, for the issue of a Subscription Chip, an amount equal to the face value of the Subscription Chip.
- (b) Where payment of a Subscription for a Game of Keno is made by the tender of a Subscription Chip in accordance with Rule 9(a)(iii), a Casino Licensee will hold the Subscription Chip as agent of the Subscriber until the Entry is completed.
- (c) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, a Casino Licensee will have discharged its duty as agent of the Subscriber and will be entitled to retain from the face value of the Subscription Chip an amount equal to the Commission which a Casino Licensee is entitled to charge under Rule 7(f), and will hold the amount representing the balance of the face value of the Subscription Chip as a Net Subscription on behalf and as agent of the Licensees.

9D. SST Receipts

- (a) A SST Receipt must be redeemed in full either for cash or tendered by way of Subscription in a Game of Keno within 12 months of the date of issue, and thereafter becomes an Unclaimed Prize.
- (b) Where payment of a Subscription for a Game of Keno is made by the tender of a SST Receipt in accordance with Rule 9(a)(iv), the Venue will hold the SST Receipt, as agent of the Subscriber until the Entry is completed.
- (c) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, the Venue will have discharged its duty as agent to the Subscriber and will be entitled to retain from the face value of the SST Receipt an amount equal to the Commission which a Venue is entitled to charge under Rule 7(f), and will hold the amount representing the balance of the face value of the SST Receipt as a Net Subscription on behalf and as agent of the Licensees.
- (d) Notwithstanding Rule 7(f), the Venue is not entitled to charge the Subscriber any Commission for acting as agent of the Subscriber in accordance with Rule 9D(b).

10. Jackpot

- (a) No Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize or Keno Racing Jackpot Prize greater than or equal to \$10,000 will be paid until verified by the Operating Company.
- (b) An amount equivalent to 10% of Gross Subscriptions in a Regular Keno Jackpot will be allocated from Net Subscriptions on that Regular Keno Jackpot to the Regular Keno Jackpot Prize available for that Regular Keno Jackpot.
- (c) The following amounts will be allocated from Net Subscriptions on the Keno Racing Jackpot to the Keno Racing Jackpot Prize available for that Keno Racing Jackpot:
 - (i) in respect of a “Quartet” Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions;
 - (ii) in respect of the “Five Up” Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions; and
 - (iii) in respect of the “Superfecta” Keno Racing Jackpot, an amount equivalent to 4% of Gross Subscriptions.
- (d) The Jackpot Fill and Jackpot Growth component of the Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize and Keno Racing Jackpot Prize is fixed and payable in respect of the first \$1.00 of the Subscription paid for a game played by a Subscriber to which that prize relates irrespective of the amount actually subscribed and does not increase proportionately to the amount of the Subscription.
- (e) The amount of the Regular Keno Jackpot Prize and Keno Racing Jackpot Prize will be the sum of:
 - (i) the Subscription paid in respect of the game multiplied by the prize (with respect to a Quartet Keno Racing Jackpot Prize as defined in Rule 18(d) or Major Prize (as the case may be);
 - (ii) the Jackpot Fill (if any); and
 - (iii) the Jackpot Growth for the relevant game.

10A. Bonus Prizes

- (a) The Operating Company may allocate Approved sums from the Keno Prize Fund to be used for Bonus Prizes at Approved times of the day and Approved days of the week. Games in which Bonus Prizes are available are or may be referred to as ‘Cash Games’.
- (b) Subject to Rule 10A(c) a Bonus Prize shall be won by the game played by a Subscriber or Entry (as the case may be) which first meets Approved requirements for that Bonus Prize.
- (c) Where in the Game of Keno in which the Approved requirements for a Bonus Prize are first met, and more than one game played by a Subscriber or Entry (as the case may be) meets those requirements the Bonus Prize shall be shared among those games or Entries (as the case may be) in accordance with Rule 19(f).
- (d) The word “Bonus” may be printed on Receipt Tickets. The presence of the word “Bonus” on a Receipt Ticket does not necessarily indicate that an Entry is eligible to win a Bonus Prize. The absence of the word “Bonus” from a Receipt Ticket does not necessarily indicate that the Entry is ineligible to win a Bonus Prize.
- (e) Combination Bet Entries, Superplay Entries, Lucky Last Entries, Heads or Tails? (including Prepick and Let it Run) Entries, Keno Racing Entries and Keno Roulette Entries are ineligible to win a Bonus Prize.

11. Cancellations

- (a) An Entry purchased through a Venue may be cancelled only:
 - (i) at the Premises of the Venue at which the Entry was accepted;
 - (ii) on the Keno Day on which the Entry was accepted;

- (iii) during the displayed trading hours of those Premises; and
- (iv) in accordance with these Rules.

Subject to Rule 11(a), an Entry purchased through a Venue may be cancelled at any time prior to the closure of the game to which that Entry relates or prior to the Drawing of the first number in the game to which that Entry relates, whichever occurs first;

- (b) A Multi-Game Entry may not be cancelled in respect of those games in which a number has been Drawn.
- (c) Subject to Rule 11(d), if an Entry made through a Venue is cancelled in accordance with these Rules, the Venue will refund to the Subscriber in cash (or, in the case of a Casino Licensee only, cash and/or Chips to an equivalent value) the Commission which relates to that Entry and, on behalf of the Licensees, the Net Subscription in relation to that Entry, and the Gross Subscription in respect of the cancelled Entry will be reduced by the refunded amount for the purposes of these Rules.
- (d) If an Entry is cancelled in accordance with these Rules and a Gift Voucher or Prepaid Voucher was tendered for the Subscription for the Entry, the Venue will return the Gift Voucher or Prepaid Voucher to the Subscriber, or, if some Games of Keno have been Drawn, return to the Subscriber a replacement Gift Voucher or Prepaid Voucher with a face value equal to the Subscription payable for the cancelled Games of Keno. The Venue is not entitled to receive any Commission in respect of the issue of a replacement Gift Voucher or Prepaid Voucher. The Gross Subscription in respect of the cancelled Entry will be reduced by the value of the replacement Gift Voucher or Prepaid Voucher for the purposes of these Rules.

12. The Draw

- (a) The drawing of the winning numbers must:
 - (i) take place:
 - (a) by means of a Draw Device;
 - (b) at the Central Site, the Premises of a Venue, the Backup Site or other Approved site;
 - (c) if the Draw takes place at the Premises of a Venue - in an area open at that time to those persons who would normally have access to those Premises;
 - (d) if the Draw takes place at any other Approved site - in an area open to the public during Approved hours; and
 - (e) in a manner which enables it to be witnessed by an Inspector; and
 - (ii) be captured on an Approved medium.
- (b) The Operating Company will determine when a game opens and closes.
- (c) The Draw will be carried out as soon as practicable after the close of the game. Each Game of Keno will be identified during the Keno Day on which it is played by a number from 0 to 999 and thereafter by the relevant Keno Day and that number;
- (d) If an incorrect number is displayed as having been Drawn the final number will flash until the incorrect number has been removed and the correct number displayed.
- (e) If a Draw Device malfunctions, the Draw will continue in accordance with Approved procedures.

13. Display of Winning Numbers

Subject to these Rules the winning numbers of the most recently completed Game of Keno and the Multiplier (as applicable) will be displayed at the Premises of a Venue during the Venue's displayed trading hours. The winning numbers and the Multiplier (as applicable) will also be available by a Game Results Inquiry. In addition to display at the Venue, the winning numbers and the Multiplier (as applicable) may also be displayed in any other manner and on other media channels at the discretion of the Licensees.

14. Winning Entries

- (a) Notwithstanding any other Rule, a winning game played by a Subscriber will be one where the number(s) selected for that game match the number(s) Drawn and resident on computer media at the Central Site as the winning number(s) for that Game of Keno in such a way as to entitle the Subscriber to a prize in accordance with the applicable Schedule of Prizes, to a Bonus Prize or to an additional Approved prize.
- (b) Subject to Rule 17, a prize for an Entry purchased through a Venue may only be claimed by submitting a Receipt Ticket.
- (c) A prize for an Entry purchased through a Venue will only be payable where the particulars recorded on the Receipt Ticket submitted indicate that the game played by a Subscriber is a winning game and those particulars correspond with the particulars resident on computer media at the Central Site.
- (d) A Receipt Ticket submitted in respect of a successful claim or a SST Receipt redeemed for cash or a Subscription will not be returned to the Subscriber.
- (e) A Game of Keno may include an additional Approved prize or prizes.

15. Payouts

Payment of Prizes

- (a) Regardless of the amount of a Subscription, the maximum liability in respect of:
 - (i) a Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize will be the amount showing as the Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize at that time resident on computer media at the Central Site, reduced (if required) in accordance with Rule 19 and increased (if required) in relation to the prize (with respect to a Quartet Keno Racing Jackpot Prize as defined in Rule 18(d)) or Major Prize (as the case may be) having regard to the amount of the Subscription and the Multiplier (if relevant).
- (b) Subject to Rule 15(i), where a win requires the issue of a cheque drawn on the Prize Fund or a cheque drawn on a Venue, the details of the payee must be provided by the Subscriber.
- (c) Public personal anonymity will be at Subscriber request, made to an employee or representative of the Operating Company or Venue at the time the win is confirmed. The Subscriber acknowledges that the Licensees may publish, or cause to be published the name of the Venue, and/or geographic location at which the Subscription was accepted, the channel from which the Subscription was accepted and the amount of the prize. A Subscriber may at any time revoke a request for anonymity.
- (d) Subject to Rules 16, 17 and 20, a claim for the payment of a prize won from an Entry made through a Venue may be made at the Premises of any Venue up to twelve months after the Keno Day on which the game in respect of which the prize is claimed was Drawn
- (e) Where a winning Entry was made through a Venue:
 - (i) for payouts under \$10,000, the first \$2,000 of the Total Prize Money, subject to the limit specified by that Venue, may be paid in cash or by way of a SST Receipt (or, in the case of a Casino Licensee, cash and/or Chips). Amounts over \$2,000 of the Total Prize Money will be paid by means of a Crossed Cheque payable to the claimant or if the claimant requests, by means of electronic funds transfer to an account nominated by the claimant; and
 - (ii) prizes of \$10,000 and over will be paid by means of a Crossed Cheque payable to the claimant drawn on the Keno Prize Fund. Subject to the limit specified by that Venue, the first \$2,000 of the Total Prize Money may be paid in cash (or, in the case of a Casino Licensee, cash and/or chips).

- (f) Payouts resulting from an Unclaimed Prize Claim Form will be paid by cheque drawn on the Prize Fund.
- (g) Any cheques issued in payment or part payment of a payout will be crossed and marked “Not Negotiable” and payable to “Account Payee Only” and will be drawn in favour of the Subscriber.
- (h) Payouts to Subscribers known to be under legal incapacity or disability or to those Subscribers who are known to have died before receiving any or all of a particular payout shall be made in accordance with the laws of New South Wales.
- (i) Prizes won in a Delayed Start Game will be paid no sooner than the Keno Day following the Keno Day on which that Delayed Start Game was Drawn.
- (j) Where a payout is calculated to be an amount which is an exact multiple of \$0.10 that prize will be payable. Where a prize is calculated to be an amount which is not an exact multiple of \$0.10 the prize payable will be the nearest amount below the calculated prize which is an exact multiple of \$0.10.
- (k) A Subscriber accepts and acknowledges that a Regular Keno Jackpot Prize in a Pooled Jackpot may be won in another participating jurisdiction/s, including but not limited to when there is any failure, disruption or malfunction of equipment used in the conduct of Games of Keno whether at the Central Site or at the Premises of a Venue or any other location, electrical power, telecommunications links or computer media at the Central Site.

16. Unclaimed SST Receipts or Prizes

- (a) If a Subscriber has been notified of an Unclaimed Prize through their Keno Player Card registration, to claim their prize they must attend the venue and submit their Receipt Ticket or SST Receipt. If they are unable to present their Receipt Ticket or SST Receipt, the Subscriber must submit details of that ticket or receipt, via an Unclaimed Prize Form, to the Central Site.
- (b) Details of prizes, including SST Receipts, will remain accessible from computer media on the Central Site Computer for up to 12 calendar months after the Keno Day to which they relate. After this period payouts may be made only after submission of an Unclaimed Prize Claim Form forwarded by the Subscriber to the Operating Company.
- (c) All correspondence to a Subscriber relevant to an Unclaimed Prize or unclaimed SST Receipt shall bear the signature of a representative of the Operating Company.

17. Lost or Mutilated Receipt Tickets, SST Receipts and Vouchers

- (a) If a Receipt Ticket or SST Receipt, submitted by a Subscriber for processing, is unable to be read by a Terminal or the Writer, or the Receipt Ticket has been lost, a claim for payment may be made by the submission of an Unclaimed Prize Claim Form.
- (b) If the details given by the Subscriber satisfy the Operating Company that a win has occurred, the prize will be paid in accordance with Rule 15.
- (c) If a Gift Voucher or Prepaid Voucher, submitted by a person for processing, including a Gift Voucher presented for refund in accordance with Rule 17(d), is unable to be validated by a Terminal or a Writer, or has expired or been lost, a claim for a refund of the face value of the Gift Voucher or Prepaid Voucher may not be made.
- (d) If, having purchased a Gift Voucher, a Subscriber does not agree to the conditions of purchase described in Rule 17(c), a refund of the face value of the Gift Voucher can be made. This refund can only be made by returning the Gift Voucher to the same Venue from which the Gift Voucher was purchased and on the same day as the Gift Voucher was purchased.

18. Schedules of Prizes

- (a) The following Approved Schedule of Prizes applies to all Games of Keno other than Lucky Last, Heads or Tails?, Keno Racing, Keno Roulette and Keno Bonus where it is played in conjunction with Lucky Last, Heads or Tails?, Keno Racing or Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots Matched	Number of Spots Selected				
	1	2	3	4	5
0					
1	3				
2		12	1	1	
3			44	4	2
4				120	14
5					640

Number of Spots Matched	Number of Spots Selected				
	6	7	8	9	10
0					
3	1	1			
4	5	3	2	1	1
5	80	12	7	5	2
6	1,800	125	60	20	6
7		\$5,000 plus Keno Bonus Jackpot Prize of \$7,000 (if payable) plus Jackpot Growth	675	210	50
8			\$25,000 plus Keno Bonus Jackpot Prize of \$38,000 (if payable) plus Jackpot Growth	2,500	580
9				\$100,000 plus Keno Bonus Jackpot Prize of \$180,000 (if payable) plus Jackpot Growth	10,000

10					\$250,000 plus Jackpot Fill of \$750,000 plus Keno Bonus Jackpot Prize of \$2,900,000 (if payable) plus Jackpot Growth
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	Number of Spots selected		
	15	20	40
		100	250,000
		10	25,000
		2	2,200
			200
			35
	1		7
	2		2
	4		1
	20	2	
	50	7	
	250	20	
	2,000	100	
	12,000	450	
	50,000	1,200	1
	100,000	5,000	2
	250,000	10,000	7
		15,000	35
		25,000	200
		50,000	2,200
		100,000	25,000
		250,000	250,000

- (b) The following Approved Schedule of Prizes applies only to games of Lucky Last and Keno Bonus (where it is played in conjunction with a game of Lucky Last). Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots selected	Lucky Last Prize
1	60
2	30
3	20
4	15

5	12
6	10
7	8.50
8	7.50
9	6.50
10	6
15	4
20	3
40	1.5

- (c) The following Approved Schedule of Prizes applies only to games of Heads or Tails? and Keno Bonus (where it is played in conjunction with a game of Heads or Tails?). Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Heads	Heads	2
Tails	Tails	2
Evens	Evens	4

- (d) The following Approved Schedule of Prizes applies only to games of Keno Racing. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Racing Prize
Win	6
Place	2
Quinella Place	7
Quinella	21
Exact Quinella	42
Trio	42
Trifecta	252
Quartet	
First correct	1
First 2 correct	3
First 3 correct	10
All 4 correct	800 plus Jackpot Growth
Five Up	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
All 5 correct	3,000 plus Jackpot Growth

Superfecta	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
First 5 correct	100
All 6 correct	10,000 plus Jackpot Growth

- (e) The following Approved Schedule of Prizes applies only to games of Keno Roulette, and Keno Bonus where it is played in conjunction with a game of Keno Roulette. Prizes are based on minimum Subscription:

Straight Up	\$1.00	\$30.50
Split	\$1.00	\$15.30
Row	\$1.00	\$10.20
Corner	\$1.00	\$7.60
Six Line	\$1.00	\$5.10
Column	\$2.00	\$5.00
Dozens	\$2.00	\$5.00
Low or High	\$5.00	\$8.50
Red or Black	\$5.00	\$8.50
Odd or Even	\$5.00	\$8.50

19. Pro-rating and Sharing of Prizes

- (a) The maximum aggregate liability for all Major Prizes in any one Game of Keno, excluding Bonus Prizes and additional Approved prizes, shall be \$3,000,000. Where except for this Rule 19(a) the total amount of such Major Prizes would exceed \$3,000,000 Pro-rating shall apply.
- (b) Subject to Rule 19(c) where Pro-rating applies the amount payable in respect of each Major Prize affected shall be as follows:

$$\text{Amount payable} = X \div Y \times \$3,000,000$$

where

X = the amount which except for this Rule would have been payable in respect of the game played by a Subscriber.

Y = the total prize amount which, except for this Rule, would have been payable in respect of all Major Prizes for a Game of Keno.

- (c) Notwithstanding the application of Pro-rating no Major Prize will be reduced to a value less than \$1,000.
- (d) Where there is more than one Keno Racing Jackpot winner, the Jackpot Growth and Jackpot Fill will be shared among those Keno Racing Jackpot winners in the same proportion that the amount of the Subscription (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscriptions (disregarding Keno Bonus) paid by all winners on the winning combination of Spots.
- (e) Where there is more than one Keno Bonus Jackpot Prize winner, the Keno Bonus Jackpot Prize will be shared amongst those Keno Bonus Jackpot Prize winners in the same proportion that the amount of the Subscriptions (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscription (disregarding Keno Bonus) paid by all winner on the winning combination of Spots.
- (f) Where there is more than one Bonus Prize winner, the Bonus Prize will be shared among those Bonus Prize winners in proportion to the amount of the Subscription paid by each winner on the winning combination of Spots.
- (g) In a Pooled Jackpot game, where there is more than one Regular Keno Jackpot winner in this jurisdiction, the Pooled Jackpot Amount and Jackpot Fill will be shared among those Regular Keno Jackpot winners in the same proportion that the amount of the Subscription (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscription (disregarding Keno Bonus) paid by all winners on the winning combination of Spots.
- (h) In a Pooled Jackpot game, where there is more than one Regular Keno Winner across two or more Pooled Jackpot participating jurisdictions, the Jackpot Fill will be paid to the winner in this jurisdiction. The Pooled Jackpot Amount will be shared among all Regular Keno Jackpot winners, in all jurisdictions, in the same proportion that the amount of the Subscription (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscriptions (disregarding Keno Bonus) paid by all winners, in all jurisdictions, on the winning combination of Spots.
- (i) Where a situation described in Rule 19(h) occurs, and two or more winners are located in this jurisdiction, the Regular Keno Jackpot winners in this jurisdiction will share the Jackpot Fill in the same proportion that the amount of the Subscription paid by each winner on the winning combination of Spots bears to the total amount of the Subscriptions (disregarding Keno Bonus) paid by all winners, in this jurisdiction, on the winning combination of Spots. The Pooled Jackpot Amount will be shared as described in Rule 19(h).

20. Limitation of Liability

- (a) Without limitation to the following provisions of this Rule 20, the Licensees shall have no responsibility or liability to a Subscriber until an Entry is validly made and a Receipt Ticket is delivered to that Subscriber.
- (b) The Licensees shall have no responsibility or liability to a Subscriber or to any other person by reason of the loss or destruction for any reason or from any cause of a Receipt Ticket beyond the amount of the Net Subscription paid in respect of the Receipt Ticket unless, at the discretion of the Licensees, the criteria as set out in Rules 16 and 17 are met.
- (c) The Licensees shall have no responsibility or liability to pay a Subscriber who claims a prize and is unable to submit a Receipt Ticket. The Licensees shall have discharged all liability in relation to payment of a prize by making payment to a person who has submitted a prize winning Receipt Ticket. The official record of payment shall be the image resident on computer media at the Central Site.
- (d) The Licensees and each of their employees shall have no liability or responsibility to a Subscriber beyond the Net Subscription paid in respect of a Receipt Ticket, or any other person, in respect of:
 - (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function or discretion conferred or contemplated by the Rules in or about the conduct of the Game of Keno; and

- (ii) without prejudice to the generality of Rule 20(d)(i) hereof, any negligence, omission, delay or failure in relation to:
 - (i) the payment of prizes;
 - (ii) the processing and issue of a Receipt Ticket following acceptance of an Entry Form, Replay Verbal Entry instructions or Entry by way of Self Service Terminal;
 - (iii) the processing of a prize winning Receipt Ticket or the redeeming of a SST Receipt;
 - (iv) the inclusion of an Entry in a particular Game of Keno received by way of an Entry Form, Replay, Verbal Entry instructions or Entry by way of Self Service Terminal;
- (e) Each and every Venue shall have no responsibility or liability to a Subscriber or to any other person by reason of the loss or destruction for any reason or from any cause of a SST Receipt, or a Receipt Ticket beyond the amount of the Commission paid in respect of the Receipt Ticket or a SST Receipt.
- (f) Each and every Venue and every employee of a Venue shall have no liability or responsibility to a Subscriber beyond the Commission paid by the Subscriber in respect of the relevant game or any person for or in respect of:
 - (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function or discretion conferred or contemplated by the Rules in or about the conduct of any Game of Keno; and
 - (ii) without prejudice to the generality of Rule 20(f)(i) hereof, any negligence, omission, delay or failure in relation to:
 - (i) the payment of payouts;
 - (ii) the processing and issue of a Receipt Ticket following acceptance of an Entry Form, Replay, Verbal Entry instructions or Entry by way of Self Service Terminal;
 - (iii) the processing of a prize winning Receipt Ticket or the redeeming of a SST Receipt;
 - (iv) the inclusion of an Entry in any particular Game of Keno received by way of an Entry Form, Replay, Verbal Entry instructions or Entry by way of Self Service Terminal.
- (g) The Licensees and every Venue, and each employee of the Licensees or a Venue, shall have no liability or responsibility to a Subscriber or any person for or in respect of any failure, disruption or malfunction of equipment used in the conduct of Games of Keno whether at the Central Site or at the Premises of a Venue or any other location, electrical power, telecommunications links or computer media at the Central Site. Further, the Licensees and every Venue, and each employee of the Licensees or a Venue shall have no liability if a Regular Keno Jackpot Prize which is for a Pooled Jackpot, is won in another participating jurisdiction during a period where there is any failure, disruption or malfunction of equipment used in the conduct of Games of Keno whether at the Central Site or at the Premises of a Venue or any other location, electrical power, telecommunications links or computer media at the Central Site in this jurisdiction.
- (h) The Licensees and every Venue, and each employee of the Licensees or a Venue, shall have no liability or responsibility for any consequence of interference with or interruption to any Game of Keno due to fire, storm, flood, riot, civil commotion, strike, failure or disruption of electrical power supply or telecommunications or other cause not within the reasonable control of such person.
- (i) The State of New South Wales, the Crown in right of that State, the Government of that State, the Minister, an Inspector, their successors and the employees and agents and every one of them shall

have as ample protection from liability in respect of their acts and omissions (whether arising from, or contributed to, by negligence or otherwise) and the acts, omissions and contingencies the subject of Rules 20(a) to 20(i) inclusive as those protected by the said Rules.

(i)

21. Disqualifications

- (a) Notwithstanding that a Receipt Ticket or SST Receipt may have been issued or is displayed, Entry in the Game of Keno may be disqualified and no claim shall be entered in respect of it if the Licensees are of the opinion that it should be disqualified.
- (b) The reasons for disqualification by the Licensees may include but are not limited to:
 - (i) tender of insufficient Subscription or if the form of Subscription is not acceptable;
 - (ii) the Subscriber has defaulted in payment of any previous fee;
 - (iii) reasonable suspicion of fraud or attempted fraud (whether computer related or otherwise);
 - (iv) a Receipt Ticket or SST Receipt failing any security tests run at the Central Site;
 - (v) reasonable suspicion of unauthorised use of a Terminal;
 - (vi) reasonable suspicion that the Subscriber is ineligible to enter a game under Rule 5A or Rule 7(a); or
 - (vii) any other breach of the Rules which in the opinion of the Licensees justifies disqualification.
- (c) An Entry which has been disqualified in accordance with this Rule 21 may, in the absolute discretion of the Licensees, and with Approval, be reinstated.
- (d) Without limiting the operation of Rule 20, the liability of the Licensees to a Subscriber who has an Entry disqualified and reinstated under this Rule 21 will be limited to the amount of any prize won by that reinstated Entry.

22. Amendment

- (a) These Rules may only be amended, added to or repealed, in whole or in part, at any time by the Licensees with Approval.
- (b) Any amendment, addition or repeal will be effective on the date on which it is published in the New South Wales Government Gazette, or such later date as is specified in the New South Wales Government Gazette.
- (c) The Licensees shall have no responsibility to a Subscriber or any person for or in respect of any change to the Rules.

SCHEDULE

Part A – 1 x Multiplier

211	212	213	214	216	219	222	223	225	226	228	229	231	233	235	237	239	241	242	244
245	247	249	251	252	254	255	258	260	261	263	264	266	269	271	273	276	278	280	281
283	285	287	288	290	291	293	295	296	298	300	301	303	304	307	308	311	313	315	316
318	321	322	324	326	328	330	332	334	335	337	338	342	344	345	348	350	352	353	355
356	358	359	367	370	373	375	378	380	382	385	389	390	393	395	397	407	411	412	416
422	424	426	428	430	433	434	437	440	442	444	445	447	450	452	454	456	458	462	464
467	469	471	472	474	477	479	481	482	483	484	486	488	489	490	491	494	496	498	499
501	503	505	507	511	516	519	521	523	525	528	530	532	534	536	537	538	540	541	543
545	546	547	549	552	554	555	556	557	559	561	562	564	566	568	570	573	575	577	579
581	583	584	587	589	591	593	595	598	600	607	609	611	613	615	616	618	620	623	626
628	630	632	633	635	640	642	643	645	647	649	651	653	655	656	657	658	664	666	669
671	673	674	676	677	678	681	682	686	691	692	693	694	695	697	698	706	708	709	710
711	712	713	715	717	718	719	721	722	723	725	727	728	730	732	733	736	737	741	743
746	747	751	759	762	765	767	768	773	778	783	785	786	788	789	792	793	797	800	802
805	807	808	812	813	815	818	820	823	827	828	831	832	834	835	837	842	847	852	853
855	858	861	869	873	874	877	879	883	884	887	888	890	892	893	895	897	898	899	901
902	903	905	907	908	909	910	911	912	914	922	923	925	926	927	928	929	934	938	939
942	943	944	946	947	949	951	954	956	962	963	964	965	967	969	971	973	975	977	978
980	985	987	988	990	992	994	997	1000	1002	1004	1005	1007	1009	1011	1013	1020	1022	1025	1027
1029	1031	1033	1036	1037	1039	1041	1043	1045	1047	1050	1052	1054	1056	1058	1059	1061	1063	1064	1065
1066	1068	1071	1073	1074	1075	1077	1079	1080	1082	1083	1084	1086	1088	1090	1092	1095	1097	1099	1101
1104	1109	1113	1115	1117	1119	1121	1122	1124	1126	1129	1130	1131	1132	1134	1136	1137	1138	1139	1141
1143	1146	1148	1149	1151	1153	1156	1158	1162	1164	1166	1168	1170	1173	1175	1176	1178	1180	1183	1186
1187	1190	1192	1194	1196	1198	1204	1208	1209	1213	1223	1225	1227	1230	1231	1235	1238	1240	1242	1245
1247	1250	1253	1261	1262	1264	1265	1267	1268	1270	1272	1275	1276	1278	1282	1283	1285	1286	1288	1290
1292	1294	1296	1298	1299	1302	1304	1305	1307	1309	1312	1313	1316	1317	1319	1320	1322	1324	1325	1327
1329	1330	1332	1333	1335	1337	1339	1340	1342	1344	1347	1349	1351	1354	1356	1357	1359	1360	1362	1365
1366	1368	1369	1371	1373	1375	1376	1378	1379	1381	1383	1385	1387	1389	1391	1392	1394	1395	1397	1398
1401	1404	1406	1407	1408	1409														

Part B – 2 x Multiplier

215	218	221	230	234	248	270	277	317	320	327	333	360	362	365	372	374	377	379	381
383	386	388	392	398	404	406	414	420	425	427	429	436	443	449	453	461	466	473	487
492	508	510	513	527	531	542	558	567	571	580	585	588	596	601	604	610	634	641	644
659	660	661	663	668	672	680	683	685	687	690	696	701	703	714	724	731	735	738	742
749	752	755	756	760	764	766	771	775	776	777	780	781	784	795	798	801	803	806	810
814	817	819	822	825	836	839	840	843	844	845	849	854	856	860	864	865	868	871	878
882	885	889	896	906	917	919	924	930	933	935	937	940	948	952	957	959	960	961	976
979	986	1010	1016	1019	1024	1032	1035	1040	1049	1053	1062	1078	1089	1093	1107	1110	1112	1128	1133
1147	1154	1159	1167	1171	1177	1184	1191	1193	1195	1200	1206	1214	1216	1222	1228	1232	1234	1237	1239
1241	1243	1246	1248	1255	1258	1260	1287	1293	1300	1303	1343	1350	1372	1386	1390	1399	1402	1405	

Part C – 3 x Multiplier

217	227	232	238	243	250	253	256	259	262	267	272	275	279	282	284	286	289	292	294
297	299	302	305	306	309	310	312	314	319	323	329	336	339	341	346	347	351	357	361
363	364	368	369	371	384	391	396	402	408	409	410	417	421	432	435	438	439	441	446
448	451	455	459	463	465	468	470	475	476	478	480	485	493	495	497	500	502	504	506
509	512	515	517	518	520	522	524	526	529	533	535	539	544	548	550	551	553	560	563
565	569	572	574	576	578	582	586	590	592	594	597	602	605	606	608	612	614	617	619

624 625 627 629 631 637 638 639 646 648 650 652 654 662 665 667 670 675 679 689
700 702 704 707 716 720 726 729 734 739 740 744 745 748 750 753 757 761 763 770
774 779 787 791 794 796 799 804 809 811 816 821 824 826 829 833 841 846 850 857
859 863 867 870 872 875 876 880 881 886 891 894 900 904 913 916 918 920 931 941
945 950 953 955 958 966 968 970 972 974 981 982 983 989 991 993 995 996 1001 1003
1006 1008 1012 1014 1015 1018 1023 1026 1028 1030 1034 1038 1042 1044 1046 1048 1051 1055 1057 1060
1067 1069 1070 1072 1076 1081 1085 1087 1091 1094 1096 1098 1100 1102 1103 1105 1108 1111 1114 1116
1118 1120 1123 1125 1127 1135 1140 1142 1144 1145 1150 1152 1155 1157 1161 1165 1169 1172 1174 1179
1181 1182 1185 1188 1199 1203 1210 1211 1212 1218 1224 1229 1236 1249 1251 1252 1256 1257 1259 1263
1269 1273 1274 1279 1281 1284 1291 1297 1301 1306 1308 1310 1311 1314 1315 1318 1321 1323 1326 1328
1331 1334 1336 1338 1341 1345 1348 1353 1358 1361 1364 1367 1370 1377 1382 1388 1393 1403

Part D – 4 x Multiplier

210 240 340 343 354 376 400 423 599 622 758 769 772 782 790 830 838 848 851 862
998 1021 1197 1220 1244 1266 1277 1280 1380 1410

Part E – 5 x Multiplier

220 236 257 265 274 325 349 366 387 394 399 401 403 405 413 418 419 431 457 460
514 621 636 688 699 705 754 866 915 921 932 984 999 1106 1160 1163 1189 1201 1202 1207
1215 1217 1219 1221 1226 1233 1254 1271 1295 1346 1355 1363 1384 1400

Part F – 10 x Multiplier

224 246 268 331 415 603 684 936 1017 1205 1289 1352 1374 1396

ROAD TRANSPORT ACT 2013

STREET RODS (VEHICLE STANDARD COMPLIANCE SPECIFICATION) ORDER 2015

I, Peter Duncan, Chief Executive, Roads and Maritime Services, declare the following Order, to be deemed an **Authority standard compliance specification** (as defined in the Dictionary of the *Road Transport (Vehicle Registration) Regulation 2007*) for the purpose of clause 55A of the *Road Transport (Vehicle Registration) Regulation 2007*.

Dated, this 17th day of February 2014.

PETER DUNCAN
Chief Executive
Roads and Maritime Services

1 Citation

This Order is the *Street Rods (Vehicle Standard Compliance Specification) Order 2015*.

2 Commencement

This Order takes effect on the date that it is published in the NSW Government Gazette.

3 Effect

This Order remains in force until 31 January 2016, unless revoked earlier.

4 Definitions

Unless stated otherwise, words and expressions used in this Order have the same meaning as those defined in the *Road Transport (Vehicle Registration) Regulation 2007*.

5 Application

This Order will apply to Street Rod Vehicles in New South Wales for the purposes of clause 55A of the *Road Transport (Vehicle Registration) Regulation 2007*.

Note: Street Rod Vehicle is defined in the Dictionary of the *Road Transport (Vehicle Registration) Regulation 2007*.

6 Order

A Street Rod Vehicle is to be taken to comply with the applicable vehicles standards for a registrable vehicle if the construction and modification of the vehicle is in accordance with the specifications of both:

- (a) the second edition *National Guidelines for the Construction and Modification of Street Rods in Australia*, and
- (b) the *NSW Supplement to the Second Edition National Guidelines for the Construction and Modification of Street Rods in Australia*, as published on the Authority's website.

Explanatory Notes:

This Order is applied to Street Rod Vehicles and is declared an Authority standard compliance specification in accordance with the *Road Transport (Vehicle Registration) Regulation 2007*.

Under the Dictionary of the *Road Transport (Vehicle Registration) Regulation 2007*, **Authority standard compliance specifications** means any specifications that the Authority, by order published in the Gazette, has declared to be specifications the compliance with which will be taken to be compliance with the applicable vehicle standards for the purposes of clause 55A or 76AD.

Under clause 55A (2) of the *Road Transport (Vehicle Registration) Regulation 2007*, a light vehicle, or a modification to a light vehicle, that complies with the Authority standard compliance specifications is taken to comply with the applicable vehicle standards for the registered light vehicle.

Other than as provided for in this Order, a person is required to comply with all other applicable Vehicle Standards for a light vehicle.

This Order only applies in New South Wales.

Appointments

ABORIGINAL LAND RIGHTS ACT 1983

NOTICE

I, the Honourable Victor Dominello MP, Minister for Aboriginal Affairs, following consent by the New South Wales Aboriginal Land Council (NSWALC), do, by this notice pursuant to section 231 (2) of the *Aboriginal Land Rights Act 1983* (the Act) extend the appointment of Mr Peter HILLIG as administrator to the Gandangara Local Aboriginal Land Council for a period of three (3) calendar months, from 20 March 2015. During the period of his appointment, the administrator will have all of the functions of the Gandangara Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The administrator's remuneration and expenses are not to exceed \$165,000 excluding GST without the prior approval of NSWALC. The administrator's remuneration may include fees payable for the services of other personnel within the administrator's firm who provide services as agents of the administrator.

Signed and sealed this 29th day of January 2015

VICTOR DOMINELLO, MP
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

Planning and Environment Notices

CONTAMINATED LAND MANAGEMENT ACT 1997

Section 11

Environment Protection Authority

Declaration of Significantly Contaminated Land

Declaration Number 20141111; Area Number 3385

The Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under the *Contaminated Land Management Act 1997* (“the Act”):

1. Land to which this declaration applies (“the site”)

This declaration applies to 30–40 George Street, Leichhardt (described as Lot 5 DP 745976, Lot 6 DP 745976, Lot 7 DP 448755, Lot 1 DP 920105, Lot 9 DP 666322, Lot 16 DP 69760, Lot 1 DP 745979, Lot 1 DP 745978, and Lot 1, DP 972151) in the local government area of Leichhardt Municipal Council. A map of the site is attached.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances (“the contaminants”):

- Tetrachloroethene (PCE)
- Trichloroethene (TCE)
- Cis 1,2 – dichloroethene
- Chlorobenzene
- 1,3,5-trichlorobenzene
- 1,4 – dichlorobenzene
- 1,2 – dichlorobenzene

3. Nature of harm that the contaminants have caused:

The EPA has considered the matters in s.12 of the Act and for the following reasons has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act:

- Significant concentrations of TCE and PCE were reported in groundwater monitoring wells located in the southern portion of the site.
- Additional contaminants of concern that were reported above the adopted screening levels in groundwater include cis-1,2-dichloroethene, chlorobenzene, 1,3,5-trimethylbenzene, 1,4-dichlorobenzene, and 1,2-dichlorobenzene.
- The contamination has already migrated off-site into the adjoining property to the south.
- Significant concentrations of TCE and PCE in a few off-site soil vapour bore locations along Upward Street have been reported hence there is potential for vapour intrusion.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA. If the proposal satisfies the requirements of s.17 of the Act, the EPA may agree not to issue a management order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites
Environment Protection Authority
PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to 02 9995 6603

by not later than 11 March 2015

Date: 11 February 2015

NIALL JOHNSTON
Manager Contaminated Sites
Environment Protection Authority

NOTE:

Management order may follow

If management of the site or part of the site is required, the EPA may issue a management order under s.14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s.44 of the Act).

Cost Recovery

Section 34 of the CLM Act allows for the EPA to recover administrative costs associated with:

- the preparation and serving, monitoring action and seeking compliance of an order under Part 3 of the CLM Act; or
- the assessing and settling of terms, monitoring action and seeking compliance of any voluntary management proposal; or
- any other matters associated with, or incidental to, an order or voluntary management proposal.

The rate of cost recovery is prescribed under clause 4 of the *Contaminated Land Management Regulation 2013*.

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

**ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

Record of the Revocation of the Minister's Declaration

I, the Minister for Planning pursuant to section 75B (5) and Schedule 6A of the *Environmental Planning and Assessment Act 1979* ('the Act') revoke the declaration made on 18 November 2008 that the development described in Schedule 1 below was a project to which Part 3A of the Act applied.

Note: On 18 November 2008, the Minister's delegate formed the opinion under former clause 6 of *State Environmental Planning Policy (Major Projects) 2005* ('Major Projects SEPP') that the development described in Schedule 1 below was of a kind described in Schedule 1 of the Major Projects SEPP – namely Group 7 Clause 20 – being development for the purposes of teaching or research (including universities, TAFE or schools) (as in force at the time).

Schedule 1

ILLAWARRA EMPLOYMENT AND TEACHING
CENTRE, DAPTO (Lot 412 DP 873616)

A proposal for the development of an educational facility with ancillary and related commercial and residential uses, generally as described in a letter dated 25 August 2008 from Connectland Pty Ltd to the Department of Planning.

Dated: 12 January 2015

PRU GOWARD, MP
Minister for Planning

Roads and Maritime Notices

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land
at Auburn in the Auburn City Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the interest in 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*.

K DURIE
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

Interest in Land

A lease for a specified period of thirty months, as described in Memorandum AI810606 recorded at Land and Property Information, of all that piece or parcel of land situated in the Auburn City Council area, Parish of St John and County of Cumberland shown as Lot X in RMS Sketch SR 814 – CA, being part of the land in Certificate of Title 1/1052519.

The land is said to be in the possession of Bonfoal Pty Limited (registered proprietor) and Hy-Tec Industries Pty Ltd (reputed lessee).

(RMS Papers: SF2014/44721)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land
at Taren Point in the Sutherland Shire Council Area

Roads and Maritime Services by its delegate declares, with the approval of His 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*.

K DURIE
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All that piece or parcel of land situated in the Sutherland Shire Council area, Parish of Sutherland and County of Cumberland, shown as Lot 11 Deposited Plan 1203556, being part of the land in Certificate of Title Auto Consol 8634-50.

The land is said to be in the possession of Sutherland Shire Council.

(RMS Papers: SF2015/2456; RO SF2013/169084/1)

(T93-0562)

Private Lands Lease No 3859 (Act 1906), DAVID JOHN COLLEY, area of 15.63 hectares. Application for renewal received 12 February 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the application for renewal in respect of the following authority has been withdrawn:

WITHDRAWAL OF APPLICATION FOR RENEWAL

(T10-0230)

Exploration Licence No 7692, SUMITOMO METAL MINING OCEANIA PTY LTD (ACN 059 761 125), County of Canbelego, Map Sheet (8135), area of 54 units. The authority ceased to have effect on 16 February 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following authorities have been cancelled:

**CANCELLATION OF AUTHORITIES
AT REQUEST OF HOLDERS**

(T13-1141)

Exploration Licence No 8223, OCHRE RESOURCES PTY LTD (ACN 112 833 351), County of Canbelego and County of Robinson, Map Sheet (8134, 8135), area of 77 units. Cancellation took effect on 6 February 2015.

(T13-1162)

Exploration Licence No 8229, THOMSON RESOURCES LTD (ACN 138 358 728), County of Goulburn and County of Mitchell, Map Sheet (8326, 8327), area of 20 units. Cancellation took effect on 29 January 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following authorities have been cancelled in part:

PART CANCELLATIONS

(T10-0175)

Exploration Licence No 7642, THOMSON RESOURCES LTD (ACN 138 358 728), area of 30 units has been cancelled. Part cancellation took effect on 17 November 2014. The authority now embraces an area of 20 units.

(13-1789)

Consolidated Coal Lease No 706 (Act 1973), LAKECOAL PTY LTD (ACN 094 084 787) AND FASSI COAL PTY LTD (ACN 147 642 386), Parish of Wallarah, County of Northumberland, Map Sheet (9231-4-S), area of 99 hectares. Part cancellation took effect on 21 January 2015. The authority now embraces an area of 566 hectares.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following application has been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(T11-0071)

Exploration Licence No 7770, IRGS NORTHERN GOLD PTY LTD, (ACN 149 177 999), Counties of Inglis, Parry & Vernon, area of 100 units. Application for Cancellation was received on 2 February 2015.

(T11-0144)

Exploration Licence No 7876, SUMITOMO METAL MINING OCEANIA PTY LTD, (ACN 059 761 125), Counties of Cowper and Canbelego, area of 112 units. Application for Cancellation was received on 16 February 2015.

(T12-1196)

Exploration Licence No 8056, IRGS NORTHERN GOLD PTY LTD, (ACN 149 177 999), Counties of Inglis, Parry & Vernon, area of 100 units. Application for Cancellation was received on 2 February 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Primary Industries Notices

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2012

Clause 33 (4) – Notice of Aquaculture Lease Renewal

The Minister has renewed the following class 1 Aquaculture Leases:

AL00/033 within the estuary of the Nambucca River, having an area of 0.8452 hectares to Maria DUGDALE of Nambucca Heads NSW, for a term of 15 years expiring on 31 October 2029.

AL00/034 within the estuary of the Nambucca River, having an area of 0.8454 hectares to Maria DUGDALE of Nambucca Heads NSW, for a term of 15 years expiring on 31 October 2029.

OL69/046 within the estuary of Camden Haven, having an area of 0.5664 hectares to B & K ARMSTRONG OYSTERS PTY LTD of Laurieton NSW, for a term of 15 years expiring on 25 November 2029.

OL70/010 within the estuary of the Manning River, having an area of 0.7156 hectares to Gary & Belinda BINSKIN of Mt Colah NSW, for a term of 15 years expiring on 23 November 2029.

OL85/169 within the estuary of Wallis Lake, having an area of 0.5542 hectares to John Lennon WILSON of Tuncurry NSW, for a term of 15 years expiring on 13 April 2029.

OL83/097 within the estuary of the Manning River, having an area of 1.0183 hectares to John & Doris STONE of Coopernook NSW, for a term of 15 years expiring on 17 November 2029.

OL85/013 within the estuary of Wapengo Lake, having an area of 0.4750 hectares to Brian ORR of Tathra NSW, for a term of 15 years expiring on 13 December 2029.

OL80/061 within the estuary of the Manning River, having an area of 0.6806 hectares to M S VERDICH & SONS PTY LTD of Forster NSW, for a term of 15 years expiring on 23 January 2030.

OL69/465 within the estuary of Wagonga Inlet, having an area of 0.5291 hectares to Bruce BLACKA and Salvatore CAMPISI as Trustee for SALVATORE CAMPISI FAMILY TRUST NSW, for a term of 15 years expiring on 3 September 2029.

OL68/332 within the estuary of the Hastings River, having an area of 0.1599 hectares to Peter TUNSTEAD of Port Macquarie NSW, for a term of 15 years expiring on 18 November 2029.

OL68/356 within the estuary of Camden Haven, having an area of 0.4878 hectares to Clive John BOWMAKER of Lugarno NSW, for a term of 15 years expiring on 2 December 2029.

OL64/169 within the estuary of Camden Haven, having an area of 1.5971 hectares to CARBON WEBSITES PTY LTD of Port Macquarie NSW, for a term of 15 years expiring on 2 December 2029.

OL70/052 within the estuary of Port Stephens, having an area of 2.6877 hectares to Kenneth LILLEY and Leonard LILLEY of Swan Bay NSW, for a term of 15 years expiring on 18 January 2030.

OL83/141 within the estuary of Port Stephens, having an area of 0.3234 hectares to Kenneth LILLEY and Leonard LILLEY of Swan Bay NSW, for a term of 15 years expiring on 28 February 2029.

OL85/058 within the estuary of Port Stephens, having an area of 0.5965 hectares to Leonard LILLEY and Craig LILLEY of Swan Bay NSW, for a term of 15 years expiring on 20 January 2030.

OL83/132 within the estuary of Port Stephens, having an area of 0.1193 hectares to Dean & Stephen COLE of Karuah NSW, for a term of 15 years expiring on 23 December 2029.

OL83/133 within the estuary of Port Stephens, having an area of 0.4505 hectares to Dean & Stephen COLE of Karuah NSW, for a term of 15 years expiring on 23 December 2029.

OL83/167 within the estuary of the Pambula River, having an area of 0.5579 hectares to AQUACULTURE ENTERPRISES PTY LTD of Pambula NSW, for a term of 15 years expiring on 20 December 2029.

OL69/517 within the estuary of the Pambula River, having an area of 0.4392 hectares to BLACK BULL PASTORAL CO PTY LTD of Pambula NSW, for a term of 15 years expiring on 9 November 2029.

OL70/012 within the estuary of the Clyde River, having an area of 2.1469 hectares to ALCOLAC HOLDINGS PTY LTD of Batehaven NSW, for a term of 15 years expiring on 13 January 2030.

BILL TALBOT
Director Aquaculture & Aquatic Environment
Fisheries Division
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2012

Clause 43 (9) – Notice of Aquaculture Lease Subdivision

The Minister has subdivided the following Aquaculture Leases:

AL14/004 within the estuary of Merimbula Lake has been subdivided into two leases referred to as AL14/005 having an area of 1.3861 hectares and AL14/006 having an area of 1.0933 hectares to John CHAPMAN & AQUACULTURE ENTERPRISES PTY LTD of Tathra NSW expiring on 25 February 2018.

BILL TALBOT
Director Aquaculture & Aquatic Environment
Fisheries Division
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

**FISHERIES MANAGEMENT
(AQUACULTURE) REGULATION 2012**

Clause 42 (8) – Notice of Aquaculture Lease Consolidation

The Minister has consolidated the following Aquaculture Leases:

OL59/276 and OL87/142 to create AL14/004 within the estuary of Merimbula Lake, having an area of 2.4794 hectares to John CHAPMAN and AQUACULTURE ENTERPRISES of Pambula NSW, expiring on 25 February 2018.

BILL TALBOT

Director Aquaculture & Aquatic Environment
Fisheries Division
Department of Primary Industries

STOCK DISEASES ACT 1923

Appointment of Inspectors

Notification No 568

I, DARREN BUTT, A/Director Biosecurity Compliance, with the delegated authority of the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 22C of the *Stock Diseases Act 1923* (“the Act”) and pursuant to section 6 (1) of the Act, hereby appoint each of the persons named in the Schedule below, as an inspector for the purposes of the Act.

Schedule

Christopher Samuel KNIGHT
Jared James FOSTER
Mohammad Azizul CHOWDHURY
Ashley Dylan JOHNSON

Dated this the 18th day of February 2015

D BUTT

A/Director Biosecurity Compliance
Department of Primary Industries
(an office within the Department of Trade and Investment,
Regional Infrastructure and Services)

STOCK FOODS ACT 1940

Order

Authorisation of Inspector

I, SCOTT HANSEN, Director General of the Department of Primary Industries with the delegated authority of the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services pursuant to section 30 of the *Stock Foods Act 1940* (“the Act”), and pursuant to section 20 (1) (a) of the Act, authorise, Leeann Maree MANNIX to be an inspector for the purpose of the Act.

Dated this 17th day of February 2015

SCOTT HANSEN

Director General,
Department of Primary Industries
(an office within the Department of Trade and Investment,
Regional Infrastructure and Services)

STOCK MEDICINES ACT 1989

Order

Authorisation of Inspectors

I, SCOTT HANSEN, Director General of the Department of Primary Industries, with the delegated authority of the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 64 of the *Stock Medicines Act 1989* (“the Act”) and pursuant to section 48 of the Act, hereby authorise Timothy Bruce BIFFIN, Suzanne Elizabeth HOLBERY and Michael Keith SPINAZE to be inspectors for the purposes of the Act.

Dated this 16th day of February 2015

SCOTT HANSEN

Director General,
Department of Primary Industries
(an office within the Department of Trade and Investment,
Regional Infrastructure and Services)

STOCK MEDICINES ACT 1989

Order

Authorisation of Inspector

I, SCOTT HANSEN, Director General of the Department of Primary Industries, with the delegated authority of the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 64 of the *Stock Medicines Act 1989* (“the Act”) and pursuant to section 48 of the Act, hereby authorise Leeann Maree MANNIX to be an inspector for the purposes of the Act.

Dated this 16th day of February 2015

SCOTT HANSEN

Director General,
Department of Primary Industries
(an office within the Department of Trade and Investment,
Regional Infrastructure and Services)

Crown Lands Notices

1300 886 235 www.crownland.nsw.gov.au

ARMIDALE OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Land District: Inverell Local Government Area: Guyra Shire Council Locality: Tingha Reserve No 753678 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 08/7812	The part being Lot 121 DP 753678 Parish Swinton County Hardinge

DUBBO OFFICE

APPOINTMENT OF TRUST BOARD MEMBERS

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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2	Column 3
Katherine Maree HARLEY (re-appointment) Richard John HARLEY (re-appointment) Sandra Gai NOONAN (re-appointment)	Bobadah Public Hall Trust	Reserve No 67600 Public Purpose: public hall Notified: 13 May 1938 File Reference: DB81R13
For a term commencing 5 March 2015 and expiring 4 March 2020.		

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2	Column 3
Helen Mary O'BRIEN For a term commencing the date of this notice and expiring 19 August 2015.	Burrendong Arboretum Trust	Reserve No 120082 Public Purpose: arboretum Notified: 22 June 1990 File Reference: 08/1264

GOULBURN OFFICE

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

In pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

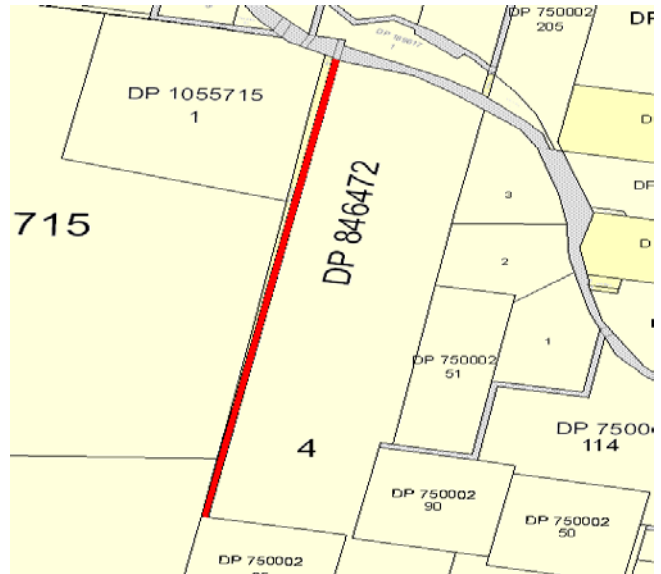
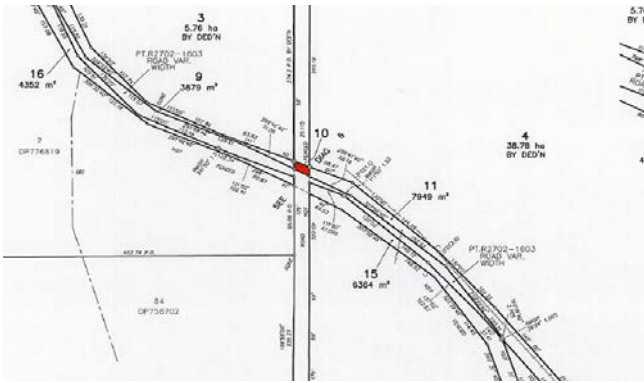
KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule 1

Parish: County: Land District: LGA:	Jinderboine Wallace Cooma Snowy River Shire Council
DESCRIPTION:	Crown roads being Lots 10 and 13 in DP 1163302 (shown by red colour in diagrams below).

Schedule 2

Roads Authority:	Snowy River Shire Council
Council Reference:	SC 0014/2010
Reference:	10/05183



**ROADS ACT 1993
ORDER**

Transfer of Crown Road to a Council

In pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule 1

Parish: Baw Baw
County: Argyle
Land District: Goulburn
LGA: Goulburn Mulwaree Council

DESCRIPTION: Crown road west of Lot 4 DP 846472 (shown by red colour in diagram below).

Schedule 2

Roads Authority: Goulburn Mulwaree Council
Reference: 15/01836

**ROADS ACT 1993
ORDER**

Transfer of Crown Road to a Council

In pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule 1

Parish: Bobundara
County: Wallace
Land District: Cooma
LGA: Snowy River Shire Council

DESCRIPTION: Crown roads through, east and west of Lot 1 DP 734855; east of Lots 71, 70, 31 & 21 DP 756676 & 1 & 2 DP 1042484 (shown by red colour in diagram below).

Schedule 2

Roads Authority: Snowy River Shire Council
Council Reference: ED/14/54693
Reference: 15/01835



NOTIFICATION OF CLOSING OF A ROAD

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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

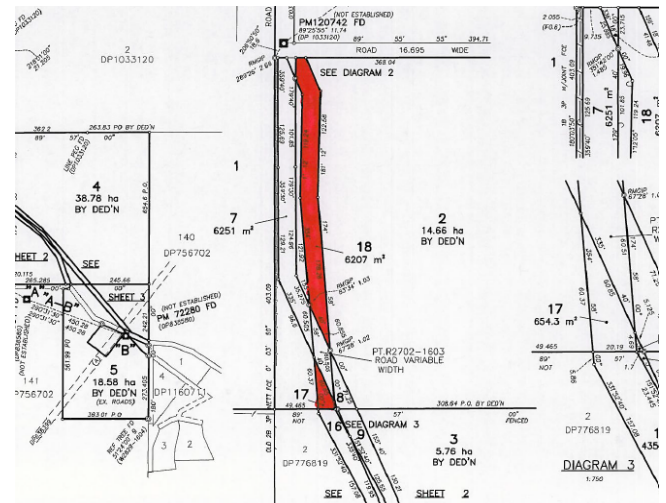
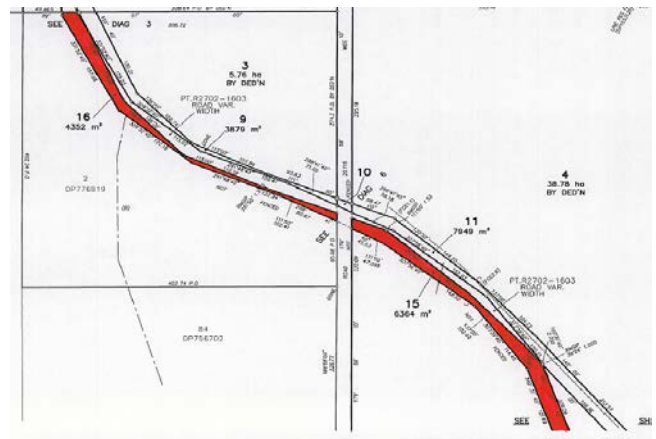
Parish: Jinderboine
County: Wallace
Land District: Cooma
LGA: Snowy River Shire Council

Lots: 15, 16, 17 & 18 DP: 1163302
(shown by red colour in diagrams below)

Council Reference: SC 0014/2010
File Reference: 10/05183

NOTE: On closing, the titles for the land in Lots 15, 16, 17 & 18 DP 1163302 remains vested in Snowy River Shire Council as operational land.

In accordance with section 44 of the *Roads Act 1993*, the Crown consents to the land in Lots 15, 16, 17 & 18 DP 1163302 being vested in the Snowy River Shire Council as operational land, to be given by the Council as compensation for other land acquired by the Council for the purposes of the *Roads Act*.



NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1

Residence & Grazing
(Relevant Interest –
Section 34A licence –
RI 502342

Column 2

Reserve No 31414
Public Purpose: railway
purposes
Notified: 8 September
1900
File Reference: 12/04209

Schedule

Column 1

Grazing
(Relevant Interest –
S34A Licence –
RI 497598)

Column 2

Reserve No 94332
Public Purpose: future
public requirements
Notified: 20 February
1981
File Reference: 12/01759

Reserve No 750015
Public Purpose: future
public requirements
Notified: 29 June 2007
File Reference: 12/01759

Reserve No 1012990
Public Purpose: future
public requirements
Notified: 19 January 2007
File Reference: 12/01759

GRAFTON OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Tycannah, Menadool; County – Courallie
Land District – Moree; LGA – Moree Plains*

Road Closed: Lot 2 DP 1203801
File No: ME05H152

Schedule

On closing, the land within Lot 2 DP 1203801 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Boobera; County – Stapyllton
Land District – Warialda; LGA – Moree Plains*

Road Closed: Lot 1 DP 1202843
File No: 14/05399

Schedule

On closing, the land within Lot 1 DP 1202843 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Mumblebone, Beardina
Counties – Gregory, Oxley
Land District – Warren; LGA – Warren*

Road Closed: Lots 1–7 DP 1203768
File No: 11/10621

Schedule

On closing, the land within Lots 1–7 DP 1203768 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Darke; County – Richmond
Land District – Casino; LGA – Richmond Valley*

Road Closed: Lot 1 DP 1202815
File No: 13/15565

Schedule

On closing, the land within Lot 1 DP 1202815 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Byron; County – Arrawatta
Land District – Inverell; LGA – Inverell*

Road Closed: Lot 1 DP 1201931
File No : 14/05205

Schedule

On closing, the land within Lot 1 DP 1201931 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Osborne; County – Hume
Land District – Urana; LGA – Urana*

Road Closed: Lot 1 DP 1201950
File No: 14/02279

Schedule

On closing, the land within Lot 1 DP 1201950 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Mollee; County – White
Land District – Narrabri; LGA – Narrabri*

Road Closed: Lot 1 DP 1203766
File No: 14/06551

Schedule

On closing, the land within Lot 1 DP 1203766 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Metz; County – Sandon
Land District – Armidale; LGA – Armidale Dumaresq*

Road Closed: Lot 3 DP 1193074
File No: 07/2719

Schedule

On closing, the land within Lot 3 DP 1193074 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Burrigillo, Derra; County – Benarba
Land District – Moree; LGA – Moree Plains*

Road Closed: Lot 1 DP 1200500
File No: 07/2273

Schedule

On closing, the land within Lot 1 DP 1200500 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Berwick; County – Rous
Land District – Murwillumbah; LGA – Tweed*

Road Closed: Lot 1 DP 1202527
File No: 07/5276

Schedule

On closing, the land within Lot 1 DP 1202527 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Tara; County – Bourke
Land District – Temora Central; LGA – Temora*

Road Closed: Lot 1 DP 1202985
File No: 14/03373

Schedule

On closing, the land within Lot 1 DP 1202985 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Metz; County – Sandon
Land District – Armidale; LGA – Armidale Dumaresq*

Road Closed: Lot 1 DP 1203800
File No: AE05H254

Schedule

On closing, the land within Lot 1 DP 1203800 remains vested in the State of New South Wales as Crown land.

GRIFFITH OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water and Minister for Western NSW

Schedule

Column 1	Column 2
Land District: Mirrool	Lot 2
Local Government Area: Griffith	DP 821583
Locality: Bilbul	Parish Stanbridge
Reserve No 751728	County Cooper
Public Purpose: Future Public Requirements	
Notified: 29 June 2007	
File Reference: 14/00248	

HAY OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Albury, County – Goulburn
Land District – Albury; LGA – Albury*

Road Closed: Lots 1–2 DP 1201033
File No: 13/15222

Schedule

On closing, the land within Lots 1–2 DP 1201033 remain vested in the Albury City Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference: 13/02082

NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Column 1	Schedule	Description
Pump and Pipeline (Relevant Interest – Section 34A Licence 537525)	Reserve No 35677 Public Purpose: travelling stock Notified: 7 February 1903 File Reference: 14/06310	Parish – Bollol, Wean & Leard; County – Nandewar Land District – Narrabri; LGA – Narrabri Road Closed: Lots 2, 4, 6, 8, 12, 14, 16, 17 DP 1192663 and Lots 1, 2, 3 DP 1200040 File No: 14/00368
	Reserve No 67900 Public Purpose: access Notified: 23 September 1938 File Reference: 14/06310	Schedule On closing, the land within Lots 2, 4, 6, 8, 12, 14, 16, 17 DP 1192663 and Lots 1, 2, 3 DP 1200040 remains vested in Narrabri Shire Council as operational land for the purposes of the <i>Local Government Act 1993</i> . Council Reference: Goonbri Road, Leard Forest Road
	Reserve No 92120 Public Purpose: future public requirements Notified: 18 April 1980 File Reference: 14/06310	
	Reserve No 56146 Public Purpose: generally Notified: 11 May 1923 File Reference: 14/06310	
	Reserve No 1011268 Public Purpose: future public requirements Notified: 3 February 2006 File Reference: 14/06310	

MOREE OFFICE

DISSOLUTION OF RESERVE TRUST

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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
School For Sub-Normal Children At Wee-Waa	Reserve No 85254 Public Purpose: school for sub-normal children Notified: 5 March 1965 File Reference: ME83R8

NEWCASTLE OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

Parish – Ironbarks; County – Wellington
Land District – Wellington; LGA – Wellington

Road Closed: Lot 1 DP 1202223
File No: 09/18629 RS

Schedule

On closing, the land within Lot 1 DP 1202223 remains vested in the State of New South Wales as Crown land.

NOTICE OF PUBLIC PURPOSE PURSUANT TO SECTION 34A (2) (b) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve specified in Column 1 of the Schedule is to be occupied for the additional purpose specified in Column 2 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Reserve No 9682 Public Purpose: Police Purposes Notified: 14 July 1889 Parish: Wanaaring County: Ularara	Communication Facilities

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Craven; County – Selwyn
Land District – Tumbarumba; LGA – Tumbarumba*

Road Closed: Lot 1 DP 1203762
File No: 11/10087

Schedule

On closing, the land within Lot 1 DP 1203762 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Jeralgambeth; County – Clarendon
Land District – Wagga Wagga
LGA – Junee & Wagga Wagga*

Road Closed: Lots 1–4 DP 1203937 (subject to easement created by Deposited Plan 1203937)
File No: 14/02273

Schedule

On closing, the land within Lots 1–4 DP 1203937 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Hickey; County – Dudley
Land District – Kempsey; LGA – Kempsey*

Road Closed: Lot 1 DP 1202064
File No: 14/02362

Schedule

On closing, the land within Lot 1 DP 1202064 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Borambula; County – Wynyard
Land District – Wagga Wagga; LGA – Wagga Wagga*

Road Closed: Lot 5 DP 1197687 (subject to right of carriageway created by Deposited Plan DP 1197687)
File No: WA06H261

Schedule

On closing, the land within Lot 5 DP 1197687 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Borambula; County – Wynyard
Land District – Wagga Wagga; LGA – Wagga Wagga*

Road Closed: Lots 1–4 DP 1197687 (subject to right of carriageway created by Deposited Plan DP 1197687)
File No: WA06H261

Schedule

On closing, the land within Lots 1–4 DP 1197687 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Watt; County – Urana
Land District – Urana; LGA – Urana*

Road Closed: Lot 3 DP 1201573
File No: 14/05118

Schedule

On closing, part of the land within Lot 3 DP 1201573 remains vested in the State of New South Wales as Crown land.

On closing, part of the land within Lot 3 DP 1201573 becomes vested in the State of New South Wales as Crown Land.

Council's reference: W384134

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Nyngan; County – Oxley
Land District – Nyngan; LGA – Bogan*

Road Closed: Lot 1 DP 1201747
File No: 09/11947 : BA

Schedule

On closing, the land within Lot 1 DP 1201747 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Molong; County – Ashburnham
Land District – Molong; LGA – Cabonne*

Road Closed: Lot 21 DP 1204704
File No: 08/0035 :BA

Schedule

On closing, the land within Lot 21 DP 1204704 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Triamble, Tatali; County – Wellington
Land District – Wellington; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1181754
File No: 10/17332

Schedule

On closing, the land within Lot 1 DP 1181754 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Warne; County – Wellington
Land District – Wellington; LGA – Wellington*

Road Closed: Lot 1 DP 1202524
File No: 09/11522 RS

Schedule

On closing, the land within Lot 1 DP 1202524 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Bulbodny; County – Flinders
Land District – Nyngan; LGA – Lachlan*

Road Closed: Lot 1 DP 1204004
File No: 14/01881

Schedule

On closing, the land within Lot 1 DP 1204004 remains vested in the State of New South Wales as Crown land.

NOWRA OFFICE**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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Bateman; County – St Vincent
Land District – Moruya; LGA – Eurobodalla*

Road Closed: Lot 1 DP 1203085
File No: 09/11451

Schedule

On closing, the land within Lot 1 DP 1203085 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Hargraves; County – Wellington
Land District – Mudgee; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1203106
File No: 14/00092

Schedule

On closing, the land within Lot 1 DP 1203106 remains vested in the State of New South Wales as Crown land.

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule**Column 1**

Sporting Facilities
(Relevant Interest –
Section 34A
Licence 535909)

Column 2

Reserve No 4270
Public Purpose: public
buildings
Notified: 29 October 1887
File Reference: 14/05358

Schedule**Column 1**

Access & Garden
(Relevant Interest –
S34A Licence –
RI 531271);

Column 2

Reserve No 750239
Public Purpose: future
public requirements
Notified: 29 June 2007
File Reference: 14/01468

ORANGE OFFICE**APPOINTMENT OF TRUST BOARD MEMBERS**

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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule**Column 1**

Judith
CONROY
(re-appointment)
Monique Lee
CARTY
(re-appointment)
Paul Anthony
CARTY
(re-appointment)
Maxwell Brian
CONROY
(re-appointment)

Column 2

Bumberry
Recreation
Reserve Trust

Column 3

Reserve
No 26110
Public Purpose:
public recreation
Notified:
12 June 1897
File Reference:
OE81R87-002

For a term
commencing
the date of
this notice
and expiring
19 February
2020.

NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1

Grazing
(Relevant Interest – Section 34A Licence 542299)

Column 2

Reserve No 97573
Public Purpose: preservation of native flora
Notified: 9 November 1984
File Reference: 14/09290

Schedule

Column 1

Grazing
(Relevant Interest – Section 34A Licence 542299)

Column 2

Reserve No 752944
Public Purpose: future public requirements
Notified: 29 June 2007
File Reference: 14/09290



Schedule 2

Roads Authority: The Hills Shire Council
File No: 15/01503

**ROADS ACT 1993
ORDER**

Transfer of a Crown Road to Council

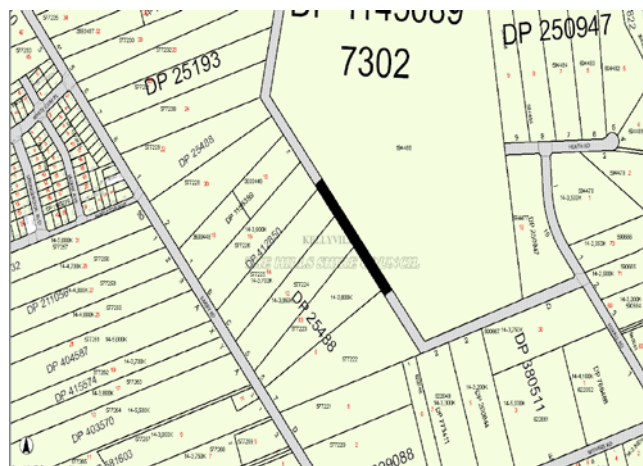
In pursuance of the provisions of section 151, *Roads Act 1993*, the Crown public road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, as from the date of publication of this notice and from that date the road specified in Schedule 1 ceases to be a Crown public road.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water and Minister for Western NSW

Schedule 1

*Land District – Metropolitan
Local Government Area – The Hills Shire
Parish – Castle Hill; County – Cumberland*

Crown public road located parallel to and North East of Barry Road at Kenthurst as shown by solid black shading on the diagram hereunder.



Schedule 2

Roads Authority: The Hills Shire Council
File No: 15/001593

SYDNEY METROPOLITAN OFFICE

**ROADS ACT 1993
ORDER**

Transfer of a Crown Road to Council

In pursuance of the provisions of section 151, *Roads Act 1993*, the Crown public road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, as from the date of publication of this notice and from that date the road specified in Schedule 1 ceases to be a Crown public road.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water and Minister for Western NSW

Schedule 1

*Land District – Windsor
Local Government Area – The Hills Shire
Parish – Nelson; County – Cumberland*

Crown public road known as Whites Road at Glenorie as shown by solid black shading on the diagram hereunder.

TAMWORTH OFFICE

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

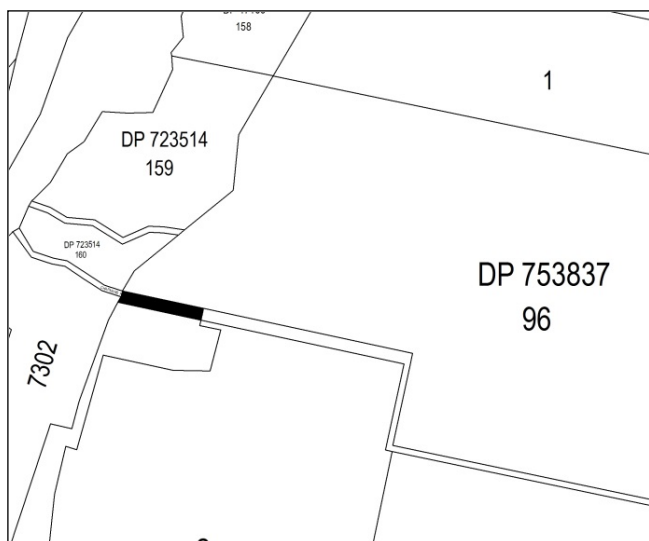
In pursuance of provisions of section 151, *Roads Act 1993*, the Crown public road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be Crown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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water
and Minister for Western NSW

Schedule 1

*Parish – Danglemah; County – Inglis
Land District – Tamworth
LGA – Tamworth Regional Council*

Crown public road of 40 metres wide and described as part south of Lot 96 in DP 753837 (as highlighted in the diagram below).



Schedule 2

Roads Authority: Tamworth Regional Council
File No: 14/06995

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Coomoo Coomoo; County – Pottinger
Land District – Quirindi; LGA – Liverpool Plains*

Road Closed: Lot 1 DP 1167069
File No: TH05H359

Schedule

On closing, the land within Lot 1 DP 1167069 remains vested in the State of New South Wales as Crown land.

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Pipeline (Relevant Interest – Section 34A Licence 545858);	Reserve No 69748 Public Purpose: travelling stock Notified: 13 December 1940 File Reference: 15/00555
Stormwater Retention Basin (Relevant Interest – Section 34A Licence 545858)	Reserve No 753848 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 15/00555

**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 Schedules.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule 1

Column 1	Column 2
Land District: Gunnedah Local Government Area: Gunnedah Shire Council Locality: Gunnedah Reserve No 755503 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 13/00147	The part being Lot 644 DP 755503 Parish Gunnedah County Pottinger

Schedule 2

Column 1

Land District: Gunnedah
Local Government Area:
Gunnedah Shire Council
Locality: Gunnedah
Reserve No 48600
Public Purpose: access
Notified: 26 February
1913
File Reference: 13/00147

Column 2

The part being
Lot 2 DP 1191803
Parish Gunnedah
County Pottinger
Lot 684 DP 728405
Parish Gunnedah
County Pottinger
Lot 685 DP 728405
Parish Gunnedah
County Pottinger

**WITHDRAWAL OF RESERVE FROM CONTROL OF
LOCAL LAND SERVICES AUTHORITY**

Pursuant to section 63 (1) of the *Local Lands Services Act 2013*, the reserve specified in Column 1 of the Schedule hereunder is withdrawn from the control of the authority specified opposite thereto in Column 2 of the Schedule to the extent specified opposite thereto in Column 3 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule 1

Column 1

Land District:
Gunnedah
Local Land
Service District:
North West
Local
Government
Area: Gunnedah
Shire Council
Locality:
Gunnedah
Reserve
No 48600
Public Purpose:
access
Notified:
26 February
1913
File Reference:
13/00147

Column 2

North West
Local Land
Services

Column 3

Lot: 2 & 684–685
DP: 1191803
& 728405
Parish: Gunnedah
County: Pottinger

WAGGA WAGGA OFFICE

APPOINTMENT OF TRUST BOARD MEMBERS

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

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1

Patricia
CULHANE
(re-appointment)

For a term
commencing
the date of
this notice
and expiring
30 October
2019.

Column 2

Corowa
Racecourse And
Showground
Trust

Column 3

Reserve
No 45694
Public
Purpose: public
recreation,
racecourse
Notified:
31 August 1910
File Reference:
WA80R211-02

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1

Grazing
(Relevant Interest –
S34A Licence 534970)

Column 2

Reserve No 84582
Public Purpose: public
recreation
Notified: 18 October 1963
File Reference: 14/04101

Water Notices

WATER ACT 1912

Notice of NSW Civil & Administrative Tribunal Hearing

The NSW Civil & Administrative Tribunal (NCAT) will be convening for a directions hearing at Level 10, John Maddison Tower, 86 Goulburn Street, Sydney on Tuesday 17th March 2015, commencing at 12pm. The directions hearing is in regard to an administrative review of the desirability of granting of a licence under the *Water Act 1912* to Victor Francis HOWARD for a 50mm diversion pipe on an unnamed watercourse on Lot 15 DP 710312, Parish of Medlow, County of Raleigh, for stock and domestic purposes. (Ref 1510005)

NSW OFFICE OF WATER



Neutral or Beneficial Effect on Water Quality Assessment Guideline

2015



Disclaimer

A reference to the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) includes a reference to the SEPP as amended from time to time and to any replacement SEPP.

The purpose of the 'Neutral or Beneficial Effect on Water Quality Assessment Guideline' (the guideline) is to provide information to help people who are assessing development proposals in the declared drinking water catchment. The information in the guideline is current, accurate and complete at the time of publication.

The Sydney Catchment Authority[^] does not make or give any representation or warranty that compliance with the Guideline will result in a neutral or beneficial effect on water quality, and will not be liable in negligence, breach of contract or statutory duty for failure of the proposal or the consequences of that failure.

[^] From the 1 January 2015, the Sydney Catchment Authority (SCA) joined with State Water to form Water NSW, the new single organisation responsible for managing bulk water supply across the State. All references in the NorBE Assessment Tool and NorBE Assessment Guideline 2015 to the SCA should be taken to mean Water NSW.

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1. Introduction

1.1 Context

The 'Neutral or Beneficial Effect on Water Quality Assessment Guideline 2015' (the guideline) is a revised version of the guideline published in 2011. The 2011 guideline was developed in response to State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP).

The guideline responds to the requirement for all development in the Sydney drinking water catchment to have a neutral or beneficial effect on water quality.

1.2 Purpose of the Guideline

This guideline supports the implementation of the SEPP by providing clear direction on what a neutral or beneficial effect means, how to achieve it, and how to assess an application against the neutral or beneficial effect on water quality test using the 'Neutral or Beneficial Effect on Water Quality Assessment Tool' (the NorBE Tool). The guideline also provides the decision-making framework for the NorBE Tool (Appendix 1).

1.3 Audience

The guideline will help consent and public authorities to consider whether or not the proposals in the drinking water catchment will have a neutral or beneficial effect on water quality. The guideline will also help applicants and their consultants to prepare development proposals for consent and public authorities.

1.4 Principles

The following principles apply to this guideline:

- Assessment for a neutral or beneficial effect on water quality is required under the *Environmental Planning and Assessment Act 1979*.
- It is the development proponent's responsibility to demonstrate that a development will have a neutral or beneficial effect on water quality.
- The level of assessment required matches the level of risk of the development - developments with a greater potential risk to water quality will require more thorough assessment.
- Good project design leading to source management and control, and retaining natural features of waterways, is better than structural and 'end of pipe' solutions. All measures must be taken to contain on-site any potential impacts resulting from a proposed development.
- The guideline outlines a practical and simple process to minimise the cost to developers, the community and the consent or public authority while providing the flexibility to achieve the best outcomes.

This guideline builds on the extensive experience of the Sydney Catchment Authority and input from various specialist consultants and government agencies.

2. Statutory context

2.1 Environmental Planning and Assessment Act

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the statutory framework for planning and environmental impact assessment in NSW.

This guideline relates directly to developments being assessed under Part 4 of the Act. The guideline may be of assistance to public authorities when considering whether an activity would have a neutral or beneficial effect on water quality.

2.2 SEPP (Sydney Drinking Water Catchment) 2011

Under section 34B of the EP&A Act, provision is to be made in a State Environmental Planning Policy requiring consent authorities to refuse consent to development applications relating to any part of the Sydney drinking water catchment, unless the consent authority is satisfied that the proposed development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) has been made to satisfy this obligation. It sets out the planning and assessment requirements for all new developments in the Sydney drinking water catchment to have a neutral or beneficial effect (NorBE) on water quality.

The SEPP requires consent authorities to refuse approval to new **developments** under Part 4 of the EP&A Act unless they are satisfied that the proposal would have a neutral or beneficial effect on water quality.

For new **activities** under Part 5 of the EP&A Act, the SEPP requires public authorities to consider whether the activity would have a neutral or beneficial effect on water quality.

Although not specified in the SEPP, the neutral or beneficial effect on water quality guideline may provide a framework to consider state significant development (SSD) under Part 4.1 of the EP&A Act and state significant infrastructure (SSI) under Part 5.1 of the EP&A Act. The Minister for Planning is the consent authority for SSD and approval authority for SSI and determines these projects and which water quality test will be applied. A consultation protocol has been established between the SCA and the Department of Planning and Environment for SSD and SSI projects proposed in the Sydney drinking water catchment requiring the consideration of the principal of achieving a neutral or beneficial effect on water quality.

2.3 Assumed Concurrence

Regulations made under the EP&A Act provide that a concurrence authority (such as the SCA) may give written notice to a consent authority (such as a local council) that concurrence may be assumed, subject to such qualifications or conditions specified in the notice. The Chief Executive of the SCA has issued a notice to all councils in the Sydney drinking water catchment.

The notice issued to councils for the purposes of the SEPP lists the types of development for which a council, as the consent authority, may assume concurrence provided the council is satisfied that the proposal will have a neutral or beneficial effect on water quality. The notice was issued to councils at the same time as the publication of the SEPP and an amended notice issued to councils prior to the 2015 version of the NorBE Tool going live on 20 February 2015.

3. What is a Neutral or Beneficial Effect?

3.1 Definition of neutral or beneficial effect

Consent authorities must consider a number of matters to determine a development application, including that it will have a neutral or beneficial effect on water quality (NorBE). The consent authority may refuse an application on other grounds even if NorBE is satisfied.

A **neutral or beneficial effect on water quality** is satisfied if the development:

- (a) has **no** identifiable potential impact on water quality, or
- (b) will **contain** any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site, or
- (c) will **transfer** any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

Public authorities undertaking activities in the Sydney drinking water catchment must also consider whether the proposed activity will have a neutral or beneficial effect on water quality.

The site of a proposed development or activity, to determine water quality impacts, is the land described in the development application, the Part 5 activity documentation, or where relevant, the SSD or SSI application. Pollutant loads or concentrations for each pollutant leaving a site are measured at the site boundary, or at the point where the pollutant enters a drainage depression, waterbody or watercourse.

Section 4 describes how a neutral or beneficial effect is assessed and the matters that a proponent must address in an application.

4. Assessment and Approvals Process

4.1 Roles and responsibilities

Local government has primary responsibility for granting development consents for most applications under their local environmental plan (LEP). Developments that require consent under an LEP must apply for consent from the relevant local council.

The council will review the application and refer it to other government agencies that may be required to provide input or approvals by other Acts.

A public authority proposing to carry out a Part 5 activity must consider whether the proposed activity will have a neutral or beneficial effect on water quality for the life of the activity, including construction, operation, and decommissioning.

The Planning Assessment Commission and the Joint Regional Planning Panels may be involved in determining developments.

Consultants have the responsibility of preparing a NorBE assessment on behalf of the proponent and submitting this to councils with the development application.

4.2 SCA involvement

Councils must seek and obtain **concurrence** from the Chief Executive of the SCA before they can grant consent for a development application in the Sydney drinking water catchment.

Regulations made under the EP&A Act provide that the Chief Executive of the SCA may issue a notice listing the circumstances where the consent authority may assume the Chief Executive's concurrence (see Section 2.3). The Chief Executive has issued a notice to take effect when the SEPP commences that lists certain types of development where council may assume the Chief Executive's concurrence and make a NorBE assessment using the NorBE Tool. The notice includes, but is not limited to, developments such as sewerage and unsewered dwellings, certain multi dwelling housing, smaller sewerage and unsewered subdivisions, and some types of demolitions and earthworks.

Developments that must actually be referred to the SCA for concurrence include, but are not limited to, larger sewerage and unsewered subdivisions and larger multi-dwelling proposals, large earthworks, commercial and industrial developments, and designated development. The SEPP requires councils and other consent authorities to forward a copy of their determination to the SCA within 10 days.

4.3 Development type and information to be supplied with an application

The development type will determine the type and extent of information needed to demonstrate that a development has a neutral or beneficial effect on water quality. Councils making determinations under the EP&A Act must also consider other planning matters in addition to water quality. Most applications must meet requirements and standards in addition to the neutral or beneficial effect test before council can give consent.

In most cases, the first step in the consent process is for the applicant to discuss the proposed development with council to decide the type of application and information needed. Schedule 1 of the EP&A Regulation lists the information that must be supplied with a development application. This includes a statement of environmental effects.

The SCA requires extra information that must be included with a development application, including a water cycle management study (WCMS), which varies according to the type and scale of development. The WCMS must include information addressing:

- erosion and sediment control
- stormwater
- contamination and
- wastewater.

The type of report or model that must be included depends on the complexity of the development. Without this information, the council and the SCA cannot adequately assess whether the application meets the NorBE test. Information requirements are detailed in a document developed by the SCA: 'Developments in Sydney's drinking water catchments – water quality information requirements' (SCA, 2015).

The document – 'Using a Consultant to Prepare Your Water Cycle Management Study' (SCA, 2010) – explains the development application process in relation to the water cycle management study requirements, as well as information about choosing and using a consultant to prepare the required WCMS. The documents are available to download from the SCA's website at www.sca.nsw.gov.au.

An application for designated development (refer to Schedule 3 of the EP&A Regulation for a list of development declared to be 'designated development' under the EP&A Act) must include an environmental impact statement. Designated development assessed under Part 4 of the EP&A Act follows the same approval process under the SEPP.

4.4 Steps in the assessment process

There are two steps to assess an application to determine whether it has a neutral or beneficial effect on water quality, as shown in the NorBE Part 4 assessment flowchart (Figure 1). The first applies to an assessment by the consent authority when actual concurrence may be assumed in accordance with the notice issued under the EP&A Regulation. The second applies when concurrence from the SCA is required.

If the council, by using the NorBE Tool, is satisfied that the proposed development will have a neutral or beneficial effect on water quality, they can issue consent based on water quality grounds. If the council is not satisfied that the proposed development would have a neutral or beneficial effect on water quality, they must refuse consent based on water quality grounds or discuss further options to amend the development application with the proponent.

When the SCA issues concurrence, the council must consider the SCA's expert advice and either refuse or grant consent (as in Figure 1).

4.4.1 No identifiable potential impacts on water quality

It is safe to assume that a development will have no identifiable potential impact on water quality if the development is unlikely to result in:

- a concentration of flow of water
- the impedance of flow of water
- discharge of effluent, dust pollutants or stormwater, and
- other matters considered to result in a water quality impact, such as the potential for contamination.

In this case, the neutral or beneficial effect test is satisfied and consent can be issued with respect to water quality, without further detailed assessment regardless of the development type.

Development proposals that would generally satisfy these criteria include, but are not limited to, minor boundary adjustments not involving new construction, or adding an ensuite bathroom without changing the number of bedrooms in a development. Other developments that are unlikely to have an impact on water quality may include a picket fence, a pergola with either no roof or a shade cloth roof, or an office fit out. Many minor forms of development may actually be exempt or complying development as identified in an environmental planning instrument.

4.4.2 Exempt and complying development

Exempt development

Development that is listed as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) (Development Codes SEPP) or under a council's LEP does not require a neutral or beneficial effect on water quality assessment.

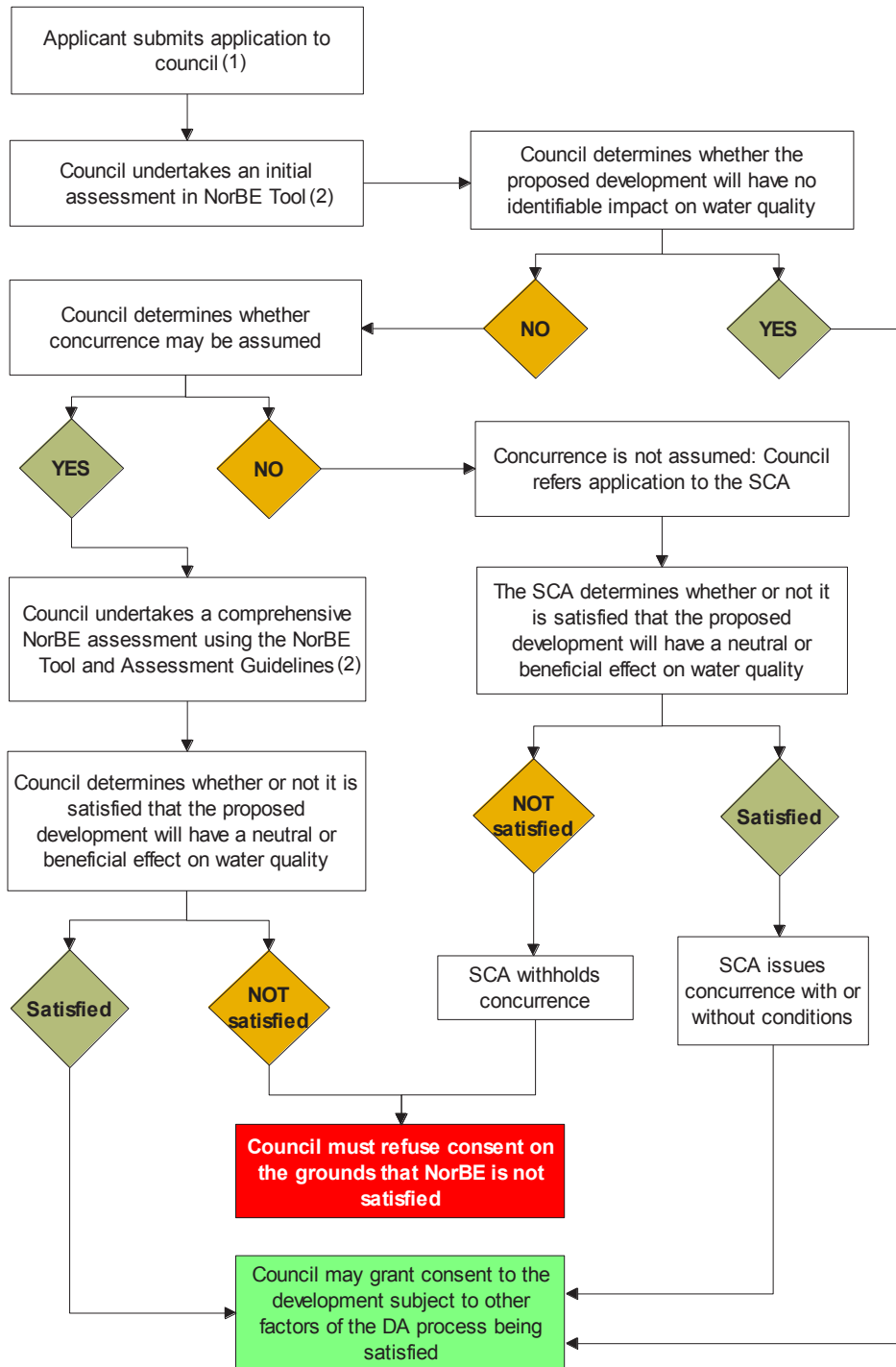
Complying development

Many types of complying development listed under the Development Codes SEPP do not require a neutral or beneficial effect on water quality assessment, but there are a number of exceptions to this. The exceptions also apply to complying development listed in LEPs as the SEPP overrides LEPs where there are inconsistencies.

Clause 1.19 of the Development Codes SEPP lists the land on which complying development cannot be carried out. As at July 2014 this included:

- All complying development under the General Housing Code and Rural Housing Code on land that is declared to be a Special Area under the *Sydney Water Catchment Management Act 1998*.
- Complying development under the General Housing Code, Rural Housing Code, Housing Alterations Code and General Development Codes on unsewered land in the Sydney drinking water catchment, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250 m².
- All complying development under the Commercial and Industrial (New Building and Additions) Code on unsewered land in the Sydney drinking water catchment.

Figure 1 – NorBE Part 4 Assessment



Note:

- (1) if a consultant submits a NorBE assessment to the consent authority, then the process involves certifying that the information and assessment is correct.
- (2) if the information supplied with the development application is incomplete or incorrect, then the council or possibly the SCA will require and request further information before continuing with the assessment.

4.5 The NorBE Tool for Part 4 Development Applications

The SCA developed the NorBE Tool (Appendix 1) to help local government planners assess whether development under Part 4 of the EP&A Act will have a neutral or beneficial effect on water quality.

Development types have been divided into different development classes consistent with the Standard Instrument – Principal Local Environmental Plan (the Standard Instrument). The development classes are then grouped into modules according to the required development assessment process and the level of potential risk from the development.

Module 1 – These developments typically involve a sewered new single dwelling or dual occupancy, or an alteration/addition to a dwelling. They can also involve swimming pools and subdivisions of three lots or less in sewered areas, car parks and small demolitions (less than 2,500 square metres). This module addresses standard stormwater questions for site risks and management responses that differ according to the size of the construction area.

The concurrence of the SCA Chief Executive can be assumed **except where**:

- the total proposed impervious area or construction area is greater than or equal to 2,500 square metres
- the development is proposed to be carried out on crown perpetual leasehold land
- there are inconsistencies with any Section 88 instruments placed by the SCA under the *Conveyancing Act 1919*.

Module 2 – Developments typically involve an unsewered new dwelling or dual occupancy, or alterations/additions. They can also involve swimming pools and subdivisions of three lots or less in unsewered areas. The main focus of this module is to assess wastewater systems, including design loadings and site risks.

The concurrence of the SCA Chief Executive can be assumed **except where**:

- the development proposal involves non-standard systems
- the total proposed impervious area or construction area is greater than or equal to 2,500 square metres
- there are inconsistencies with any Section 88 instruments placed by the SCA under the *Conveyancing Act 1919*
- the development is proposed to be carried out on crown perpetual leasehold land.

Module 3 – Developments typically involve a sewered urban subdivision of four lots or greater that may or may not involve the construction of dwellings. Module 3 addresses standard stormwater site risks such as soils and slope, development risks, standard sewerage questions, and in most cases requires MUSIC model evaluation. In this module, subdivision means lot layout and any construction proposed by the development application.

Module 4 – Developments typically involve a rural subdivision of four lots or greater with on-site wastewater disposal that may or may not involve the construction of dwellings. This module addresses standard stormwater site risks such as soils and slope, development risks, and in most cases requires MUSIC model evaluation, as for Module 3. It also considers standard wastewater questions, and subdivision layout issues such as roads/rights-of-way, and dwelling and internal access issues. In this module, subdivision means lot layout and any construction proposed by the development application.

Module 5 – Other development.

A full list of development classes and module groupings is in Appendix 1 – Table A1.

4.5.1 The NorBE Tool

The NorBE Tool was developed using a risk-based approach. It is consistent with, and uses, assumptions and benchmark indicators of risk and recommended management practices, while providing consistent and transparent assessments.

The Modules include a series of questions that lead to an action or conclusion which may include, but is not limited to:

- more information must be provided to determine a neutral or beneficial effect on water quality
- the development application must be referred to the SCA for concurrence
- NorBE is satisfied
- NorBE is not satisfied
- the proponent withdraws the application.

The NorBE Tool will help determine whether there will be a predicted neutral or beneficial effect on water quality based on information entered by council. The information specifically relates to site and development risks, including effluent management and stormwater. Some sections of the NorBE Tool can be completed during a desktop assessment (assuming all documents and relevant information are available or have been provided by the proponent with the development application). Other sections must be completed after a site inspection.

a. Site considerations

Risks associated with development proposals vary greatly depending on site characteristics. Many aspects that may impact on water quality must be considered, including:

- rainfall
- slope (steep slopes pose a greater risk than flat terrain)
- distance from watercourses (developments closer to watercourses pose higher potential risk to water quality)
- soil characteristics (including permeability, depth, type, soil loss class, salinity, phosphorus sorption capacity, sodicity and rock outcropping)
- site issues specific to subdivision design, such as layout, roads and rights-of-way, contamination, extent of cut and fill required, vegetation clearing and watercourse crossings.

Management responses will differ according to site risks and size of the construction area.

b. Assessment of stormwater impacts

Stormwater can impact on water quality, especially if the amount of impervious surface is increased by the development. For example, stormwater leaving an undeveloped lot covered in vegetation will differ in quality and quantity from stormwater leaving a lot with a dwelling (with an impervious roof area) and other associated impervious development (such as driveways, sheds and paved areas).

To assess the impact of development on stormwater, the NorBE Tool includes questions on the proposed size of the impervious area and construction, and slope. These

questions can be addressed by preparing either a small scale stormwater quality model (S3QM) or a model for urban stormwater improvement conceptualisation (MUSIC) for larger, more complex developments. Refer to Table A3 for the thresholds that apply for each model.

c. Assessment of wastewater impacts

Potential impacts from wastewater on ambient water quality are a significant issue in the Sydney drinking water catchment due to the large number of existing on-site systems and proposals for unsewered development. The choice of an appropriate on-site system for a particular development proposal will be greatly influenced by site considerations. These include slope, depth and type of soil, distance from watercourses, and the area available to set aside as an effluent management area. Certain site constraints, including the presence of shallow soils or steep slopes, will automatically preclude some system types. The SCA has developed a GIS-based, effluent plume generation modelling tool (the wastewater effluent model, or WEM - see Section 5.1.1) to support the design and assessment of on-site wastewater systems.

A sewerage system with a proposed capacity of more than 20 persons equivalent or six kilolitres per day is a designated development and requires a full environmental impact statement and the actual concurrence of the SCA.

d. General considerations and assumptions

The NorBE Tool makes a number of general assumptions that must be considered by the assessor using the NorBE Tool. These include but are not limited to:

- the assessor can access certain software applications such as the S3QM/MUSIC and the WEM (The S3QM will be available through the SCA's website www.sca.nsw.gov.au. The WEM is embedded in the on-line NorBE Tool)
- the comparison between the predicted effect of the proposal on water quality with the estimated effect of the current (legal) use and condition of the site is based on conditions that, for example, exclude breaches of the *Protection of the Environment Operations Act 1997*
- consultants' reports may not match information from SCA databases related to site and soil characteristics, rainfall and evaporation
- a neutral or beneficial effect for certain low-risk developments can be satisfied by adopting current recommended practices (CRPs – see Section 3.6 below)
- any existing wastewater systems must be considered
- any effluent management area is located wholly within each lot or covered by an appropriate easement
- any proposed roads and/or rights-of-way are defined as including roads and associated drainage works
- the number of lots fronting a watercourse in a subdivision proposal is minimised
- where there is a technical challenge to the assessment that council cannot resolve they will seek assistance from the SCA about the technical challenge (with relevant documentation). The development application will not be submitted to the SCA for concurrence unless the development type is consistent with those types outlined in Clause 64 notice for which SCA concurrence must be sought

- the site was not deliberately degraded, such as through the clearing of vegetation or sealing, before the development application was submitted to lower the neutral or beneficial effect pre-development baseline
- references to a dwelling include all associated structures and development such as garages, sheds, tennis courts, driveways, swimming pools and gazebos
- councils may contact the SCA for help and advice about their assessments.

The NorBE test is not an exact science. The SCA's approach to decide a neutral or beneficial effect will be a mixture of:

- using various guidelines, standards and practices to show that NorBE is satisfied
- quantitative neutral or beneficial effect evaluation or assessment using the WEM and/or the S3QM / MUSIC stormwater models
- assessment of water quality risks
- qualitative assessment of internal offsets to ensure a neutral or beneficial effect.

4.5.2 The Electronic NorBE Tool

A web based software application has been developed for ease of use and access to the NorBE Tool. Users and assessors should refer to the NorBE Assessment Tool User Guides for councils and consultants for detailed step by step instructions and illustrated examples on how to use the NorBE Tool.

The NorBE Tool helps consultants prepare development applications that have a neutral or beneficial effect on water quality. It also helps councils decide whether the proposed development will have a neutral or beneficial effect on water quality, or whether the actual concurrence of the SCA's Chief Executive is required. It records the decision process for each development application.

The NorBE Tool uses answers from the questions in each module to make an assessment. Some parameters are automatically filled in, while others require the user to choose an option or enter a value. An assessment summary including all responses can be printed.

Where an assessment needs to be referred to the SCA for concurrence, the assessment summary must be attached to the development application.

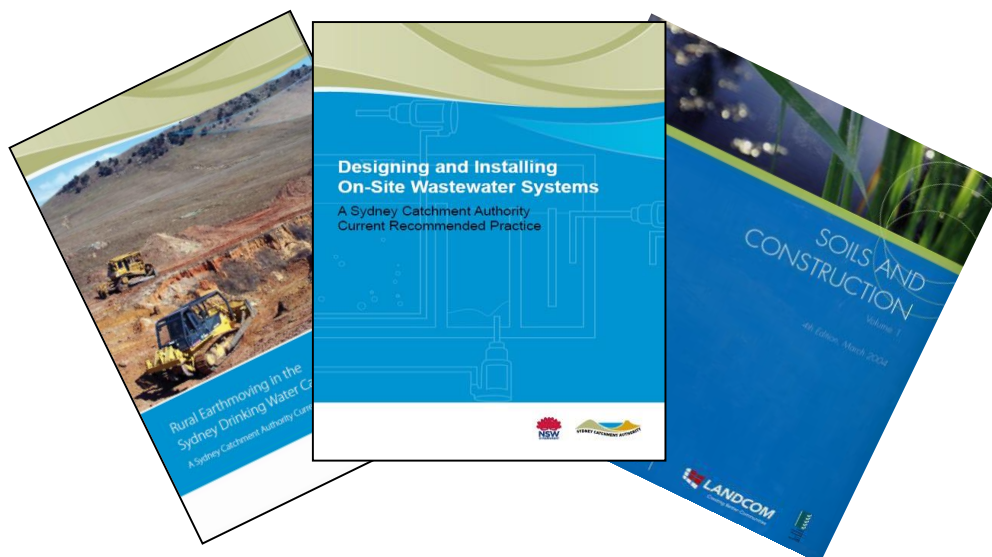
4.6 Current recommended practices and performance standards

In the SEPP, management practices that have been endorsed by the SCA are referred to as current recommended practices (CRPs) and performance standards.

CRPs and standards provide best practice methods to manage the water quality impacts of a range of land uses, developments and activities including urban and rural subdivisions, agriculture, industrial developments, waste and recycling, stormwater and wastewater management, service stations and preparing environmental management plans.

Landholders can get information about CRPs from the SCA website www.sca.nsw.gov.au to include in the project design phase of a development, in property management planning, or in their day-to-day activities (eg controlling bank erosion on their property).

The SEPP requires new developments or activities to incorporate CRPs and standards endorsed by the SCA or to adopt approaches that achieve the same or better water quality outcomes. This applies to public and private development. The use of CRPs are therefore an important means for helping to ensure that NorBE is met for development proposed to be carried out in the Sydney drinking water catchment.



To ensure continual improvement in land and water management, the SCA will assess innovative practices that deliver the same or better water quality outcomes and, where appropriate, endorse them as CRPs. This process to allow existing good management practices to be endorsed and new management practices to be developed, will include communication with relevant stakeholders, technical assessment and regular review.

All CRPs and standards are listed on the SCA's website at www.sca.nsw.gov.au.

4.7 Compliance with conditions of consent

The consent authority is responsible for enforcing development consent conditions. The SCA will inspect developments to check whether the SCA's advice or conditions are included in council determinations, and whether the development complies with the SCA's conditions. Some conditions are automatically generated by the electronic NorBE Tool.

5. Supporting Tools and User Guidelines

This guideline and the NorBE Tool refer to a number of different supporting tools and guides, such as the WEM, S3QM and MUSIC.

5.1 Wastewater effluent model

The wastewater effluent model (WEM) is a GIS-based, effluent plume generation modelling tool that supports the design of on-site wastewater management systems. The WEM is integrated into the electronic NorBE Tool. It uses natural resource spatial data for model inputs and design calculations to predict the potential extent of an effluent plume. This allows a visual interpretation and assessment of the potential impact of a development on water quality.

If the effluent plume is predicted to leave the site, or reach a watercourse, waterbody or drainage depression or defined buffers, then the proposed on-site system will not have a neutral or beneficial effect on water quality. The site or size of the proposed effluent disposal field, or type of on-site system, can be changed in various scenarios to help ensure the proposed system can meet the NorBE test.

The WEM provides an objective way to determine whether a proposal will have a neutral or beneficial effect on water quality. It also reduces costs and produces consistent design and assessment. The WEM will help designers and assessment officers to identify and locate an appropriate site for an on-site system for developments proposed in the Sydney drinking water catchment.

5.2 MUSIC and the S3QM

MUSIC

The model for urban stormwater improvement conceptualisation (MUSIC) is a tool to estimate stormwater pollutant generation and the performance of stormwater treatments from proposed land development. It is the preferred stormwater model to determine a neutral or beneficial effect in SCA catchment areas for larger developments where the impervious area is greater than or equal to 2,500 square metres.

These types of developments may be found in all Modules of the NorBE Tool and will all be referred to the SCA for concurrence. Reference should be made to the SCA's 'Using MUSIC in Sydney's Drinking Water Catchment' (2012b).

S3QM

The small scale stormwater quality model (S3QM) estimates stormwater pollutant generation and the performance of stormwater treatments from proposed development for smaller, less complex development proposals. The SCA is exploring the use of the S3QM for Modules 1 and 2, including the use of thresholds. The SCA will advise councils and other stakeholders should this eventuate.

The SCA will also accept an S3QM model, in place of a MUSIC model, for Modules 3, 4 and 5 where the total proposed impervious area is less than 2,500 square metres.

A certificate from an assessment completed using the S3QM will need to be submitted with these proposals. The S3QM is available on the SCA's website at www.sca.nsw.gov.au.

DEFINITIONS

Note: these definitions also apply to the NorBE Tool.

Activity	<p>Has the same meaning as in Part 5 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Activity is:</p> <ul style="list-style-type: none">(a) the use of land, and(b) the subdivision of land, and(c) the erection of a building, and(d) the carrying out of a work, and(e) the demolition of a building or work, and(f) any other act, matter or thing referred to in section 26 of the EP&A Act that is prescribed by the regulations for the purposes of this definition but does not include:(g) any act, matter or thing for which development consent under Part 4 is required or has been obtained, or(h) any act, matter or thing that is prohibited under an environmental planning instrument, or(i) exempt development, or(j) development carried out in compliance with an order under Division 2A of Part 6, or(k) any development of a class or description that is prescribed by the regulations for the purposes of this definition
Annual exceedance probability (AEP)	<p>The chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage. For example, a flood with a 1% AEP has a one in a hundred chance of being exceeded in any year.</p>
Clearing native vegetation	<p>Has the same meaning as in the <i>Native Vegetation Act 2003</i>.</p> <p>Clearing native vegetation is any one or more of the following:</p> <ul style="list-style-type: none">(a) cutting down, felling, thinning, logging or removing native vegetation,(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation. <p>(See Division 3 of Part 3 of the <i>Native Vegetation Act 2003</i> for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities).</p>
Consent authority	<p>Has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Consent authority, in relation to a development application or an application for a complying development certificate, is:</p> <ul style="list-style-type: none">(a) the council having the function to determine the application, or(b) if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.

Controlled activity	<p>Has the same meaning as in the <i>Water Management Act 2000</i>.</p> <p>Controlled activity is:</p> <ul style="list-style-type: none">(a) the erection of a building or the carrying out of a work (within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>), or(b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or(c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or(d) the carrying out of any other activity that affects the quantity or flow of water in a water source (WM Act).
Critical habitat	<p>Critical habitat has the same meaning as in the <i>Threatened Species Conservation Act 1995</i> or (subject to section 5C) Part 7A of the <i>Fisheries Management Act 1994</i>.</p>
Development	<p>Has the same meaning as in <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Development is:</p> <ul style="list-style-type: none">(a) the use of land, and(b) the subdivision of land, and(c) the erection of a building, and(d) the carrying out of a work, and(e) the demolition of a building or work, and(f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument, <p>but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.</p>
Development application	<p>Has the same meaning as in <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>A development application is an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.</p>
Disturbed area	<p>The building footprint plus 25%.</p>
Drainage depression	<p>A drainage depression is a low point that carries water during rainfall events, but dries out quickly when rainfall stops. A gully or incised drainage depression is considered to be a watercourse.</p>
Fill	<p>Has the same meaning as in the <i>Standard Instrument – Principle Local Environmental Plan</i>.</p> <p>Fill is the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:</p> <ul style="list-style-type: none">(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or(b) a waste disposal landfill operation.

Gully erosion	Gully erosion is erosion that forms deep sided channels or gullies, usually due to the removal of riparian vegetation (Australia State of the Environment Report 2001 (Theme Report), Department of the Environment and Heritage, 2001).
Intermittent watercourse	An intermittent watercourse is an area with banks and beds or ponds that stays wet for considerable periods between rainfall events and may be characterised by supporting moisture tolerant vegetation.
Potential bedroom	A potential bedroom is a room that could reasonably be used as a bedroom. A potential bedroom is a room with a closable door, at least one window and a minimum of 8 square metres. A room in a separate building such as a studio could be a potential bedroom if it has a toilet and washing facilities or close access to same.
Riparian land	Riparian land is land that adjoins or directly influences a body of water. It includes riverbanks and land immediately alongside gullies, streams, creeks, rivers and wetlands that interact with the flows. There are approximately 110,000 kilometres of riparian land in the SCA catchment.
Section 88	Section 88 is the imposition of a restriction or public positive covenant by a prescribed authority on land under the <i>Conveyancing Act 1919</i> .
Severe frosts	Areas of severe frost are defined as those where the overnight minimum air temperatures (Stephenson screen) are regularly below -3°C, corresponding to a ground temperature of approximately -5°C. Note that frost hollows and areas of cold air drainage may result in localised areas where frost is more severe than indicated by temperature records for the region.
Site	The site of a proposed development is the area of land described in the development application or the Part 5 assessment.
Site area	Has the same meaning as in the <i>Standard Instrument – Principle Local Environmental Plan</i> : The site area is any land where development will be carried out, or proposed. The land may include all or part of one lot, or more than one lot, if they are connected to each other.
Waterbody (artificial)	An artificial waterbody is a body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland. This does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.
Waterbody (natural)	A natural waterbody is a naturally occurring body of water, constant or intermittent, fresh, brackish or saline, including where the course has been artificially modified or diverted. This includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).
Watercourse	Has the same meaning as in the <i>Standard Instrument – Principle Local Environmental Plan</i> . A watercourse is any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

- Waterfront land** Waterfront land is:
- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland, of the highest bank of the river, or
 - (b) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake,
- where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance.
- Waterway** A waterway is the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).
- Wetland** Has the same meaning as in the *Standard Instrument – Principle Local Environmental Plan*.
- A wetland is:
- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
 - (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.
- Water cycle management study** A water cycle management study includes:
- a conceptual soil and water management plan or erosion and sediment control plan for the construction phase
 - an on-site effluent management plan if unsewered
 - water sensitive design features, and
 - a determination of pre-and post-development loads and concentrations.

ACRONYMS

AEP	Annual exceedance probability
CRP	Current recommended practice
DA	Development application
DLG	Department of Local Government (now the Division of Local Government in the Department of Premier & Cabinet)
EMA	Effluent management area
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ESCP	Erosion and sediment control plan
FPL	Flood planning level
GIS	Geographic information systems
LEP	Local environmental plan
MUSIC	Model for urban stormwater improvement conceptualisation
NHMRC	National Health and Medical Research Council
NorBE	Neutral or beneficial effect
NRMCC	Natural Resource Management Ministerial Council
SCA	(the former) Sydney Catchment Authority (now Water NSW)
SEPP	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
SLEP	Standard Instrument – Principal Local Environmental Plan
SSD	State significant development
SSI	State significant infrastructure
S3QM	Small scale stormwater quality model
STP	Sewage treatment plant
SWMP	Soil and water management plan
WEM	Wastewater effluent model
WM Act	<i>Water Management Act 2000</i>
WCMS	Water cycle management study

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APPENDIX 1

Neutral or Beneficial Effect on Water Quality Assessment Tool 2015

This Appendix describes how to assess a NorBE on water quality for development applications for land in the Sydney drinking water catchment, as defined in the SEPP.

Types of development are divided into different development classes, consistent with the Standard Instrument—Principal Local Environmental Plan 2006 (SLEP). The development classes are grouped into modules, according to the required development assessment process. The development classes and module groupings are listed in Table A1. Notes for Table A1:

1. Where an attached dwelling is proposed, as defined under the SLEP, and the maximum number of dwellings is three it can be included as development class B or C for sewered areas or development class G for unsewered areas.
2. Farm buildings, as defined in the standard local environmental plan (SLEP), in both sewered and unsewered areas, and sheds in sewered areas, can be included in Development Class D (sewered) or D_U (unsewered).
3. Emptying spa baths can flush out on-site systems and substantially deteriorate treatment performance. A wastewater surge tank should be installed for these systems.
4. Replacement of an on-site system or disposal system is to be assessed under development classes G, G_s or G_L.
5. Retail referred to in Development Class O_{RS} and O_{RU} includes the development types of retail premises and offices premises as defined in the SLEP.
6. Orchards and vineyards require buffers of 20 metres to watercourses and water supply reservoirs, and 10 metres to drainage depressions.
7. Covering an unsealed car park in bitumen is construction. If the proposal involves using bitumen in a car park of area more than 2,500 square metres, it must be referred to the SCA for concurrence. All car parks, sealed or not, are considered to be impervious for assessment purposes.
8. Vacant lots that have an existing dwelling entitlement (eg in an unsewered village) should be assessed under Module 5 (ie sent to the SCA for concurrence).

During the assessment the council assessor may need to pause the NorBE Tool to:

- seek advice from the SCA or another agency such as NSW Health, the Office of Environment and Heritage, or the Office of Water
- discuss the proposal with the proponent or consultant
- revise the size of the effluent management area (and reflect this in conditions of consent)
- amend plans or reports.

Table A1 – Development Classes and Module Groupings
(see Notes for Table A1 on previous page)


Development Class	Description	Module Grouping
B	Existing dwelling / dual occupancy sewer ¹	1
C	New dwelling / dual occupancy sewer ¹	1
D	Building/farm building with no on-site wastewater proposal ²	1
Du	Building/farm building with wastewater ²	2
E	Bed and breakfast sewer	1
I	Bed and breakfast unsewer	2
F _s	Swimming pool / spa pools only, sewer area ³	1
F _u	Swimming pool / spa pools only, unsewer area ³	2
G	Existing dwelling / dual occupancy < 8 bedrooms unsewer ^{1,4}	2
G _s	New dwelling / dual occupancy < 8 bedrooms unsewer ^{4,8}	2
G _L	Existing/new dwelling/dual occupancy ≥ 8 bedrooms unsewer ⁴	5
K	Greywater systems in unsewer areas only	2
L _{S1}	≤3 multi-dwelling housing, sewer	1
L _{S3}	≥4 multi-dwelling housing, sewer	3
L _u	Multi-dwelling housing, unsewer	5
M _{S1}	Subdivision, sewer <4 lots	1
M _{S3}	Subdivision, sewer ≥4 lots	3
N _{uS}	Subdivision, unsewer <4 lots	2
N _{uL}	Subdivision, unsewer ≥4 lots	4
O _{RS}	Retail premises/office premises, sewer ⁵	1
O _{RU}	Retail premises/office premises, unsewer ⁵	2
O _I	Industrial	5
P	Tourist / recreation / religious / education establishment or facility	5
Q	Intensive livestock	5
R	Intensive plant growing ⁶	5
S	Designated development	5
T	Other development – eg offensive or hazardous industry or storage establishment development, service stations	5
U _s	Earthworks / farm dams <2,500 m ² total disturbed area	1
U _I	Earthworks / farm dams ≥2,500 m ² total disturbed area	5
V _S	Car parks ⁷ <2,500 m ²	1
V _L	Car parks ⁷ >2,500 m ²	5
W _S	Demolitions <2,500 m ²	1
W _L	Demolitions >2,500 m ²	5
Y	Sewerage systems that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kL per day	5
Z	Other development ⁸	5

Pre-Assessment Checklist

This checklist is a series of general questions to be asked at the start of each assessment, for each development application, modification of consent, or amendment of the application (before every Module 1-5). They help focus the assessment on the nature of the proposal and the adequacy and completion of all documentation with the proposal.

These questions should be asked at the start of every assessment. They are the same for *all* development types.


1. Is the site of the proposed development in the drinking water catchment?

 If any part of the application falls within the catchment, then a NorBE assessment is required (for that part of the site). If wholly outside the SCA catchment a NorBE assessment is not required.

If yes, (inside the catchment), continue to assess NorBE.

If no, (outside the catchment), **NorBE assessment is not required** for SCA purposes.

2. Is the proposed development consistent with any SCA instruments, restrictions or covenants on the title?

 For example, where a dwelling site, including asset protection zone, is to be located where no vegetation clearing is required, or where the location of an effluent management area has been specifically identified on the lot. This may imply a highly constrained lot.

If yes, or not applicable, continue to the next question.


If no, either comply with the instrument, **OR** request variation to the covenant in the water cycle management study (WCMS) then continue to next question, otherwise **refer to SCA for concurrence**.

3. Is the proposed development Crown perpetual leasehold land?

If yes, **refer to the SCA for concurrence**.

If no, continue to the next question.

4. Does the proposal have an identifiable potential impact on water quality?

 The criteria for determining that a proposal has an identifiable impact on water quality includes: ; concentration of flow of water; impedance of flow of water; activity involving discharge (effluent, dust pollutants, stormwater) or any other matter, such as potential site contamination. The assessment officer will be required to address each of the criteria to justify the decision see Table A2.

If yes, continue to the next question.

If no, **NorBE is satisfied**.

Table A2 – Identifiable potential impact on water quality checklist

Criteria for identifiable water quality impact	Yes	No	Comments
Flow of water is concentrated on part of the site during construction or operation			
Flow of water is impeded on part of the site during construction or operation			
Proposed development during construction or operation will involve a discharge of effluent, dust, stormwater or other pollutants			
Any other matter considered to result in an identifiable impact on water quality			

5. To which Development Class does the proposal belong?

ⓘ This is to help focus subsequent questions and identify likely issues. If more than one module applies, choose the relevant module representing the highest risk (where Module 5 developments are of highest risk, ranging to Module 1 developments of least risk).

See Table A1 above.

6. Is the documentation complete?

ⓘ This is to ensure there is full documentation before beginning an assessment of the development application – see Table A3. The assessment cannot continue if full documentation is not provided.

If yes, continue to the next question.

If no, provide the required information, then continue to the next question.

7. Does the water cycle management study meet SCA requirements?

ⓘ WCMS's that are not consistent with SCA / Council requirements will invariably not contain the information or address contemporary requirements and issues necessary for this NorBE analysis. Old subdivision options reports are not suitable for new dwellings and will not address contemporary requirements. Refer to the SCA publication 'Developments in Sydney's Drinking Water Catchments – Water Quality Information Requirements' on the SCA's website (<http://www.sca.nsw.gov.au/publications/publications/developments-in-sydneys-drinking-water-catchments-water-quality-information-requirements>)

If yes, proceed to the appropriate module (Module 1 or Module 2) **OR** refer to the SCA for concurrence (for development classes under Modules 3, 4 and 5).

If no, provide a complete WCMS consistent with SCA requirements before proceeding to the appropriate module or referring the application to the SCA for concurrence.

Table A3 – Documentation Requirements

	Module 1	Module 2	Module 3	Module 4	Module 5
Documentation					
WCMS – including specific components identified below	Y	Y	Y	Y	Y
On-site wastewater management report		Y		Y	Y – where on-site wastewater management is proposed
Conceptual erosion and sediment control plan (ESCP)	Y for construction area $\geq 250 \text{ m}^2$ and $< 2,500 \text{ m}^2$	Y for construction area $\geq 250 \text{ m}^2$ and $< 2,500 \text{ m}^2$	Y for construction area $\geq 250 \text{ m}^2$ and $< 2,500 \text{ m}^2$	Y for construction area $\geq 250 \text{ m}^2$ and $< 2,500 \text{ m}^2$	Y for construction area $\geq 250 \text{ m}^2$ and $< 2,500 \text{ m}^2$
Conceptual soil and water management plan (SWMP) OR Primary and Progressive ESCP for access or road works	Y for construction or impervious areas $\geq 2,500 \text{ m}^2$	Y for construction or impervious areas $\geq 2,500 \text{ m}^2$	Y for construction or impervious areas $\geq 2,500 \text{ m}^2$	Y for construction or impervious areas $\geq 2,500 \text{ m}^2$	Y for construction or impervious areas $\geq 2,500 \text{ m}^2$
Small scale stormwater quality modelling (S3QM)			Y for $< 2,500 \text{ m}^2$ impervious area	Y for $< 2,500 \text{ m}^2$ impervious area	Y for $< 2,500 \text{ m}^2$ impervious area
MUSIC stormwater modelling (including electronic copy)	Y for $\geq 2,500 \text{ m}^2$ impervious area*	Y for $\geq 2,500 \text{ m}^2$ impervious area*	Y for $\geq 2,500 \text{ m}^2$ impervious area * #	Y for $\geq 2,500 \text{ m}^2$ impervious area * #	Y for $\geq 2,500 \text{ m}^2$ impervious * #
Contamination report	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination
Flood study	Y where the development area is within or potentially within the AEP and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the AEP and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the AEP and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the AEP and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the AEP and the water sensitive parts of the development are located in the flood area

	Module 1	Module 2	Module 3	Module 4	Module 5
Documentation					
Covenant check (identify any relevant covenant on the title)	Y	Y	Y	Y	Y
Any SEPP 1 objection	Y	Y	Y	Y	Y

* A complying MUSIC model must accompany the development application when forwarded to the SCA for concurrence.

Generally $\geq 2,500 \text{ m}^2$ but special cases are outlined in the SCA's manual 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b).

Note: as it is very difficult to accurately determine the impervious area for a larger development (particularly where this involves irregular car parking or driveway areas), any impervious area above $2,000 \text{ m}^2$ will be rounded **up** to the nearest hundred ie $2,490 \text{ m}^2$ or $2,437 \text{ m}^2$ both become $2,500 \text{ m}^2$.

MODULE 1

Module 1 developments typically involve a sewerer new single dwelling, dual occupancy or townhouse, or an alteration/addition to a dwelling. They can also involve swimming pools and subdivisions of three lots or less in sewerer areas, car parks and small demolitions (less than 2,500 square metres). This module addresses standard stormwater questions for site risks, with management responses differing according to the size of the construction area.

PROCESS:


First answer Questions 1–7 in the Pre-Assessment Checklist above. Then continue to Q1.01 below.

Note: if a revision to the development application is requested / received, the questions should be revisited to ensure accuracy of the assessment.

Development Risks

1.01 Is the total proposed impervious area, excluding access, more than or equal to 2,500 square metres?


If yes, refer to the SCA for concurrence.

 A MUSIC model must be submitted with the development application to the SCA for concurrence.

If no, continue to the next question.

1.02 Is the size of the construction area, excluding access, less than 250 square metres?

If yes, council to apply standard erosion controls (as per the 'Blue Book') as conditions of consent, then go to **Q1.06**.


 'The Blue Book' 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004. Construction areas are the total of those disturbed during development. Add 25% over and above the footprint of the building to calculate total disturbed area.

If no, continue to the next question.

1.03 Is the size of the construction area more than or equal to 2,500 square metres?

If yes, refer to SCA for concurrence.

If no, the proponent must supply a conceptual erosion and sediment control plan (ESCP, as per 'the Blue Book') and then continue to the next question.

 'The Blue Book' 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004. Add 25% over and above the footprint of the building to calculate total disturbed area.

1.04 Has a small scale stormwater quality model (S3QM) certificate been provided (this is currently not a requirement)?

If yes, continue to next question.

*If no, a certificate is required before proceeding (otherwise **NorBE is not satisfied**).*

1.05 Does the certificate from the small scale stormwater quality model (S3QM):

- **show consistency with the proposed development, and**
- **indicate that NorBE has been achieved for stormwater, and**
- **certify that measures are suitably located to ensure stormwater capture?**

If yes to all, continue to the next question.

*If no to any, a valid certificate that addresses all the above matters is required, and then continue to the next question (otherwise **NorBE is not satisfied**).*

② An S3QM certificate is required to indicate that NorBE is achieved for stormwater and that proposed management measures are being shown in a suitable location and can be practically implemented.

Site Risks (confirmed with a site inspection)

1.06 Does the area to be developed have a slope greater than 20% (11.4°)?

If yes, include measures for long-term ground stabilisation techniques to be applied to disturbed areas, or council to include these as a condition of consent, and then continue to the next question.

If no, continue to the next question.

② The SCA strongly discourages development on sites with slopes greater than 20% because of the amount of cut and fill involved and the potential for erosion, unless the development is a low impact development specifically designed for the slope, such as a pole house, and/or incorporates long term ground stabilisation techniques for steep disturbed areas.

1.07 Is the area to be developed within a 1% annual exceedance probability (AEP) flood level or flood prone area associated with watercourses and drainage depressions?

If yes, council to include condition of consent as follows:

- (1) All fixtures capable of draining to the sewer system, including the overflow relief gully, are to be above the 1% AEP flood level and fully sealed; and
- (2) Any required termite controls are to be physical barriers only, and chemical barriers or termite protection systems are not to be used below the 1% AEP flood level.

Then continue to the next question.

If no, continue to the next question.

② AEP refers to annual exceedance probability of flooding. Include conditions to minimise impact from development occurring within AEP.
The SCA opposes effluent management areas and any other part of an on site system being located in the floodway, and encourages all parts of on site systems to be located above the 1% AEP. If an EMA is located between these levels it should be a subsurface system. Tanks and active treatment components should be located above the 1% AEP.

1.08 Are there any other site constraints that may impact on the proposed development?

② Use site plans and aerial photography, and confirm through a site inspection.

Examples of site constraints may include:
within 40 metres of a watercourse
dispersive soils
nearby sensitive environments such as wetlands
contaminated areas (including rubbish tips or fuel storage tanks)
other developments that may have planning implications (eg rights of way,
drainage or other easements, or infrastructure)
stormwater run on from other sites (eg stormwater culverts under roads etc)

If yes, continue to the next question.

If no, **NorBE is satisfied**.

1.09 Does the application appropriately accommodate these constraints?

If yes, **NorBE is satisfied**.

If no, application to be revised to addresses these issues, then **NorBE is satisfied**, (otherwise **NorBE is not satisfied**).

ACTION FOR COUNCIL: Prepare conditions of consent.

END

MODULE 2

Module 2 developments typically involve an unsewered new dwelling, dual occupancy or townhouse, or alterations/additions. It may also involve an unsewered subdivision of three lots or less. The main focus of this module is to assess wastewater systems, including design loadings and site risks, and also design aspects for subdivisions.

GENERAL CONSIDERATIONS:

- Where there are significant discrepancies between a consultant's wastewater report and information from the SCA's databases or site-specific soil or other information, seek clarification from the consultant then seek advice from the SCA if the discrepancy remains unresolved.
- If the proposed effluent management area is located wholly in the same lot as the existing dwelling, include setback distances as a minimum as per Table 2.4 of the SCA's 'Designing and Installing On-Site Wastewater Systems' (SCA, 2012a).
- Pump out systems are not acceptable – as they are not sustainable and are often the worst performing systems – except under certain circumstances such as imminent connection to reticulated sewer. The SCA is to be contacted in circumstances where a pump out system is considered to be the only viable option.
- Greywater systems are treated as wastewater systems for the purposes of this Module, except that the greywater design loading is to be 65% of the calculated design wastewater loading.
- Emerging technology or non-standard on-site wastewater systems such as membrane systems, textile filters systems, high nutrient removal AWTS, or reed beds should be referred to the SCA for concurrence.

PROCESS:

First answer Questions 1–7 in the Pre-Assessment Checklist above. Then continue to question 2.01 below.

Desktop Assessment

2.01 Is the on-site wastewater system an emerging technology or non-standard system?

❓ Standard systems include septic tanks, absorption and evapotranspiration absorption (ETA) beds, 10EP aerated wastewater treatment systems (AWTS), irrigation systems, sand mounds, amended soil mounds, wet or dry composting systems, sand filters (both single pass and recirculating), and greywater treatment systems. Refer to the SCA's 'Designing and Installing On Site Wastewater Systems' (SCA, 2012a).

If yes, **refer to the SCA for concurrence.**

If no, continue to the next question.

2.02 Is the application for the same type of system as recommended in the on-site wastewater management report?

If yes, or not applicable, continue to the next question.

If no, applicant is to clarify, and then continue to the next question.

Site Evaluation

2.03 Can the proposed effluent management area (EMA) be located within the lot or property, and does it correspond to the proposed location specified and discussed in the report (map or GPS coordinates)?

Any discrepancy between map location and GPS coordinates provided in the report need to be clarified and resolved.

If no, consultant/proponent to clarify, (otherwise **NorBE is not satisfied**). Then continue to the next question.

If yes, continue to the next question.

2.04 Is the size of the construction area less than 250 square metres?

If yes, apply standard erosion controls (as per the 'Blue Book'), then go to **Q2.06**.

'The Blue Book' 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004. Add 25% over and above the footprint of the building to calculate total disturbed area.

If no, continue to the next question.

2.05 Is the size of the construction area and/or total proposed impervious area, excluding access, equal to or greater than 2,500 square metres?

If yes, refer to the **SCA for concurrence**.

A MUSIC model must be submitted with the development application to the SCA for concurrence.

If no, a conceptual erosion and sediment control plan (ESCP, as per 'the Blue Book') is required, and then continue to the next question.

'The Blue Book' 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004.

Standard Stormwater and Development Site Risks

2.06 Does the area to be developed have a slope greater than 20% (11.4°)?

The SCA strongly discourages development on sites with slopes greater than 20% because of the amount of cut and fill involved and the potential for erosion, unless the development is a low impact development specifically designed for the slope, such as a pole house, and/or incorporates long term ground stabilisation techniques for steep disturbed areas.

If yes, continue to the next question.

If no, go to **Q2.10**.

2.07 Can the area to be developed be relocated to avoid the slope of 20% (11.4°)?

If yes, provide a suitable alternative location, and then continue to the next question.

If no, include measures for long-term ground stabilisation techniques to be applied to disturbed areas, or council to include these as a condition of consent, (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.08 Does the area to be developed have a slope greater than 32% (18°)?

If yes, it may be State Protected Land (see the *Native Vegetation Act 2003*), then continue to the next question.

See your Local Land Services agency for information regarding State Protected Land.

If no, go to **Q2.10**.

2.09 Can the area to be developed be relocated to avoid the slope of 32% (18°)?

If yes, provide a suitable alternative location, and then continue to the next question.

If no, **NorBE is not satisfied**.

2.10 Is the area to be disturbed in the development proposal within a 1% annual exceedance probability (AEP) flood level or flood prone area associated with watercourses and drainage depressions?

If yes, council to include condition of consent as follows:

- (1) All fixtures capable of draining to the sewer system, including the overflow relief gully, are to be above the 1% AEP flood level and fully sealed; and
- (2) Any required termite controls are to be physical barriers only, and chemical barriers or termite protection systems are not to be used below the 1% AEP flood level.

Then continue to the next question.

If no, continue to the next question.

AEP refers to annual exceedance probability of flooding. Include conditions to minimise impact from development occurring within AEP.

The SCA opposes effluent management areas and any other part of an on site system being located in the floodway, and encourages all parts of on site systems to be located above the 1% AEP. If an EMA is located between these levels it should be a subsurface system. Tanks and active treatment components should be located above the 1% AEP.

2.11 Are proposed dwellings or building envelopes, and associated works located within 40 metres of a watercourse or waterbody?

This could involve discussions with the NSW Office of Water and SCA a controlled activity approval under the Water Management Act 2000 may be required from the NSW Office of Water if works are in or on waterfront land. Any new position is to be reflected clearly in the conditions of consent. NB: wastewater systems are expected to be located more than, 100 metres from watercourses or water supply reservoir, and 40 metres from drainage depressions, farm dams and waterbodies.

If yes, continue to the next question.


If no, go to **Q2.13**.

2.12 Can the proposed dwellings or building envelopes, and associated works be relocated within their lots to meet the watercourse or waterbody setback?

If yes, provide suitable alternative location(s), and then continue to the next question.

If no, either revise the proposal or lot layout (if a subdivision) and **return to Q2.01**, **OR** propose appropriate measures for managing the risk (including these in the WCMS) (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.13 Will more than 250 square metres of native trees and understorey vegetation be removed on the lot (or each proposed lot if a subdivision) including clearing for roads, dwelling access and Asset Protection Zones (APZ)?

 NB clearing of vegetation may require approval from Local Land Services under the *Native Vegetation Act 2003*. Clearing of Endangered Ecological Communities should not be undertaken at all.

If yes, continue to the next question.

If no, go to **Q2.15**.

2.14 Can the works (including for the APZ) be relocated to minimise vegetation clearing?

If yes, provide a suitable alternative location, and then continue to the next question.

If no, either revise proposal or lot layout (if a subdivision) and **return to Q2.01** **OR** include water quality impacts and offset measures in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.15 Do the soils in the area to be developed have a wide-spread salinity or sodicity risk?


If yes, continue to the next question.

If no, go to **Q2.17**.

2.16 Can the area to be developed be relocated to avoid the salinity or sodicity risk?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, **either** revise the lot layout (if a subdivision) and **return to Q2.01** **OR** appropriate measures for managing the salinity or sodicity risk must be included in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

 See the SCA's 'Developments in Sydney's drinking water catchments - water quality information requirements' (2015) for information on preparing a WCMS.

2.17 Do any of the proposed construction works associated with the development occur where more than 10% of the soils on the site are dispersive?

See dispersive soils in Section 3.2.6 of the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition*, Landcom, 2004).

If yes, appropriate measures for managing dispersive soils must be included in the conceptual SWMP (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, continue to the next question.

2.18 Are there any potentially contaminated sites on the lot (or proposed lots if a subdivision)?

For example livestock dips, rubbish tips, old industrial sites, fuels storage tanks, etc.

If yes, identify appropriate management measures in the WCMS consistent with the SCA's current recommended practices (otherwise **NorBE is not satisfied**). Then continue to the next question.

A list of SCA endorsed current recommended practices (CRPs) is available on the website www.sca.nsw.gov.au. For subdivisions, contaminated sites generally need to be decontaminated, remediated and then re evaluated.

If no, continue to the next question.

2.19 For the lot (or each lot in the case of a subdivision), are there any other site constraints that may impact on the proposed development?

Use site plans and aerial photography, and confirm through a site inspection. Examples of site constraints may include:

- rock outcrops
- nearby sensitive environments such as wetlands and National Parks
- shallow soils, scalding, high or low permeability soils
- gullying, highly erosive soils, existing erosion control works (including revegetation areas)
- existing developments, including dwellings, access tracks, quarries etc
- other developments that may have planning implications (eg rights of way, drainage or other easements, or infrastructure)
- stormwater run on from other sites (eg stormwater culverts under roads etc)
- existing or failing on site wastewater management system.

If yes, continue to the next question.

If no, go to **Q2.21**.

2.20 Does the proposal appropriately accommodate these other constraints?


If yes, continue to the next question.

If no, address these issues and revise proposal, then continue to the next question (otherwise **NorBE is not satisfied**).

The design should be consistent with the 'Water Sensitive Design Guide for Rural Residential Subdivisions' (SCA, 2011), or justification provided for alternative measures for addressing these constraints.


Standard Wastewater Questions:

These are applicable for each lot if a subdivision is proposed.

 If the proposal is a 'paper' subdivision, and no on site systems are proposed, the answer to some of the following questions will be 'not applicable'.

2.21 Does the application include a swimming pool?

If yes, council to apply conditions that backwash water is not to be disposed of to the wastewater system, or within 40 metres of a dam, waterbody, roadside drains or swales, or drainage depression, 100 metres of a watercourse or water supply reservoir, or upslope or within an EMA. Then continue to the next question.

 Within established village areas where these buffer distances cannot be achieved on a lot, the buffer distance must instead be maximised.
See 'Reuse and Recycling of Swimming Pool Backwash Water' by NSW Health <http://www.health.nsw.gov.au/environment/factsheets/Pages/swimming-pool-ackwash.aspx>.


If no or not applicable, go to the next question.

2.22 Does the application include other elements such as dwellings and on-site wastewater systems (in addition to a swimming pool)?

If yes, continue to the next question.

If no, **NorBE is satisfied**.

2.23 Is the proposed wastewater system a pump-out?

 Pump out systems are not sustainable and are often the worst performing as a result of misuse or poor practices.

If yes, continue to the next question.

If no, or not applicable, continue to **Q2.25**.


2.24 Is the pump-out system in an area that is proposed to be connected to a reticulated sewer in the near future?

If yes, council to apply conditions and continue to the next question.

If no, **NorBE is not satisfied**.

2.25 Is the use of the wastewater system intermittent (eg holiday cottage)?

If yes, applicant to choose a system that is appropriate for intermittent loading (otherwise **NorBE is not satisfied**) - then continue to the next question.

 For example, a septic tank is suitable for intermittent loading whereas an aerated wastewater treatment system (AWTS) is generally not.

If no, continue to the next question.

Lot size:

2.26 Is the lot size less than 2,000 square metres?

? 2,000 m² is considered the minimum whereby a dwelling with setbacks and a suitable EMA with setbacks and buffers may be located on a lot. However, there is no guarantee that 2,000 m² will be adequate, especially if the site is steep, or the soils are highly permeable or there are extensive rock outcrops.

If yes, surface irrigation is not suitable and a suitable small footprint effluent disposal system must be proposed (otherwise **NorBE is not satisfied**). Then continue to the next question.

? Effluent irrigation may not be possible at all and a small footprint system will be required (eg an amended soil mound, a sand mound or absorption systems). A specific wastewater treatment and disposal system will be reflected in a covenant on the title for constrained sites.

If no, continue to the next question.

Slope:

2.27 Is the slope of the EMA more than 7% (4°)?

If yes, surface irrigation and amended soil mound systems are not suitable – an alternative system must be used (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, go to **Q2.30**.

2.28 Is the slope of the EMA more than 20% (11.4°)?

If yes, continue to the next question.

If no, go to **Q2.30**.

2.29 Can the proposed EMA be moved to avoid the slope of more than 20% (11.4°)?

If yes, a suitable alternative location(s) to be provided, then continue to the next question.

If no, **NorBE is not satisfied**.


Climate:

2.30 Is the site located in an area with more than 1,200 millimetres annual average rainfall?

If yes, surface irrigation is not suitable (and **NorBE is not satisfied**). If sub-surface irrigation is proposed, a water balance calculation should be undertaken, and wet weather storage may be required. If such requirements for a sub-surface irrigation system are met or a non-irrigation disposal system is proposed, then continue to the next question.

If no, continue to the next question.

2.31 Is the site subject to severe and prolonged frosts?


 Some councils may require this as a standard policy. Areas of severe frost are defined as those where the overnight minimum air temperatures (Stephenson screen) are regularly below 3°C, corresponding to a ground temperature of approximately 5°C. Note that frost hollows and areas of cold air drainage may result in localised areas where frost is more severe than indicated by temperature records for the region.

If yes, winter surface irrigation is not suitable, and subsurface irrigation or a hybrid winter/summer system may be required (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, or not applicable, continue to the next question.

Soils:


2.32 Does the soil information provided in the consultant's report for the (potential) EMA generally match observations in the field and SCA soils database?

 This could relate to the accuracy of the soil landscape / facet boundaries or inaccurate soil description. Where significant discrepancies remain between the consultant's advice in relation to wastewater and information from the databases or site specific information (eg soils), discuss with the consultant or seek advice from the SCA.

If yes, continue to the next question.

If no, seek clarification and amend report, and then continue to the next question.

2.33 Do the salinity, sodicity or dispersion characteristics of the soil pose major limitations for effluent disposal, as identified in Table 6 of the 'Silver Book' (more than 8 dS/m salinity; more than 10% ESP, and Emerson Aggregate Test Class 1)?

 'Environment and Health Protection Guidelines - On site Sewage Management for Single Households', Department of Local Government, 1998 (*errata*).

If yes, continue to the next question.

If no, go to **Q2.35**.

2.34 Can the proposed EMA(s) be relocated to avoid areas where these soil constraints are not present?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, revise lot layout (if a subdivision) and **return to Q2.01 OR** propose suitable management measures (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.35 Is the soil depth for the EMA less than 0.25 metres?

If yes, continue to the next question.


If no, go to **Q2.37**.

2.36 Can the EMA be moved to avoid the area where the soil depth is greater than 0.25 metres, or can a mound system be negotiated?

If yes, provide a suitable alternative location with a soil depth of more than 0.25 m **OR** a mound system, and then continue to the next question (otherwise **NorBE is not satisfied**).

If no, **NorBE is not satisfied**.


2.37 Is the soil depth less than 0.75 metres or is the dominant soil type a medium or heavy clay?

 The 'C' horizon is not to be included in calculating the soil depth. Refer to AS/NZS1547:2012 'On site domestic wastewater management', Standards Australia, 2012. Where an absorption trench or bed is proposed on medium or heavy clay, a design that includes special design criteria, such as soil modification and soil permeability testing, may be accepted.

If yes to **either**, absorption trenches or beds are not suitable (noting special design requirements may be accepted for such systems on medium to heavy clays deeper than 0.75 metres), and an alternative system will need to be used for effluent disposal (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no to **both**, continue to the next question.

2.38 Is the soil depth less than 0.75 metres or is the dominant soil type a gravel, sand or sandy loam?


 The 'C' horizon is not to be included in calculating the soil depth. Refer to AS/NZS1547:2012 'On site domestic wastewater management', Standards Australia, 2012.

If yes to **either**, ETA systems are not suitable and an alternative system will need to be used for effluent disposal (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no to **both**, continue to the next question.

Design Wastewater Loading:

2.39 Is the design wastewater loading in the consultant's report consistent with the SCA's requirements of loading determined per number of potential bedrooms and tank or reticulated/bore water supply?

 If the proposed system involves the augmentation of an existing system, all potential bedrooms must be included. Where a separate dwelling is proposed to be connected to an existing system, the design wastewater loading must be considered separately for each dwelling (in such a case, the design loading rate should *not* be based on the total potential bedrooms in both dwellings).

Design wastewater loading per potential bedroom	Reticulated/Bore Water	Tank Water
1-2 potential bedrooms	600 L/d	400 L/d
3 potential bedrooms	900 L/d	600 L/d
4 potential bedrooms	1200 L/d	800 L/d
More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom

If yes, continue to the next question.


If no, determine appropriate design wastewater loading using the appropriate values from table for further assessment, then continue to the next question.

2.40 Is the system a greywater system?

If yes, the greywater loading should be taken as 65% of the appropriate design wastewater loading. Then continue to the next question.

If no, continue to the next question.

2.41 Are the effluent design loading rates (DLR) or design irrigation rates (DIR) used in the consultant's report consistent with the values for the identified soil description (texture and structure) as per AS/NZS1547:2012?

 AS/NZS1547:2012 'On site domestic wastewater management'. For septic tanks and absorption trenches/beds, use conservative DLRs from relevant tables. Also, use the conservative values for DLR/DIR where the soil structure is not indicated.

If yes, continue to the next question.


If no, use correct values as per AS/NZS1547:2012, then continue to the next question.

2.42 Is a spa bath proposed?

If yes, add a minimum of 500 litres to the required design volume of the septic tank, then continue to the next question.

If no, or not applicable (including AWTS), continue to the next question.


2.43 Is the septic tank or aerated wastewater treatment system sized in accordance with the design wastewater load?

 For septic tanks, see Table J1 in AS/NZS1547:2012 (Note: the tank size should be based on flow, not number of bedrooms or equivalent persons, and must have a minimum volume of 3,000 litres); for AWTS capacity see NSW Health licence conditions.

If yes, continue to the next question.

If no, specify larger (correct) size (otherwise **NorBE not satisfied**), then continue to the next question.

2.44 If the wastewater system involves absorption trenches or beds, are they correctly sized according to the appropriate SCA design wastewater load and DLR as per AS/NZS1547:2012?

 See Table 5.2 in AS/NZS1547:2012 (Note: the calculated absorption base area is in square metres and the trench width (typically 0.6 m) must be used to determine trench length), based on field soil and texture data.

If yes, or not applicable, continue to the next question.

If no, determine the revised size of absorption trenches or beds, based on the correct design wastewater load, (otherwise **NorBE is not satisfied**), and then continue to the next question.

2.45 If the wastewater system involves irrigation, is it correctly sized according to the appropriate SCA design wastewater load and DIR as per AS/NZS1547:2012, and the nutrient and water balance methodology as per 'Silver Book'?

See Table M1 in AS/NZS1547:2012 'On site domestic wastewater management and Environment and Health Protection Guidelines - On site Sewage Management for Single Households', Department of Local Government, 1998 (the 'Silver Book'). Note: phosphorus sorption values should be preferably based on site specific information, or GIS values from the SCA's Soils Database. The default value used in the 'Silver Book' must not be used.

If yes, or not applicable, continue to the next question.

If no, the revised size of the irrigation area must be determined, based on the correct design wastewater load, DIR and nutrient and water balance methodology (otherwise **NorBE is not satisfied**), and then continue to the next question.

2.46 If the wastewater system involves a sand mound, is it correctly sized according to Converse and Tyler 2000?

Reference: Converse JC and Tyler EJ, 'Wisconsin Mound Soil Absorption System: Siting Design and Construction Manual', University of Wisconsin Madison, 2000. Note: applying the DLRs in Table N1 of the AS/NZS1547:2012 are not appropriate for the sizing of mounds.

If yes, or not applicable, continue to the next question.

If no, the consultant must determine the correct size of the sand mound (otherwise **NorBE is not satisfied**), and then continue to the next question.

2.47 If the wastewater system involves an amended soil mound, is it sized correctly according to the relevant design wastewater loading and DLR for the limiting soil layer as per AS/NZS1547:2012?

AS/NZS1547:2012 'On site domestic wastewater management'.

If yes, or not applicable, continue to the next question.

If no, ensure the supplier has sized the mound correctly (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.48 Does the wastewater system involve a dry composting toilet?

The manufacturer often specifies the dimensions required for the absorption trench. Note that a greywater system will also be required. The minimum trench size is five metres in length, and the compost must be buried at a minimum depth of 150 mm and consistent with the SCA's buffer requirements.

If yes, then a small absorption trench is required (unless the system incorporates a liquid evaporation system) (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, then continue to the next question.

Groundwater:

2.49 Are any water bores licensed for domestic water supply located within 100 metres of the proposed EMA?

Refer Table 2.4 in 'Designing and Installing On Site Wastewater Systems' (SCA, 2012a)

If yes, then continue to the next question.

If no, continue to **Q2.51**.

2.50 Can the EMA be relocated outside the 100 metre buffer?

If yes, revise location of proposed EMA. Then continue to the next question.

If no, undertake bore draw-down zone analysis (eg using Cromer et al, 2001) to demonstrate that effluent will not be drawn into the groundwater draw-down zone (and include in WCMS) and continue to the next question (otherwise **NorBE is not satisfied**).

'An Improved Viral Die Off Method for Estimating Setback Distances'. Cromer WC, Gardner EA and Beavers PD (2001) Proceedings of On site '01 Conference: Advancing On site Wastewater Systems. University of New England Armidale, 15 27 September 2001.

General:

2.51 Are there other potential problems with the wastewater system as proposed?

For example, insufficient head for gravity systems (ie system higher than house) or long separation between dwelling and tank, or tank and disposal area, or where a system requiring continuous power is proposed eg AWTS and there is no mains power. For domestic wastewater systems, the SCA considers 1:40 for a length of 60 metres to be the minimum gradient for untreated effluent gravity systems, and also that solar power is not suitable for AWTS. Refer to Table 2.5 of the SCA's 'Designing and Installing On Site Wastewater Systems' (SCA, 2012a) for further information.

If yes, consultant and/or proponent to address, (otherwise **NorBE is not satisfied**), then continue to the next question.

If no, continue to the next question.

Existing Systems:

2.52 Are there any existing wastewater systems on the lot (or lots in the case of a subdivision)?

These must be subject to wastewater effluent modelling to ensure the effluent plume does not move off the proposed lot containing the existing system. Where an effluent disposal system is failing, a suitable upgraded system should be proposed. If an effluent plume crosses the proposed boundary or enters the drainage system, then a new (complying) system must be proposed.

If yes, all existing wastewater systems including EMAs must be identified in the WCMS and must be wholly contained in the proposed lot with the dwelling. Then continue to the next question.

If no, continue to the next question.

Buffer Distances:

2.53 Does the proposed EMA (on all lots if a subdivision) meet the SCA's buffer distances:

- **40 metres for a drainage depression or farm dam**
- **100 metres for a watercourse or water supply reservoir**

ⓘ Overland flow path is the direction in which any effluent would actually flow. If relocated to a substantially different area, new soil information may be needed. Soil questions **Q2.32 – 2.38** will need to be re-addressed. Any revised location needs to be specified clearly in the conditions of consent. For a watercourse, the buffer distance is to be measured from the top bank of the watercourse.

If yes, continue to the next question.

If no, provide an alternative location(s) that meets the SCA's buffer requirements (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.54 Does the EMA meet the SCA's setback requirements and any other council setback requirements from buildings, boundaries and swimming pools?

ⓘ Refer to Table 2.4 in 'Designing and Installing On Site Wastewater Systems' (SCA, 2012a). The distance is the overland flow path is the direction in which any effluent would actually flow.

If yes, go to **Q2.56**.

If no, continue to the next question.

2.55 Can the EMA be readily moved *nearby* to meet these setbacks?

If yes, provide an alternative location and amend plans/reports or provide a small footprint system that meets these requirements (eg a mound, absorption systems or amended soil system). New soils information may be required. Questions **Q2.32 – 2.38** will need to be re-addressed, and the new location specified clearly by councils in the conditions of consent. Then continue to the next question.

If no, **NorBE is not satisfied**.

Roads/Rights-of-way/Dwelling Access:

2.56 Can all works, including drainage infrastructure, be wholly contained within the road reserve or right-of-way, or are there suitably defined easements?

ⓘ Note: it is highly unlikely that a typical 20 m wide road reserve in undulating country will be wide enough to contain these works.

If yes, continue to the next question.

If no, redesign and/or create easements (otherwise **NorBE is not satisfied**), and then continue to the next question.

2.57 Does any (new) subdivision road and right-of-way, dwelling or dwelling access require significant cut and fill because of slope?

ⓘ For the purpose of defining 'significant', three metres cut and fill is to be used as the upper acceptable limit.

If yes, continue to the next question.

If no, go to **Q2.59**.

2.58 Can the subdivision road, right-of-way, dwelling or dwelling access be relocated to minimise cut and fill?

If yes, revise the location of the road / right-of-way / dwelling access, and then continue to the next question.

There is a trade off between excessively steep roads / rights of way and those that largely follow cut and fill – this involves a judgement call. Refer to the SCA's endorsed current recommended practices for advice.

If no, special design measures will be required and must be included in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

2.59 Is the subdivision road, right-of-way, dwelling or dwelling access (other than crossings and approaches) located within 40 metres of a natural watercourse or waterbody?

If yes, continue to the next question.

If no, go to **Q2.61**.

2.60 Can the subdivision road, right-of-way or dwelling access be relocated to meet the watercourse or waterbody setback?

If yes, provide a suitable alternative location(s) then continue to the next question.

If no, special design and/or soil and water measures for managing the water quality risk must be included in the WCMS before continuing to the next question (otherwise **NorBE is not satisfied**).

Refer to the SCA's endorsed current recommended practices for advice.

2.61 Does the subdivision road, right-of-way or dwelling access require the crossing, piping, diverting or channelisation of any watercourse or drainage depression or gully?

If yes, continue to the next question.

If no, go to **Q2.63**.

2.62 Can the subdivision road, right-of-way or dwelling access be relocated to avoid the crossing, piping, diverting or channelisation of any watercourse or drainage depression or gully?

If yes, provide a suitable alternative location(s), then continue to the next question.

If no, special design and/or appropriate soil and water measures for managing the water quality risk must be included in the WCMS before continuing to the next question (otherwise **NorBE is not satisfied**).

Suitable management measures or construction requirements could include sharing crossings, a concrete causeway, or a box culvert crossing consistent with the SCA's current recommended practices. Any crossing may also require a controlled activity approval under the *Water Management Act 2000*. Any new position or management measures or construction requirements are to be addressed in the WCMS. See the SCA's 'Developments in Sydney's drinking water catchments water quality information requirements' (2015) for information on preparing a WCMS, and other SCA's endorsed current recommended practices for advice.

2.63 Can any dwelling access and right-of-way be reasonably shared?

☐ In those cases where the impervious area is more than 2,500 square metres, a complying MUSIC model must be provided with the development application for the SCA's concurrence.

If yes, include details in WCMS, then continue to the next question.

If no, continue to the next question.

2.64 Can the majority of each proposed lot be accessed without the need for crossing any steep watercourses and gullies?

If yes, or not applicable continue to the next question.

If no, revise the lot layout consistent with the SCA's 'Water Sensitive Design Guide for Rural Residential Subdivisions', **then go back to Q2.01 (otherwise NorBE is not satisfied)**.

S3QM /MUSIC stormwater questions relating to development risks:

☐ In those cases where the impervious area is more than 2,500 square metres, a complying MUSIC model must be provided with the development application for the SCA's concurrence.

2.65 Has a small scale stormwater quality model (S3QM) certificate been provided (this is currently not a requirement)?

If yes, continue to next question.

*If no, a certificate is required before proceeding (otherwise **NorBE is not satisfied**).*

2.66 Does the certificate from the small scale stormwater quality model (S3QM):

- **show consistency with the proposed development, and**
- **indicate that NorBE has been achieved for stormwater, and**
- **certify that measures are suitably located to ensure stormwater capture?**

*If yes to **all**, continue to the next question.*

*If no to **any**, a valid certificate that addresses all the above matters is required, and then continue to the next question (otherwise **NorBE is not satisfied**).*

☐ An S3QM certificate is required to indicate that NorBE is achieved for stormwater and a plan showing that proposed management measures are in a suitable location and can be practically implemented.

2.67 If required, can the stormwater measures be practically implemented on the ground without overlap of any existing or proposed EMA?

☐ Any overlap of the stormwater management measures with the EMA will cause increased saturation of the soil and increase the size of the plume from the EMA, and premature failure of the EMA.

If yes, apply requirements identified in the model and continue to the next question.

If no, move the stormwater measures so that there is no overlap with an existing or proposed EMA or **NorBE is not satisfied**.

2.68 Have the responsibilities for the ongoing management of the stormwater management measures been clearly identified in the WCMS?

ⓘ This should form part of a subsequent operational environmental management plan. Water quality infrastructure management responsibilities should be clearly articulated and practical, and may be placed on a council, a community scheme, businesses or individuals.

If yes, then continue to the next question.

If no, address in the WCMS, otherwise **NorBE is not satisfied**.

WEM Evaluation

ACTION: Enter proposed wastewater system data, soils information and locations into WEM for the lot (or each lot in the case of a subdivision). The collective answers for Q2.69 – 2.71 are for all lots.

2.69 Does the modelled effluent plume cross the proposed lot boundary or intersect with a watercourse, waterbody or drainage depression?

If yes, continue to the next question.

If no, **NorBE is satisfied**.

ⓘ If the plume length is greater than 250 metres, it is considered that NorBE is *not* satisfied.

2.70 Can the EMA be relocated nearby the proposed site (using the WEM model) to avoid a plume that intersects a watercourse, waterbody, drainage depression or property boundary?

ⓘ Such revised locations may require new soil information, and soil questions Q2.32 2.38 will need to be re addressed.

If yes, **NorBE is satisfied**.

If no, continue to the next question.

2.71 Can an alternative wastewater treatment and disposal system be considered?

If yes, re-run WEM (and go back to Q2.69). Any specific system must be identified in the WCMS.

ⓘ A specific wastewater treatment and disposal system will be reflected in a covenant on the title for constrained sites. Such alternative systems may require new soil and other constraint information, and questions Q2.32 2.38 will need to be re addressed.

If no, **NorBE is not satisfied**.

ACTION FOR COUNCIL: Prepare conditions of consent.

END

MODULE 3

Module 3 developments typically involve a seweraged urban subdivision that may or may not involve the construction of dwellings. Module 3 addresses standard stormwater site risks such as soils and slope, development risks, standard sewerage questions, MUSIC model evaluation (except where the total proposed impervious area is less than 2,500 square metres in which case an S3QM model can be used), and site inspection queries. For the purposes of this module, subdivision refers to lot layout and any proposed construction required by the development application. Any proposed roads and/or rights-of-way and/or dwelling accesses are referred to in this Module as associated works, and include associated drainage works.

All applications must be consistent with the following current recommended practices and performance standards (includes but not limited to):

- 'Developments in Sydney's Drinking Water Catchments – Water Quality Information Requirements' (SCA, 2015)
- 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b)
- 'Managing Urban Stormwater: Soils and Construction Vol.s 1 & 2' ('Blue Book'; Landcom, 2004 and DECCW, 2008).


Staging: The consultant must check with the developer whether the development is to be staged – NorBE must be satisfied **for all stages** of the development. Also, any staging must be included in the development application (DA). Assessment cannot be undertaken for notional proposed staging that is not included in the DA.

PROCESS:

First answer Questions 1–7 in the Pre-Assessment Checklist above. Then continue at Q3.01 below.

Generic Subdivision Questions


3.01 Is the subdivision layout and lot numbering consistent throughout all reports?

 Often reports are based on earlier versions of the subdivision where lot layout and numbering are different from that submitted.

If yes, continue to the next question.

If no, ensure lot layout and numbering is consistent before continuing to the next question.

3.02 Is the development staged?


 The consultant must check with the developer whether the development is to be staged. NB: NorBE must be satisfied **for all stages** of the development. Also, any staging must be included in the development application (DA). Assessment cannot be undertaken for notional proposed staging that is not included in the DA. Some developments may require major water quality devices to be installed in the early stages of development in order to meet NorBE for the development proposal as a whole.

If yes, a separate NorBE assessment must be completed for **all stages** of the subdivision before continuing to the next question.

If no, continue to the next question.

Standard Stormwater and Development Site Risks

3.03 Does any area to be developed (including any proposed roads, rights-of-way, dwelling access or building envelopes) occur in areas where the slope is greater than 20% (11.4°)?

 The SCA strongly discourages development on sites with slopes greater than 20% because of the amount of cut and fill involved and the potential for erosion, unless the development is a low impact development specifically designed for the slope, such as a pole house, and/or incorporates long term ground stabilisation techniques for steep disturbed areas.

If yes, continue to the next question.

If no, go to **Q3.08**.


3.04 Can the area to be developed be relocated to avoid the slope of 20% (11.4°)?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, either revise lot layout and return to **Q3.01** **OR** provide appropriate construction erosion and sediment control and post-construction stormwater quality management methods in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

3.05 Does the area to be developed have a slope greater than 32% (18°)?

If yes, it may be State Protected Land (see the *Native Vegetation Act 2003*), then continue to the next question.

 See your Local Land Services agency for information regarding State Protected Land.

If no, go to **Q3.07**.

3.06 Can the area to be developed be relocated to avoid the slope of 32% (18°)?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, **NorBE is not satisfied**.

3.07 Is any area to be disturbed in relation to the development proposal (including any proposed roads, access ways, rights-of-way or building envelopes) within a 1% annual exceedance probability (AEP) flood level or flood prone areas associated with watercourses and drainage depressions?

If yes, continue to next question.

If no, go to **Q3.09**.

3.08 Can the area to be disturbed in relation to the development proposal be relocated to avoid the 1% AEP flood level?

If yes, provide a suitable alternative location, and then continue to next question.

If no, either revise lot layout and return to **Q3.01** **OR** provide construction and management measures for development in the 1% AEP flood level (otherwise **NorBE is not satisfied**). Then continue to the next question.

3.09 Is rainfall erosivity greater than or equal to 4,000 mm/ha/hr/year?

If yes, ensure this is addressed in the conceptual soil and water management plan (SWMP) before continuing to the next question (otherwise **NorBE is not satisfied**).

If no, continue to the next question.

3.10 Do any of the proposed construction works associated with the development occur where more than 10% of the soils on the site are dispersive?

See dispersive soils in Section 3.2.6 of the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition*, Landcom, 2004).

If yes, appropriate measures for managing dispersive soils must be included in the conceptual SWMP (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, continue to the next question.

3.11 Do the soils in the area to be developed have a wide-spread salinity risk?

If yes, continue to the next question.

If no, go to **Q3.13**.

3.12 Can the area to be developed be relocated to avoid the salinity risk?

If yes, provide suitable alternative location(s), and then continue to the next question.

If no, either revise lot layout and return to **Q3.01** OR appropriate measures for managing the salinity risk must be included in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

See the SCA's 'Developments in Sydney's drinking water catchments - water quality information requirements' (2015) for information on preparing a WCMS.

3.13 Is more than 80% of the total site area to be disturbed?

If yes, ensure there is sufficient spare land available to manage sediment and site run-off during the construction phase. This must be addressed in the conceptual SWMP (otherwise **NorBE is not satisfied**). Then continue to the next question.

SWMP to be consistent with Chapter 2 of *Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition*. Landcom, 2004.

If no, continue to the next question.

3.14 Does any (new) subdivision road and right-of-way, dwelling or dwelling access require significant cut and fill because of slope?


For the purpose of defining 'significant', three metres cut and fill is to be used as the upper acceptable limit.

If yes, continue to the next question.

If no, go to **Q3.16**.


3.15 Can the subdivision road, right-of-way, dwelling or dwelling access be relocated to minimise cut and fill?

If yes, revise the location of the road / right-of-way / dwelling access, and then continue to the next question.

 There is a trade off between excessively steep roads / rights of way and those that largely follow cut and fill – this involves a judgement call. Refer to the SCA's endorsed current recommended practices for advice.

If no, special design measures will be required and must be included in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

3.16 Are proposed building envelopes or any associated works (other than crossings and approaches) located within 40 metres of a natural watercourse or waterbody?

 This could involve discussions with the NSW Office of Water and SCA – a controlled activity approval under the Water Management Act 2000 may be required from the NSW Office of Water if works are in or on waterfront land. Any new position is to be reflected clearly in the conditions of consent. NB: wastewater systems are expected to be located more than, 100 metres from watercourses or water supply reservoir, and 40 metres from drainage depressions, farm dams and waterbodies.

If yes, continue to the next question.


If no, go to **Q3.18**.

3.17 Can the proposed building envelopes or associated works be relocated within their lots to meet the watercourse or waterbody setback?

If yes, provide suitable alternative location(s), and then continue to the next question.

If no, either revise lot layout and return to **Q3.01 OR** include appropriate measures for managing water quality impacts during construction and operational phases of the development in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

3.18 Is a watercourse to be crossed, piped, diverted or channelised?

 This is primarily watercourses mapped under the drainage network layer provided by Land and Property Information (LPI, part of the NSW Department of Finance & Services). However, this may also include unmapped watercourses or gullies.

If yes, continue to the next question.

If no, go to **Q3.20**.

3.19 Can the works be relocated or redesigned to avoid the need for crossing, piping, diverting or channelising the watercourse?

If yes, provide a suitable alternative location(s) or modify design for the proposed works relating to the watercourse. Then continue to the next question.

If no, either revise lot layout and return to **Q3.01 OR** appropriate measures for managing the water quality risk must be included in the WCMS before continuing to the next question (otherwise **NorBE is not satisfied**).

? Suitable management measures or construction requirements could include sharing crossings, a concrete causeway, or a box culvert crossing consistent with the SCA's current recommended practices. Any crossing will also need to include 50 metres of sealing on *each side* (where practicable). Any crossing may also require a controlled activity approval under the *Water Management Act 2000*. Any new position or management measures or construction requirements are to be addressed in the WCMS. See the SCA's 'Developments in Sydney's drinking water catchments water quality information requirements' (2015) for information on preparing a WCMS. Advice may be sought from the SCA on the adequacy or suitability of such measures.

3.20 Can the majority of each proposed lot be accessed without the need for crossing any steep watercourses and gullies?

If yes, or not applicable continue to the next question.

If no, revise the lot layout, **then go back to Q3.01 OR** ensure appropriate management measures are included in the WCMS consistent with the SCA's current recommended practices (otherwise **NorBE is not satisfied**).

3.21 Will more than 250 square metres of native trees and understorey vegetation be removed on each proposed lot (including clearing for Asset Protection Zones (APZ))?

? NB clearing of vegetation may require approval from Local Land Services under the *Native Vegetation Act 2003*. Clearing of Endangered Ecological Communities should not be undertaken at all.

If yes, continue to the next question.

If no, go to **Q3.23**.

3.22 Can the works (including for the APZ) be relocated to minimise vegetation clearing?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, either revise lot layout and go to **Q3.01 OR** include water quality impacts and offset measures in the MUSIC model (otherwise **NorBE is not satisfied**). Then continue to the next question.

3.23 Are there any potentially contaminated sites on any of the proposed lots?

? For example livestock dips, rubbish tips, old industrial sites, fuels storage tanks and service stations.

If yes, ensure appropriate management measures are included in the WCMS consistent with the SCA's current recommended practices (otherwise **NorBE is not satisfied**). Then continue to the next question.

? A list of SCA endorsed current recommended practices (CRPs) is available on the website www.sca.nsw.gov.au. For subdivisions, contaminated sites generally need to be decontaminated, remediated and then re evaluated.

If no, continue to the next question.

3.24 For each lot and the proposed subdivision as a whole, are there any other site constraints that may impact on the proposed development?

❓ Use site plans and aerial photography, and confirm through a site inspection. Examples of site constraints may include:
nearby sensitive environments such as wetlands and National Parks
previous development
other developments that may have planning implications (eg rights of way, drainage or other easements, or infrastructure)
stormwater run on from other sites (eg stormwater outlets under roads etc).

If yes, continue to the next question.

If no, go to **Q3.26**.

3.25 Does the subdivision design appropriately accommodate these constraints?

If yes, continue to the next question.

If no, address these issues and revise design and return to **Q3.01** (otherwise **NorBE is not satisfied**).

❓ The design should be consistent with the SCA's endorsed current recommended practices and performance standards (see the SCA's website at www.sca.nsw.gov.au).

Standard Sewerage Risks

3.26 Does any new sewerage infrastructure involve a pump station?

If yes, continue to the next question.

If no, go to **Q.3.28**.

3.27 Does the sewage pump station have the following:

- the capacity to deal with peak wet weather flow (PWWF) including an emergency containment of 12 hours average dry weather flow (>3 hours PWWF)
- an emergency power supply
- standby pumps?

❓ Design details must also consider the pump station location in relation to flood levels. Electrical switchgear and access points need to be located above 1:100 year flood level, and a back to base alarm system should be incorporated.

If yes for **all**, continue to the next question.

If no for **any** of these, provide design details and then continue to the next question (otherwise **NorBE is not satisfied**).

3.28 Do the sewer mains have sufficient capacity to deal with a 1:20 year stormwater surcharge?

If yes, continue to the next question.

If no, provide design upgrade details and then continue to the next question (otherwise **NorBE is not satisfied**).

3.29 Is the existing sewerage system (pump stations, sewer mains, etc) capable of handling the increased sewage loading at all stages of the development?

☐ Confirm with council engineering department.

If yes, include confirmation in WCMS and continue to the next question.

If no, provide upgrade details and then continue to the next question (otherwise **NorBE is not satisfied**).

3.30 Is the sewage treatment plant including effluent management capable of handling increased sewage loads generated by the proposed development at all stages whilst maintaining effluent quality at the required standard?

☐ Confirm with council engineering department. The required standard must be consistent with the STP's conditions of consent and Environment Protection License.

If yes, continue to the next question.

If no, provide treatment and discharge or upgrade details that ensure water quality outcomes (otherwise **NorBE is not satisfied**). If details are provided, continue to the next question.

S3QM / MUSIC questions relating to development risks

☐ Refer to the SCA's performance standard 'Using MUSIC in Sydney's Drinking Water Catchment (SCA, 2012b). If the impervious area is less than 2,500 square metres, an S3QM must be prepared to answer the following questions accordingly.

3.31 Are there any areas on the site that can provide opportunities for remediation or protection to offset stormwater quality impacts to ensure NorBE is satisfied?

☐ For example, areas of erosion, salinity affected areas, erosion control works, riparian zones and native vegetation.

If yes, incorporate into the subdivision design, ensure agreement by the developer and council, and address in the WCMS. Then continue to the next question.

☐ See the SCA's 'Developments in Sydney's drinking water catchments water quality information requirements' (2015) for information on preparing a WCMS.

If no, continue to the next question (this implies a satisfactory proposal has already been prepared).

3.32 Is the model and associated report consistent with the SCA's performance standard 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b)?

If yes, include a statement to this effect in the WCMS, continue to the next question.

If no, **NorBE is not satisfied**.

☐ If not, the model and associated report are to be amended to be consistent with the performance standard, then continue to the next question. For the S3QM the model must be consistent with the thresholds.

3.33 Does the model indicate at least a 10% 'improvement' in pollutant loads for total suspended solids, total phosphorus and total nitrogen?

ⓘ This is required because of the uncertainty of the model predictions and to ensure NorBE is satisfied.

If yes, continue to the next question.

If no, **NorBE is not satisfied**.

ⓘ If not, the model and associated report are to be amended to indicate a 10% 'improvement', continue to the next question.

3.34 Are the post-development cumulative probability pollutant concentration curves for total phosphorus and total nitrogen between the 50th and 98th percentiles equal to or less than the pre-development curves?

If yes, continue to the next question.

If no, **NorBE is not satisfied**.

ⓘ This is for non zero flows, as indicated in the SCA's 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b). If not, the model and associated report are amended to ensure consistency with this requirements, then continue to the next question.

3.35 Do the proposed stormwater management measures have appropriate discharge points that are not likely to lead to other water quality problems such as erosion?

ⓘ Discharge points into drainage depressions and watercourses should be armoured or reinforced as appropriate, and consistent with the 'Blue Book Vol.1' and relevant guidelines from the NSW Office of Water.

If yes, continue to the next question.

If no, redesign to address issues and include details in the WCMS (otherwise **NorBE is not satisfied**) then continue to the next question.

Final evaluation

3.36 Are the responsibilities for the ongoing management of the stormwater management measures clearly identified in the WCMS?

ⓘ This should form part of a subsequent operational environmental management plan. Water quality infrastructure management responsibilities should be clearly articulated and practical, and may be placed on a council, a community scheme, businesses or individuals.

If yes, then **NorBE is satisfied** (and the application must be forwarded to the council for consent. This will also require the SCA's concurrence).

If no, address in the WCMS, otherwise **NorBE is not satisfied**.

ACTIONS FOR COUNCIL:

- ***Ensure a site inspection has been undertaken***
- ***Prepare conditions of consent.***

END

MODULE 4

Module 4 developments typically involve a rural subdivision with on-site wastewater disposal that may or may not involve the construction of dwellings. This module addresses standard stormwater site risks such as soils and slope, development risks, MUSIC model evaluation (except where the total proposed impervious area is less than 2,500 square metres in which case an S3QM model can be used) and site inspection queries as for Module 3, with the addition of the consideration of standard wastewater questions, and subdivision layout issues such as roads/rights-of-way, and dwelling and internal access issues. For the purposes of this module, subdivision refers to lot layout and any proposed construction required by the development application. Also, assumptions are based on a wastewater volume calculated for a four bedroom house.

All applications must be consistent with the following current recommended practices and performance standards (includes but not limited to):

- 'Developments in Sydney's Drinking Water Catchments – Water Quality Information Requirements' (SCA, 2015)
- 'AS/NZS1547:2012 On-site Domestic Wastewater Management' (Standards Australia, 2012)
- 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b)
- 'Water Sensitive Design Guide for Rural Residential Subdivisions' (SCA, 2011)
- 'Designing and Installing On-site Wastewater Systems' (SCA, 2012a)
- 'Managing Urban Stormwater: Soils and Construction Vol.s 1 & 2' ('Blue Book'; Landcom, 2004 and DECCW, 2008).


Staging: The consultant must check with the developer whether the development is to be staged – NorBE must be satisfied **for all stages** of the development. Also, any staging must be included in the development application (DA). Assessment cannot be undertaken for notional proposed staging that is not included in the DA. Also, a conceptual soil and water management plan (SWMP) must be prepared for the construction phase of each stage of the development.

PROCESS:

First answer Questions 1–7 in the Pre-Assessment Checklist above. Then continue at Q4.01 below.

Generic Subdivision questions:

4.01 Is the subdivision layout and lot numbering consistent throughout all reports?

 Often consultant's reports are based on earlier versions of the subdivision where lot layout and numbering are different from that submitted.

If yes, continue to the next question.

If no ensure lot layout and numbering is consistent before continuing to the next question.

4.02 Is the development staged?

❓ The consultant must check with the developer whether the development is to be staged. NB: NorBE must be satisfied for **all stages** of the development. Also, any staging must be included in the development application (DA). Assessment cannot be undertaken for notional proposed staging that is not included in the DA.

If yes, a separate NorBE assessment must be completed for **each stage** of the subdivision before continuing to the next question.

If no, continue to the next question.

Standard Stormwater and Development Site Risks

4.03 Does any of the area to be developed (*excluding* the effluent management area (EMA), but *including* any proposed roads, dwelling access, rights-of-way or building envelopes) occur in areas where the slope is greater than 20% (11.4°)?

❓ The SCA strongly discourages development on sites with slopes greater than 20% because of the amount of cut and fill involved and the potential for erosion, unless the development is a low impact development specifically designed for the slope, such as a pole house, and/or incorporates long term ground stabilisation techniques for steep disturbed areas.

If yes, continue to the next question.

If no, go to **Q4.08**.

4.04 Can the area to be developed be relocated to avoid the slope of 20% (11.4°)?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, either revise the lot layout to avoid steep slopes and **return to Q4.01 OR** provide appropriate construction erosion and sediment control and post-construction stormwater quality management methods in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.06 Does the area to be developed have a slope greater than 32% (18°)?

If yes it may be State Protected Land (see the *Native Vegetation Act 2003*). Continue to the next question.

❓ See your Local Land Services agency for information regarding State Protected Land.

If no, go to **Q4.08**.

4.07 Can the area to be developed be relocated to avoid the slope of 32% (18°)?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, **NorBE is not satisfied**.

4.08 Is any area to be disturbed in relation to the development proposal (*including* any proposed building envelopes, but *excluding* EMAs) located within a 1% annual exceedance probability (AEP) flood level or flood prone areas associated with watercourses and drainage depressions?

As much as practicable, roads and dwelling access should be above the 1% AEP flood level. Most councils require dwellings and access to dwellings to be located above the 1:100 flood level.

If yes, continue to the next question.

If no, go to **Q4.10**.

4.09 Can the area to be disturbed in relation to the development proposal be relocated to avoid the 1% AEP flood level?

If yes, provide a suitable alternative location, and then continue to the next question.

If no, either revise the lot layout to avoid 1% AEP flood level and **return to Q4.01 OR** provide construction and management measures for development in the 1% AEP flood level (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.10 Is rainfall erosivity greater or equal to 4,000 mm/ha/hr/year?

If yes, ensure this is addressed in the conceptual soil and water management plan (SWMP) before continuing to the next question (otherwise **NorBE is not satisfied**).

If no, continue to the next question.

4.11 Do any of the proposed construction works associated with the development occur where more than 10% of the soils are dispersive?

See Section 3.2.6 of the 'Blue Book' for information on dispersive soils ('Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004).

If yes, either appropriate measures for managing dispersive soils must be included in the conceptual SWMP (otherwise **NorBE is not satisfied**) **OR** the dispersive soils must be avoided. Then continue to the next question.

If no, continue to the next question.

4.12 Do the soils in the area to be developed have a wide-spread salinity or sodicity risk?

If yes, continue to the next question.

If no, go to **Q4.14**.

4.13 Can the area to be developed be relocated to avoid the salinity or sodicity risk?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, **either** revise the lot layout and **return to Q4.01 OR** appropriate measures for managing the salinity or sodicity risk must be included in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

See the SCA's 'Developments in Sydney's drinking water catchments - water quality information requirements' (2015) for information on preparing a WCMS.

4.14 Are any building envelopes and associated works (other than crossings and approaches) located within 40 metres of a natural watercourse or waterbody?

ⓘ This could involve discussions with the NSW Office of Water and SCA a controlled activity approval under the Water Management Act 2000 may be required from the NSW Office of Water if works are in or on waterfront land. Any new position is to be reflected clearly in the conditions of consent. NB: wastewater systems are expected to be located more than, 100 metres from watercourses or water supply reservoir, and 40 metres from drainage depressions, farm dams and waterbodies.

If yes, continue to the next question.

If no, or not applicable, continue to **Q4.16**.

4.15 Can the building envelopes and associated works be relocated within their lots to meet the watercourse or waterbody setback?

If yes, provide suitable alternative location(s), and then continue to the next question.

If no, revise the lot layout and **return to Q4.01**, **OR** propose appropriate measures for managing the risk (including these in the WCMS) (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.16 Will more than 250 square metres of native trees and understorey vegetation be removed on each proposed lot (including clearing for roads, dwelling access and Asset Protection Zones (APZ))?

ⓘ NB The 250 square metre threshold includes clearing of native trees and understorey vegetation on each proposed lot of a subdivision. Clearing of vegetation may require approval from Local Land Services under the *Native Vegetation Act 2003*. Clearing of Endangered Ecological Communities should not be undertaken at all.

If yes, continue to the next question.

If no, go to **Q4.18**.

4.17 Can the works (including for the APZ) be relocated to minimise vegetation clearing?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, either revise lot layout and **return to Q4.01**, **OR** include water quality impacts and offset measures in the MUSIC model and WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.18 Are there any potentially contaminated sites on any of the proposed lots?

ⓘ For example livestock dips, rubbish tips, old industrial sites, fuels storage tanks, etc.

If yes, ensure appropriate management measures are included in the WCMS consistent with the SCA's current recommended practices (otherwise **NorBE is not satisfied**). Then continue to the next question.

ⓘ A list of SCA endorsed current recommended practices (CRPs) is available on the website www.sca.nsw.gov.au. For subdivisions, contaminated sites generally need to be decontaminated, remediated and then re-evaluated.

If no, continue to the next question.

4.19 For each lot and the proposed subdivision as a whole, are there any other site constraints that may impact on the proposed development?

Use site plans and aerial photography, and confirm through a site inspection. Examples of site constraints may include:
rock outcrops
nearby sensitive environments such as wetlands and National Parks
gullying, highly erosive soils, existing erosion control works (including revegetation areas)
existing developments, including dwellings, access tracks, quarries etc
other developments that may have planning implications (eg rights of way, drainage or other easements, or infrastructure)
stormwater run on from other sites (eg stormwater culverts under roads etc)
existing or failing on site wastewater management system.

If yes, continue to the next question.

If no, go to **Q4.21**.

4.20 Does the subdivision design appropriately accommodate these constraints?

If yes, continue to the next question.

If no, address these issues in the ESCP/SWMP (and include this in the WCMS), revise the design and return to **Q4.01**, (otherwise **NorBE is not satisfied**).

The design should be consistent with the 'Water Sensitive Design Guide for Rural Residential Subdivisions' (SCA, 2011), or justification provided for alternative measures for addressing these constraints.

Standard Wastewater Questions

Slope:

4.21 Are the slopes for any of the (potential) proposed EMAs on any lot more than 7% (4°)?

If yes, surface irrigation and amended soil mound systems are not suitable – an alternative system must be used (otherwise **NorBE is not satisfied**). Then continue to the next question.

A specific wastewater treatment and disposal system will be reflected in a covenant on the title for constrained sites.

If no, or not applicable, go to **Q4.24**.

4.22 Are the slopes for any of the proposed EMAs on any lot greater than 20% (11.4°)?

Amended soil mound systems should not be proposed for sites with slopes greater than 7%.

If yes, continue to the next question.

If no, go to **Q4.24**.

4.23 Can all the proposed EMAs be relocated to avoid the slopes of greater than 20% (11.4°)?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, revise lot layout and **return to Q4.01** (otherwise **NorBE is not satisfied**).


Climate:

4.24 Is the site located in an area with more than 1,200 millimetres annual average rainfall?

If yes, surface irrigation is not suitable (**NorBE is not satisfied**). If sub-surface irrigation is proposed, a water balance calculation should be undertaken, and wet weather storage may be required. If such requirements for sub-surface irrigation are met or a non-irrigation disposal system is proposed, then continue to the next question.

If no, continue to the next question.

4.25 Is the site subject to severe and prolonged frosts?


 Some councils may require this as a standard policy. Areas of severe frost are defined as those where the overnight minimum air temperatures (Stephenson screen) are regularly below 3°C, corresponding to a ground temperature of approximately 5°C. Note that frost hollows and areas of cold air drainage may result in localised areas where frost is more severe than indicated by temperature records for the region.

If yes, winter surface irrigation is not suitable, and subsurface irrigation or a hybrid winter/summer system may be required (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, continue to the next question.

Soils:


4.26 Does the soil information provided in the consultant's report for each proposed EMA generally match observations in the field and the SCA soils database?

 This could relate to the precision of the soil landscape / facet boundaries or an inaccurate soil description. Where significant discrepancies remain between the consultant's advice in relation to wastewater and information from the databases or site specific information (eg soils), discuss with the consultant or seek advice from the SCA.

If yes, continue to the next question.

If no, the discrepancies in the WCMS must be addressed before continuing to the next question.

4.27 Are there any sodicity, salinity or dispersion constraints of the soil as identified in the 'Silver Book' that pose major limitations for effluent disposal on any of the proposed EMAs (more than 8dS/cm; more than 10% ESP; Emerson Aggregate Test Class 1)?

 'Silver Book' 'Environment and Health Protection Guidelines - On site Sewage Management for Single Households'. Department of Local Government, 1998 *errata*.

If yes, continue to the next question.

If no, go to **Q4.29**.

4.28 Can the proposed EMAs be relocated to avoid areas where these soil constraints are not present?

If yes, provide a suitable alternative location(s), and then continue to the next question.

If no, revise lot layout and **return to Q4.01 OR** propose suitable management measures (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.29 Is the soil depth for the EMA less than 0.25 metres?

If yes, continue to the next question.


If no, go to **Q4.31**.

4.30 Can the effluent management area be moved to avoid the area where the soil depth is greater than 0.25 metres, or a mound system proposed?

If yes, provide a suitable alternative location with a soil depth of more than 0.25 metres **OR** a mound system, and then continue to the next question (otherwise **NorBE is not satisfied**).

If no, **NorBE is not satisfied**.


4.31 Is the soil depth less than 0.75 metres or is the dominant soil type a medium or heavy clay?

 The 'C' horizon is not to be included in calculating the soil depth. Refer to AS/NZS1547:2012 'On site domestic wastewater management', Standards Australia, 2012. Where an absorption trench or bed is proposed on medium or heavy clay, a design that includes special design criteria, such as soil modification and soil permeability testing, may be accepted.

If yes to **either**, absorption trenches or beds are not suitable (unless special design criteria are met for such systems proposed for medium or heavy clay soils where soil depth is greater than 0.75m) and an alternative system will need to be used for effluent disposal (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no to **both**, continue to the next question.

4.32 Is the soil depth less than 0.75 metres or is the dominant soil type a gravel, sand or sandy loam?


 The 'C' horizon is not to be included in calculating the soil depth. Refer to AS/NZS1547:2012 'On site domestic wastewater management', Standards Australia, 2012.

If yes to **either**, ETA systems are not suitable and an alternative system may need to be used for effluent disposal (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no to **both**, continue to the next question.

Groundwater:

4.33 Are there any water bores licensed for domestic water supply located within 100 metres of the proposed EMA?

 Refer Table 2.4 in 'Designing and Installing On Site Wastewater Systems' (SCA, 2012a)

If yes, continue to next the question

If no, **go to Q4.35**.

4.34 Can the proposed EMA be relocated outside the 100 metre buffer?

If yes, revise location of proposed EMA. Then continue to the next question.

If no, undertake bore draw-down zone analysis (eg using Cromer et al, 2001) to demonstrate that effluent will not be drawn into the groundwater draw-down zone (and include in WCMS) and continue to the next question (otherwise **NorBE is not satisfied**).

? 'An Improved Viral Die Off Method for Estimating Setback Distances'. Cromer WC, Gardner EA and Beavers PD (2001) Proceedings of On site '01 Conference: Advancing On site Wastewater Systems. University of New England Armidale, 15 27 September 2001.

Existing Systems:

4.35 Are there any existing wastewater systems on any of the lots?

? These must be subject to wastewater effluent modelling to ensure the effluent plume does not move off the proposed lot. Where an effluent disposal system is failing, a suitable upgraded system should be proposed. If an effluent plume crosses the proposed boundary or enters the drainage system, then a new (complying) system must be proposed.

If yes, all existing wastewater systems including EMAs must be identified in the WCMS and must be wholly contained in the proposed lot with the dwelling (otherwise **NorBE is not satisfied**). Then continue to the next question.

If no, continue to the next question.

Buffer Distances:

4.36 Do the proposed EMAs on all lots meet the SCA's buffer distances:

- 40 metres for a drainage depression or farm dam
- 100 metres for a watercourse or water supply reservoir

? Overland flow path ie the direction in which any effluent would actually flow. If relocated to a substantially different area, new soil information may be needed soil questions Q4.26 4.32 will need to be re addressed. Any revised location needs to be specified clearly in the conditions of consent. For a watercourse, the buffer distance is to be measured from the top bank of the watercourse.

If yes, continue to the next question.

If no, provide an alternative location(s) that meets the SCA's buffer requirements (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.37 Does the EMA meet the SCA's setback requirements and any other council setback requirements from buildings, boundaries and swimming pools?

? Refer to Table 2.4 in 'Designing and Installing On Site Wastewater Systems' (SCA, 2012a). The distance is the overland flow path ie the direction in which any effluent would actually flow.

If yes, go to **Q4.39**.

If no, continue to the next question.

4.38 Can the EMA be readily moved nearby to meet these setbacks?


If yes, provide an alternative location and amend plans/reports or require a small footprint system that meets these requirements (eg a mound, absorption

systems or amended soil system). New soils information may be required questions **Q4.26 – 4.32** will need to be re-addressed, and the new location specified clearly by councils in the conditions of consent. Then continue to the next question.

If no, **NorBE is not satisfied**.

Lot size:

4.39 Are any of the proposed lots unable to provide a constraint free minimum area that can meet the wastewater management requirements for the dwellings?


 The proposed EMA locations must be shown in the WCMS and must be clearly identified on the lot layout and given Geocentric Datum of Australia (GDA) co ordinates.

If yes, revise lot layout or reduce lot yield and **return to Q4.01 OR** propose appropriate small footprint system(s) (and include details in the WCMS), then continue to the next question (otherwise **NorBE is not satisfied**).

If no, continue to the next question.

Roads/Rights-of-way/Dwelling Access:


4.40 Will the proposed subdivision result in a substantial increase in use of any existing roads?

 Any substantial increase in the use of an existing right of way may require upgrading any road(s), and/or any watercourse crossing(s).

If yes, ensure council engineering staff / SCA / NOW are consulted before continuing to the next question.

If no, continue to the next question.


4.41 Can all road works, including drainage infrastructure, be wholly contained within the road reserve or are there suitably defined easements?

 Note: it is highly unlikely that a typical 20 m wide road reserve in undulating country will be wide enough to contain these works.

If yes, continue to the next question.

If no, redesign and/or create easements (otherwise **NorBE is not satisfied**), and then continue to the next question.

4.42 Do the (new) subdivision roads and rights-of-way (including dwelling access) require significant cut and fill because of slope?

 For the purpose of defining 'significant', three metres cut and fill is to be used as the upper acceptable limit.

If yes, continue to the next question.

If no, go to **Q4.44**.

4.43 Can the subdivision roads and rights-of-way (including dwelling access) be relocated to minimise cut and fill?

If yes, revise the location of the roads / rights-of-way / dwelling access, and then continue to the next question.

There is a trade off between excessively steep roads / rights of way and those that largely follow cut and fill this involves a judgement call.

If no, special design measures will be required and must be included in the WCMS (otherwise **NorBE is not satisfied**). Then continue to the next question.

4.44 Are the subdivision roads, rights-of-way and dwelling accesses (other than crossings and approaches) located within 40 metres of a natural watercourse or waterbody?

If yes, continue to the next question.

If no, go to **Q4.46**.

4.45 Can subdivision roads and rights-of-way be relocated outside the 40 metre buffer from a natural watercourse or waterbody?

If yes, provide a suitable alternative location(s) then continue to the next question.

If no, special design and/or soil and water measures for managing the water quality risk must be included in the WCMS before continuing to the next question (otherwise **NorBE is not satisfied**).

4.46 Do the subdivision roads, rights-of-way and dwelling accesses require the crossing, piping, diverting or channelisation of any watercourse or drainage depression or gully?

This is primarily watercourses mapped under the drainage network layer provided by Land and Property Information (LPI, part of the NSW Department of Finance & Services).

If yes, continue to the next question.

If no, go to **Q4.48**.

4.47 Can the subdivision roads, rights-of-way and dwelling accesses be relocated to avoid the crossing, piping, diverting or channelisation of any watercourse or drainage depression or gully?

If yes, provide a suitable alternative location(s), then continue to the next question.

If no, special design and/or appropriate soil and water measures for managing the water quality risk must be included in the WCMS before continuing to the next question (otherwise **NorBE is not satisfied**).

Suitable management measures or construction requirements could include sharing crossings, a concrete causeway, or a box culvert crossing consistent with the SCA's current recommended practices. Any crossing will also need to include 50 metres of sealing on *each* side (where practicable). Any crossing may also require a controlled activity approval under the *Water Management Act 2000*. Any new position or management measures or construction requirements are to be addressed in the WCMS. See the SCA's 'Developments in Sydney's drinking water catchments water quality information requirements' (2015) for information on preparing a WCMS.

4.48 Can any dwelling access and rights-of-way be reasonably shared?

☐ ? Sharing driveways and watercourse crossings reduces the need for vegetation clearing and other water quality impacts, as well as construction costs, and may assist in achieving a satisfactory NorBE outcome. This may require the creation of rights of way over the shared access.

If yes, include details in WCMS, then continue to the next question.

If no, continue to the next question.

4.49 Can the majority of each proposed lot be accessed without the need for crossing any steep watercourses and gullies?

If yes, continue to the next question.

If no, revise the lot layout consistent with the SCA's 'Water Sensitive Design Guide for Rural Residential Subdivisions', **then go back to Q4.01 OR** ensure appropriate management measures are included in the WCMS consistent with the SCA's current recommended practices (otherwise **NorBE is not satisfied**). Then continue to the next question.

Sediment and Erosion Control:

4.50 Does the site contain active moderate or severe gully or sheet erosion?

☐ ? 'Moderate' to 'severe' is calculated based on a number of parameters including the type, depth, activity, extent, stability and area of the erosion. See the Local Land Services Agency for further information. Offset measures may be used to address the water quality impact from the increased intensity of land use resulting from the development.

If yes, include management / amelioration measures in the WCMS then continue to the next question (otherwise **NorBE is not satisfied**).

If no, continue to the next question.

4.51 Are there any erosion control works on the site (eg Catchment Protection Scheme)?

☐ ? For example contour banks, dams, flumes, revegetation areas, fenced off gullies.

If yes, include measures to protect and maintain, or improve, in WCMS, then continue to the next question (otherwise **NorBE is not satisfied**)

If no, continue to the next question.

S3QM / MUSIC questions relating to development risks

☐ ? Refer to the SCA's performance standard 'Using MUSIC in Sydney's Drinking Water Catchment (SCA, 2012b). If the impervious area is less than 2,500 square metres, an S3QM must be prepared to answer the following questions accordingly.

4.52 Are there any areas on the site that can provide opportunities for remediation or protection to offset water quality impacts to ensure NorBE is satisfied?

☐ ? For example, areas of erosion, salinity affected areas, erosion control works, riparian zones and native vegetation.

If yes, incorporate into the subdivision design, ensure agreement by the developer and council, and address in the WCMS. Then continue to the next question.

See the SCA's 'Developments in Sydney's drinking water catchments water quality information requirements' (2015) for information on preparing a WCMS.

If no, continue to the next question (this implies a satisfactory proposal has already been prepared).

4.53 Is the model and associated report consistent with the SCA's performance standard 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b)?

If yes, include a statement to this effect in the WCMS, then continue to the next question.

If no, **NorBE is not satisfied**.

If not, the model and associated report are to be amended to be consistent with the performance standard, then continue to the next question.

4.54 Does the model indicate at least a 10% 'improvement' in pollutant loads for total suspended solids, total phosphorus and total nitrogen?

This is required because of the uncertainty of the model predictions and to ensure NorBE is satisfied.

If yes, continue to the next question.

If no, **NorBE is not satisfied**.

If not, the model is to be amended to indicate a 10% 'improvement', continue to the next question.

4.55 Are the post-development cumulative probability pollutant concentration curves for total phosphorus and total nitrogen between the 50th and 98th percentiles equal to or less than the pre-development curves?

If yes, continue to the next question.

If no, **NorBE is not satisfied**.

This is for non zero flows, as indicated in the SCA's 'Using MUSIC in Sydney's Drinking Water Catchment' (SCA, 2012b). If not, the model is to be amended to ensure consistency with this requirements, then continue to the next question.

4.56 Do the proposed stormwater management measures have appropriate discharge points that are not likely to lead to other water quality problems such as erosion?

Discharge points into drainage depressions and watercourses should be armoured or reinforced as appropriate, and consistent with the 'Blue Book Vol.1' and relevant guidelines from the NSW Office of Water.

If yes, continue to the next question.

If no, redesign to address issues and include details in the WCMS (otherwise **NorBE is not satisfied**), then continue to the next question.


WEM evaluation

ACTION: Enter proposed wastewater system data, soils information and locations into WEM sequentially FOR EACH LOT. The collective answers for Q4.57 – 4.59 are for all lots.


4.57 Does the modelled effluent plume cross the proposed lot boundary or intersect with a watercourse, waterbody or drainage depression?

If yes, continue to the next question.

If no, go to **Q4.60**.

 If the plume length is greater than 250 metres, it is considered that NorBE is *not* satisfied.

4.58 Can the EMA be relocated (using the WEM model) to avoid a plume that intersects a watercourse, waterbody, drainage depression or property boundary?


 Such revised locations may require new soil information.

If yes, revise the location(s) then go to **Q4.60**.

If no, continue to the next question.

4.59 Can an alternative wastewater treatment and disposal system be considered?


If yes, re-run WEM (and go back to **Q4.57**). Any specific system must be identified in the WCMS. Then continue to the next question.

 Options for wastewater treatment and effluent disposal are acceptable at the subdivision stage, but if any lot is highly constrained a specific wastewater treatment and disposal system will be reflected in a covenant on the title. Such alternative systems may require new soil and other constraint information, and questions **Q4.26** **4.32** will need to be re addressed.

If no, **NorBE is not satisfied**.

Final Evaluation

4.60 Are the responsibilities for the ongoing management of the stormwater management measures clearly identified in the WCMS?

 This should form part of a subsequent operational environmental management plan. Water quality infrastructure management responsibilities should be clearly articulated and practical, and may be placed on a council, a community scheme, businesses or individuals.

If yes, then **NorBE is satisfied** (and the application must be forwarded to the council for consent. This will also involve the SCA's concurrence).

If no, address in the WCMS, otherwise **NorBE is not satisfied**.

ACTIONS FOR COUNCIL:

- **Ensure a site inspection has been undertaken**
- **Prepare conditions of consent.**

END

MODULE 5 – Other Development

NOTE: It is strongly recommended that the assessing officer first seeks advice from the SCA for the development types listed below before commencing assessment. It is possible that some development types may be able to be assessed by the council under a module other than Module 5 (eg for the tourism development class, some Bed and Breakfast establishments may be able to be assessed under Module 1 or Module 2).

If it is established that the development proposal *must* be assessed by the SCA under Module 5, the assessing officer must first answer Questions 1 – 6 in the Pre-Assessment Checklist above before referring the development application to the SCA for concurrence.

All development classes under this module require referral to the SCA.

Development Classes for Module 5 Assessment

- G_L Existing/new dwelling/dual occupancy ≥ 8 bedrooms unsewered
- L_U Multi-dwelling housing unsewered
- O_I Industrial
- P Tourism / recreation / religious / education establishment or facility
- Q Intensive livestock
- R Intensive plant growing
- S Designated development
- T Other development – eg offensive or hazardous industry or storage establishment development, service stations
- U_L Earthworks / farm dams >2,500 m² total disturbed area (refer to the SCA's 'Rural Earthmoving in the Sydney Drinking Water Catchment' (SCA, 2013))
- V_L Car parks >2,500 m²
- W_L Demolitions >2,500 m²
- Y Sewerage systems that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kL per day (will require a full Environmental Impact Statement (EIS))
- Z Other development (including vacant lots with an existing dwelling entitlement (eg in an unsewered village).

Head Office
Sydney Catchment Authority
Level 4, 2-6 Station Street
Penrith NSW 2751

Phone: 1300 SCA GOV
(1300 722 468)
Fax: +61 2 4725 2599

PO Box 323
Penrith NSW 2751

Office hours
9.00am to 5.00pm
Monday to Friday
Web: www.sca.nsw.gov.au

Other Government Notices

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*.

AFRICAN-AUSTRALIAN FORUM FOR GOOD GOVERNANCE & ECONOMIC DEVELOPMENT INCORPORATED	INC9883459
ANC UNITED CHAMBERS INCORPORATED	INC9893817
APEX CLUB OF SANDON COUNTY INC	Y0341405
AQUARIUM NETWORK RETAILERS ASSOCIATION INCORPORATED	Y2489446
ARDLETHAN ARIAH PARK MIRROOL JUNIOR FOOTBALL CLUB INCORPORATED	INC9877640
AUSTRALIAN CHINESE MAJIANG ASSOCIATION INC	INC1400003
AUSTRALIAN CLIMBING ASSOCIATION INCORPORATED	INC9881447
AUSTRALIAN DEMOCRATIC REPUBLICAN MOVEMENT INC	INC9878604
AUSTRALIAN HELLENIC ASSOCIATION INCORPORATED	INC9881649
AUSTRALIAN PEST CONTROLLERS ASSOCIATION INC	Y0219300
AUSTRALIAN RESILIENT FLOORCOVERING ASSOCIATION INC	Y1517236
AUSTRALIAN SKATEBOARDING FEDERATION INCORPORATED	INC9892615
BINGARA JUNIOR CRICKET ASSOCIATION INC	Y0971412
BLACKTOWN WEST STORM BASKETBALL ASSOCIATION INCORPORATED	INC9888624
BLUE MOUNTAINS COMMUNITY CULTURAL DEVELOPMENT GROUP INC	Y0813533
BREWARRINA CHILD CARE CENTRE ASSOCIATION INC	Y0219545
BUNDEENA – MAIANBAR FILM SOCIETY INCORPORATED	INC9876305
CAMDEN CAMPING AND RECREATIONAL 4WD CLUB INCORPORATED	INC9877350
CAMDEN HAVEN EAGLES RLFC INC	Y2551722
CAMPBELLTOWN- LEAFS GULLY ACTION GROUP INCORPORATED	INC9886266

CANOWINDRA RUGBY CLUB INC	Y1419137
CAPTAINS FLAT AND DISTRICT LANDCARE GROUP INCORPORATED	INC9875953
COFFS HARBOUR LITTLE ATHLETICS CENTRE INCORPORATED	Y0690716
COFFS HARBOUR SWANS JUNIOR A.F.L. CLUB INCORPORATED	INC9880440
COOMA ROCK 'N' ROLL CLUB INCORPORATED	INC9876041
MANKIND'S JOURNEY INCORPORATED	INC9892775

Cancellation is effective as at the date of gazettal.

Dated this 20th day of February 2015

ROBYNE LUNNEY
Delegate of the Commissioner|
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 74

Take notice that the incorporation of the following associations is cancelled by this notice pursuant to section 74 of the *Associations Incorporation Act 2009*.

ENLIGHTENNEXT AUSTRALIA INC	INC9890487
ST. MARTIN'S KIDS CLUB INCORPORATED	Y2142645
MANDURAMA PROGRESS ASSOCIATION INCORPORATED	INC9879393
ACCESSIBLE BRIDGE SERVICES INCORPORATED	INC9879029
ALLIANCE OF NEW SOUTH WALES JUSTICES ASSOCIATIONS INCORPORATED	INC9887172
WOLLONGONG WOMENS HOUSING INC	Y0208013
THE HILLS MENTAL HEALTH INTER-AGENCY INC.	INC9896830
MARIST BROTHERS DARLINGHURST OLD BOYS UNION INCORPORATED	INC9896413
COWRA SUPPORT AND WELLBEING INCORPORATED	INC1300733

Cancellation is effective as at the date of gazettal.

Dated 18th February 2015.

ROBYNE LUNNEY
Delegate of the Commissioner
NSW Fair Trading

CIVIL PROCEDURE ACT 2005

PRACTICE NOTE 6

District Court Defamation List

Commencement

1. This Practice Note commences on 9 February 2015 and replaces Practice Note 6 issued on 9 August 2005.

Purpose

2. This Practice Note explains the operation of the Defamation List in the District Court of New South Wales.

Operation

3. This Practice Note applies to all new and existing proceedings for defamation and injurious falsehood filed in the Sydney Registry.
4. Defamation and injurious falsehood proceedings filed in registries other than Sydney will be dealt with according to the usual practice of the relevant registry.
5. A judge, or the Registrar of any registry besides the Sydney Registry, may, of his or her own accord, or upon application by any party to the proceedings, transfer any defamation or injurious falsehood claim to Sydney for inclusion in the Defamation List for case management.

Defamation List

6. Proceedings filed in the Sydney Registry that include a defamation claim should contain the words “Defamation List” and be entered in the Defamation List.
7. The Defamation List will be conducted fortnightly on dates allocated at the commencement of the court term.
8. The Defamation List will be conducted with the aim of achieving the just, quick and cheap resolution of the real issues in the proceedings and promoting the objects of the *Defamation Act 2005* (NSW).
9. Applications for interim injunctions in proceedings already filed should be made to the judge conducting the Defamation List or, if that judge is not available, to the List Judge.

Pleadings

10. Any pleadings filed in proceedings in the Defamation List will be allocated a return date by the Registry.
11. If the Statement of Claim has not been served within the one-month period provided for by UCPR r 6.2, an application for extension of time to serve the Statement of Claim must be sought, and evidence of attempts at service provided.
12. At the first listing in the Defamation List, the parties will be expected to:
 - (a) Advise the Court of objections to the form of the Statement of Claim, applications for extension of the limitation period or other issues requiring resolution before a Defence may be filed;
 - (b) Provide a timetable for the timely conduct of interlocutory steps; and
 - (c) Advise the Court of steps the parties propose to take in relation to mediation, including any likely future request for court mediation.

13. No application for any interlocutory step (including any application for judgment or to strike out proceedings) will be entertained unless the party seeking the order has given reasonable notice in writing to the opposing party (or parties) and to the Court. Any application for interlocutory rulings should include a concise description of the issues and a list of authorities.

14. Notices of Motion are not required for interlocutory arguments unless otherwise ordered.

15. When all interlocutory steps are completed the judge conducting the Defamation List will allocate a hearing date provided the estimate for the hearing is less than five days. Where the estimate for the hearing is five days or more the proceedings will be referred to the List Judge or the Judicial Registrar for a hearing date. Hearing dates, when allocated, will not be vacated other than in exceptional circumstances.

16. When a hearing date is sought, both parties must inform the Court of the following:

- (a) An estimate of the trial length and the number of witnesses;
- (b) Whether there will be an application for evidence to be given by telephone or audio-visual means;
- (c) Whether there will be an application for expert evidence to be given concurrently;
- (d) Confirmation that all outstanding interlocutory proceedings have been completed;
- (e) Where the proceedings are to be heard by a jury, that notice has been served on the opponent and the jury retention fee has been and will continue to be paid; and
- (f) The names of counsel briefed, if applicable.

17. A hearing date will not be allocated unless the Court is satisfied that the matter is ready for hearing.

18. Where proceedings are listed for hearing, any applications for further rulings should be made to the judge conducting the Defamation List or to the List Judge.

Show Cause Hearings and Sections 56–62 Civil Procedure Act 2005 (NSW)

19. A party who fails to comply with this Practice Note or a direction of the Court may be called upon to show cause why the proceedings should not be dismissed under s 61 of the *Civil Procedure Act 2005*.
20. In determining any matter in the Defamation List, including a show cause hearing, the Court may have regard to the principle of proportionality stated in s 60 of the *Civil Procedure Act 2005*.

Costs

21. The attention of practitioners is drawn to s 40 of the *Defamation Act 2005* and UCPR r 42.7(2).

9 February 2015

The Hon Justice D PRICE, AM
Chief Judge
District Court of New South Wales

COMPANION ANIMALS REGULATION 2008

ORDER

Organisations Approved by the Chief Executive, Local Government under Clause 16 (d)

Pursuant to clause 16 (d) of the *Companion Animals Regulation 2008*, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

Schedule 1

Name of organisation	Address of organisation	Name of contact officer for organisation
Woof Dog Rescue	201 Garfield Road, East Riverstone NSW 2765	Ms Elyshia Collis

Schedule 2

1. The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
 - a) if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and
 - b) if the organisation maintains appropriate records that show compliance with the *Companion Animals Act 1998*, *Companion Animals Regulation 2008* and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16 (d) of the *Companion Animals Regulation 2008*; and
 - c) if the organisation maintains a register that is made available to the relevant local council and the Office of Local Government as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
2. The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* expires five years from the date of this order, unless revoked or varied at an earlier time.

Date: 16 February 2015

GRAHAME GIBBS
 Director, Investigations and Performance
 Office of Local Government

EDUCATION ACT 1990

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for Public School

The Minister for Education, with the approval of His Excellency the Governor, declares by his delegate that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of *Education Act 1990*.

(Dated at Sydney, this Ninth day of February 2015).

ADRIAN PICCOLI
 Minister for Education

Schedule

All the piece or parcel of land situated in the Local Government Area of Ballina, Parish of Ballina, County of Rous and in the State of New South Wales being Lot 1 in Deposited Plan 1083219.

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 14 of the *Geographical Names Act 1966*, the Geographical Names Board has this day discontinued the name listed hereunder as a geographical name.

Logan Park for a reserve which was once located adjacent to Lewis Street, Liverpool.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

D MOONEY
 Chairman
 Geographical Names Board

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Caerleon Park for a reserve which comprises Part Lot 21 DP1186131, located within the Caerleon Estate Subdivision, Caerleon, in the Mid-Western Regional Local Government Area.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

D MOONEY
 Chairman
 Geographical Names Board

LORD HOWE ISLAND ACT 1953

Lord Howe Island Board
2015 Election of Four (4) Members to the Board
Notice of Election Results

Pursuant to section 9A of the *Lord Howe Island Act 1953* No 39, the Electoral Commissioner for New South Wales shall conduct an election for the purpose of determining the Islanders to be appointed to the Lord Howe Island Board pursuant to section 4 (3) (a) of the Act.

Pursuant to clause 34 (b) of the *Lord Howe Island Regulation 2014* the following candidates have been elected to the Lord Howe Island Board, following the close of poll on Thursday, 12 February 2015.

NICHOLS, Barney
WILSON, Craig
RIDDLE, Judy
MAKITI, Lisa

COLIN BARRY
NSW Electoral Commissioner

PARTNERSHIP ACT 1892

Section 73A

Cancellation of Incorporation

Pursuant to Schedule 1 of the Partnership Act 1892

Notice is hereby given that the following Incorporated Limited Partnerships have voluntarily wound up pursuant to Schedule 1 clause 2 and incorporation is cancelled by this notice pursuant to Schedule 1 clause 9 of the *Partnership Act 1892*.

AROWANA CAPITAL VCMP, LP
INCORPORATED LIMITED PARTNERSHIP
ILP0000038

AROWANA CAPITAL AUSTRALASIAN MICRO-
CAP EQUITY PARTNERSHIP 1, LP
INCORPORATED LIMITED PARTNERSHIP
ILP0000039

Cancellation is effective as at the date of gazettal.

Dated this thirteenth day of February 2015

JON ROBINSON
Delegate of the Commissioner
NSW Fair Trading
Office of Finance & Services

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175 (1) of the
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 Mr Michael MARCIANO of 84 Giles Street, Yarrawarra NSW 2223 prohibiting him, until further notice, as an ambulance officer employed in the Ambulance Service of NSW from having possession of and supplying drugs of addiction as authorised by clause 101 (1) the Regulation.

This Order is to take effect on and from 16 February 2015.

Dated at Sydney 13 February 2015

Dr MARY FOLEY
Secretary
NSW Health

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175 (1) of the
Poisons and Therapeutic Goods Regulation 2008
Restoration of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008* a direction has been issued that the Order issued on 23 November 2001 prohibiting Dr Joshua Ashok DEVSAM, MED0001158299, of Shop 2, 103 Cartwright Avenue, Busby NSW 2168 from supplying or having possession of drugs of addiction as authorised by clause 103 of the *Poisons and Therapeutic Goods Regulation 1994* and issuing a prescription for a drug of addiction as authorised by clause 79 of the Regulation, for the purposes of his profession as a medical practitioner, shall cease to operate from 19 February 2015.

Dated at Sydney, 17 February 2015

Dr MARY FOLEY
Secretary
NSW Health

COUNCIL NOTICES

CABONNE COUNCIL

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land

Cabonne Council declares with the approval of Her Excellency the Governor that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for road realignment and bridge replacement.

Schedule

Lot 301 DP1194319

A L HOPKINS, General Manager, PO Box 17, Molong
NSW 2866 [7856]

FORBES SHIRE COUNCIL

LOCAL GOVERNMENT ACT 1993

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land

Forbes Shire Council declares with the approval of Her Excellency the Governor that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for consolidation with adjoining operational land.

Dated at Forbes this 20th day of February 2015.

BRIAN STEFFEN, General Manager, Forbes Shire Council,
PO Box 333, Forbes NSW 2871

Schedule

Lot 2 DP823430

[7857]

GREATER TAREE CITY COUNCIL

Notice is hereby given by Greater Taree City Council being the Road Naming Authority, in pursuance of the *Roads (General) Regulation 2008*, of the formal adoption of the following road name as shown hereunder:

Wallaby Joe Road, Wingham NSW 2429

A Private Right of Way running off Bulga Road, Wingham, servicing a rural subdivision.

RON POSSELT, General Manager, Greater Taree City
Council, PO Box 482, Taree NSW 2430 [7858]

MARRICKVILLE COUNCIL
LOCAL GOVERNMENT ACT 1993
 Section 713
 Sale of Land for Overdue Rates

Notice is hereby given to the persons named hereunder that the Marrickville Council has resolved in pursuance of sections 713 (2) (a) and 715 of the *Local Government Act 1993*, to sell the land described hereunder of which the persons named appear to be the Council to be the Registered Owners or in which they appear to have an interest and on which the amount of rates stated as at 31 January 2015, is due.

Owner(s) or person(s) having interest in the Land (a)	Description of subject Land (b)	Amount of Rates and Charges (including extra charges) overdue for more than five (5) years (c)	Amount of all other rates and charges (including extra charges) payable and unpaid (d)	Total (e)
Mrs Mary PAPAROULAS & Mr Angelo PAPAROULAS	Lot 2 in SP 21418	\$2,002.61	\$7,595.79	\$9,598.40
	Lot 3 in SP 21418	\$1,853.99	\$7,151.65	\$9,005.64
	Lot 4 in SP 21418	\$2,165.47	\$7,297.83	\$9,463.30
	Lot 5 in SP 21418	\$1,502.11	\$7,077.46	\$8,579.57
	Lot 6 in SP 21418	\$2,176.73	\$7,297.83	\$9,474.56
	319 Victoria Rd, Marrickville NSW 2204			

In default of payment to the Council of the amount stated in column (e) above and any other rates (including extra charges) becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for the payment of all such rates being entered into by the rateable person, before the time fixed for sale, the said land will be offered for sale by public auction by LJ Hooker Dulwich Hill at the Viva Room Canterbury Hurlstone Park RSL, 20–26 Canterbury Road, Hurlstone Park NSW 2193 on Thursday 4th June 2015 at 6.30pm.

BRIAN BARRETT, General Manager, Marrickville Council, 2–14 Fisher Street, Petersham NSW 2049. Ph: (02) 9335 2222.

[7859]

PRIVATE ADVERTISEMENTS

ESSENTIAL ENERGY

ELECTRICITY SUPPLY ACT 1995

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Easements for Electricity Purposes at Lennox Head

Essential Energy declares, with the approval of His Excellency the Governor, with the advice of the Executive Council, that the interests in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 of this notice, are 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 Port Macquarie this 11th day of February 2015

LUKE JENNER, General Manager People & Services, Essential Energy, PO Box 5730, Port Macquarie NSW 2444

Schedule 1

No.	Interests in Land	Locality	LGA	Parish	County
1.	Easement for underground powerlines 2 wide and variable width affecting Lot 473 DP729088 shown as “(E1) Proposed Easement for Underground Powerlines 2 wide and variable width” in DP 1173573	Lennox Head	Ballina	Ballina	Rous
2.	Easement for multi-purpose electrical installation 4.2 wide affecting Lot 473 DP729088 shown as ‘(E2) Proposed Easement for Multi-Purpose Electrical Installation 4.2 wide’ in DP 1173573	Lennox Head	Ballina	Ballina	Rous

Schedule 2

The easement numbered 1 in Schedule 1 is on the terms set out in Part B of Memorandum No. AG189384 registered on the Register held under the *Real Property Act 1900* (NSW).

The easement numbered 2 in Schedule 1 is on the terms set out in Part C of Memorandum No. AG189384 registered on the Register held under the *Real Property Act 1900* (NSW).

This acquisition is a future act to which section 24MD (3) of the *Native Title Act 1993* (Cth) applies. In so far as any Native Title rights and interests exist over the Crown Land affected by the easements, the “non-extinguishment principle” applies. [7860]

By Authority