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SPECIAL SUPPLEMENT

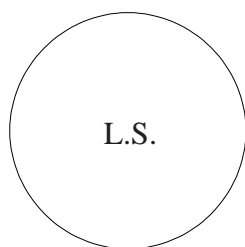
Children and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 3 of the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998*, do, by this my Proclamation, appoint 2 July 2001 as the day on which section 3 (1) of that Act, in so far as it repeals section 95 of the *Children (Care and Protection) Act 1987*, commences.

Signed and sealed at Sydney, this 27th day of June 2001.

By Her Excellency's Command,



FAYE LO PO', M.P.,
Minister for Community Services.

GOD SAVE THE QUEEN!

Explanatory note

The object of this proclamation is to repeal a provision of the *Children (Care and Protection) Act 1987* that deals with reciprocity between the States and Territories. A similar provision in the *Children and Young Persons (Care and Protection) Act 1998* is intended to be commenced.

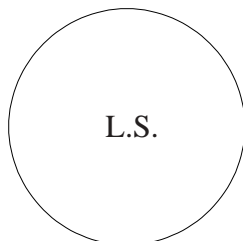
This proclamation is made under section 3 of the Act.

Children and Young Persons (Care and Protection) Act 1998 No 157 —Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Children and Young Persons (Care and Protection) Act 1998*, do, by this my Proclamation, appoint 2 July 2001 as the day on which sections 58, 139, 162, 179–180, 185–190 and 255 of that Act commence.

Signed and sealed at Sydney, this 27th day of June 2001.



By Her Excellency's Command,

FAYE LO PO', M.P.,
Minister for Community Services

GOD SAVE THE QUEEN!

Explanatory note

The object of this proclamation is to commence provisions of the *Children and Young Persons (Care and Protection) Act 1998* that deal with the following matters:

- (a) the role of the Children's Court Clinic,
- (b) the accreditation of designated agencies,
- (c) a Charter of Rights for children and young persons in out-of-home care,
- (d) the appointment of an Acting Children's Guardian,
- (e) the general functions of the Children's Guardian,

Children and Young Persons (Care and Protection) Act 1998 No 157—Proclamation

- (f) activities of the Children's Guardian relating to provision and exchange of information, delegation of functions, and reports to Parliament or the Minister,
- (g) reciprocity between the States and Territories.

Children and Young Persons (Savings and Transitional) Amendment (Reciprocity) Regulation 2001

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

FAYE LO PO', M.P.,
Minister for Community Services

Explanatory note

Section 95 of the *Children (Care and Protection) Act 1987* provides for reciprocity between States and Territories in relation to children who are wards under guardianship. Section 255 of the *Children and Young Persons (Care and Protection) Act 1998*, which is not yet in force, has substantially the same effect.

The object of this Regulation is to provide for the transition between section 95 and section 255 when section 255 comes into force.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 264 (the general regulation-making power) and clause 1 of Schedule 3.

This Regulation contains matter of a transitional nature.

Clause 1 Children and Young Persons (Savings and Transitional) Amendment
(Reciprocity) Regulation 2001

Children and Young Persons (Savings and Transitional) Amendment (Reciprocity) Regulation 2001

1 Name of Regulation

This Regulation is the *Children and Young Persons (Savings and Transitional) Amendment (Reciprocity) Regulation 2001*.

2 Commencement

This Regulation commences on 2 July 2001.

3 Amendment of Children and Young Persons (Savings and Transitional) Regulation 2000

The *Children and Young Persons (Savings and Transitional) Regulation 2000* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clause 25

Insert after clause 24:

25 Reciprocity between States and Territories

Any act, matter or thing that, immediately before the repeal of section 95 of the old Act, had effect under that section is taken to have effect under section 255 of the new Act.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**DECLARATION UNDER SECTION 76A(7)**

I, the Minister for Urban Affairs and Planning, under section 76A(7) of the Environmental Planning and Assessment Act 1979, having formed the opinion that development of the classes set out in the Schedule to this Declaration are of State environmental planning significance, declare them to be State significant development.

This declaration takes effect on the day the declaration is gazetted.

ANDREW REFSHAUGE, MP
Minister for Urban Affairs and Planning

SYDNEY, 29 June 2001

SCHEDULE 1

Potentially hazardous development described in Schedule 2 within all those pieces or parcels of land in the Botany Bay and Randwick local government areas shown edged in heavy black on the plan catalogue number 06002812106 dated February 1991 held in the offices of the Department of Urban Affairs and Planning.

Potentially hazardous development described in Schedule 2 within all those pieces or parcels of land in the Botany Bay and Randwick local government areas shown edged in heavy black on the plan catalogue number 05015812006 dated February 1991 held in the offices of the Department of Urban Affairs and Planning.

Industrial development described in Schedule 4 within all those pieces or parcels of land zoned 4(c1) Special Industry (Oil Refining) zone and 4(c2) Special Industrial zone in Sydney Regional Environmental Plan No. 17 – Kurnell Peninsula (1989).

All **urban development** on land zoned 2(c), and in the catchment of Lake Wollumboola, as zoned by Amendment No. 41 to the City of Shoalhaven Local Environmental Plan 1985.

All developments for the purposes of **canals or other artificial waterways** except those prohibited by State Environmental Planning Policy No. 50 – Canal Estate Development.

New coal mines that require new mining leases as provided for under section 63 of the Mining Act 1992.

All **coal mining-related development** associated with development approvals previously given by the Minister on or from 4 June 1987.

Shopping centre development within all those pieces or parcels of land in the Waverley and Woollahra local government areas comprising:

- Lot 510 in DP 594079
- Lot 511 in DP 594079
- Lot 1 in DP 976951
- Lot 101 in DP 536906
- Lot 1 in DP 914351
- Lot 2 in DP 218490.

Schedule 2

1. All development applications for –

- (1) development falling within one or more of the categories listed in Schedule 3; and
- (2) development in the vicinity of development in subclause (1) which, because of its nature, may in the opinion of Council increase the risk associated with development in subclause (1) to an unacceptable level by compromising the structural integrity or operational safety of that development;

but excluding –

- (3) development falling within one or more of the categories listed in Schedule 3, other than (xv), which, in the view of Council, in consultation with the Department of Urban Affairs and Planning, would not pose significant risk in relation to the locality:
 - (a) to human health, life or property; or
 - (b) to the biophysical environment; and
- (4) alterations and additions to existing development which are in the opinion of Council of a minor nature and do not, to any significant extent, change the scale, size or design of the existing development.

2. When determining whether:

- (a) development in Schedule 3 would pose significant risk in relation to the locality, or
- (b) development referred to in clause 1(2) would increase risk associated with development in Schedule 3 to an unacceptable level

consideration must be given to current circulars, guidelines and other documents published by the Department of Urban Affairs and Planning relating to hazardous development.

Schedule 3

Any activity which falls into one or more of the following categories:

- (i) Chemical process plant.
- (ii) Waste treatment facilities other than pollution control devices introduced to control emissions from existing plant.
- (iii) Operations involving, in process or storage, 40 tonnes or more of flammable gases including liquefied flammable gases.
- (iv) Operations involving, in process or storage, 2 million litres of flammable liquids with a flash point below 150°C (classes 3.1, 3.2, and 3.3 under the Australian Code for the Transport of Dangerous Goods).
- (v) Operations involving, in process or storage, toxic gases in excess of 1 tonne.
- (vi) Operations involving the manufacture, blending, packaging or storage of pesticides or biocides or both, excluding small scale storage for use on site (other than as additives to products or use in the production process).
- (vii) Operations involving the storage, use or production of radioactive materials, except on a small scale for medical, research or industrial measurement and monitoring purposes.
- (viii) Operations involving the potential for the release of natural or genetically engineered human, animal or plant disease organisms.
- (ix) Operations involving the bulk storage or handling of chemicals which are potentially hazardous to people or the environment.
- (x) Metal plating works, refineries and mineral processing works.
- (xi) Paint and resin manufacturing works.
- (xii) Laboratories.
- (xiii) Pipelines for the transportation of flammable or toxic substances.
- (xiv) Operations involving, in process or storage, explosive exceeding one tonne equivalent TNT.
- (xv) Berths for shipping, shipping terminals and associated buildings, structures and works.
- (xvi) Any other operation which in the view of Council could potentially affect the health and safety of people or the environment.

Schedule 4

1. Except as provided in paragraph 2, all development applications for or in relation to any land described zoned 4(c1) Special Industry (Oil Refining) zone and 4(c2) Special Industrial zone in Sydney Regional Environmental Plan No. 17 – Kurnell Peninsula (1989).
2. This declaration does not apply in respect of development applications for –
 - (1) subdivision, or
 - (2) the carrying out of development for the following purposes –
 - (a) drainage
 - (b) landscaping
 - (c) roads
 - (d) utility installations (other than gas holders or generating works)
 - (e) site preparation works
 - (f) sand mining
 - (g) purposes involving alterations or additions to existing development –
 - (i) being the following ancillary purposes to dominant purposes otherwise coming within the scope of paragraph 1 of the schedule, namely administrative offices and on-site amenities buildings, advertising signs, car parks, drainage, landscaping, pollution and safety control equipment and instrument control rooms, and roads; or
 - (ii) which alterations or additions are in the opinion of the Sutherland Shire Council of a minor nature and do not, to any significant extent, change the scale, size or degree of the existing development.

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